



## SECTION 2

# OPENING PROCEEDINGS: DAY 1 PLENARY SESSION

## INTRODUCTION

The Second National Anti-Corruption Summit was held in Pretoria during 22-23 March 2005. The theme of the Summit was “**Fighting Corruption Together: Past Achievements, Future Challenges**”. The theme proposed a dual focus, that of looking both to the past and the future. The Summit assessed past successes and failures with respect to all three sectors in the NACF (private, public and the civil society sectors). Examination of the future provided the basis for proposals of solutions to weaknesses through innovations and improvements in the fight against corruption.

In order to give expression to the theme, the following objectives were agreed upon:

- Assessing strategies and past achievements in fighting corruption.  
This included a critical assessment of both institutions and the ability to implement anti-corruption legislation.
- Examining future challenges for both combating and preventing corruption.  
This included addressing the weaknesses at both an institutional and legislative level with respect to preventing and combating corruption.
- Uniting various sectors to a common programme of action.

In the past, various sectors in the NACF had used separate strategies to combat corruption. A common work-programme was needed to give expression to an integrated approach, as well as a common resolve to combat corruption. The Summit also examined ways of making the NACF function more effectively.

The Summit received overwhelming support from the Public, Private and Civil Society Sectors, with more than 400 delegates in attendance. As a mark of government's commitment in fighting corruption the Keynote Address was delivered by the Honorable Thabo Mbeki, the President of the Republic of South Africa.

Amongst the key issues the President highlighted were that corruption is inimical to development, that corruption also poses a threat to the security and stability of societies and that we have a particular responsibility to protect the poor and the weak from the corrupt practices of those in powerful positions. Moreover, the President called for an honest and constructive appraisal of the challenges faced by the Republic of South Africa with regard to corruption.

The tone set by the President clearly reflected government's strong commitment to minimizing corruption and the effective delivery of social services.

### 3. INTRODUCTORY REMARKS BY PROF STAN SANGWENI<sup>1</sup>

Mr President

Members of the Executive

Your Excellencies, Ambassadors and High Commissioners

Madame Chairperson of the National Anti-corruption Forum

Members of the National Anti-corruption Forum

Distinguished delegates, guests, friends and comrades

Ladies and gentlemen.



The first public sector Anti-Corruption Conference was held in Cape Town, 10th – 11th November 1998. At that conference a call was made for the anti-corruption effort to become a national concern which would include all sectors of South African society. Consequently, at the first National Anti-Corruption Summit convened in April 1999 a resolution was passed calling for the National Anti-Corruption Forum (NACF) to be launched. The institution was accordingly launched on 15th June 2001. The first National Anti-Corruption Summit passed resolutions focused around three major strategic areas in the campaign against corruption, namely:

- preventing corruption;
- combating corruption; and
- building integrity and raising awareness.

Today we meet here under the auspices of the National Anti-Corruption Forum to critically assess the strategies and the past achievements in fighting corruption. This includes an examination of future challenges so that we can better prevent and combat corruption and, hopefully, be in a better position to unite our forces in the various sectors in the common programme of action against corruption.

#### **The National Anti-Corruption Forum is comprised of three sectors:**

- (i) civil society;
- (ii) private; and
- (iii) public sectors.

<sup>1</sup> Prof Stan Sangweni is the Chairperson of the Public Service Commission.

Each sector is represented by ten members nominated by their respective constituencies. The current chairperson is the Minister for the Public Service and Administration, Ms G J Fraser-Moleketi. The Public Service Commission (PSC) provides the Secretariat to support the NACF and has recently obtained funding from National Treasury to the tune of R500 000 annually for the next two years in order to strengthen this function.

**The major functions of the NACF include:**

- contributing towards the establishment of a national consensus through the co-ordination of sectoral strategies against corruption;  
advising Government on national initiatives on the implementation of strategies to combat corruption;
- sharing information and best practice on certain sectoral anti-corruption work; and
- advising sectors on the improvement on certain sectoral anti-corruption strategies.

As we commence these significant proceedings, may I say that I hope we will be able to achieve the objectives that we have set for ourselves and I would like to take this opportunity of wishing us all well as we put our energies into motion for the next phase of our anti-corruption programme in South Africa.



## 4. OPENING AND WELCOME ADDRESS

### BY MS GJ FRASER-MOLEKETI<sup>2</sup>

As Chairperson of the National Anti-Corruption Forum, it is my pleasure to welcome you to the Second National Anti-Corruption Summit. It is just a year ago that the National Anti-Corruption Forum took the decision to convene a second Summit. As you've heard, four-and-a-half years have passed since the start of the first National Anti-Corruption Summit where the basis for a truly South African model of fighting corruption was established, namely a model of co-operation and partnership.



I'd like to step back a bit to the meeting of the Forum last year where the decision was taken to convene this Summit; the meeting was convened primarily to discuss South Africa's compliance with, and participation in, regional and international anti-corruption instruments. This was shortly after South Africa signed the UN Convention Against Corruption in December 2003 in Mexico. The participants at this Forum meeting were asked to assess what else we, as South Africans, should do to fully implement these regional and international instruments. At this Forum meeting, which I should add was an extended meeting (because the Forum invited many more organizations than usually participate in Forum meetings), the participants strongly urged that the time had arrived for us as South Africans to take stock once more of our many achievements, to define the gaps in our anti-corruption 'armour' and to map the way forward for fighting corruption.

The Forum then requested that the Secretariat and the Public Service Commission to organize the Second National Anti-Corruption Summit. The Forum also designated a Task Team, representative of all sectors, to advise and support the Secretariat. On behalf of the Forum let me take this opportunity to thank the Secretariat and the Multi-Sectoral Task Team for the sterling work that they have done in arranging this Summit. We appreciate the time and effort that you have invested in this process, often under trying circumstances, especially for those civil society members whose resources are very limited.

South Africa has indeed made great progress in putting into place its anti-corruption framework. I do not think that those of us who participated in the first Summit in April 1999, could have guessed at that time that we would achieve so much when it comes

<sup>2</sup> Ms G J Fraser-Moleketi is the current Chairperson of the NACF and the Minister for the Public Service and Administration.

to implementing the resolutions of that Summit. We know that corruption finds new ways to attack all the time and we know that we have to be vigilant and close the gaps where they still exist and appear, so the theme of this Summit - fighting corruption together: past achievements, future challenges – is an apt one and should guide us over the next two days here where we will work hard towards achieving a new programme of action to fight corruption.

So, all of the participants here today, representatives of the various sectors and our partners and guests who have come from the rest of the world to join us, approach our work with diligence so that we again can collectively come up with solutions to fight our common enemy, corruption. Mr President, it is now the right time to hand the floor to you to deliver the keynote address. In a sense we have come full circle since the conference in November 1998 where the foundation was laid, not only for the anti-corruption work in the public sector, but for a multi-sectoral approach as a whole.



## 5. KEYNOTE ADDRESS

### BY PRESIDENT THABO MBEKI: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Thank you for inviting me to participate in this important Summit convened by the National Anti-Corruption Forum. I trust that this Summit will provide all of us with the additional measures that will help us to achieve new successes in the fight against corruption in both the public and the private sectors.

I think all of us acknowledge that corruption is inimical to development, it constrains our ability to fight poverty, negatively affects our economic development, damages social values and undermines democracy and good governance. Responding to all of that, in the last ten years we have put in place laws, policies and programmes to root out corruption in our society, established partnerships amongst social partners and collaborated with regional, continental and international partners. Yet more will have to be done to fight corruption and I am confident that this Summit will give more impetus to our ongoing work and help all of us to overcome whatever weaknesses may exist in our programmes and systems, designed to fight corruption.



In the preamble to the United Nations Convention Against Corruption, adopted in 2003, State parties expressed their concerns about the seriousness of the problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice, and jeopardizing sustainable development and the rule of law. This preamble goes on to state that corruption is no longer a local matter but a trans-national phenomenon that affects all societies and economies, and that a comprehensive and multi-disciplinary approach is required to prevent and combat corruption effectively. The preamble also reminds us that the prevention and eradication of corruption requires the support and involvement of individuals and groups “outside of the public sector, such as civil society, non-governmental organizations and community-based organizations”. These observations may appear to be stating the obvious, but it remains true that consideration of the steps to be taken further to build a national movement against corruption, must constitute an important part of our business here today and tomorrow.

South Africa is a signatory to a number of multi-lateral anti-corruption agreements, including those adopted by our regional and continental organizations, SADC and the

AU. Together with our national initiatives, the various international instruments to which we have acceded are critical to our fight against corruption. As delegates are aware, in April 2003, the Department of Public Service and Administration and the United Nations Office on Drugs and Crime, published a joint country corruption assessment report reflecting on our progress and problems in our fight against corruption. In the foreword to the report, the Minister for the Public Service and Administration and the Regional Representative of the UN Office on Drugs and Crime said that:

“It is evident from the assessment that South Africa has made great strides in the fight against corruption. However, there are still serious challenges to be faced. These challenges require a concerted effort from all sectors, plus partnerships with business, civil society and the international community. It is especially important that government’s partnerships with business and civil society are nurtured as it would be impossible for Government alone to deal with corruption...”

They went on to say that:

“.....in these partnerships, each partner must be held accountable for its own corruption, but each should also exercise both a critical role and seek assistance and co-operation from other partners. There is no doubt that at the national strategic and policy implementation level, Government’s share of the responsibility is the largest as it is Government which is open to public scrutiny for its own corruption and anti-corruption efforts. Yet as corruption is a kind of partnership – though illicit – so too is the response to it; a partnership which is legitimate, desired and necessary.”

Some of the great strides to which the report refers include our national legislation and international agreements to which we have acceded and the mechanisms and processes which we have put into place to fight corruption. With regard to legislation, I must mention:

- the Protected Disclosures Act;
- the Promotion of Access to Information Act;
- the Promotion of Administrative Justice Act;
- the Financial Intelligence Centre Act;
- the Prevention of Organized Crime Act;
- the Prevention and Combating of Corrupt Activities Act; and
- the Public and Municipal Finance Management Acts.

The international agreements include, of course:

- the United Nations Convention Against Corruption;
- the SADC Protocol Against Corruption; and
- the African Union Convention on Preventing and Combating Corruption.

We have also established various national institutions to complement the efforts of the Police Service to combat corruption. These institutions have reached a certain level of maturity. Individually and collectively they provide us with a strong anti-corruption capacity, I am referring here particularly to the State sector – in particular to:

- the National Prosecuting Authority and its Directorate of Special Operations (the Scorpions);
- the Auditor-General;
- the Public Protector;
- the South African Revenue Service;
- the Special Investigating Unit; and
- the Financial Intelligence Centre - created in terms of the Financial Intelligence Centre Act to deal with such crimes as money laundering.

In addition to all of these, we have also:

- adopted and are implementing the Public Service Anti-Corruption Strategy;
- reformed various management practices, including the appointment and disciplinary procedures;
- instituted financial disclosure requirements and performance systems for managers in the Public Service;
- established a new, fair and transparent supply chain management system to prevent corruption in procurement;
- introduced a Public Service National Anti-Corruption Hotline System; and
- instituted stringent financial risk management and fraud prevention requirements for public bodies.

Where appropriate we have combined the capabilities of the various state institutions to ensure effective outcomes. A case in point is the Joint Anti-Corruption Task Team that

was set up to deal with corruption in the Eastern Cape. In this regard we brought together the particular expertise and capacities of the Police Service, the National Prosecution Service, the Scorpions, the Asset Forfeiture Unit, the Special Investigating Unit, the National Intelligence Agency as well as the Office of the Auditor-General together to form a highly effective anti-corruption mechanism. We will assess the lessons that emanate from this exercise, the better to understand both the positives and the negatives. This is especially important as we will use the Joint Anti-Corruption Task Team-type mechanism to address challenges similar to those we experienced in the Eastern Cape.

The High Flyers Project in the Western Cape represents another example of co-ordinated law enforcement. In this case we dealt successfully with gang bosses and other high-flying and identified top criminals. Further, an important feature of the Joint Anti-Corruption Task Team initiative is the centralization of cases in a few dedicated courts bringing greater efficiency and a higher rate of conviction because of the use of dedicated prosecutors and presiding officers. This is an adaptation of the model of the Specialized Commercial Crime Courts. Clearly, we have to continue to strengthen our capacity in the anti-corruption programmes and improve on the performance of the Criminal Justice System through various means, some of which I dealt with in my State of the Nation Address earlier this year.

We have to remain vigilant against the new manifestations of corruption and keep our law enforcement capacity and legislative frameworks ahead of such new developments. I say this because all of us know that those intent on committing crime will continuously seek new ways and means to beat the law enforcement system.

The New Prevention and Combating of Corrupt Activities Act contains additional tools to fight corruption. These include a duty of all citizens to report corruption and other crimes to the Police Service and the establishment of a register of businesses that commit corruption especially in Government procurement. At the same time, we will confront major challenges, particularly in the area of prevention, public education and awareness. The old adage that prevention is better than cure remains valid. To ensure that indeed prevention becomes better than cure we have to mobilize the necessary resources to prevent corruption and improve our programmes in awareness and education. Clearly this challenge faces all sectors of our society. The thematic discussions of this Summit on prevention, transparency, oversight and accountability are thus very relevant and necessary. Furthermore, the anti-corruption model adopted by South Africa in 1999, namely our sectoral collaboration is important in our fight against corruption. One of the challenges before this Summit is to evaluate whether this

model is working as it should and if not, what we should do to effect the necessary improvements. Necessarily, this assessment by the Summit would have to take cognizance of the different roles and capacities of the various representative organizations and sectors.

I believe this Summit also needs to assess the efficacy of the National Anti-Corruption Forum. Clearly, we appreciate the work initiated by the Forum and I am especially happy that the Forum has convened this Summit. At the same time, to be effective in its efforts to raise awareness, prevent and fight corruption, a mechanism of this nature needs to have a deliberate plan of work with defined responsibilities and accountability arrangements.

As we know, corruption occurs in all sectors of society, the perpetrators - those corrupting and those corrupted - are equally guilty. While we turn to concentrate on corruption of high- value transactions and the dealings of the upper echelons of society, ordinary people are the most vulnerable to corruption in the process of accessing services and infrastructures such as Government grants, water, electricity, land, housing, etc. This also applies to those seeking employment where workers are unable to gain due promotion because of the corruption of their supervisors. Accordingly, we have a particular responsibility to protect the poor and the weak from the corrupt practices of those in powerful positions. At the same time, we know that at times, corruption is a handy label used arbitrarily by commentators, politicians, the media and those who have one or other axe to grind. In some instances allegations of corruption are rarely substantiated. In this regard the Country Corruption Assessment Report that was cited earlier said: "... with South Africa's rating of 4.8 out of a score of 10 on Transparency International's Corruption Index, it is clear that the country is perceived as having fairly high levels of corruption...." There is a general perception within the country too that corruption is rife. Many people believe that corruption has increased in the post-apartheid era during the period of political economic transition. The report then goes on to say that: "...unfortunately, the tools and the service that have been used to measure levels of corruption are primarily based on perceptions. The media has also been influential in emphasizing the incidents of corruption which is of utmost importance but with lesser focus on the steps that have been taken to prevent and combat corruption. Perceptions and the media have thus come to form the foundation for understanding the prevalence of corruption...." The report goes on to say: "it is important to recognize that perceptions do not necessarily reflect the actual experience of corruption in the country. The premise that levels of corruption in South Africa are high needs to be tested".

Clearly, we need to understand why the tools and surveys that have been used to measure levels of corruption are primarily based on perceptions. We need to ask the

question whether it is correct that important bodies such as Transparency International should rate corruption levels in any country, including ours, on the basis of tools and surveys that are based on perceptions. We need to look at why the media correctly reports on the incidence of corruption but does little to do the same on the steps that have been taken to prevent and combat corruption – to use the words of the report. I am raising these matters, because I think it is important to answer these and other related questions to help us deal with the real cases and causes of corruption and not perceptions. Those answers will help us the better to evaluate the progress, or lack thereof, of our work in combating corruption. I trust that this important Summit will help us to address all these questions and empower us with new capacities to achieve new successes in the sustained fight against corruption.

