

CHAPTER 9: PLENARY SESSION



Delegates at the Third National Anti-Corruption Summit

9.1 INTRODUCTION

This section contains the closing remarks of the Chairperson of the NACF, Minister Geraldine Fraser-Moleketi, and the resolutions adopted by the Third National Anti-Corruption Summit. These resolutions will become the basis for anti-corruption work by the NACF as a whole and respectively by the various sectors.

9.2 CLOSING ADDRESS: BY MINISTER G J FRASER-MOLEKETI: Former Chairperson of the NACF and former Minister for the Public Service and Administration

It is South Africa's honour to have hosted you here today in Ekurhuleni. I do trust that you have found this Summit worth your while. I am certain this Summit has inspired and invigorated you so that you can return to your places of work with a renewed sense of purpose in the fight against corruption. We have completed our programme thanks to the combined efforts of all delegates; and we have come to the conclusion of the Summit. On behalf of the National Anti-Corruption Forum, I thank you for your participation and support. Your willingness to share your experiences and knowledge is highly appreciated.

The resolutions adopted at the Summit are inspiring and are an accurate reflection of the collective will of all of us and those whom we represent and are accountable to. As an anti-corruption coalition we have an opportunity, indeed an obligation to ensure these resolutions are fully implemented for the benefit of all.

Thank you once again for making this Summit the success that it is. The presentations, the discussions and the rigorous debates have been of a caliber that is outstanding and remarkable. Our collective commitment is evidence that we acknowledge the need for an integrated national integrity system.

I want to thank Professor Sangweni and the rest of the Public Service Commission team for their contribution and in particular, the Secretariat for the wonderful organisation of the Summit.

I want to thank all sectors for their commitment and to urge them to continue supporting the implementation of the national anti-corruption programme.

I also want to thank our Sudanese counterparts for their participation in the Summit.

I would also like to thank our donors for the continued support in making sure that we implement our national anti-corruption programme.

Participants at the Summit have demonstrated an enormous will to see us working towards an integrated national integrity system with a view to transforming our country into one that is corruption free. You have demonstrated this with vigour and an urgency that has been remarkable.

At this Summit we have collectively made a huge contribution towards shaping the anti-corruption/corruption discourse. We have debated this discourse and redefined the level of commitment required and critical to the discourse. We have agreed that corruption reinforces the banality of evil and its conceit lies in its ability to implicate, its complicity, its ability to violate the laws of nation states, flout international conventions and treaties and undermine democratic values and the democratic ethos.

We have agreed that in moving forward with the integrated national integrity system, our point of departure is to ensure that our anti-corruption institutions are fully capacitated. The Summit has challenged the DPLG and SALGA to ensure that local government municipalities are adequately capacitated to detect and combat corruption.

As we have argued throughout, South Africa has an adequate legal framework to prevent and fight corruption. However, increasing capacity is critical in ensuring that the legal framework is implemented and enforced and that its progress is monitored to identify and close gaps.

We also have identified the need to review the Protected Disclosures Act to ensure that whistle blowers are encouraged to report corruption and that necessary mechanisms are in place to ensure that those who blow the whistle are protected.

Most importantly, we agreed here during the Summit that we need to invest in monitoring and evaluation systems that will allow us to monitor the implementation of the anti-corruption programme and to continue our compliance with national and international legal instruments.

Critically, we have taken a challenge to ensure that communities and citizens are aware of measures we have put in place to eradicate corruption. Expectations are high. There is considerable media interest. The spotlight is shining on us. I take this as evidence that people want to know what the NACF has done to fight corruption. We need to feed public opinion with hard facts about measures implemented to fight corruption and their progress.

We also agreed that compliance with corporate governance measures in the business sector is critical and that business has a paramount role to play in building our national integrity system. We also agreed that price-fixing and the formation of cartels should be discouraged and that both government and business should continue working together to ensure that such practice is discouraged and that those implicated are punished.

We acknowledge that the first point of learning is observation; learners are looking at us as the National Anti-Corruption Forum. Right values are learned from society. We as the NACF come from all sectors, we are a microcosm of society. We are the society that imparts values to our learners. We recognize that a curriculum must be based on human rights. Ethical conduct is the business of society. Quality of education increases the character of learners.

We must reject the view that as individuals we are linked only to commercial transactions, and that we are accountable to no one, and need to justify our actions to nobody. In his novel, *Morning Yet on*

Creation Day, Achebe has embraced instead the idea at the heart of the African oral tradition: that 'art is and always was, at the service of man. Our ancestors created their myths and told their stories for a human purpose'. For this reason, Achebe believes that 'any good story, any good novel, should have a message, should have a purpose'. And the story of this Summit is that we have purpose and political will to work towards an integrated national integrity system.

One of the significant contributions this Summit has made to the discourse on corruption is our commitment to the values of *ubuntu* and *ujamaa*. These values inform our humanity, they tell us that we are human by virtue of "doing for others". This is the essence of our spirit of fighting corruption. This is the spirit we must continue to encourage in all sectors of our society. This is the spirit that is necessary for the creation of a socially cohesive and inclusive South Africa that is free of corruption.

I would take this opportunity to wish you all a pleasant trip back home.

9.3 RESOLUTIONS ADOPTED BY THE DELEGATES AT THE THIRD NATIONAL ANTI-CORRUPTION SUMMIT

The Third National Anti-Corruption Summit, hosted by the National Anti-Corruption Forum (NACF) from Monday 04 to Tuesday 05 August 2008 in Ekurhuleni, adopted the following resolutions:

We, the delegates drawn from various sectors of South African society attending the 3rd National Anti-Corruption Summit at Birchwood, Ekurhuleni on 4 and 5 August 2008,

Building on the outcomes of the two previous National Anti-corruption Summits –

Cognizant of the central role of strong leadership in the fight against corruption;

Affirm the fundamental significance of a National Integrity System in the fight against corruption in South Africa;

Respect our Constitutional values and institutional arrangements as the basis of the South African National Integrity System;

Recognise that South Africa has acceded to the United Nations, African Union, SADC and OECD international legal instruments on anti-corruption;

Recognise the progress made in the first 15 years of democracy and freedom towards a comprehensive national anti-corruption programme;

Noting that corruption undermines the democratic ethos and principles of our Constitution while eroding the social contract between citizens and the state;

Reaffirm the importance of inter-sectoral collaboration in the spirit of *ubuntu*;

Condemn the practice of price-fixing and related issues;

Recognise the centrality of education in laying the foundation for an ethical society and success in combating corruption and the critical need for society to support education;

Call for the values of the National Integrity System to permeate the structures, practices and principles of the State, business and civil society sectors; and

Recommit ourselves at an individual level and call on all others to commit themselves to the process of moral regeneration and adherence to a value system of ethical conduct.

We therefore resolve as follows:

A. Ethical practices in social and economic life

1. That the NACF establish a task team to urgently consolidate and articulate the National Integrity System.
2. To call on political parties and Parliament to expedite the regulation of transparency in party political funding and to consider a sanctions mechanism.
3. To urge political parties in all three spheres of government to disclose their business interests.
4. To continue to strengthen monitoring and accountability mechanisms with respect to all tender processes in the public sector.
5. To support the swift regulation of post-public sector employment for all elected and appointed public officials and its implementation.
6. To strengthen the current system of disclosure of interests for all elected and appointed public officials.
7. To develop systems of disclosure of interests for business and civil society.
8. To support legislative and other measures to ensure that companies found guilty of offences of price-fixing, market allocation and collusive tendering are prohibited from state tenders for a determined period.
9. To strengthen the enforcement provisions of the Competition Act including holding individuals accountable for price-fixing, market-allocation and collusive tendering.
10. To urge the business community to investigate self-regulating mechanisms to improve ethical conduct in practice.
11. To reaffirm that ethics must be infused in all aspects of the education system including the curriculum at all levels.
12. To reaffirm that schools of Business and Public Management must provide courses on professional ethics and anti-corruption.
13. To call for the strengthening of the institutional capacity of the private sector to detect and prevent corruption.
14. To complete the implementation of continental and international anti-corruption legal instruments and promote the enforcement thereof in national law.

B. Strengthening Accountability, Coordination and Oversight

1. To strengthen anti-corruption bodies and improve coordination among them.
2. That all allegations of corruption must be investigated and prosecuted without fear or favour, in accordance with past and present anti-corruption legislation.
3. To reaffirm that sectors and professional bodies must adopt sector and profession-specific codes of conduct and/or ethics as well as a training and communications regime to support their application.
4. That the private sector must mainstream anti-corruption practices and report on them in Annual Reports in an accessible and transparent manner.
5. To promote national anti-corruption values and interests continentally and internationally.
6. To call for improved financial accountability and transparency of civil society organizations.
7. To strengthen the powers of oversight bodies for the business sector and promote coordination of their activities.
8. To promote the National Anti-Corruption Hotline and support the further development of capacity to respond to reported corruption.

C. Access to services through participatory governance

1. That all state entities improve service delivery through inter-alia eliminating corrupt practices, encouraging whistle blowing and complying with the National Integrity System.
2. That services are offered to all citizens equitably and fairly.

3. That the NACF supports the urgent finalization of the review of the Protected Disclosures Act and initiates a national conversation on building a culture of whistle blowing.
4. That participatory governance must be promoted to ensure that corruption and the abuse of power are addressed at the site of service delivery.
5. To implement effective anti-corruption communication and awareness programmes at community level, within the business sector and across civil society.
6. That public officials in all spheres of government must be trained in ethics, conflict of interest principles, constitutional and administrative law and the principles of Batho Pele.

D. National Anti-Corruption Forum

1. That all three sectors must fully commit and take ownership of the NACF and the chair must rotate.
2. To strengthen the NACF and undertake a review of institutional arrangements including the role of leadership, composition, expanded participation and whether or not the NACF should become a statutory body.
3. To call on universities and professional bodies to expand their participation in the NACF.
4. That the NACF promotes dialogue within the sectors.

