NATIONAL ANTI-CORRUPTION STRATEGY

2020-2030

NORTH WEST

GAUTENG MPUMALANGA

SWAZILAND

FREE STATE

KWAZULU-NATAL

LESOTHO

NORTHERN CAPE

EASTERN CAPE

WESTERN CAPE

REPUBLIC OF SOUTH AFRICA

STOP I ACT
KNOW
CORRUPTION
FIGHTING CORRUPTION IS EVERYONE'S BUSINESS

NDP 2030

NATIONAL ANTI-CORRUPTION STRATEGY

2020-2030

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1. FOREWORD

All South Africans who are serious about eliminating corruption in our country will welcome this National Anti-Corruption Strategy. Corruption, wherever it occurs, represents a decline in our value system as a nation. If left unchecked, it poses a grave threat to our democratic values and our dream of being an ethical and developmental state. Corruption is committed by individuals who are driven by greed, who steal state, business and civil society resources that are intended to grow the economy, eliminate poverty and ensure the achievement of development outcomes.

The National Anti-Corruption Strategy is a necessary response to this problem. Building on the key tenets of our Constitution, our anti-corruption legal framework, the National Development Plan and other instruments such as international treaties, the strategy uses research and stakeholder inputs to outline the actions needed to achieve a society free of corruption. This strategy is a whole-of-society effort that envisions an ethical and accountable state, business and society characterised by high levels of integrity and respect for the rule of law. It promotes active citizenry that is empowered to hold leaders and organisations accountable. It foresees a state where all members of society have zero tolerance for corruption. This is a vision that can be realised if we join hands in a social compact to fight this enemy on all fronts through practical measures and targeted efforts.

The strategy commits all stakeholders and citizens in South Africa to the following anti-corruption compact:

> We champion a new spirit of business, government, labour and civil society leadership that upholds professionalism, ethics and anti-corruption practices at all times.
>
> We will enforce good governance principles in all spheres and ensure consequences for corrupt individuals and organisations.
>
> Our citizens will always act with integrity and will not be hindered to act against corrupt individuals through whistleblowing and other measures that promote transparency and accountability.
>
> State and business procurement systems will be run with high levels of integrity, efficiency and effectiveness.
>
> State law enforcement and anti-corruption bodies will be capacitated, integrated and their independence and authority respected by all.
>
> We will build resilient institutions and go out of our way to protect vulnerable sectors and individuals in society who are at a high risk of experiencing corrupt practices and unethical conduct.

If we work together in a focused, collaborative and decisive manner we will overcome the scourge of corruption in South Africa. We are fully committed to our international obligations that seek to mobilise the global community to fight corruption on all fronts.

Matamela Cyril Ramaphosa
President of the Republic of South Africa

2. EXECUTIVE SUMMARY

This strategy says we must roll up our sleeves, act now and end the corruption that threatens the legacy that we will pass on to future generations. Working together, we can and will succeed.

Corruption has become endemic in South Africa. It undermines democracy and impacts negatively on service delivery, human and socio-economic development, job creation and public trust in government, as well as investor confidence in the country. Corruption manifests in all spheres of society and occurs in the public sector and in the private sector. Corruption, having permeated key institutions in both the public and private sector, poses a threat to national security, undermines the rule of law and institutions vital to ensuring the centrality of the state as a protector and promoter of the rights of its citizens. There is a need to unify anti-corruption efforts across sectors to address the scourge of corruption and to demonstrate the commitment of government, business and civil society to achieve the vision of the National Development Plan 2030 of a corruption-free South Africa, and a society in which key values, such as integrity, transparency and accountability, guide the actions and behaviour of its citizens. This requires the development, implementation and monitoring of a National Anti-Corruption Strategy (NACS).

South Africa is a signatory to various international conventions and treaties that commit the country to implementing a range of interventions aimed at reducing corruption. These conventions include the United Nations Convention Against Corruption (2003), the Organisation for Economic Cooperation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), the African Union's Convention on Preventing and Combating Corruption (2003), the Southern African Development Community's Protocol against Corruption (2001), and the United Nations Convention against Transnational Organised Crime (2000) and its associated protocols. These place an obligation on South Africa to prevent and combat corruption, and the NACS needs to ensure that these obligations are fulfilled.

This strategy was developed using the United Nations Guidelines, thus stakeholder engagement and public participation were crucial to ensure that input was obtained from as many different sectors and role players as possible, and that there will be broad ownership of the country's anti-corruption strategy. Based on the whole-of-government and society approach as adopted by South Africa in 2014, the NACS development process entailed the following:

- A literature review on corruption and international best practices in addressing the problem was undertaken to determine the scope and extent of the problem and to set a baseline of knowledge about historic and existing interventions. This is reflected in the NACS Diagnostic Report that was released in December 2016.
- A conceptual framework, that initially proposed nine strategic pillars, was developed and launched as the NACS Discussion Document in May 2017. This launched the public consultation process and the discussion document formed the basis for the development of the strategy.
- Public consultation occurred through national, and nine (9) provincial public participation workshops, which concluded in 2019.
- A process of quality assurance and content refinement was undertaken through a multi-sectoral reference group that was constituted in September 2019.
- Separate consultations were also held with stakeholders from Civil Society Organisations (CSOs) and the business sector to solicit their input and expectations regarding the content of this strategy.
- Public input was encouraged through a communication campaign run by the Government Communication and Information System (GCIS). Members of the public, business and CSOs were invited to submit electronic input by means of a central e-mail address located at the Department of Planning, Monitoring and Evaluation (DPME).

- The formal approval process was started in the course of 2020 when the Reference Group referred the draft NACS to government for processing. The Justice Crime Prevention and Security Cluster (JCPS) facilitated the approval process, whilst other clusters, political principals and the National Economic Development and Labour Council (NEDLAC) were also engaged and their comments incorporated.

This National Anti-Corruption Strategy provides a framework and action plan for the country as a whole and seeks to create a society in which:

- Government's administrative and procurement processes are reinforced to allow for greater monitoring, accountability and transparency.
- The public is educated about what constitutes corruption and empowered to respond when or where it is noted.
- The public and whistleblowers are encouraged to report corruption, are supported and adequately protected when doing so.
- Public officials are held accountable for service delivery or the lack thereof.
- The business sector and civil society organisations operate in a values-driven manner and are held accountable for corrupt practices.
- There is a culture of zero tolerance towards corruption in any sector and full accountability for those involved in corruption.

The realisation of this strategy depends on the resolute political will of those who serve in public office, and ethical leadership in all sectors of society. It calls for all members of the public to take personal responsibility in preventing and addressing corruption and to work together, across political, socio-economic and ideological divides, to build the democracy and achieve a corruption-free South Africa, as envisaged in the National Development Plan 2030.

The NACS is premised on the principle that there should be more emphasis on the prevention of corruption through good governance, transparency, integrity management and accountability in society, and early detection of potential corrupt practices to supplement the reactive measures executed by law enforcement agencies and other anti-corruption bodies in society. The whole-of-society and integrated approach to the fight against corruption will help mitigate the risk of costly commissions of inquiry, forensic investigations and other legal processes.

The following six strategic pillars constitute the key components of this strategy:

1. Promote and encourage active citizenry, whistleblowing, integrity and transparency in all spheres of society.

2. Advance the professionalisation of employees to optimise their contribution to create corruption-free workplaces.

3. Enhance governance, oversight and accountability in organisations in all sectors.

4. Improve the integrity, transparency and credibility of the public procurement system.

5. Strengthen the resourcing, coordination, transnational cooperation, performance, accountability and independence of dedicated anti-corruption agencies.

6. Protect vulnerable sectors that are most prone to corruption and unethical practices with effective risk management.

The strategy is supported by a detailed implementation plan to facilitate the effective implementation of each of the strategic pillars. The implementation plan for each pillar consists of programmes to be undertaken in the short, medium and long term. Key outcomes for the achievement of each pillar are outlined, as well as possible risk factors that can undermine progress and ways in which these can be mitigated to decrease their negative effects.

The successful implementation of the strategy requires Parliament, all elected representatives, all organs of state, state institutions supporting constitutional democracy, civil society and the private sector to work in a collaborative and coordinated manner with relevant oversight and accountability. Coordination of an issue so complex and diverse always poses challenges, as parties may have vested interests and/or may prefer the status quo. It is proposed that the strategy should be championed by the President, supported by the social compact already established through the NEDLAC. Participation by the whole-of-society and all sectors is one of the fundamentals of the strategy. The strategy was developed in consultation with representatives from all sectors and will therefore also require implementation by all.

To ensure adequate national implementation and coordination, the NACS proposes the following implementation measures:

Table 1: Implementation measures

Phase	Description
Phase 1:	The NACS proposes the immediate establishment of the interim National Anti-Corruption Advisory Council (NACAC). • This body will be responsible for managing the initial transitional matters of strategy implementation, including research, conceptual development and drafting of a proposal to Cabinet for the establishment of the overarching body[1]. • It will conduct its work through engagements with relevant inter-ministerial committees, clusters and social partners. NACS proposes that the NACAC be established by the President and should be operational for a maximum period of two years or be disbanded as soon as the permanent body is established.
Phase 2:	A permanent independent overarching statutory or constitutionally entrenched state body will be established. • It should be given an appropriate name informed by the proposals of the NACAC and final decisions by relevant authorities. • It is envisaged that this permanent body will, among other things, drive the long-term roll-out of the strategy and all its related programmes. • Furthermore, it should report to Parliament and be premised on an integrated, multi-dimensional operational model with cross-sectoral collaboration, in line with the country's whole-of-government and societal approach to combating corruption. Many stakeholders expressed a high sense of urgency to have the permanent body established based on a comprehensive legal framework as soon as possible
Immediate action:	• In parallel and as an ongoing process, it is imperative that immediate actions should be implemented to optimise the work of the law enforcement agencies in the JCPS Cluster and to streamline urgent operational responses. • Specific collective multi-stakeholder interventions, projects or investigations must be launched to fight corruption in the sectors already negatively affected by grand-scale corruption and/or those most vulnerable to exploitation due to the global pandemic. • Immediate focus must be on public procurement issues related to COVID-19 procurement, the security sector/criminal justice system and a clean-up campaign at SOEs to root out corruption. • The work of the Inter-Ministerial Committee (IMC) to expedite consequence management for the COVID-19 procurement corruption allegations (IMC on COVID-19 related corruption) and the operational interventions by the Anti-Corruption Task Team (ACTT) and the Fusion Centre are some of the interventions that can be strengthened. • The NEDLAC processes on the development and implementation of the National Economic Reconstruction and Recovery Plan (ERRP) can be leveraged to reach agreements among social partners in terms of adopting specific collaborative projects to jointly fight corruption in all sectors of society.

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[1] This research will be guided by international best practice and guidance outlined in Section F of the NACS, as well as the findings of the Commission of Inquiry into the mandate and location of the Directorate of Special Operations ('the DSO') as chaired by the Honourable Ms Justice S. Khampepe (also known as the 'Khampepe Commission'), and various Constitutional Court rulings on the required nature and constitution of an independent corruption fighting body (i.e. the Glenister cases on the provisions of the SAPS Act and the establishment of the Directorate of Priority Crime Investigation).

It is essential to monitor and review progress continuously. To this end, a draft Monitoring, Evaluation and Reporting Framework has been developed, and will be finalised based on the best practice and accepted principles of Integrated Performance Management Systems, once the NACS is approved. This will lay the basis for the periodic review and revision of the strategy and the programmes, where necessary. Reporting transparently on the progress made with the implementation of the strategy will restore public confidence and trust in the national anti-corruption drive.

3. INTRODUCTION

3.1 CONTEXT FOR THE NATIONAL ANTI-CORRUPTION STRATEGY

Corruption 'eats away at the very fabric of our society and is the scourge of modern democracies'.[2] A comprehensive and coordinated strategy is therefore required to combat corruption. This National Anti-Corruption Strategy (NACS) was developed to create a South Africa that is free from corruption, a South Africa that is based on the values of integrity, transparency and accountability, respect for the rule of law, and zero tolerance for corruption in keeping with the objectives of the National Development Plan 2030 (NDP) and South Africa's international and regional obligations.

In 2012, South Africa's implementation of the United Nations Convention against Corruption (UNCAC) Chapters III (Criminalisation and Law Enforcement) and IV (International Cooperation) was reviewed. The reviewers then recommended the review of the anti-corruption strategy and action plan to strengthen the implementation and operationalisation of anti-corruption laws and institutions, in partnership with civil society and the business sector.

In 2016 a review and situational analysis of corruption and anti-corruption measures in South Africa was undertaken to pave a way for the development of the National Anti-Corruption Strategy (NACS). The NACS Diagnostic Report was specifically commissioned to inform the development of the NACS, and it provides crucial background information on the manifestation of corruption since the 1970s as well as the historic development of the South African anti-corruption framework, policies and legislation. It further contains a sectoral and thematic review, reflects on the institutional architecture and the debate on a single vs multi-agency corruption fighting model. The diagnostic report concludes with identification of the main challenges that must be addressed through the new strategy. The following were identified as major issues during the drafting of the NACS:
* The need to empower citizens in the fight against corruption through awareness-raising campaigns, campaigns on citizens' rights in terms of administrative process and improved whistleblower protection.
* Building ethical leadership across government, business and civil society sectors and building a professional public sector orientated towards serving citizens and implementing policy.
* Improving adherence to anti-corruption and integrity management regulations and other regulations with relevance for anti-corruption and ensuring improved consequence management for non-compliance with these regulations and codes of conduct across sectors.
* Improving transparency of activity and use of resources in all sectors and improving the transparency and accountability of the public procurement system to ensure fair, effective and efficient use of public resources.
* Improving the collection, reporting, analysis and use of data relevant to anti-corruption work.
* Developing or strengthening programmes aimed at addressing corruption in sectors particularly vulnerable to corruption.
* Strengthening the capacity of government organisations tasked with combating corruption and providing oversight of government's work through adequate resourcing and strengthened independence.
* Improving platforms for cooperation between the various anti-corruption bodies and strengthening stakeholder partnerships to support anti-corruption work across sectors.

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[2] Supreme Court of Appeal in State v Shaik and Others 2007 (1) SA 240 (SCA) paragraph 223.

The NACS was developed against the backdrop of numerous judicial commissions of inquiry[3], instituted since 2018 and aimed at uncovering wrongdoing, including wide-ranging acts of fraud and corruption across state institutions. Information presented at these proceedings points to a critical failure by government to ensure the integrity of its staff and systems, or an inability to identify undesirable conduct and/or criminal behaviour, and to curb it. Testimony led thus far before the ongoing Zondo Commission detailed allegations of corruption against high-ranking and politically connected individuals who were using the government machinery and procurement systems for their own benefit and the devastating results thereof. Through the collapse of governance and integrity systems within institutions, the state was weakened and has lost billions of rands in irregular contracts. Those who reported corrupt activities suffered personal losses or victimisation. Information before these commissions has also indicated the role played by the private sector in efforts to corrupt state institutions, once again affirming the potentially toxic interdependent relationships between the sectors.

A specific operational challenge, highlighted by various commissions and introspective assessments in some departments, is that due to the capture of key institutions, the state was systematically hollowed out. Urgent intervention is required to uproot corruption, particularly in the criminal justice system, and to launch a concerted effort to rebuild the state's capacity through the replacement of lost skills, to address the lack of capacity and lack of resources, to modernise investigating techniques; and replace outdated methodology and technology. In view of this, the Justice Crime Prevention and Security Cluster (JCPS) has already embarked on a process of restructuring. Another intervention to deal with the immediate crisis caused by the large-scale capture of state institutions, including the capture of the security sector such as the criminal justice system and the intelligence agencies, SOEs and key government institutions was the establishment of an Investigating Directorate[4] (ID) by the President on 4 April 2019.

It is important to note that corrupt activities across all sectors took place despite the existence of oversight structures, notably the national and provincial legislatures. Ineffective oversight contributed to the 'disappointing audit results' and 'stunted growth towards the desired audit outcomes' within national and provincial state entities noted by the Auditor-General of South Africa (AGSA).[5] This also leads to questions about the nature and extent of the political-administrative interface, which extends into the area of accountability and highlights the need for strong institutions and systems.

The coronavirus pandemic, which has befallen the global community, has further rendered state institutions vulnerable, making the implementation of the NACS crucial. The response to the pandemic 'creates opportunities for many integrity violations and can intensify fraud and corruption, particularly in public procurement, economic stimulus packages and public organisations'[6] undermining government efforts towards recovery.

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[3] These commissions are :
a) The Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State promulgated under Presidential Proclamation No. 3 of 2018 published in Government Gazette No. 41403. 25 January 2018, as chaired by the Deputy Chief Justice R.M.M. Zondo (also known as the 'Zondo Commission').
b) The Commission of Inquiry into Tax Administration and Governance by the South African Revenue Service (SARS) established by Presidential Proclamation No. 17 of 2018, published in Government Gazette No 41562 of 24 May 2018, as led by Justice R. Nugent as Commissioner (also known as the 'Nugent Commission').
c) The Commission of Inquiry into allegations of Impropriety Regarding the Public Investment Corporation established under Presidential Proclamation No. 30 of 2018, published in the Government Gazette No. 41979 of 17 October 2018, as chaired by Honourable Mr. Justice L. Mpati (also known as the 'Mpati Commission' or the 'PIC Inquiry').
[4] In accordance with Section 7 of the National Prosecuting Authority Act, 1998 (Act No, 32 of 1998) (NPA Act) the Investigating Directorate was established by Presidential by Proclamation No. 20 of 2019. The ID is specifically mandated by the Proclamation to focus on a specific range of common law and statutory offences, as well as any unlawful activities relating to serious, high profile or complex corruption cases from several specific Commissions of Inquiry, and such matters referred to the Directorate by the National Director of Public Prosecutor (NDPP).
[5] Act Now on Accountability. 2018-2019 Report of the Auditor-General of South Africa
[6] OECD Policy Papers. Public integrity for an effective COVID-19 response; http://www.oecd.org/coronavirus/policy-responses/policy-measures-to-avoid-corruption-and-bribery-in-the-covid-19-response-and-recovery-225abff3/
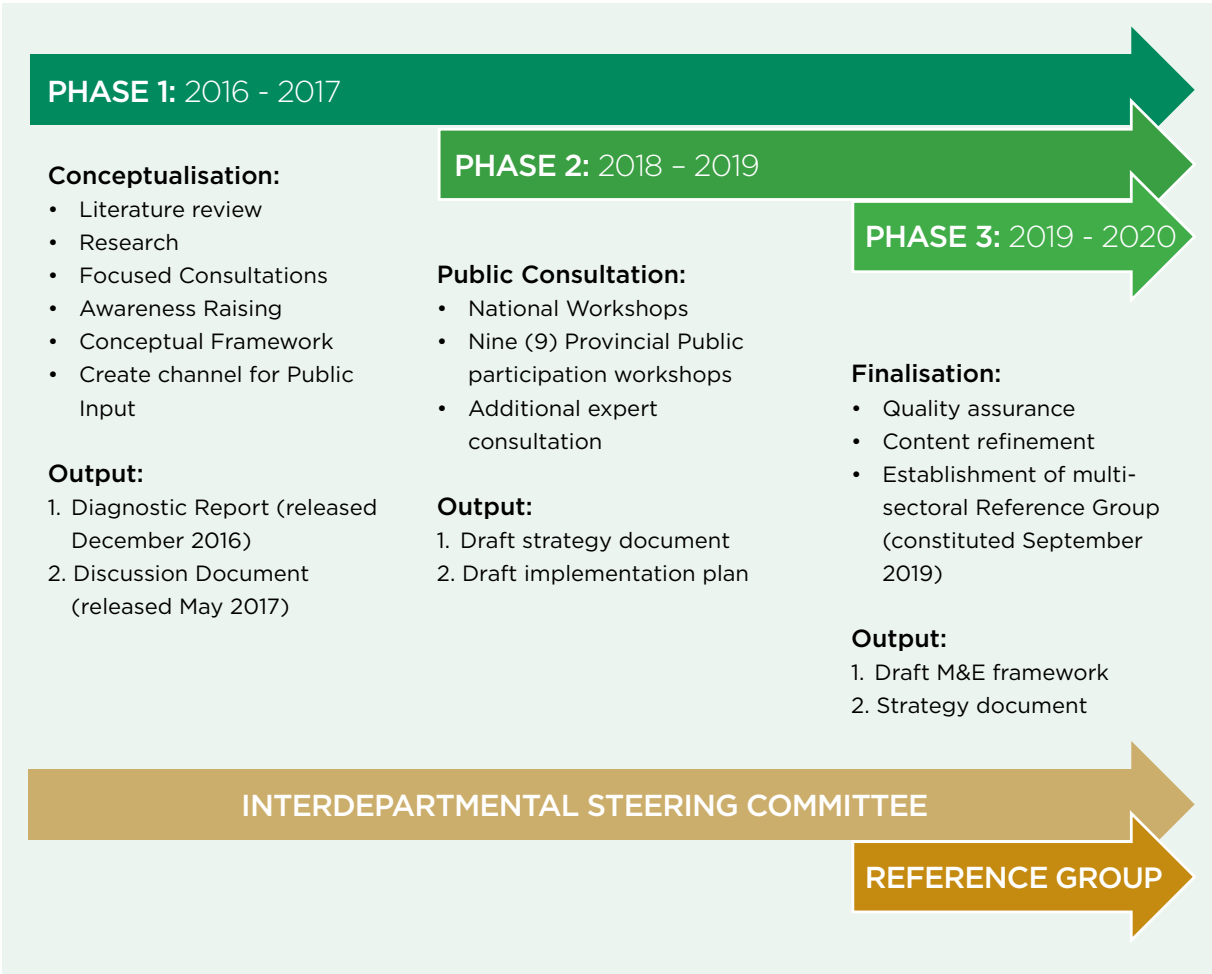
3.2 PROCESS AND METHODOLOGY THAT GUIDED THE DEVELOPMENT OF THE NATIONAL ANTI-CORRUPTION STRATEGY

The approach used to develop the NACS included public participation and key stakeholder engagements as advocated by the United Nations[7]. This ensured that the process was transparent, inclusive, consultative, and that implementation will be collaborative. This approach included the following:

• A literature review on corruption and international best practices in addressing the problem was undertaken to determine the scope and extent of the problem and to set a baseline of knowledge about historic and existing interventions. This is reflected in a diagnostic report that was released in December 2016.

• A conceptual framework, that initially proposed nine strategic pillars, was developed and launched as the NACS Discussion Document in May 2017. This launched the public consultation process and the discussion document formed the basis for the development of the strategy.

• Public consultation occurred through national, and nine (9) provincial public participation workshops, which concluded in 2019.

• A process of quality assurance and content refinement was undertaken through a multi-sectoral reference group that was constituted in September 2019.

• Separate consultations were also held with stakeholders from Civil Society Organisations (CSOs) and the business sector to solicit their input and expectations regarding the content of this strategy.

• Public input was encouraged through a communication campaign run by the Government Communication and Information System (GCIS). Members of the public, business and CSOs were invited to submit electronic inputs by means of a central e-mail address located at the Department of Planning, Monitoring and Evaluation (DPME).

• The formal approval process commenced in June 2020 after the Reference Group recommended the elevation of the strategy for processing through government channels. A special Anti-Corruption Task Team (ACTT) meeting on the NACS was convened on 29 July 2020 and involved participation of representatives from the NACS Reference Group and NACS Steering Committee. The NACS was presented to the JCPS Directors General (DGs) and Ministerial Cluster meetings in August 2020 and these forums recommended submission to Cabinet. In parallel, the Economic Sectors, Investment, Employment and Infrastructure Development Cluster (ESIEID) incorporated anti-corruption as one of the key aspects in the NEDLAC processes on the development of the EERP for South Africa. Other clusters of government and principals were also briefed, and their comments incorporated.

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[7] United Nations Convention against Corruption National Anti-Corruption Strategies: A Practical Guide for Development and Implementation.

Figure 1: The three phased process of developing the strategy

PHASE 1: 2016 - 2017

PHASE 2: 2018 – 2019

PHASE 3: 2019 - 2020

Conceptualisation:
- Literature review
- Research
- Focused Consultations
- Awareness Raising
- Conceptual Framework
- Create channel for Public Input

Output:
1. Diagnostic Report (released December 2016)
2. Discussion Document (released May 2017)

Public Consultation:
- National Workshops
- Nine (9) Provincial Public participation workshops
- Additional expert consultation

Output:
1. Draft strategy document
2. Draft implementation plan

Finalisation:
- Quality assurance
- Content refinement
- Establishment of multi-sectoral Reference Group (constituted September 2019)

Output:
1. Draft M&E framework
2. Strategy document

INTERDEPARTMENTAL STEERING COMMITTEE

REFERENCE GROUP

This process was followed to achieve the following goals:

| A whole-of-government and society approach in the fight against corruption. | The development of a National Anti-Corruption Strategy through a process that is open, transparent and inclusive of all sectors of South African society. | A National Anti-Corruption Strategy that has buy-in from government, business and civil society. | All sectors taking ownership of the implementation of the National Anti-Corruption Strategy. |

3.3 FORMAT OF THE NATIONAL ANTI-CORRUPTION STRATEGY

Analyses of the data, information and input collected through the research and consultation processes resulted in this strategy comprising of three distinct parts, namely:

Strategy

The National Anti-Corruption Strategy built around six (6) strategic pillars, which support the achievement of the vision of a corruption-free society. Each pillar comprises of and is supported by a number of specific programmes.

Implementation Plan

An implementation plan that outlines the planning, sequencing, resourcing and implementation of programmes that give effect to the anti-corruption intent. The implementation plan is the vehicle to effectively deliver on the strategic pillars that support this strategy. This plan will be finalised after NACS is approved.

Monitoring and Evaluation Framework

A monitoring, evaluation and reporting framework (M&E Framework) based on the best practice and principles of Integrated Performance Management Systems that will be used to monitor, evaluate and review the implementation of the strategy at regular intervals, highlight areas of weaknesses, ensure that appropriate corrective action is undertaken timeously to address identified weaknesses and promote best practices in combating corruption in the public, private and civil society sectors. This framework will be finalised after the NACS is approved.

This document reflects key information introducing the strategy, information about the current policy, legislative and institutional arrangements in South Africa, and proposes the content for South Africa's National Anti-Corruption Strategy (Part A). It also contains several appendices to provide clarity or more detail on some aspects, including a short extract of the programmes and activities envisioned in the implementation plan.

Draft versions of the implementation plan (Part B) and the M&E Framework (Part C) have already been compiled.

4. EXISTING ANTI-CORRUPTION MEASURES AND INTERVENTIONS

4.1 INTERNATIONAL COMMITMENTS AND OBLIGATIONS

The Constitution of the Republic of South Africa, 1996, mandates compliance with international law and requires the country to comply with its international obligations. South Africa has ratified several international conventions and treaties and participates in forums that require the country to implement measures to prevent and combat corrupt activities. These include:

- The United Nations Convention against Corruption[8] (UNCAC), which promotes the prevention and criminalisation of corruption. UNCAC also highlights the need for international cooperation in the fight against corruption and the return of assets associated with corrupt activities.
- The Organisation for Economic Cooperation and Development Convention (OECD) on Combating Bribery of Foreign Public Officials in International Business Transactions[9].
- The African Union's Convention on Preventing and Combating Corruption.[10]
- The SADC Protocol Against Corruption[11].
- The Financial Action Task Force (FATF).
- The Group of 20 (G20) Anti-Corruption Working Group, where South Africa participates and regularly provides its accountability report.

In addition to the above, South Africa subscribes to several other international legal instruments and actively participates in global initiatives and forums that have a direct and indirect bearing on fighting corruption. These relate to the prevention of organised crime, mutual legal assistance, asset recovery, money laundering, beneficial ownership, transparency and open government. Global initiatives also promote business integrity that contributes towards fighting corruption at domestic level. There are also regional instruments that deal with specific aspects of corruption, such as money laundering and asset recovery.

4.2 POLICY CONTEXT, LEGISLATIVE FRAMEWORK AND EXISTING POLICIES

Informed by the constitutional framework, its international commitments and the country's domestic realities, South Africa has established a sound anti-corruption and ethics framework, including comprehensive and robust policy documents and legislative instruments. A range of domestic legislation, policies, strategies and regulations expand upon these requirements and direct a broad range of role players on how to develop and implement appropriate measures to limit and address corrupt practices.

Unfortunately, the implementation of policies and laws has not always been consistent. Improved enforcement of laws and policies and the imposition of sanctions, whether criminal or otherwise, against those involved in corruption will lead to increased public confidence and will significantly enhance the deterrent effects of the laws and policies that are in place.

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[8] United Nations Office on Drugs and Crime. United Nations Convention against Corruption (2004).
[9] Organisation for Economic Development and Cooperation. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997).
[10] African Union. Convention on Preventing and Combating Corruption (2003).
[11] Southern African Development Community. Protocol Against Corruption (2001).

4.2.1 POLICY FRAMEWORK

In 2012 the National Development Plan (NDP) 2030 was launched, setting out a long-term perspective for South Africa. The NDP aims to eliminate poverty and reduce inequality by 2030 and according to the plan, South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society. The NDP further promotes a values-based culture and sets the new direction for the country towards the establishment of a resilient anti-corruption system, and the creation of an ethical and professional public service, which are essential to achieve the NDP 2030 goals.

The Medium-Term Strategic Framework 2020-2024 (MTSF) directs implementation of NDP goals (especially Chapter 12 on building safer communities, Chapter 13 on building a capable and developmental state, and Chapter 14 on fighting corruption) and states that a capable, ethical and developmental state underpins all its priorities. It has a vision of strong leadership and, a focus on people and improved implementation capability. This culture and ethos should be demonstrated in all sectors of society by accountable leadership and ethical behaviour of all members of the public. The MTSF also seeks to achieve an improvement in South Africa's ranking on Transparency International's Corruption Perception Index. It also aims for improvements in citizens' perceptions of levels of crime being reduced by ensuring an efficient and effective criminal justice system that delivers an improved conviction rate for serious corruption cases. The MTSF and the NACS are aligned to the aim of ensuring more stringent penalties for offenders, protection of whistleblowers and strong, independent anti-corruption agencies able to withstand political pressure.

South Africa's commitment to eradicate all corrupt practices is further supported by, amongst others, the following strategy documents:
•   The Public Service Anti-Corruption Strategy (PSACS), 2002; and
•   The Local Government Anti-Corruption Strategy (LGACS) 2016.

The Public Service Anti-Corruption Strategy (PSACS) was developed in 2002 by a team led by the Department of Public Service and Administration (DPSA). Covering all government employees working in national and provincial government departments and entities, it advocated a mix of preventive and combative measures. The PSACS proposed a review of the legislative framework for corruption, and the consolidation of this framework into a new corruption Act. The PSACS also suggested that departments foster a minimum capacity to fight corruption, and pointed to the need for mechanisms to coordinate the numerous government entities involved in anti-corruption initiatives. The PSACS called for the improvement of management policies and practices related to areas such as the management of employment, discipline, procurement, risk, information and finances; the establishment of a comprehensive system of professional ethics; as well as greater stakeholder participation. It called for the blacklisting of businesses and individuals prohibited from doing business with the state; and that all these initiatives should be underpinned through ongoing awareness, training and education programmes. Since 2002 the PSACS was particularly important for bolstering the legislative framework to fight corruption, and establishing policies, norms and guidelines for supporting anti-corruption and integrity management work in the public service. Several of the programmes outlined in the Public Service Anti-Corruption Strategy were successfully implemented and a dedicated Act on corruption was developed, namely the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004 (PRECCA).

The (then) Department of Provincial and Local Government (DPLG) published the 2006 Local Government Anti-Corruption Strategy (LGACS). The revised LGACS was launched in 2016 by the Minister of Cooperative Governance and Traditional Affairs and outlines specific programmes for reducing corruption and improving accountability in local government.

The LGACS has three strategic objectives: a) promoting community ownership; b) strengthening municipalities' resilience against corruption; and c) building trust and accountability through effective investigation and resolution.

During the development of the NACS, efforts were made to ensure that there is interlocking and synergy between the NACS, the PSACS intent and the LGACS implementation; and that these strategies will be mutually supportive. Alignment of focus and programmes/actions across these documents can therefore be noted.

As many of the original PSACS objectives were either achieved or included in legislative provisions or government programmes, it is proposed that after approval of the NACS, the government sector should unpack a sector specific action plan or implementation strategy for government and all organs of state, in lieu of drafting an updated PSACS. Successful implementation of the LGACS is a key area that is supported and promoted by the NACS, and which should continue and should be aligned with and bolstered by national initiatives, programmes and projects forthcoming from the NACS.

A more detailed list, reflecting other relevant current and historic policy documents, strategies or key guidelines, is reflected in Appendix D

Private-sector corruption often fuels profiteering at the expense of social responsibility and consumer welfare, which leads to an unequal society. At an international level, the United Nations Global Compact[12] is a principle-based framework for businesses stating ten principles in the areas of human rights, labour, the environment and anti-corruption. The World Economic Forum's Partnering Against Corruption Initiative (PACI), which is a CEO-led initiative, offers useful guidelines on measures to combat corruption in the private sector. In the South African context, the King Code on Corporate Governance (current version King IV, 2016) is a key guide for ensuring sound corporate governance, ethical business practice and the prevention of corruption in organisations, particularly in the private sector. There is a need for new codes of practice and accountability amongst professional bodies for lawyers (Legal Practice Council), auditors (Independent Regulatory Board for Auditors (IRBA)) and accountants (South African Institute of Chartered Accountants (SAICA)), and other professionals.

[12] More information about the UN Global Compact can be found at https://www.unglobalcompact.org/

4.2.2 CONSTITUTIONAL & LEGISLATIVE FRAMEWORK

The Constitution is the supreme law guiding all legislative developments and the conduct of the country's people. Section 7(2) directs that "the state must respect, protect, promote and fulfil the rights in the Bill of Rights". Based upon this imperative, various legislative provisions set the foundation for the fight against corruption. The primary anti-corruption legislation that criminalises corruption and creates a range of statutory offences is the Prevention and Combating of Corrupt Activities Act No. 12 of 2004 (PRECCA).

Further key legislation used to prevent and combat corrupt activities includes the Promotion of Access to Information Act (PAIA) Act No. 2 of 2000, the Promotion of Administrative Justice Act (PAJA) Act No. 3 of 2000, the Protected Disclosures Act (PDA) Act No 26 of 2004, the Public Finance Management Act (PFMA) Act No. 1 of 1999, Municipal Finance Management Act (MFMA) Act No. 56 of 2003, Public Audit Act No. 25 of 2004, the Financial Intelligence Centre Act (FICA) Act No.38 of 2001, the Prevention of Organised Crime Act, No. 121 of 1998 and founding legislation linked to the institutions supporting constitutional democracy.

Various agencies with corruption prevention or fighting mandates are also established by legislation and function according to relevant legislation. A more detailed list reflecting the current legislation guiding and supporting South Africa's responses to prevent and address corruption is reflected in Appendix E.

4.3   ANTI-CORRUPTION BODIES AND FORUMS

In the effort to counter the impact of corruption on the state and society, the government adopted a multi-agency approach and collaborative system, consisting of both statutory and non-statutory structures and institutions. Changes and evolution have taken place over the years and the current anti-corruption architecture is more of an inherited system than one customised by design to address the current challenges.

4.3.1 OVERSIGHT AND REGULATORY BODIES

In the context of this strategy, oversight is a function mandated by the Constitution to monitor and oversee government actions. The Constitution provides for the establishment of entities whose mandates include preventing and fighting corruption.
*   Parliament and its committees which are mandated to exercise oversight over government and organs of state. There are various portfolio and other committees tasked with executive and government oversight, e.g. the Standing Committee on Public Accounts (SCOPA).
*   Provincial legislatures and local government councils play a similar role within their jurisdictions.
*   The Judicial Services Commission (JSC) was established in terms of section 178(5) of the Constitution to advise the national government on any matters relating to the judiciary or the administration of justice.
*   Chapter 9 of the Constitution provides for the creation of state institutions that support Constitutional democracy. A number of these institutions also perform key functions in the prevention and combating of corruption and the promotion of transparency and accountability. These include: The Public Protector (PP), the Auditor-General (AG), the Independent Electoral Commission (IEC) and the South African Human Rights Commission (SAHRC).
*   Chapter 10 (Sections 195 and 196) of the Constitution addresses public administration and establishes the Public Service Commission (PSC) among others, to ensure compliance with the values of Public Administration. The PSC provides oversight of the public service, promotes excellence in governance, the delivery of quality services, and a high standard of professional ethics.

The anti-corruption landscape is further enriched by other oversight bodies either established by the Constitution, or legislation, or that have emerged in service of the public interest, including but not limited to: the Independent Police Investigative Directorate (IPID), the Office of the Inspector-General of Intelligence, the Information Regulator, the Office of Standards and Compliance (for the public service), and the Independent Regulatory Board for Auditors (IRBA). There are also various other professional, regulatory bodies and bodies with ombud-functions, both in the private and public sectors.

4.3.2 EXISTING AGENCIES AND RELEVANT SPECIALISED UNITS/STRUCTURES

The wide range of institutions within the public and private sectors that make up the South African anti-corruption landscape have the potential to facilitate the collaborative whole-of-society approach towards the achievement of the vision of a corruption-free country.

Several state entities directly involved in combating corruption are established and/or function according to specific legislation, including the Department of Public Service and Administration, which plays an important role in setting norms and standards on ethics, integrity and anti-corruption for the public service, and is the lead department with regard to coordinating South Africa's commitment on international treaties aimed at combating corruption. Furthermore, the Public Administration Management Act No. 11 of 2014, (Section 15) establishes the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (PAEIDTAU) and provides for the Office of Standards and Compliance (Section 17), both located within the DPSA. The functions of the unit and those of other notable anti-corruption entities such as the South African Police Service (SAPS), the Directorate for Priority Crime Investigation (DPCI), the National Prosecuting Authority (NPA), the Special Investigating Unit (SIU), the Financial Intelligence Centre (FIC), the State Security Agency (SSA) and the South African Revenue Service (SARS) are outlined in legislation.

Legislation also establishes public bodies that indirectly contribute towards the fight against corruption, e.g. the National Treasury (NT), the Competition Commission and Political Party Funding Unit within the Independent Electoral Commission (IEC). More detail on existing agencies, structures and units is reflected in Appendix F.

4.3.3 COORDINATING BODIES

The above-mentioned entities have the potential to facilitate a powerful collaborative whole-of-society approach towards the achievement of the vision of a corruption-free country; however, a lack of co-ordination has hampered the realisation of this objective. To date coordination regarding anti-corruption has been managed through the following four coordinating bodies, which are all in a state of transition:

(a) The Clusters of Directors-General and Clusters of Ministers are policy and decision-making forums established by the Presidency in line with Section 85 of the Constitution of the Republic to ensure coordination and integration of government priorities and programmes. These forums discuss and process Cabinet memoranda, draft bills, policies, documents and strategic decisions for consideration and approval by Cabinet. During the Sixth Administration, the Presidency updated the names of Clusters as follows: Governance, State Capacity and Institutional Development Cluster (GSCID); Justice, Crime Prevention and Security Cluster (JCPS); International Cooperation, Trade and Security Cluster (ICTS); Social Protection, Community and Human Development (SPCHD); and the Economic Sectors, Investment, Employment and Infrastructure Development (ESIEID). The Justice, Crime Prevention and Security (JCPS) Cluster which is key to law-enforcement efforts is in a process of restructuring.

(b) Inter-Ministerial Committees are special purpose and sometimes temporary structures that are established by the President and Cabinet to attend to emergent issues and interventions that will not be suitable for processing via the regular meetings of the Clusters. The Anti-Corruption Inter-Ministerial Committee (ACIMC), which functioned between 2014 and 2017, was mandated to coordinate and oversee the work of state organs aimed at combating corruption in the public and private sectors. It was convened by the Minister in the Presidency for Planning, Monitoring and Evaluation. The ACIMC mandated the development of this strategy. In August 2020, the Cabinet established a new Inter-Ministerial Committee (IMC) to expedite consequence management for the COVID-19 procurement corruption allegations[13], led by the Minister of Justice and Correctional Services to 'look into all COVID-19-related procurements made during the lockdown period and strengthen current procurement systems'. The work of this IMC will feed into the broader anti-corruption measures contained in this strategy.

(c) The Anti-Corruption Task Team (ACTT) is a collective of government stakeholders tasked with implementing the government's anti-corruption agenda as guided by the ACTT Executive Committee. The multi-agency Anti-Corruption Task Team was formed in October 2010 to fast track high-priority investigations and prosecutions on corruption-related matters through a multi-disciplinary and integrated operational approach based on the mandate of the South African Police Service Directorate for Priority Crime Investigation. In 2014 the ACTT Executive Committee participation was also expanded by the ACIMC, and now ACTT membership extends beyond the law enforcement agencies that report to the Justice, Crime Prevention and Security (JCPS) Cluster's departments. The ACTT composition also allows for structured engagement with other entities such as oversight bodies.

(d) The National Anti-Corruption Forum (NACF), a coalition formed by the government, business and civil society sectors to serve as a forum to discuss corruption challenges and advise the government on national policy initiatives in implementing anti-corruption strategies. As a multi-sectoral mechanism, it provided a space for the coordination and improvement of sectoral strategies against corruption. Ideally, the NACF should have met every two years; however, it became inactive after the fourth National Anti-Corruption Summit in 2011. The absence of a functioning multi-sectoral mechanism is an ongoing challenge to the coordination of anti-corruption efforts between government and the private sector.

Additional information on these coordinating bodies can be also found in Appendix F.

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[13] In a briefing to the Standing Committee on Public Accounts on 21 August 2020 it was explained that this IMC will coordinate the data on all the procurement of goods and services that were sourced for the purposes of the containment and response to the COVID-19 pandemic. It will ensure that all contractual agreements for COVID-19 activities are publicly available. The IMC will coordinate communication on the anti-corruption measures implemented. It will develop a plan to address corruption related to COVID-19 procurement and will put measures in place to strengthen the government's capacity in fighting corruption.

5. THE GIST OF THE NATIONAL ANTI-CORRUPTION STRATEGY

5.1 VISION

The vision and the strategic thrust of the NACS are aspirational, in line with the essence of the National Development Plan but with due consideration for the realities in the country. The objective of Chapter 14 of the NDP is "A corruption-free society, a high adherence to ethics throughout society and a government that is accountable to its people". In keeping with this aspiration, the NACS supports the development of a corruption free country.

The vision of the NACS is a South Africa that has:

Ethical, transparent and accountable state, business and civil society sectors in which those in positions of power and authority act with integrity;

Citizens who respect the rule of law and are empowered to hold those in power to account;

Zero tolerance of corruption in any sphere of activity; and

Substantially reduced levels of corruption[14].

The vision statement of the NDP includes the following: "We all assist the institutions we have creatively redesigned to meet our varied needs, we reach out across communities to strengthen our resolve to live with honesty, to be set against corruption and dehumanising actions." Hence the NACS vision includes having a society that is averse to corrupt practices, has zero tolerance for corruption and in which corrupt behaviour is frowned upon everywhere.

The successful implementation of this strategy will enable the country to achieve this compelling vision of an ethical, accountable state that has a zero tolerance for corruption with resolute political will, ethical leadership and effective oversight across all sectors of society. This strategy provides a roadmap that can produce significant gains in the collective action to eradicate corruption, but also acknowledges that this journey will be a long and arduous one. Public vigilance exercised through tireless monitoring and a critical review of progress made in all sectors of society by all stakeholders and role players is key to the achievement of this goal. Institutions need to be insulated against political influence, unethical leaders and unscrupulous public servants. A collaborative effort by all sectors and individuals will be required to ensure that South Africa prevents and ultimately turns the tide in the fight against corruption.

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[14] The NDP indicates that 'high levels of corruption frustrate society's ability to operate fairly and effectively and the state's ability to deliver on its developmental mandate'. It further indicates that 'international experience shows that with political will and sustained application of the right strategies corruption can be significantly reduced and public trust restored.' The vision of a country with substantially reduced levels of corruption is towards the measurable and quantifiable decrease of corruption through one of the key outcomes of Pillar 5, namely an increase in prosecutions, convictions and recoveries.
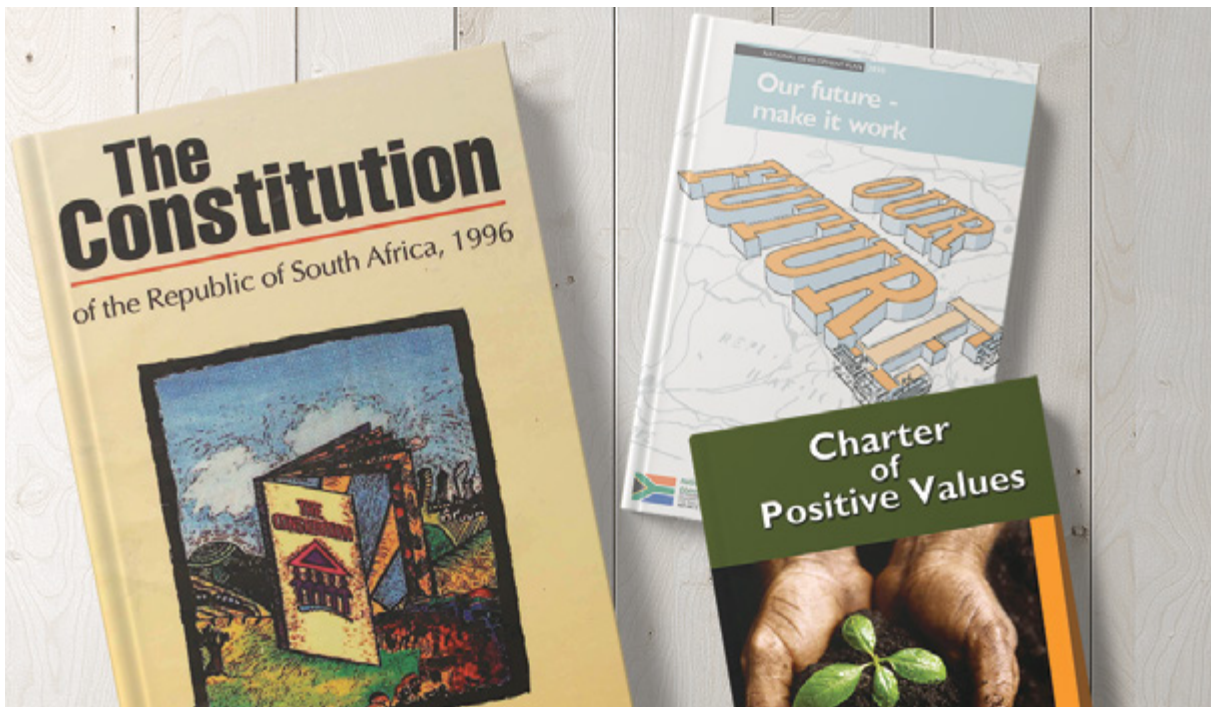
5.2 VALUES

The following guiding values are the cornerstone of this strategy:

(a) Adherence to constitutional values: All individuals including those in leadership positions shall uphold and promote the social compact espoused in the Constitution and all the ethical and moral standards underpinning this compact.

(b) Integrity: There should be honesty, ethical consciousness and principled conduct in all government, business and civil society activities and interactions.

(c) Accountability and responsibility: In order to rebuild public trust individuals should be held accountable for their corrupt actions and unethical behaviour as well as failure to act when confronted with corruption and governance breaches. There must be respect for the rule of law and consequences for corrupt and unethical behaviour must be consistently applied.

(d) Transparency and access to information: There should be responsiveness, openness and access to information in all matters related to corrupt activities and anti-corruption efforts in all sectors.

(e) Collaboration: In a spirit of partnership, multi-sectoral collaboration is required across all spheres of government, communities, CSOs and the business sector in the collective fight against corruption and in working together to achieve the objectives of this Strategy.

This strategy further acknowledges the Charter of Positive Values developed by the Moral Regeneration Movement[15], constitutional values and values expressed in other South African policy documents such as the National Development Plan. The commitment to uphold constitutional and other positive values should be made at the macro level by government, businesses and CSOs and at a micro level by communities, families and individuals.

5.3   STRATEGIC OBJECTIVES AND KEY SUCCESS MEASURES

The National Development Plan indicates that corruption must be fought on three levels namely Deterrence, Prevention and Education. In the NDP context 'Prevention is about systems (information, audit and so on) that make it hard to engage in corruption.' The NACS is premised on the approach that prevention must have more emphasis than reactive measures and this is collectively addressed under the banners of good governance, transparency, integrity and accountability in the NACS. The approach towards prevention is aligned with the National Crime Prevention Strategy that aims to build crime prevention partnerships between all levels of government and non-government stakeholders.

5.3.1   STRATEGIC OBJECTIVES

The National Anti-Corruption Strategy aims to achieve the following strategic objectives:

Citizen Participation & Mobilisation

The fight against corruption can only be won when everyone in South Africa behaves with integrity and citizens are empowered with knowledge about what constitutes corruption, are aware of their rights and recognise the need for mutual accountability. Communication and education are vital for addressing the way in which society engages and responds to crime and corruption. Everyone in the broad South African society should become active participants in the fight against corruption, which will only occur when people have confidence and trust in the systems in place to willingly report or 'blow the whistle' on corruption knowing that they will be supported and protected against any repercussions.

Ethical Leadership

Success in preventing and fighting corruption is dependent on having ethical and accountable leadership across sectors be it business, labour, civil society, government, or traditional leadership. The King IV Code on Corporate Governance provides guidelines on good governance and ethical leadership, which can be adopted and implemented across all sectors. It is equally important to ensure that board members, in both the private and public sectors, undergo training and development in ethics, integrity management, governance and risk and be subjected to integrity testing prior to their appointment. Politicians at all tiers of government should be also trained in these areas.

Professional & Skilled Employees

Employees across all sectors must be suitably qualified and skilled for the jobs they are appointed to do, and they should engage in their functions and responsibilities professionally and with integrity and abide by professional standards. The recruitment of public service personnel should be non-partisan, and they should be appointed through transparent and equitable processes. Furthermore, professional bodies in all sectors should commit to uphold ethical standards, and support members to adhere to the standards of their respective professions.

Transparent & Accountable Governance Systems

It is critical to have public administration and procurement systems that are transparent and managed by highly skilled and professional employees. Accountability and consequence management must become the norm across all sectors, and those responsible for abuse of the procurement system or assigned power must be held accountable for their actions irrespective of their status or position. Transparent and credible oversight mechanisms also need to be implemented to protect the integrity of the public procurement system. The Procurement Bill, which sets out processes for the management of state procurement, must be enacted expeditiously. It is important to reduce opportunities for deviant behaviour and corrupt practices by changing the environment in which it occurs.

A Culture of Reporting and Whistleblowing

The country should cultivate and foster a culture of reporting in which citizens understand the negative impact of corruption and where individuals are empowered to report any devious or corrupt activities they become aware of. Adequate protection of whistleblowers will ensure that citizens are willing to become partners in the fight against corruption. Protection measures will include the counselling of whistleblowers, legal support, and witness protection if needed.

Protection of Sectors most vulnerable to Corruption

Sectors that are considered vulnerable or at high risk of corrupt activities must be constantly identified and additional anti-corruption and risk management measures should be implemented to protect these sectors. Stakeholders in identified sectors should implement measures to drastically strengthen employee integrity, management and focused, collective multi-stakeholder interventions, projects or investigations continually undertaken to fight corruption in these sectors. The result must be a marked increase in both domestic and global investor confidence in the economy of the country and these sectors.

Strengthening Anti-Corruption Agencies

Effective law-enforcement along with the removal of benefit will act as deterrents to corruption. Success in fighting corruption can be achieved by ensuring that anti-corruption agencies are independent of any undue interference. They should be well-resourced, with streamlined functions in order to minimise duplication and ensure optimal resource utilisation to secure convictions. These agencies should be complemented by highly skilled employees who are subjected to regular integrity testing and lifestyle audits. Coordination and collaboration on all anti-corruption efforts is crucial, requiring effective sharing of information not only between domestic agencies, but also with international bodies, to prevent money laundering and related offences, to secure convictions and ensure asset recovery. An independent coordinating body should be established to assist and enhance the functioning of these agencies as proposed in the strategy.

5.3.2 KEY SUCCESS MEASURES FOR NACS

- There is increased public trust, more participation and discourse by an active citizenry that is empowered through prevention, advisory and awareness campaigns on anti-corruption and governance matters.
- More members of the public are willing to blow the whistle on corruption because they see the benefits of doing so, and feel protected and supported during the whistleblowing process and thereafter.
- Training and development in ethics, integrity management, governance and risk, resulting in strong ethical leadership across all sectors.
- There is improved capacitation of, and coordination, communication and synergy between the key law enforcement agencies characterised by enhanced interdependence and service delivery, with growing public confidence in these agencies.
- There is a marked improvement in accountability for non-compliance with anti-corruption and integrity management measures in all sectors, with finality in investigations, more prosecutions, more convictions, and the recovery of stolen resources.
- Strong stakeholder partnerships are developed across all sectors.
- Research takes place to identify areas in the public and private sectors and civil society that are particularly vulnerable to corruption and to develop appropriate programmes to combat corruption within these sectors.

5.4 PILLARS AND PROPOSED PROGRAMMES

This strategy recognises the need to coordinate anti-corruption activities and to create implementation structures and monitoring measures that can address the scourge of corruption holistically and at multiple levels. To this end, the following six strategic pillars will be implemented:

1. Promote and encourage active citizenry, whistleblowing, integrity and transparency in all spheres of society.
2. Advance the professionalisation of employees to optimise their contribution to create corruption-free workplaces.
3. Enhance governance, oversight and consequence management in organisations.
4. Improve the integrity and credibility of the public procurement system.
5. Strengthen the resourcing, coordination, transnational cooperation, performance, accountability and independence of dedicated anti-corruption agencies.
6. Protect vulnerable sectors that are most prone to corruption and unethical practices with effective risk management.

Figure 2: Architecture of the National Anti-Corruption Strategy
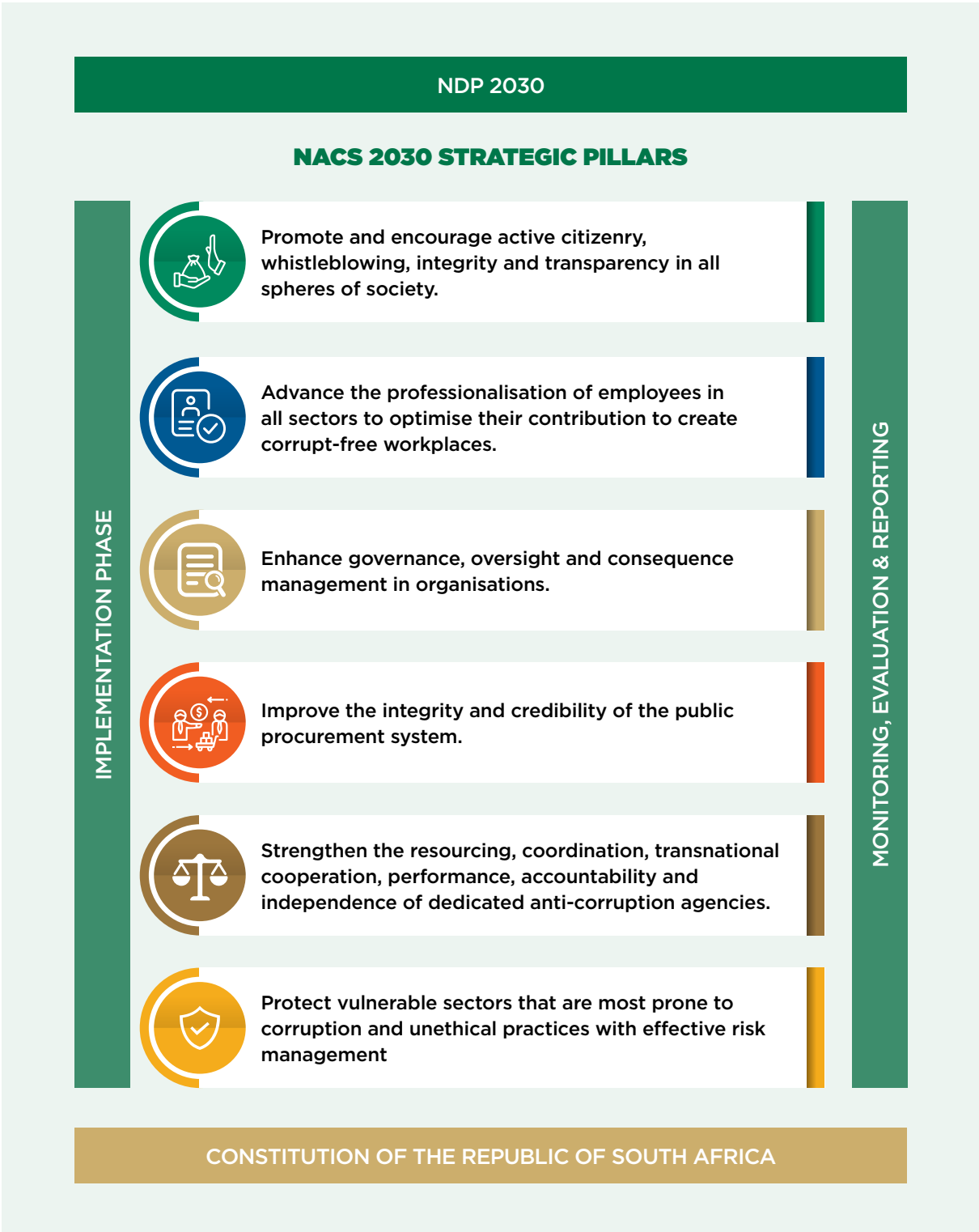
An extract from the draft Implementation Plan reflecting on the proposed detail per Pillar is reflected in Appendix G

Focus: Promote and encourage active citizenry, whistleblowing, integrity and transparency in all spheres of society.

The NDP 2030 proposes a whole-of-society approach to combating corruption. This pillar addresses the importance of including all stakeholders in the fight against corruption, the need for improved relationships between these stakeholders, as well as measures to build and nurture a values-based culture of integrity, transparency, collaboration, service and accountability. This requires an accessible and transparent government with processes that reduce the potential for corrupt behaviour, and an active citizenry that demands accountability. It is recognised that accountability is not merely about sanctions or consequence management after corrupt activities have occurred. It is more importantly about ensuring structures are responsive and that material conditions prevent or dis-incentivise corruption and maladministration. It is also about promoting a societal and organisational culture where those persons who expose corrupt activities are supported and protected.

Anticipated impact of Pillar One

The objectives of this pillar are to ensure that:
- Everyone in the broad South African society becomes active participants in the fight against corruption.
- Citizens are empowered with knowledge about what constitutes corruption, aware of their rights and recognise the need for mutual accountability.
- Everyone in South Africa behaves with integrity and encourages ethical behaviour, transparency and accountability.
- Everyone has the confidence and trust in the systems in place to willingly report or 'blow the whistle' on corruption knowing that they will be supported and protected against any repercussions.

Key Envisioned Outcomes for Pillar One

- Active citizenry empowered through advocacy campaigns on anti-corruption, governance matters; and the negative effects of corruption.
- All stakeholders, across all sectors of society, work together towards a common goal of preventing and combating corruption within their spheres of influence; and people willingly report corruption because they understand the benefits of doing so, and whistleblowers feel protected and supported.
- Increased public participation and discourse on ethical conduct and a shift in the national consciousness towards societal reorientation to a values-based way of life evident in communities, workplaces, schools, higher education institutions and other civil society structures.
- Greater transparency and improved measures for providing access to information in all sectors, including business, CSOs and political parties, in particular about governance matters.
- Members of the public provide support to assist law enforcement agencies and hold individuals and organisations suspected of corrupt activities and unethical behaviour accountable.

Implementation Programmes

In order to achieve the desired outcomes of this pillar the following programmes need to be implemented.

A.   Support active citizenry, and promote values reorientation initiatives to prevent and combat corruption.

B.   Protect and support whistleblowers and resource the whistleblowing mechanisms.

C.   Improve integrity management and encourage a commitment to ethical behaviour.

D.   Increase and strengthen transparency in all sectors.

STRATEGIC PILLAR TWO: PROFESSIONAL CONDUCT

Focus: Advance the professionalisation of employees in all sectors to optimise their contribution to create corrupt-free workplaces.

All employees need to be suitably ethical, qualified, competent, professional and accountable for their actions. Professionalism entails working in a 'systematic manner with commitment, selflessness, and concern for the general interest, adhering to agreed fundamental principles and values, laws, rules and regulations, to provide the best possible efficient, effective and innovative public services to the community all the time'.[16] Professionalism thus implies adherence to standards of behaviour that regulate how one functions within a specific job or occupation, and does not necessarily imply that an employee must be highly skilled or educated. It also requires integrity, diligence, excellence in performance, exemplary work ethos and a demonstrated commitment that goes beyond personal interest.

The culture of an organisation has a significant influence on professional conduct. Organisations committed to the values of integrity, ethical standards of behaviour, respect for the rule of law, transparency, accountability, open communication and continuous professional development create a people-centred culture that is conducive to principled conduct, employee growth and development, and enhanced performance.

Professionalism within the public sector indicates that public officials are committed to their jobs and put the interests of the country first, adhere to the principles of Batho Pele[17] ,ensure that they abide by business rules, policies and laws, and be immune from party political influence.

Anticipated impact of Pillar Two

The objectives of this pillar are to ensure:
- The implementation of the NACS contributes towards the building of a capable and developmental state as set out in Chapter 13 of the National Development Plan.
- The public service has skilled, competent and professional staff that is non-partisan, and has been recruited and appointed through transparent and equitable processes.
- The capacity and integrity of professions central to anti-corruption efforts in all sectors are strengthened through specialised vocational and ethics training.
- Professional bodies in all sectors commit to upholding ethical standards, and support members to adhere to the standards of their respective professions.

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[16] Kauzya, J-M. 'Reflections on Promoting Professionalism and the Fight against Corruption in Africa's Public Sector'(2011) Paper presented at the United Nations and Africa Public Service Forum, Tanzania available at http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan046146.pdf (Accessed: 17 September 2018).

[17] The Batho PELE programme was launched in 1997 by the South African Government and is directed at delivering citizen-orientated public service. There are eight (8) Batho pele principles namely: 1) Consultation, 2) Setting service standards, 3) Increasing access, 4) Ensuring courtesy, 5) Providing information, 6) Openness and transparency, 7) Redress, and 8) Value for money.

◎ Key Envisioned Outcomes for Pillar Two

- Strengthening the role of the Public Service Commission.
- Reformed recruitment and appointment regimes for public servants and local government administrators, specifically for senior appointments.
- Implementation of a comprehensive graduate recruitment programme for key professions[18] for the public service.
- Strengthening the role of professional bodies across all sectors to advance the professionalisation of their members by reinforcing strict adherence to the highest standards of ethics and professional integrity identified sectors, functions, occupations and disciplines that face a high risk of corruption.
- Public, private and civil society sector partners demonstrate their commitment to collaborate in advancing the professional skills development of employees in key professions and their increased workplace investment in the education, training, development and upskilling of employees, particularly in key professions or vulnerable sectors.
- In workplaces across all sectors employees demonstrate values-based work ethos that includes the implementation of Batho Pele principles in public service, and good citizenship values in private business and civil society sectors.

⚙ Implementation Programmes

This strategic pillar is supported by the implementation of the following programmes:

A. Support professionalisation of the public sector by giving effect to Chapter 13 of NDP.
B. Enhance the capacity and integrity of the professions central to anti-corruption efforts.

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[18] For the purpose of the NASC 'key professions' include functions, occupations or disciplines that are vulnerable to corruption or malpractice such as compliance assurance, SCM and risk management, or that act as guardians of the law, ethics and integrity management as identified through this strategy.

STRATEGIC PILLAR THREE: ETHICAL GOVERNANCE WITH OVERSIGHT AND CONSEQUENCE MANAGEMENT

Focus: Enhance governance, oversight and consequence management in organisations.

Corruption is both a cause and effect of poor governance and thrives in conditions of weak financial controls and resource management. It also leads to the adoption of inaccessible, opaque practices to bypass, undermine or eliminate accountability processes. Therefore, it is essential that accountability should be encouraged by appropriate and effective financial and resource management, including human resources, as well as through investigations and sanctions that render corrupt practices high-risk, low-reward endeavours.

Within the private sector, adherence to laws should be equally enforced; the principles of the King IV Code should be implemented, and managers should demonstrate a zero-tolerance approach to corruption. Accountable leadership across sectors: be it business, labour, civil society, government, and traditional leadership, is imperative in the fight against corruption. It is equally important that political parties develop cultures of internal transparency and accountability, in which it becomes expected that party members hold leaders to account.

Anticipated Impact of Pillar Three

The objectives of this pillar are to ensure:
- Ethical leadership is strengthened, or developed across all sectors, and a culture of compliance is developed.
- All sectors enhance the implementation of all legal requirements and other measures supporting good governance, accountability or to prevent corrupt practices (such as the Public Service Regulations, Treasury Regulations and/or King Code).
- Improved ethics and integrity management across all sectors.
- Accountability and consequence management become the norm across all sectors and those responsible for corruption or abuse of power are held accountable for their actions irrespective of their status.
- There must be synergy with and support for the implementation of the Local Government Anti-Corruption Strategy.

Key Envisioned Outcomes for Pillar Three

- Enhanced managerial ethics competency and accountability by those in leadership positions as well as public recognition thereof.
- Public and private sector organisations and managers enhance organisational compliance with measures to ensure good corporate governance and support the promotion of ethics and ethical behaviour.
- Public dialogues on the role of stakeholders in the promotion of integrity, ethics and accountability in challenging environments like labour and traditional leadership.
- Mechanisms established by the PAMA are resourced and function effectively to ensure improved adherence to the Public Service Regulations, and improved functioning and integrity of the disciplinary process in the public sector.

- Timeous and effective parallel investigation (non-criminal) of reported incidents of alleged corruption, maladministration and wrongdoing, in compliance with the relevant organisational/labour relations policies, procedures and applicable laws.
- Establishment and maintenance of a central database of public sector officials found guilty of fraud, corruption, other white-collar crimes or collusion, who are deemed unsuitable andundesirable for appointment in the public sector (to be administered by the DPSA and/or CoGTA). The private sector can employ a similar approach.
- Transparent public reporting on the findings of the reviews undertaken on the performance of government, businesses and CSOs on their governance, oversight and compliance obligations.
- Bodies mandated to provide oversight such as Chapter 9 institutions, regulators, and those responsible for oversight in local government are supported, strengthened and adequately resourced.

Implementation Programmes

The following programmes are essential to achieve the desired outcomes of this pillar:

A. Enhance ethical leadership across sectors.
B. Strengthen oversight and governance capacity in the public sector.
C. Strengthen ethics and integrity promotion across sectors.
D. Strengthen accountability and programme management in organisations across sectors.

STRATEGIC PILLAR FOUR: CREDIBLE, TRANSPARENT PROCUREMENT SYSTEM

Focus: Improve the integrity and credibility of the public procurement system.

Government has recognised the challenges experienced in procurement and supply chain management, as highlighted in the National Development Plan, the Procurement Review and the NACS Diagnostic Report. To address these challenges, the draft Public Procurement Bill was released in May 2020. Approval and implementation of the Bill will lead to the creation of a single regulatory framework for public procurement, elimination of fragmented procurement prescripts, and will contribute to the advancement of economic opportunities for previously disadvantaged people. The Bill, in addition to defining procurement methods and processes, also details numerous initiatives aimed at strengthening public procurement such as the establishment of the Public Procurement Regulator; introduction of specific codes of conduct and enhanced measures for disclosure of interest by public officials; declarations of interest by bidders, debarment and publication of debarred bidders/supplies, public-private partnerships, specific arrangements for infrastructure delivery management and a tribunal to review administrative actions.

This pillar of the NACS highlights the critical need for the enactment and implementation of the Bill and does not intend to duplicate any of the measures anticipated by the Bill, but seeks to strengthen some of the proposed and existing initiatives. The areas in which the NACS will specifically support reinforcement are: oversight functions; improved enforcement; greater transparency through improved data management; and professionalisation of the procurement and supply chain management functions. Supply chain management employees and all accounting officers should be proficient in their understanding of the Public Finance Management Act No. 1 of 1999 (PFMA) and/or the Municipal Finance Management Act No. 56 of 2003 (MFMA) and applicable National Treasury SCM Regulations, circulars, practice notes, instructions, directives, and prescripts. These employees should regularly undergo refresher training and be required to demonstrate their proficiency.

Anticipated Impact of Pillar Four

The objectives of this pillar are to ensure that:
- The Public Procurement Bill is supported and its enactment expedited.
- Transparency and accessibility of the public procurement system's data is improved.
- Measures to enable enforcement and oversight are supported.
- Professionalisation of the procurement and supply chain management functions is prioritised.

Key Envisioned Outcomes for Pillar Four

- Enhanced public procurement data and management systems to ensure improved integration, digitalisation, and transparency of procurement information and data bases on the principles of open governance and open contracting. [19]Updated data on all procurement of services and goods is available and accessible in a user-friendly manner leading to growing public confidence in and scrutiny of the state procurement system.

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[19] As guided by the Open Contracting Global Principles (2020) available at https://www.open-contracting.org/what-is-open-contracting/global-principles/(Accessed: 8 June 2020).

- Improved SCM-related legislation, regulations, systems, processes and tendering procedures are in place to identify and effectively address corrupt practices.
- Appropriate training and professionalisation initiatives to be implemented to enable those tasked with responsibilities in the procurement process to execute their role with skill and integrity;
- Systems for monitoring compliance with procurement regulation function effectively, and facilitate appropriate remedial or disciplinary action.
- Awareness-raising programmes and tools created for private and civil society sectors, and the media on the public procurement system, monitoring of public procurement, use of the appropriate reporting and whistleblowing mechanisms to report suspected acts of corruption and wrongdoing.
- Whistleblowing relevant to corruption in procurement is incentivised and supported.
- Improved coordination with law enforcement bodies to ensure consequence management for procurement related corruption.
- Information on blacklisted and/or restricted companies and individuals found guilty of fraud/corruption and those that perform poorly in the execution of their contracts with the state is easily accessible and up to date.

Implementation Programmes

This strategic pillar is supported by the implementation of the following programmes:
A.   Enhance oversight and enforcement in public procurement.
B.   Improve transparency and data management in public procurement.
C.   Support professionalism in SCM.

STRATEGIC PILLAR FIVE: STRONG ANTI-CORRUPTION AGENCIES

Focus: Strengthen the resourcing, coordination, transnational cooperation, performance, accountability and independence of dedicated anti-corruption agencies.

South Africa has strong constitutional and legislative provisions for law enforcement, several different agencies tasked to fight corruption, and a number of regulatory or oversight bodies to ensure that corruption is prevented and combated. Despite efforts to create a well-regulated public sector and to fast-track corruption cases many of those implicated in corrupt activities have not been brought to justice. Numerous challenges have been experienced with the current multi-agency approach and some of these were deliberately created or exacerbated by individuals seeking to weaken these entities. There is a renewed commitment within the key agencies in the law-enforcement terrain to root out unethical practices in these agencies and to ensure that perpetrators of corruption are detected, arrested and convicted. A concerted effort is required to realign, reinvigorate and strengthen the country's anti-corruption law-enforcement capacity and to provide resourcing for the agencies mandated to execute these functions.

Anticipated Impact of Pillar Five

The objectives of this pillar are to ensure that:
- Anti-corruption agencies are robust against manipulation and improper influence, adequately capacitated and resourced with dedicated, skilled and well-trained staff.
- Effective sharing of information and coordination on all anti-corruption efforts takes place.
- Anti-corruption agencies have the necessary level of independence and oversight to secure convictions and recover assets in order to act as deterrent.
- South Africa and its anti-corruption agencies can effectively collaborate with other countries and international bodies to prevent corruption, money laundering and related offences, bring corrupt persons to book and secure convictions and asset recovery.

Key Envisioned Outcomes for Pillar Five

- A review of all anti-corruption mechanisms and agencies, their mandates, performance and independence.
- Rebuilt state capacity with well-resourced anti-corruption law-enforcement agencies collaborating and executing the investigation, prosecution and asset recovery functions free from any outside influence, political or otherwise.
- Streamlined and efficient coordination, between all anti-corruption mechanisms and agencies and of all anti-corruption activities, through an independent anti-corruption body.
- An increase in prosecutions, convictions and recoveries.
- A marked improvement in public confidence and trust in law enforcement.
- Productive and strengthened relationships with other countries, international bodies and the custodians of multi-lateral agreements to which South Africa is a signatory or partner.

Implementation Programmes

This strategic pillar is supported by the implementation of the following programmes:

A. Strengthen South Africa's relationships and transnational cooperation with other countries in the fight against corruption.

B. Establish an anti-corruption coordinating body to coordinate all anti-corruption activities.

C. Resource anti-corruption agencies by ensuring capacitation, training and modernisation of methodology and human resource for improved law enforcement.

D. Safeguard the independence of key anti-corruption agencies responsible for investigating and prosecuting corruption.

STRATEGIC PILLAR SIX: PROTECTION OF VULNERABLE SECTORS

Focus: Protect vulnerable sectors that are most prone to corruption and unethical practices with effective risk management

The NACS Diagnostic Report (2016) identified some government departments or sectors more prone to corruption than others. In most cases departments vulnerable to corruption have direct contact with the public and/or exercise some form of control over government processes. For the purpose of this strategy a vulnerable or high-risk sector is regarded as an area, sector and/or institution with a high risk or specific vulnerability to the manifestation of corrupt/unethical practices or activities.

In 2019, led by the SIU and informed by reports by the AGSA and Parliament's Standing Committee on Public Accounts (SCOPA), further work was done to identify vulnerable sectors. Other critical factors considered during these assessments include: industry case studies, the nature of the business, the magnitude of transactions and the amounts of money involved, the propensity for corrupt behaviour of actors doing business with government, high exposure to corruption, government spending on the sector, national and/or foreign interest and security, as well as the focus areas and 14-point plan in the NDP, and areas where immediate impact or improvement is required.

Sectors and industries considered to be most vulnerable in 2020 are: health; local government; state-owned entities; construction; transport; the financial sector; energy; mining; water; real estate; education; information and communication technology (ICT); small, medium and micro enterprises (SMMEs); border management and defence/armaments.

Contributing factors observed after the assessment of the vulnerable sectors included the following: opportunities for financial gain (to make 'quick money'), weak or ineffective processes and systems, conflicts of interest, misrepresentation of information and/or fraud, collusion between officials and private individuals, inadequate fraud and corruption detection strategies, lack of effective consequence management, ineffective collaboration with stakeholders, and weaknesses in the regulatory environment for example in monitoring. Specifically included as a vulnerable sector are the entities in the criminal justice system, which for prioritisation purposes are deemed to make up the government's 'security sector'.

All stakeholders within these vulnerable sectors or industries, and/or in those sectors that have already been negatively affected by criminality or capture will have to collaborate closely to 'clean up' these areas and to strengthen protocols to prevent the repetition of such events. The approach advocated for Pillar 6 is also in line with the 10th Principle of the UN Global Compact[20] that supports collective action and proposes that business join forces with industry peers and with other stakeholders to scale up anti-corruption efforts, level the playing field and create fair competition for all.

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[20] https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-10

Anticipated /impact of Pillar Six

Key objectives of this pillar are to ensure that:
- Sectors, industries or business areas that are most at risk or vulnerable to corrupt practices are proactively identified and measures instituted to prevent, limit and detect corruption.
- Stakeholders in all sectors implement measures to drastically strengthen employee integrity management within vulnerable areas.
- Focussed, collective multi-stakeholder interventions, projects or investigations are launched to fight corruption in these sectors.
- There is a marked increase in both domestic and global investor confidence in these vulnerable sectors.

Key Envisioned Outcomes for Pillar Six

- Continuous longitudinal research to identify areas particularly vulnerable to corruption, in the public and private sectors, and civil society. This research then informs the regular updates on, and revisions to industry/sector-specific anti-corruption interventions.
- Multi-stakeholder implementation of industry/sector specific anti-corruption strategies and programmes, in particular towards risk management and integrity management, that are subject to ongoing monitoring, periodic evaluation and review[21].
- Vulnerable sectors demonstrate a marked reduction in corrupt activities and unethical practices.
- Centralised strategic review of progress made in addressing the risks of corruption in vulnerable sectors.

Implementation Programmes

This strategic pillar is supported by the implementation of the following programmes:
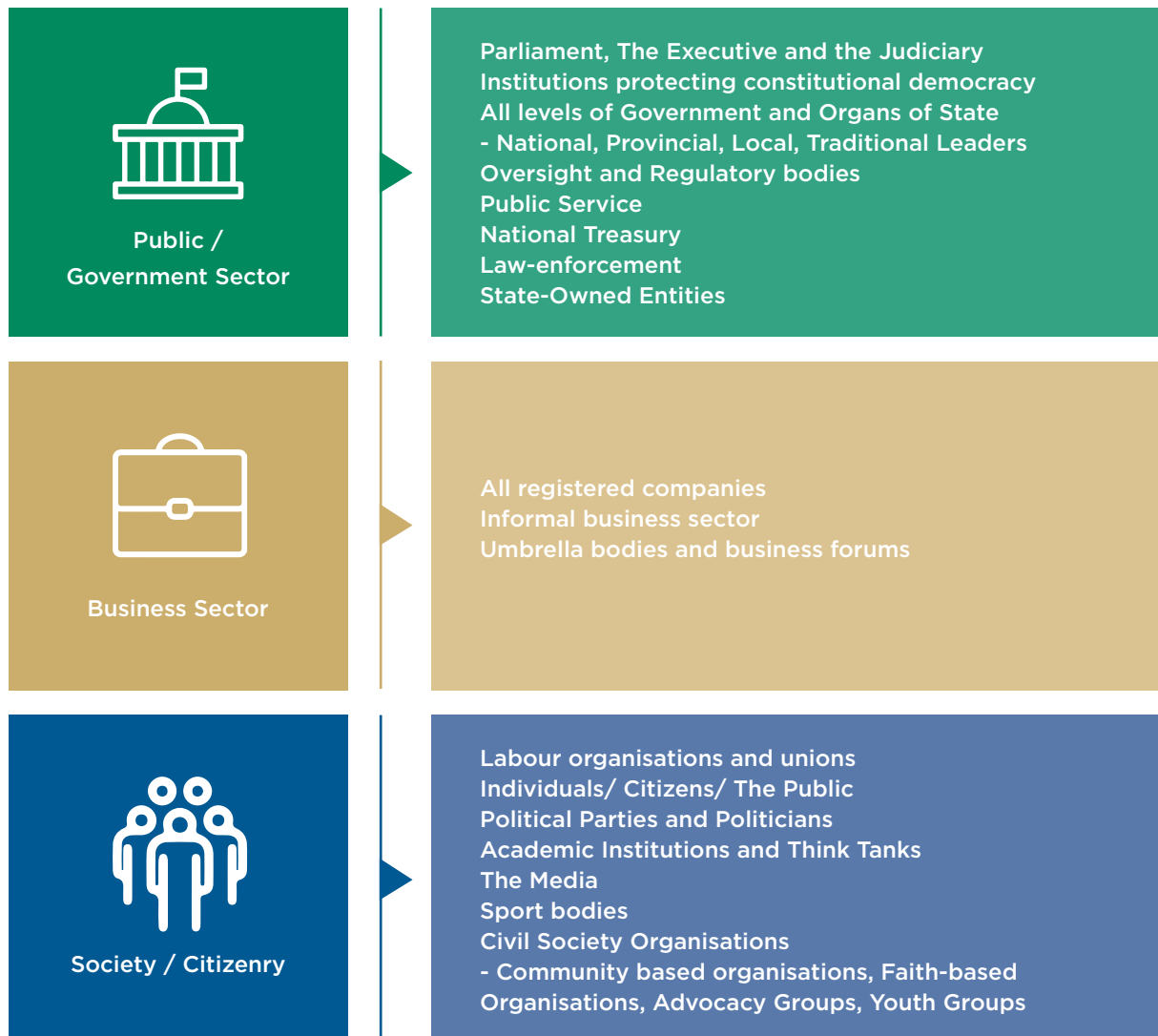A. Conduct research into public and private sectors vulnerable to corruption.
B. Implement interventions aimed at reducing the risk of corruption and promoting integrity management in vulnerable sectors.
C. Conduct monitoring, evaluation and a review of interventions aimed at risk management in vulnerable sectors.

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[21] Immediate focus of must be on public procurement issues related to COVID-19 procurement, the security sector/criminal justice system and a clean-up campaign at SOEs to root out corruption.

5.5 STAKEHOLDERS AND ROLE PLAYERS

All constituents in South African society are counted upon to respond positively to the national call for action made in this strategy so that this war on corruption can be ultimately won through a collective effort. Key stakeholders and role players called upon to form a powerful coalition to achieve this goal across all sectors of society include but are not limited to:

Figure 3: Main categories of stakeholders

| Public / Government Sector	Parliament, The Executive and the Judiciary Institutions protecting constitutional democracy All levels of Government and Organs of State - National, Provincial, Local, Traditional Leaders Oversight and Regulatory bodies Public Service National Treasury Law-enforcement State-Owned Entities
Business Sector	All registered companies Informal business sector Umbrella bodies and business forums
Society / Citizenry	Labour organisations and unions Individuals/ Citizens/ The Public Political Parties and Politicians Academic Institutions and Think Tanks The Media Sport bodies Civil Society Organisations - Community based organisations, Faith-based Organisations, Advocacy Groups, Youth Groups

For the purpose of the implementation of the National Anti-Corruption Strategy the following contextual understanding applies to the following terms relating to stakeholders and role players:

(a) Business sector refers to private-sector firms that have an objective to generate profit, both in the formal and informal economic sectors, as well as their employees, management and members of the boards, and related organised business, collective bodies or business interest forums.

(b) Citizens refer to all members of the South African public.

(c) Civil society includes all non-governmental organisations, community-based organisations, religious bodies, youth bodies, social movements, sports bodies, advocacy groups, the media, academia, professional associations, political parties, labour movements, unions or other organised labour bodies, and non-profit organisations.

(d) Government or public sector includes employees and elected and nominated officials in all three spheres of government as well as state-owned and state-controlled entities.

(e) Local government refers to municipalities and includes employees of local municipalities, local government agencies and councillors.

(f) Public service refers to employees of national and provincial departments and entities as defined in the Public Service Act No. 103 of 1994.

(g) Employees of any organ of state as defined in Section 239 of the Constitution of the Republic of South Africa, 1996.

Figure 4: High-level stakeholder map

During the implementation phase numerous programmes/activities will require a more detailed level of mapping of stakeholders.
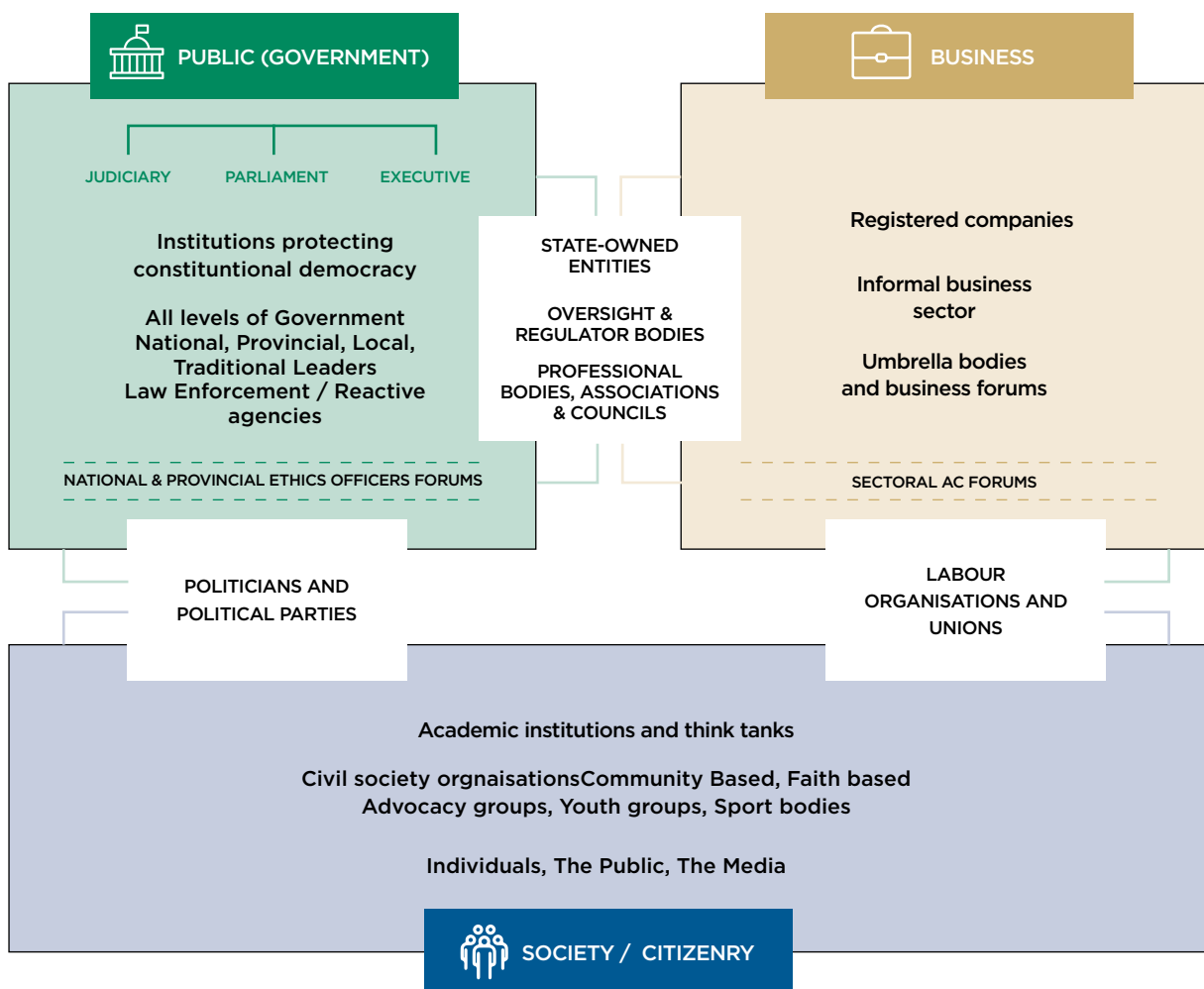
5.6 ROLES AND RESPONSIBILITIES OF THE ROLE PLAYERS

A multi-stakeholder approach is envisaged to fight corruption in every sphere of society. It is expected that government, the private sector and CSOs implement the following actions to prevent and reduce corrupt activities.

Table 2: Key roles for various role players aligned to the NACS objectives

Strategic Objective	Government	Business	Civil Society Organisations	State Institutions Supporting Democracy
Ethical Leaderhship	Strengthen legislation and capacitate/ resource anti-corruption mechanisms	Promote ethical leadership	Implement information-sharing programmes	Improve cooperation amongst state institutions supporting constitutional democracy and oversight
Transparent and accountable governance systems	Promote transparency in government, including procurement	Establish sound governance principles and adhere to these as promoted by the King IV code	Hold Government and the Private sector accountable for acts of corruption	Raise awareness about the impact of corruption

Support and protect human rights defenders that are champions of transparency, accountability and anti-corruption activities |
| | Provide the public with information that empowers them to hold government accountable and to exercise their rights | Refrain from corrupt practices, including tender-rigging and report knowledge of corrupt practices to the relevant authorities | Promote transperancy within their organisations, including disclosure of funding sources | |

Strategic Objective	Government	Business	Civil Society Organisations	State Institutions Supporting Democracy
	Publicise registers of corruption offenders, i.e PRECCA, Register for Tender Defaulters, Database of Restricted Suppliers, Convicted Public Officials	Financial institutions demand beneficial ownership declerations		Raise awareness about the impact of corruption Support and protect human rights defenders that are champions of transparency, accountability and anti-corruption activities
Professional & skilled employees	Develop the skills and knowledge of employees to ensure professionalism and ethical public service	Promote ethical business dealings between business, clients and service providers and;	Implement skills development programmes, where necessary with the public	
Culture of reporting and whistleblowing	Protection and support for whistleblowers, including legal aid/ financial insentives	Have policies in place to encourage whistleblowing, protect whistleblowers and possibly insentivise whistleblowing	Promote internal whistleblowing by having appropriate policies and processes in place to protect and support whistleblowers	
Protected vulnerable sectors	Collaboration through sectoral forums			
Strong anti-corruption agencies	Consequence management for non-compliance in all sectors			

6. INSTITUTIONAL ARRANGEMENTS FOR IMPLEMENTATION OF THE NACS

This section provides information on the following:
- South Africa's approaches to fighting corruption.
- Guiding documents and best practice when designing anti-corruption bodies and agencies.
- An interim or transitional mechanism.
- Proposed ideas for a long-term institutional arrangement.

6.1 ANTI-CORRUPTION APPROACH

Since the early 2000s, in its efforts to counter the impact of corruption on the state and society, the South African Government adopted a multi-agency approach and collaborative system, consisting of both statutory and non-statutory structures and institutions.

Within this approach the following was established:

2001: The multi-sectoral National Anti-Corruption Forum (NACF) comprised of government, business and civil society sectors to discuss the challenges of corruption, to share information and best practice on anti-corruption work, to assist sectors to improve sectoral anti-corruption strategies and coordinate their respective national strategies, as well as to advise government on national policy initiatives in implementing anti-corruption strategies. This was not a permanent structure and only met periodically on an annual/bi-annual basis.

2010: The multi-agency Anti-Corruption Task Team (ACTT), comprised of various law-enforcement agencies was established to fast track high-priority investigations and prosecutions on corruption-related matters.

The NACF has been inactive since 2012 and a significant challenge has been the absence of a functioning multi-sectoral mechanism as it hampered the coordination of anti-corruption efforts between the government, business and civil society sectors. During the development of the NACS all parties concurred that multi-sectoral collaboration is still required. Many stakeholders indicated that the NACF should be transformed to address the operational challenges experience before or be replaced by a suitable formal structure to ensure that all sectors can fully contribute to the implementation of the NACS.

The ACTT has not been functioning optimally due to a number the challenges including being impacted by some elements of state capture. This was in part due to a broadened scope from 2014 that removed the focus from law enforcement to several more strategic and preventative activities which detracted attention and resources of already constrained agencies from the core law-enforcement focus on prioritised matters. An introspective assessment of these challenges was done in 2019 and presented to the Justice Crime Prevention and Security Cluster, and the ACTT is subsequently in the process of reviewing its operational functioning and structure. Its repurposing will also be informed by the key pillars of this strategy.

South Africa is now on the verge of a new phase in its efforts to fight corruption as the implementation phase of the National Anti-Corruption Strategy (NACS) will commence during 2020/21. Through-out the consultative process it was strongly recommended by participants, including various legal and academic experts, that in order to successfully prevent and combat corruption in South Africa an integrated long-term structural solution, whether single or multi-agency, must form the fulcrum of such a strategy.

The effective implementation of the NACS requires the establishment of an overarching body that will be responsible for providing oversight, strategic guidance and decision-making to monitor the strategy roll-out, and to drive its linked programmes and projects such as those aimed at prevention and public awareness.

6.2 GUIDING DOCUMENTS AND BEST PRACTICE

The following documents, best practice and recommendations guide the development of proposals for implementation mechanisms and arrangements for the NACS. It also provides detail on key principles and considerations when designing and setting up anti-corruption bodies:

6.2.1 THE NATIONAL DEVELOPMENT PLAN

The National Development Plan Vision 2030 promotes a multi-sectoral collaboration between all sections of society and effective leadership by government on matters affecting the country and its people. The NDP also set the new direction for the country towards the establishment of a resilient anti-corruption system. In 2014 government, through the Anti-Corruption Inter-Ministerial Committee announced the whole-of-government and societal approach to combating corruption and ensuring a resilient anti-corruption framework, premised on the National Development Plan.

6.2.2 INTERNATIONAL BEST PRACTICE

The following international best practice should inform and guide the content of the structural proposal:
(a) Article 6 of UNCAC directs that a country should establish an anti-corruption body with the following attributes: a) independence, b) free from undue influence, c) enabled to carry out its function effectively, d) with the necessary material resources, e) specialised staff, and f) provide training of staff.
(b) In the document entitled 'United Nations Convention against Corruption National Anti-Corruption Strategies: A Practical Guide for Development and Implementation' the section on 'Ensuring effective implementation' acknowledges that the best ideas on how to coordinate the implementation of national anti-corruption strategy will depend on a variety of country specific factors.

The following is suggested to ensure the effective implementation of such a strategy:
•   Put a single high-level entity in charge of coordination and implementation of anti-corruption measures.
•   Provide the coordination and implementation body with sufficient authority. The body's structure should support its mandate and authority.
•   Foster cooperation between the coordination body and the implementing agencies.
•   Harness the power of reputation through regular progress reporting and communication.
•   Have each agency agree to an implementation, monitoring and evaluation schedule.
•   Do not underestimate the challenges of coordinating implementation.

6.2.3 REPORT BY THE ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT

A report by the Organisation for Economic Cooperation and Development emphasises that it is crucial that an anti-corruption body should have a clear legal basis governing the following:

- Mandate
- Institutional placement
- Functions
- Jurisdiction
- Powers and responsibilities
- Relationship with other institutions
- Accountability and reporting
- Appointment and removal of head / director
- Internal structure
- Internal operational matters, e.g. administrative measures, reporting.
- Budget
- Personnel-related matters
- Special provisions, e.g. code of conduct.

6.2.4 UNITED NATIONS OFFICE ON DRUGS AND CRIME ANTI-CORRUPTION TOOLKIT[22]

The United Nations Office on Drugs and Crime Anti-Corruption Toolkit was released in 2004, and contains numerous tools and case studies to inform countries on the development of anti-corruption measures. Chapter III is specifically devoted to institution building.

6.3 DOMESTIC COMMISSIONS, COURT RULINGS AND LEGAL PRECEDENTS

The following are key judicial proceedings that provide direction on the provisions for structural arrangements for anti-corruption agencies.

6.3.1 THE KHAMPEPE COMMISSION[23]

The Directorate of Special Operations (DSO) was established in 1999 as a specialised unit of the NPA with the dual responsibility of investigating and prosecuting national priority crimes. Its main focus was high-level corruption and organised crime. Around 2005 questions were asked about its mandate and the strained relationship between the DSO and the SAPS. This Commission of Inquiry examined the mandate and location of the DSO. The Commission's final report contains findings and recommendations on eleven key issues namely: the rationale for the establishment; legislative mandate; systems for management and control; systems for communication, oversight and accountability in respect of intelligence and related operations of the DSO; constitutional and legislative mandates of the SAPS; systems for coordination and cooperation between the SAPS, intelligence agencies and the DSO; the effectiveness and efficiency of coordination of intelligence; the efficacy of coordinating systems that exist between the intelligence agencies; training or further training on policing or investigating methods; and the impact of locating investigators and prosecutors within the NPA. These findings are still relevant as considerations during the current re-evaluation of the location and functioning of South Africa's anti-corruption agencies.

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[22] https://www.unodc.org/documents/treaties/corruption/toolkit/toolkitv5_foreword.pdf
[23] Commission of Inquiry into the mandate and location of the Directorate of Special Operations ('the DSO') chaired by Justice S. Khampepe in 2006.

6.3.2 THE GLENISTER CASES[24]

In the Glenister cases the Constitutional Court laid down the principles governing the independence that is required for the DPCI as an anti-corruption agency located within the SAPS.

- The Court found that the question is not whether the DPCI has full independence, but whether it has an adequate level of structural and operational autonomy, secured through institutional and legal mechanisms, to prevent undue political interference. The Court held that the DPCI is provided with adequate independence to deter the exertion of inappropriate influence by:
  - financial autonomy;
  - the manner in which its head is appointed and its structural and operational autonomy;
  - involving the NPA and the NDPP in its investigations;
  - parliamentary oversight; and
  - judicial oversight to deal with complaints of undue influence.
- The Court also cited the OECD report mentioned above, and identified five characteristics or criteria for best practice for a state entity maintained for the purpose of combating corruption these criteria are: specialisation, training, independence, resources and security of tenure of staff (STIRS).

6.4 THE PROPOSAL FOR INSTITUTIONAL ARRANGEMENTS

It is proposed that the National Anti-Corruption Strategy is championed by the President supported by the social compact already established through the National Economic Development and Labour Council (NEDLAC).

To ensure effective streamlining of all anti-corruption activities in the country and to resolve the structural challenges highlighted in the diagnostic report and through consultations, the National Anti-Corruption Strategy proposes the following arrangements should be implemented in two phases:

Phase 1: The initial transitional strategy implementation, including research, conceptual development and drafting of a proposal to Cabinet for the establishment of the overarching body will be executed by an interim multi-sectoral advisory body, called the National Anti-Corruption Advisory Council (NACAC). This body will conduct its work through engagements with relevant inter-ministerial committees, clusters and social partners. NACS proposes that the NACAC be established by the President and should be operational for a maximum period of two years or be disbanded as soon as the permanent body is established.

Phase 2: Establishment of an independent overarching statutory/constitutionally entrenched state body that will report to Parliament, and is premised on an integrated, multi-dimensional operational model with cross-sectoral collaboration, in line with the country's whole-of-government and societal approach' to combating corruption. It should be given an appropriate name informed by the proposals of the Interim NACAC and final decisions by relevant authorities. It is envisaged that this permanent body will, among other things, drive the long-term roll-out of the strategy and all its related programmes. Suggested considerations for this development of a proposal and enabling statute for this body are reflected in Appendix H. Many stakeholders expressed a high sense of urgency to have the permanent body established based on a comprehensive legal framework as soon as possible.

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[24] The three judgments are: a) Glenister v President of the Republic of South Africa and Others (CCT 41/08) [2008] ZACC 19; 2009 (1) SA 287 (CC); 2009 (2) BCLR 136 (CC) (22 October 2008), b) Glenister v President of the Republic of South Africa and Others (Glenister I) (CCT 48/10) [2011] ZACC 6; 2011 (3) SA 347 (CC); 2011 (7) BCLR 651 (CC) (17 March 2011) and c) Helen Suzman Foundation v President of the Republic of South Africa and Others; Glenister v President of the Republic of South Africa and Others (CCT 07/14, CCT 09/14) [2014] ZACC 32; 2015 (1) BCLR 1 (CC); 2015 (2) SA 1 (CC) (27 November 2014).

Immediate interventions optimising existing legal departmental mandates are required to streamline urgent reactive operational responses, specifically in relation to the issues emanating from the State of National Disaster related to the global COVID-19 pandemic. It is proposed that in parallel and as an ongoing process, the law enforcement agencies, the JCPS Cluster and other stakeholders should map and streamline these urgent operational responses.

- Immediate focus must be on public procurement issues related to COVID-19 procurement, the security sector/criminal justice system and a clean-up campaign at SOEs to root out corruption. To support this, the work of the IMC on COVID-19 related corruption and the operational interventions by the ACTT and its Fusion Centre are some of the initiatives that can be strengthened.
- As envisioned in Pillar 6, specific collective multi-stakeholder interventions, projects or investigations must be launched to fight corruption in the sectors already negatively affected by grand-scale corruption and/or those most vulnerable to exploitation due to the global pandemic.
- The NEDLAC processes on the development and implementation of the national Economic Recovery Plan can be leveraged to reach agreements among social partners in terms of adopting specific collaborative projects to jointly fight corruption in all sectors of society.

Until clarity has been obtained on the long-term institutional architecture, all existing law enforcement institutions, will continue with their legally mandated work. The Anti-Corruption Task Team (ACTT) or its replacement structure, should continue to coordinate operational matters related to investigations, prosecutions and criminal and civil recovery of assets.

6.5 RECOMMENDED INTERIM ARRANGEMENTS: NATIONAL ANTI-CORRUPTION ADVISORY COUNCIL (NACAC)

It will take some time, possibly up to two years, before a permanent body will be in place, with the required legislation passed, and appointments and budgets finalised. Therefore, there is a need for an interim multi-sectoral body to oversee the initial or transitional implementation of the NACS, to guide the development of appropriate long-term implementation measures or mechanisms, and to the drive the process for the establishment of new structures for the country.

It is proposed that a National Anti-Corruption Advisory Council (NACAC) be appointed to oversee the initial implementation and the transition from the current status quo towards more permanent institutional arrangements for the country and all role players.

The following are proposals on key aspects of the composition and functioning of the Advisory Council

Table 3: Proposed Functions of the National Anti-Corruption Advisory Council (NACAC)

Aspect	Description
Mandate and Functions	The main functions of the interim body are to: • Oversee the initial transitional implementation of the NACS. • Conceptualise and draft legislative proposals for the establishment of the permanent overarching body. • Engage in public consultations and advocacy around the NACS. • Engage with all stakeholders in line with the whole-of-society approach. • Liaise with existing anti-corruption structures, including referrals of cases/complaints. • Act as an interim interface for the coordination of anti-corruption initiatives with existing anti-corruption operational structures. • Arrange and facilitate an anti-corruption summit.
Composition	• The NACAC should be comprised of senior representatives from government, civil society and business, and will be appointed by the President. • The NACAC should consist of between seven (7) and ten (10) members. • The NACAC must be supported by a full-time dedicated secretariat to facilitate any practical arrangements, to consolidate and record its work and reports, and to ensure that it can deliver on its mandate.
Founding Documents	The NACAC and its Secretariat should be established by Presidential proclamation, or a letter of appointment by the President, or a designated Minister.
Accountability and Reporting	• It is recommended that the NACAC should report to the President and its reports tabled in Parliament. • A transitional interactive strategic relationship will have to be maintained with the Anti-Corruption Task Team (ACTT) and all law enforcement agencies. Similarly, the work of the NACS steering committee and NACS reference group should be incorporated into the interim advisory body.
Term of office	It is proposed that the NACAC should exist and function for a maximum of two (2) years, or until the overarching body is established and operational.
Budget and resourcing	As the NACS Advisory Council will exist for a maximum of two years, this structure can explore the use of funds from the Criminal Asset Recovery Accounts.

6.6 SUGGESTED LONG-TERM ARRANGEMENTS

The effective implementation of the National Anti-Corruption Strategy requires commitment from all stakeholders to establish an independent statutory, constitutionally entrenched state body that will report to Parliament. This overarching body will drive strategy roll-out and coordinate all the anti-corruption activities in the country. It is premised on an integrated operational model with cross-sectoral collaboration, in line with the country's whole-of-government and societal approach to combating corruption.

A key component of the work of interim body, the NACAC, will be the research, conceptual development and drafting of a proposal for the establishment of long-term institutional arrangements. Best practice, including key principles for the development of anti-corruption bodies, are clearly articulated in guiding documents supporting relevant international commitments. Some crucial considerations for the development of a proposal and an enabling statute for this body, as expressed during the public consultations and expert engagements are reflected in Appendix H.

7. TIMEFRAMES FOR IMPLEMENTATION

The timeframes proposed for the implementation of key programmes of action in the Implementation Plan, which extends from the date of strategy approval to March 2030, are outlined in the following four phases:

Table 4: Timeframes for Implementation

Timeframe	Description
Immediate Term	Serves as a preparatory period from strategy approval up to 31 March 2021, in which key prerequisite activities that include but are not limited to planning, structuring of the overarching body, resourcing, capacity-building and forging strategic partnerships, are executed by all responsible parties to ensure that the anti-corruption landscape is well-equipped for the optimal execution and impact of the Implementation Plan.
Short Term	Refers to the period from 1 April 2021 to 31 March 2023, in which key programmes of action that serve as a foundation for the achievement of all strategic pillars are carried out.
Medium Term	Refers to the period from 1 April 2023 to 31 March 2025, in which key programmes of action are planned for in each year of this term.
Long Term	Refers to the period from 1 April 2025 to 31 March 2030, in which key programmes of action are planned for until expiry of the current NDP 2030.

8. REVIEW AND REPORTING OF THE NATIONAL ANTI-CORRUPTION STRATEGY (NACS)

8.1 KEY ATTRIBUTES OF THE REVIEW AND REPORTING PROCESSES

The regular review and reporting processes of a national strategy of this magnitude and its implementation imperatives are integral to ensuring that the NACS is continuously characterised by the following key attributes:

(a) Currency and relevance as it steers a dynamic and change-oriented process towards the achievement of national anti-corruption goals.

(b) Responsiveness to both domestic and global challenges and developments in the fight against corruption.

(c) The influence of key stakeholders and role players who monitor progress vigilantly and may propose new solutions and/or revisions to be made to further improve collective anti-corruption efforts.

(d) Ongoing and robust discourse amongst all key stakeholders and role players, across all sectors, who continually identify and assess new developments that have a bearing on the programmes of action in this strategy.

(e) An iterative, self-reflective and critical disposition by the custodians of this strategy, who ensure that this roadmap in the anti-corruption drive is a living document open to critique, interrogation and renewal.

(f) The NACS encompasses a monitoring, evaluation and reporting framework that is geared towards ongoing benchmarking, learning and adaptation in order to enable performance outcomes to yield the desired results.

8.2 REVIEW OF THE NATIONAL ANTI-CORRUPTION STRATEGY

The review of this strategy, which encompasses its supporting implementation plan, will be undertaken under the auspices of the overarching body as follows:

(a) The NACS will be subjected to a comprehensive multi-stakeholder review at five-year intervals, from the date of commencement, or as and when the need arises, and such need shall be determined by the overarching body.

(b) The review will be the result of ongoing monitoring and the periodic evaluation of the strategy, as outlined in the monitoring, evaluation and reporting framework.

(c) At the operational level, the implementation plan will be reviewed on an annual basis and revised, where necessary. All revisions will be timeously executed to ensure that new and/or revised programmes of action commence at the start of each new year in the phased-in timeframes in the implementation plan.

(d) Both the annual and five-yearly review processes of the implementation plan and the strategy, respectively, are executed by all stakeholders in a spirit of partnership, collaboration and transparency that underpins the national anti-corruption drive.

8.3 REPORTING ON THE NATIONAL ANTI-CORRUPTION STRATEGY

Regular reporting on the implementation process and on the findings of monitoring and evaluation exercises is essential to ensure that such a national strategy is achieving its desired outcomes. Performance reporting will be conducted on the following three levels, which are detailed in the monitoring, evaluation and reporting framework:

• Internal reporting to the leadership teams within organisations in all sectors.
• Reporting to Parliament of the Republic of South Africa and specialised structures, relevant clusters, Cabinet .
• Public reporting, as part of an overall communication plan aimed at strengthening public support and engagement in anti-corruption programmes.

Performance reporting on the collective anti-corruption initiatives in all sectors of society, at periodic intervals, in an open and transparent manner, enables citizens to hold political leadership in government and leaders in the private and civil society sectors accountable for the desired strategy results. It further affords citizens opportunities for sharing their experiences related to corruption and their appraisal of anti-corruption efforts through platforms such as Parliamentary hearings, the media, community forums, public engagement sessions and/or participatory anti-corruption campaigns.

APPENDICES

APPENDIX A: LIST OF TABLES AND FIGURES

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APPENDIX B: LIST OF ABBREVIATIONS AND ACRONYMS

ACIMC	Anti-Corruption Inter-Ministerial Committee
ACTT	Anti-Corruption Task Team
AFU	Asset Forfeiture Unit
AGSA	Auditor-General of South Africa
AU	African Union
COGTA	Cooperative Governance and Traditional Affairs
CSO	Civil Society Organisation
DBE	Department of Basic Education
DIRCO	Department of International Relations and Cooperation
DoJCD	Department of Justice and Constitutional Development
DMS	Data Management System
DPME	Department of Planning, Monitoring and Evaluation
DPCI	Directorate for Priority Crime Investigation
DPSA	Department of Public Service and Administration
DTI	Department of Trade and Industry
FIC	Financial Intelligence Centre
GCIS	Government Communication and Information System
ID	Investigating Directorate established by Presidential Proclamation No. 20 of 2019
IEC	Independent Electoral Commission
IMC	Inter-Ministerial Committee
IPID	Independent Police Investigative Directorate
JCPS	Justice Crime Prevention and Security Cluster
JSC	Judicial Service Commission
M&E	Monitoring and Evaluation
MFMA	Municipal Finance Management Act
MTSF	Medium-Term Strategic Framework

NACAC	National Anti-Corruption Advisory Council
NACF	National Anti-Corruption Forum
NACS	National Anti-Corruption Strategy
NAP	National Anti-Corruption Plan
NDP	National Development Plan 2030
NGO	Non-governmental organisation
NPA	National Prosecuting Authority
NSG	National School of Government
NT	National Treasury
OCPO	Office of the Chief Procurement Officer
OECD	Organisation for Economic Cooperation and Development
PAEIDTAU	Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PAMA	Public Administration Management Act
PARI	Public Affairs Research Institute
PDA	Protected Disclosures Act
PFMA	Public Finance Management Act
POA	Programme of Action
POPI	Protection of Personal Information Act
PRECCA	Prevention and Combating of Corrupt Activities Act
PP	Public Protector
SADC	Southern African Development Community
SALGA	South African Local Government Association
SAPS	South African Police Service
SARS	South African Revenue Service
SCCU	Specialised Commercial Crimes Unit
SCOPA	Standing Committee on Public Accounts
SCM	Supply Chain Management
SIU	Special Investigating Unit
SMMEs	Small, medium and micro-enterprises
SOE	State-Owned Entities
SSA	State Security Agency
UN	United Nations
UNCAC	United Nations Convention against Corruption

APPENDIX C: GLOSSARY OF TERMS

The following key words have been used. These are not necessarily legal definitions.

Accountability is understood as the acknowledgment and assumption of responsibility for actions and decisions, and being answerable to a person or group of people or an institution, such as a government being answerable to citizens, a firm being answerable to a regulator, a non-governmental organisation being answerable to donors.

Business sector refers to private-sector firms that have the objective to generate profit, both in the formal and informal economic sectors, as well as their employees and members of the Board, as well as related organised business, collective bodies or business interest forums.

Citizens, in the context of this Strategy, refer to all members of the South African public.

Civil society includes all non-governmental organisations, community-based organisations, religious bodies, youth bodies, sports organisations, social movements, advocacy groups, the media, academia, professional associations, political parties, labour movements, unions or other organised labour bodies, and non-profit organisations.

Collusion is a non-competitive, secret, unethical and/or illegal agreement between parties, who are generally rivals but choose to cooperate and conspire to deceive others by gaining an unfair market advantage.

Conflict of interest means any financial or other private interest or undertaking that can directly or indirectly compromise the performance of a public servant's duties, or the reputation of a public servant's department in its relationship with its stakeholders. This applies equally to the private sector and CSOs.

Corruption: According to South Africa's Prevention and Combating of Corrupt Activities Act (PRECCA), No. 12 of 2004, corruption occurs when any person directly or indirectly accepts or offers or agrees to offer or accept any form of gratification, i.e. not necessarily monetary, that will either benefit themselves or another person. In terms of this legislation, corruption is defined as acts that involve an improper/ corrupt exchange between two or more parties. For the purposes of this document, the definition of corruption includes the acts defined as corrupt under the PRECCA, and is broadened to include the concept of 'abuse of entrusted power or authority for private gain' that does not have to involve more than one party, for example, theft of public monies where there is only one witting party to this theft.

Culture in an organisational setting refers to 'the way in which members of an organisation relate to each other, their work and the outside world in comparison to other organisations'.[25]   Put simply, it is described as 'the way we do things around here, even when no one is watching'.[26]

Ethical leadership is leadership that is directed by respect for ethical beliefs and values and for the dignity and rights of others. It is thus related to concepts such as trust, honesty, consideration, probity and fairness.

Ethics is broadly defined as standards of right and wrong that prescribe the rights, obligations and

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[25] Hofstede Insights. 'Organisational Culture' (no date) available at https://www.hofstede-insights.com/models/organisational-culture/ (Accessed: 8 June 2020).

[26] Van Vuuren, L. 'Ethics Thought pieces: Who are the most important role players in building an ethical organisational culture?' (no date) available at https://www.tei.org.za/index.php/resources/articles/business-ethics/6835-who-are-the-most-important-role-players-in-building-an-ethical-organisational-culture (Accessed: 8 June 2020).

benefits to society. Ethics is about how people ought to live, treat others, run or manage our lives and organisations.[27]

Fraud is deception that involves a material misrepresentation of fact that is false and made intentionally or recklessly to a victim, which the victim believes and that then induces the victim to act to his or her own detriment.[28]

Governance refers to the process of how decisions are made and implemented or fail to be implemented. It is the process through which organisations are effectively managed and held accountable.

Government or public sector includes employees and elected and nominated officials in all three spheres of government as well as state-owned and state-controlled entities.

Integrity means steadfast adherence to a strict moral or ethical code, policy or legal instruments and preceding codes.[29]

Local government refers to municipalities and includes employees of local municipalities, local government agencies and councillors.

Nepotism is the abuse of the power to control appointments to office or the right to privileges and is used in this context as synonymous with cronyism, favouritism and preferential treatment.

Organ of state means (a) any department of state or administration in the national, provincial or local sphere of government; or (b) any other functionary or institution (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer.

Oversight implies adequate regulatory supervision.

Professionalisation refers to the skills set, knowledge, expertise and behavioural attributes of employees, acquired through work experience, academic and/or vocational education and training and/or through the recognition of prior learning that enables them to meet their inherent job requirements and execute their functions in accordance with the standards/protocols of their respective professional associations, where applicable. A professionalised public sector is one in which employees see their commitment first and foremost to the citizens of the country, according to the values and requirements of the Constitution of the Republic of South Africa and to implementing policies/services/products in the interest of social and economic transformation, and not to private or party interests where these deviate from formal policy.

Public administration refers to the structures and processes of implementating government policies.

Public service refers to employees of national and provincial departments and entities as defined in the Public Service Act No. 103 of 1994.

Risk 'is the effect of uncertainty on objectives.' [30]

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[27] Department of Public Service and Administration (DPSA). Public Sector Integrity Management Framework (2011)
[28] Adapted from Albrecht, WS; Albrecht, CC; Albrecht, CO & Zimbelman, MF. Fraud Examination (2012) 7.
[29] DPSA. Public Sector Integrity Management Framework (2011) 3.
[30] The Ethics Institute. Ethics Risk Handbook (2016) 10.

Risk Management 'is the process of planning, organising, directing, and controlling resources and operations to achieve given objectives, despite the uncertainty of events.'[31]

State capture as expressed in the Public Protector's "State of Capture Report", No 6 of 2016/17 refers to alleged improper and unethical conduct by senior state functionaries relating to alleged improper relationships and involvement of private individuals in the removal and appointment of ministers and directors of state-owned entities (SOEs) resulting in the improper and possibly corrupt awarding of state contracts and benefits to private businesses. It is generally defined as a type of systemic political corruption in which private interests significantly influence a state's decision-making processes to their own advantage. It is applied to situations where small corrupt groups used their influence over government officials to appropriate government decision-making in order to strengthen their own economic positions.[32] The detrimental impact can include the shaping of legislation, the appointment of public officials and influencing who benefits from government-allocated contracts.

Transparency refers to an organisation or individuals operating and providing information in such a way that it is easy for others to see what actions are performed and to enable relevant groups of people to hold the organisation/sector/leaders accountable for their actions, including whether due process has been followed.

Vulnerable sector or high-risk sector refers to an area, sector and/or institution with a high risk or specific vulnerability to the manifestation of corrupt practices or activities. This extends to business/ private industries or sectors (e.g. mining or construction), or institutions inclusive of organs of state (e.g. departments, institutions, state-owned entities or municipalities) or large-scale projects (e.g. infrastructure development) at risk of being targeted by actors or facilitators, both domestic or foreign, of corrupt practices, or that can be at risk due to their position or involvement in procurement or decision-making processes (e.g. regulatory or compliance monitoring functions, procurement, investigative, judicial) and/or that can place the development of the country or functioning of government systems at risk or make it vulnerable to exploitation.

Whistleblowing refers to someone who exposes illegal, unethical or dangerous activities they become aware of either to their employer, a regulatory body, a government official, the police or the media.[33]

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[31] The Ethics Institute. Ethics Risk Handbook (2016) 11.
[32] available at https://en.wikipedia.org/wiki/State_capture (Accessed: 5 June 2020).
[33] Adapted from Corruption Watch. The Whistle-blower's Handbook (no date) 1.

APPENDIX D: LIST OF RELEVANT EXISTING POLICIES, STRATEGIES AND GUIDELINES

Year(s) Issued & Revised	Document name(s)	Notes	Policy or Process Owner
1996	National Crime Prevention Strategy, 1996	The National Crime Prevention Strategy (NCPS) is a long-term programme aimed at creating conditions in which the opportunities and motivation for crime will be reduced, as well as transforming the capacity of the criminal justice system to deal with crime. The National Crime Prevention Strategy is, however, based on an ongoing programme of action which is being implemented by a range of departments. One of the aims of the NCPS is to build crime prevention partnerships between all levels of government and non-government stakeholders. The NCPS has four focus areas: • Integrated justice system project. • Environmental design i.e. reducing opportunities for crime by changing the environment in which it occurs. • Public values and education to addressing the way in which society engages and responds to crime and conflict. • Addressing priority crimes, including corruption.	South African Police Service
1997	Transforming Public Service Delivery White Paper (Batho Pele White Paper), 1997	The Batho Pele programme is directed at citizen-oriented public service and was re-launched in 2004. Abridged Batho Pele Programme, July 2014	Department of Public Service and Administration
2002	Public Service Anti-Corruption Strategy (PSACS), 200	The purpose of the Public Service Anti-Corruption Strategy is to prevent and combat corruption through a multiplicity of supportive actions.	Department of Public Service and Administration
2006, 2016	Local Government Anti-Corruption Strategy (LGACS)	Sets out the strategic objectives to be pursued by the local government sector in combating corruption in South African municipalities.	
2006	Anti-Corruption Capacity Requirements	Guidelines for the Minimum Anti-Corruption Capacity Requirements in departments and organisational components in the Public Service.	Department of Public Service and Administration
1994, 2002, 2009, 2016	King Report on Corporate Governance for South Africa	Guide for ensuring sound corporate governance, ethical business practice and the prevention of corruption in all organisations, but mostly in the private sector. The King Committee on Corporate Governance has already issued four King Reports that provide detailed guidelines for the governance structures and operation of companies in South Africa, setting out what ethical and effective leadership entails. The reports are referred to as: King I (issued in 1994), King II (issued in 2002), King III (issued in 2009) and the most recent revision King IV (issued in 2016).	

Year(s) Issued & Revised	Document name(s)	Notes	Policy or Process Owner
2006	National Anti-Corruption Hotline (NACH) Toolkit, Public Service Commission, 2006	The Toolkit provides guidelines on how cases are received via the NACH and how they should be dealt with by departments. The toolkit aims to: • Promote the effective use of the NACH. • Provide information on how the hotline system functions. • Outline the process of case referrals to departments. • Provide assistance on feedback requirements.	Public Service Commission
2008	Basic Concepts in Monitoring and Evaluation, Public Service Commission, 2008	Contributes to a common and better understanding of the concepts of Monitoring and Evaluation in the Public Service. It further provides for standardisation of these concepts and serves as a tool for improving performance in the Public Service.	Public Service Commission
2012	National Development Plan (NDP)	The National Developemnt Plan was adopted in 2012 as South Africa's long term plan. Implementation of the plan is informed and guided by the Medium-Term Strategic Framework (MTSF) as periodically updated: • MTSF 2014-2019 • MTSF 2020-2024	National Planning Commission
2011	Public Sector Integrity Management Framework (PSIMF)	The framework addressed the following areas: • Establishing ethics infrastructure. • Disclosure of financial interests by employees. • Acceptance of gifts, hospitality and other benefits. • Performance of other remunerative work. • Its intent was included in and it was replaced by the Public Service Regulations, 2016.	Department of Public Service and Administration
2014	Prosecution Policy, National Prosecuting Authority, 2014	The Prosecution Policy is aimed at promoting the considered exercise of authority by prosecutors and contributing to the fair and even-handed administration of the criminal laws.	National Prosecuting Authority
2015	Municipal Integrity Management Framework, 2015	The Municipal Integrity Management Framework sets out the responsibility of municipalities in implementing the Local Government Anti-Corruption Strategy.	
2017 National	National Anti-Corruption Strategy Discussion Document, 2017	Outlines a proposal for a National Anti-Corruption Strategy	

Year(s) Issued & Revised	Document name(s)	Notes	Policy or Process Owner
2017	Draft Guidance on Implementation of New Measures to be Introduced by the Financial Intelligence Centre Amendment Act, 2017		Financial Intelligence Centre
Constitution of the Republic of South Africa, 1996	The Constitution	The Constitution lays the foundation for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law; and it improves the quality of life of all citizens and frees the potential of each person. • Courts are structures mandated in the Constitution and the Bill of Rights which secures the rights of all persons to have a dispute resolved in a fair public hearing, in open court. • The JSC and the NPA are institutions mandated in the Constitution, wherein their independence is entrenched. The prosecution service and the judiciary are in the forefront of the criminal justice system in the fight against corruption.	• Courts • Judicial Services Commission (JSC) • National Prosecuting Authority (NPA) • The Office of the Public Protector (PP) • South African Human Rights Commission (SAHRC), • Auditor-General (AG) • Independent Electoral Commission (IEC) • Public Service Commission (PSC) • National Treasury (NT)
Extradition Act, Act 67 of 1962		Provides for the extradition of persons accused or convicted of certain offences and for other incidental matters.	Cooperation with bodies such as the International Criminal Police Organisation (INTERPOL)

Act / Legislation name	Short name	Purpose and/or relation to preventing/fighting corruption	Entities established or specifically enabled
Income Tax Act, Act 58 of 1962, as regularly amended by the Taxation Laws Amendment Act, Act 34 of 2019 and Tax Administration Laws Amendment Act, Act 33 of 2019 amended by the supported South Africa Revenue Service Act (Act 34 of 1997)		Consolidates the law relating to the taxation of incomes and donations	South Africa Revenue Service (SARS)
Criminal Procedure Act, Act 51 of 1977		The Criminal Procedure Act governs all procedures that relate to criminal proceedings. • Pre-court appearance that includes procedure for investigation, etc. • During court appearance which includes procedure for trial, etc. • Post-court appearance which includes procedure for appeal, etc.	
Public Protector Act No. 23 of 1994, as amended		Provides for the functioning of the Office of the Public Protector	Public Protector (PP)
National Strategic Intelligence Act, Act 39 of 1994, as amended by the General Intelligence Laws Amendment Act, Act 11 of 2013		Defines the functions of members of the national intelligence structures; and establishes a National Intelligence Coordinating Committee and defines its functions in respect of intelligence relating to the security of the Republic.	National Intelligence Services National Intelligence Coordinating Committee
Public Service Act, Act 103 of 1994, as amended by the Public Service Amendment Act, Act 30 of 2007, and its regulations as published since 1999	PSA	Provides for the organisation and administration of the public service, the regulation of the conditions of employment, terms of office, discipline, retirement and discharge of members of the public service, and matters connected therewith. Public Service Regulations, 2016: Chapter 2 contains the Code of Conduct for Public Service employees, regulates the management of financial disclosures and regulates the anti-corruption and ethics functions for departments.	Department of Public Service and Administration (DPSA)
Public Service Commission Act, Act 46 of 1997		Provides for the regulation of the Public Service Commission and for matters connected therewith	Public Service Commission (PSC)

Act / Legislation name	Short name	Purpose and/or relation to preventing/fighting corruption	Entities established or specifically enabled
South African Police Service Act, Act 68 of 1995 as amended	SAPS Act	Provides for the establishment, organisation, regulation and control of the South African Police Service.	South African Police Service (SAPS) Directorate for Priority Crime Investigation (DPCI)
Special Investigating Units and Special Tribunals Act, Act 74 of 1996	SIU Act	Provides for the establishment of Special Investigating Units for the purpose of investigating serious malpractices or maladministration in connection with the administration of state institutions, state assets and public money as well as any conduct which may seriously harm the interests of the public, and for the establishment of special tribunals to adjudicate upon civil matters emanating from investigations by Special Investigating Units.	Special Investigating Unit (SIU) Special Tribunal
International Co-operation in Criminal Matters Act, Act 75 of 1996		Facilitates the provision of evidence and the execution of sentences in criminal cases and the transfer of proceeds of crime between South Africa and foreign states.	Cooperation with bodies such as the International Criminal Police Organisation (INTERPOL)
Executive Members Ethics Act (1998) and Code		Provides for the establishing of a code of ethics for members of the Cabinet, Deputy Ministers and members of provincial executive councils. The Code of Ethics prohibits MECS from: • undertaking any outside paid work; • acting in a way that is inconsistent with their office; • exposing themselves to a situation of conflict between their public and private interests; and • using their position to enrich themselves or act in a manner that compromises the integrity of their office.	
National Prosecuting Authority Act, Act 32 of 1998	NPA Act	Regulates matters incidental to the establishment by the Constitution of the Republic of South Africa, 1996, of a single national prosecuting authority.	National Prosecuting Authority (NPA)

Act / Legislation name	Short name	Purpose and/or relation to preventing/fighting corruption	Entities established or specifically enabled
Prevention of Organised Crime Act, Act 121 of 1998	POCA	• Introduce measures to combat organised crime, money laundering and criminal gang activities. Prohibits certain activities relating to racketeering activities. • Provides for the prohibition of money laundering and for an obligation to report certain information. • Criminalises certain activities associated with gangs. • Provides for the recovery of the proceeds of unlawful activity for the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of unlawful activity. • Establishment of a Criminal Assets Recovery Account; also amends some related Acts.	Asset Forfeiture Unit (AFU)
Competition Act No. 89 of 1998		Provides for the establishment of a Competition Commission responsible for the investigation, control and evaluation of restrictive practices, abuse of dominant position, and mergers; and for the establishment of a Competition Tribunal responsible for adjudicating such matters; and for the establishment of a Competition Appeal Court.	Competition Commission
Witness Protection Act No 112 of 1998		• Provides for the establishment of an office for the protection of witnesses. • Regulates the powers, functions and duties of the Director: Office for Witness Protection. • Provides for temporary protection pending placement under protection, for the placement of witnesses and related persons under protection. • Provides for services related to the protection of witnesses and related persons.	Office for Witness Protection / Witness Protection Unit
Public Finance Management Act, Act 1 of 1999, and Municipal Finance Management Act, Act 56 of 2003 and related Treasury Regulations	PFMA MFMA	• Promotes the objective of good financial management and lays the basis for a more effective corporate governance framework for the public sector at different levels. • Treasury Regulations set and maintain treasury norms and standards to ensure transparency and expenditure control in each sphere of government. • Oversees logistical control of stocks and assets.	
Municipal Systems Act No. 32 of 2000		Provides for the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities and ensure universal access to essential services that are affordable to all.	Municipalities and all municipal entities

Act / Legislation name	Short name	Purpose and/or relation to preventing/fighting corruption	Entities established or specifically enabled
Promotion of Access to Information Act, Act 2 of 2000, as amended	PAIA	Gives effect to Section 32 of the Constitution (access to information) by setting out how anyone can get access to information held by the state and promotion of transparency in government. The Promotion of Access to Information Amendment Act, 2019 (Act 31 of 2019) aims to insert a new Section 52A in the principal act so as to provide for information on the private funding of political parties and independent candidates to be recorded, preserved and made available. Since regulations must be prepared, the amendment act has not yet commenced. See also reference to the Political Party Funding Act, 2018 (Act 6 of 2018), hereunder.	
Promotion of Administrative Justice Act, Act 3 of 2000	PAJA	Ensures that decisions that affect the public are taken in a way that is procedurally fair and gives people the right to request written reasons for decisions should they disagree with a process.	
Preferential Procurement Policy Framework Act, Act 5 of 2000		Gives the Accounting Officer/Authority to restrict the power to restrict a supplier from doing business with the public sector if such a supplier obtained preferences fraudulently or if such supplier failed to perform on a contract based on the specific goals.	
The Protected Disclosures Act, Act 26 of 2000, as amended	PDA	Encourages people, for example, employees and independent contractors, to disclose information about unlawful and irregular behaviour in the workplace and provides protection to employees, workers and independent contractors who report on corrupt activities.	
The Financial Intelligence Centre Act, Act 38 of 2001, as amended	FICA	Sets up a regulatory anti-money-laundering regime intended to break the cycle used by organised criminal groups to benefit from illegitimate profits in order to maintain the integrity of the financial system.	Financial Intelligence Centre (FIC)
Regulation of Interception of Communications and Provision of Communication-Related Information Act (Act 70 of 2002)		Regulate the interception of certain communications, the monitoring of certain signals and radio frequency spectrums and the provision of certain communication-related information; to regulate the making of applications for, and the issuing of, directions authorising the interception of communications and the provision of communication-related information under certain circumstances.	Office for Interception Centres

Act / Legislation name	Short name	Purpose and/or relation to preventing/fighting corruption	Entities established or specifically enabled
Prevention and Combating of Corrupt Activities Act, Act 12 of 2004	PRECCA	The primary anti-corruption legislation that criminalises corruption and creates a range of statutory offences and reporting obligations. The Department is preparing an amendment bill which is aimed at dealing with passive corruption in respect of foreign public officials. The draft bill also aims to extend the offence of unacceptable conduct relating to ordinary witnesses to include whistleblowers and members of the accounting profession and to increase the monetary sanctions provided for in the Act.	
Public Audit Act No. 25 of 2004, as amended and the Public Audit Act Directive 125 of 2015		Gives effect to the provisions of the Constitution establishing and assigning functions to an Auditor-General; to provide for the auditing of institutions in the public sector; and to provide for accountability arrangements of the AuditorGeneral. Amendments aim to foster clean governance in the public sector.	Auditor-General (AG)
Companies Act No. 71 of 2008		Provides for the incorporation, registration, organisation and management of companies, the capitalisation of profit companies, and the registration of offices of foreign companies carrying on business within the Republic; and defines the relationships between companies and their respective shareholders or members and directors. Provides for equitable and efficient amalgamations, mergers and takeovers of companies; efficient rescue of financially distressed companies; and appropriate legal redress for investors and third parties with respect to companies. Establishes a Companies and Intellectual Property Commission and a Takeover Regulation Panel to administer the requirements of the Act with respect to companies, to establish a Companies Tribunal to facilitate alternative dispute resolution and to review decisions of the Commission. Establishes a Financial Reporting Standards Council to advise on requirements for financial record-keeping and reporting by companies	Companies and Intellectual Property Commission (CIPC) Financial Reporting Standards Council
Consumer Protection Act No. 68 of 2008		Among various other aims the act promotes a fair, accessible and sustainable marketplace for consumer products and services and for that purpose to establish national norms and standards relating to consumer protection.	National Consumer Commission

Act / Legislation name	Short name	Purpose and/or relation to preventing/fighting corruption	Entities established or specifically enabled
Protection of Personal Information Act No 4 of 2013		Ensures that all South African institutions (public and private bodies) conduct themselves in a responsible manner when collecting, processing, storing and sharing another entity's personal information by holding them accountable should they abuse or compromise personal information in any way. The Act also provides for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion of Access to Information Act, 2000.	Information Regulator
Public Administration Management Act, Act 11 of 2014	PAMA	Promotes the basic values and principles governing the public administration referred to in section 195(1) of the Constitution; transfer and secondment of employees, regulates conducting business with the state. Provides for capacity development and training; the establishment of the National School of Government; and the use of information and communication technologies (ICT) in the public administration. The establishment of the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit, and the Office of Standards and Compliance.	• Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (PAEIDTAU) • Office of Standards and Compliance
Political Party Funding Act, Act 6 of 2018		Requires political parties to make available information regarding their private funding, as well as regulating the disbursement of public funds to parties represented in the National Assembly and Provincial Legislatures	Political Party Funding Unit within the Independent Electoral Commission (IEC)

Entity and its sub-structures	Key enabling legislation	Notes on mandates, roles and/or functions
Parliament	Constitution of the Republic of South Africa, Act 108 of 1996	Parliament made up of the National Assembly, the National Council of Provinces and its committees, which are, apart from its functions as the legislature, mandated to exercise oversight over government and organs of state. There are various portfolio, select and other committees tasked with executive and government oversight.
Judicial Service Commission (JSC)	Section 178 of the Constitution	Creates an open and transparent process for the appointment of judges, a Code of Conduct and oversight over judicial conduct and accountability of judicial officers through the establishment of a judicial conduct committee and judicial conduct tribunal.
Office of the Public Protector (PP)	Section 182 of the Constitution Public Protector Act, Act 23 of 1994	The PP holds a constitutional mandate to fight maladministration in government. It investigates public complaints about alleged improper or dishonest acts, or omission or maladministration by government agencies and officials.
South African Human Rights Commission (SAHRC),	Section 183 of the Constitution	The main human rights watchdog body in the country, which has an important role in the context of corruption and its impact on the promotion and protection of human rights.
Auditor-General (AG)	Section 188 of the Constitution Public Audit Act No. 25 of 2004	The AG holds the constitutional mandate to audit and report on accounts and the financial management of all government entities. It is the supreme audit institution of South Africa; it exists to strengthen the democracy by enabling oversight, accountability and governance in the public sector, thereby building public confidence. The AG exercises these powers in national, provincial and local spheres of government
Independent Electoral Commission (IEC)	Section 190 of the Constitution	Manage elections of national, provincial and municipal legislative bodies and ensure that those elections are free and fair. Currently has the additional role to ensure transparency in political funding, for which a specific Political Party Funding Unit was established.
Public Service Commission (PSC)	Chapter 10, Section 196 of the Constitution Public Service Commission Act No. 46 of 1997	The PSC holds the mandate to maintain effective and efficient public administration with high ethical standards. Its role is to: • Ensure compliance with the values of Public Administration, and to investigate, monitor and evaluate the organisation and administration of the public service. • Provide oversight of the public service. • Promote excellence in governance, the delivery of quality services, and a high standard of professional ethics.
Information Regulator	Protection of Personal Information Act, Act 4 of 2013 (POPI Act) (Section 39)	• Ensures that all South African institutions conduct themselves in a responsible manner when collecting, processing, storing and sharing of personal information by holding them accountable should they abuse or compromise personal information in any way • Also plays a role in ensuring application of the Promotion of Access to Information Act (PAIA) Act 2 of 2000

Entity and its sub-structures	Key enabling legislation	Notes on mandates, roles and/or functions
Independent Police Investigative Directorate (IPID)	Independent Police Investigative Directorate Act No. 1 of 2011	Investigates allegations of misconduct by police service members.
Office of the Inspector-General of Intelligence	Section 210 of the Constitution National Strategic Intelligence Act No 39 of 1994, as amended by the General Intelligence Laws Amendment Act No 11 of 2013.	Performs civilian oversight of the intelligence services.
Independent Regulatory Board for Auditors (IRBA)		Helps create an ethical financial sector and promote sound practices.

National Prosecuting Authority (NPA) including the following:
• Asset Forfeiture Unit (AFU)
• Specialised Commercial Crimes Unit (SCCU)
• Witness Protection Unit
• Investigative Directorate (ID)
	Section 179 of the Constitution National Prosecuting Authority Act No. 32 of 1998 Prevention of Organised Crime Act No. 121 of 1998, (the enabling legislation for the Asset Forfeiture Unit);	Constitutional mandate to institute criminal proceedings on behalf of the state
		• The National Director of Public Prosecutions determines prosecution policy in consultation with the nine Provincial Directors of Public Prosecutions and may intervene in the prosecution process if policy directives are not complied with and may review decisions to prosecute or not.
		• Special Directors of Public Prosecutions are in charge of units dealing with priority tasks and lead teams of prosecutors and provide guidance to investigators; e.g.
		  • AFU was established to ensure financial recovery of ill-gotten gains.
		  • SCCU focus includes corruption, fraud, cybercrime and money-laundering.

Department of Public Service and Administration (DPSA) • Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (PAEIDTAU) • Office of Standards and Compliance	Public Service Act, Act 103 of 1994, as amended Public Administration Management Act No. 11 of 2014;	• Lead department with regard to coordinating South Africa's commitment on international treaties aimed at combating corruption e.g. UNCAC. • Setting of norms and standards on ethics, integrity and anti-corruption for the public service. • PAEIDTAU provides technical assistance and support to institutions organs of state in all spheres of government regarding the management of ethics, integrity and disciplinary matters relating to misconduct in the public administration; develops the norms and standards on integrity, ethics, conduct and discipline; strengthens government oversight of ethics, integrity and discipline; promotes and enhance good ethics and integrity within the public administration; and reports corruption to the police for investigation.

Entity and its sub-structures	Key enabling legislation	Notes on mandates, roles and/or functions
South African Police Service (SAPS) including the • Directorate for Priority Crime Investigation (DPCI)	Section 205 of the Constitution South African Police Services Act (Act 68 of 1995), as amended	
Special Investigating Unit (SIU) and Special Tribunal	Special Investigating Units and Special Tribunals Act (Act 74 of 1996)	• Statutory mandate to recover public funds siphoned from the fiscus through corruption, fraud and illicit money flows. • Special tribunals differ from ordinary civil proceedings which are adversarial in nature. A special tribunal adopts a more flexible and expeditious approach to legal actions; its proceedings are inquisitorial in nature and characterised by extensive pre-trial investigations. • A special tribunal is chaired by a sitting judge.
Financial Intelligence Centre	The Financial Intelligence Centre Act (FICA) Act 38 of 2001	• Established to combat money laundering activities. • National centre for receiving, analysing and disseminating information on suspected money laundering and terrorist financing.
State Security Agency	National Strategic Intelligence Act No 39 of 1994, as amended by the General Intelligence Laws Amendment Act No 11 of 2013.	Directs its collective attention in pursuit of national security and interests, which include the combating of corruption.
South African Revenue Service (SARS)	South Africa Revenue Service Act (Act 34 of 1997)	SARS was established as an organ of state within the public administration, but as an institution outside the public service (section 2 of SARS Act, 1997). It is mandated to collect all revenue due to the state, to ensure maximum tax compliance and to provide a custom service. In addition, the Act empowers SARS to carry out audits in order to ensure maximum tax compliance.

Entity and its sub-structures	Key enabling legislation	Notes on mandates, roles and/or functions
The National Treasury (NT)	Section 216 of the Constitution	Constitutional mandate to prescribe measures to ensure both transparency and expenditure control in each sphere of government. • Enforce, monitor and assess implementation of the PFMA and MFMA in the public sector. • Authority to investigate any system of financial management and internal control in any sphere of government; it also has authority to intervene by taking appropriate steps, which may include steps in terms of Section 100 of the Constitution or withholding of funds in terms of Section 216 (2) of the Constitution, to address a serious or persistent material breach of the PFMA and MFMA by any State Organisation in the three spheres of government.
Office of Accountant-General in the National Treasury		Mandated to conduct investigation in the public procurement processes in any sphere of government and recommend improvements.

Office of the Chief Procurement Officer (OCPO) in the National Treasury		Total accountability for effective functioning of procurement systems in all spheres of government.
		• Responsible for the following National Treasury registers:
		  • Endorsement of the Register for Tender Defaulters in terms of Section 28 of the PRECCA. The National Treasury is empowered to determine the period of restriction from doing business with the public sector for a period not less than five years and not more than ten years.
		  • Restricted parties in accordance with the Preferential Procurement Policy Framework Act, Act 5 of 2000, the National Treasury further maintains a Register of Restricted Suppliers prohibited from doing business with the public sector.

Competition Commission	Competition Act, Act 89 of 1998, and Consumer Protection Act No. 68 of 2008	Statutory body empowered to investigate, control and evaluate restrictive business practices, abuse of dominant positions and mergers in order to achieve equity and efficiency in the South African economy. Exposing corruption by investigating uncompetitive behaviour in the private sector, including acts such as collusion and price-fixing.

ANTI-CORRUPTION COORDINATING BODIES:

Body	Establishment	Membership	Purpose, Mandate and role
Prevention and Combating of Corruption Inter-Ministerial Committee	The sixth Administration rationalised all the Inter-Ministerial Committees and established the Prevention and Combating of Corruption Inter-Ministerial Committee convened by Minister of Police, which had not yet started its operations during the preparation of the NACS in 2020.		
Anti-Corruption Inter-Ministerial Committee (ACIMC).	2014 by the President	Ministers of: • Justice and Correctional Services • State Security • Police • Cooperative Governance and Traditional Affairs • Public Service and Administration • Finance • Home Affairs • Social Development	• Purpose: Establishing a resilient system as directed by the National Development Plan (NDP) and Medium-Term Strategic Framework (MTSF) to coordinate all anti-corruption responsibilities and structures under the new government administration. • Mandate: Coordinate and oversee the work of state organs aimed at combating corruption in the public and private sectors.

Notes on history and functioning

- The ACIMC was convened and chaired by the Minister for Planning, Monitoring and Evaluation in the Presidency.
- In 2014 Government through the ACIMC also announced the whole-of-government and societal approach' to combating corruption and ensuring a resilient Anti-Corruption framework, premised on the National Development Plan.
- The continuation of the work of a few of the ministerial committees established in 2014, including the ACIMC has been under review.

Body	Establishment	Membership	Purpose, Mandate and role
Anti-Corruption Task Team (ACTT)	2010 by the Justice Crime Prevention and Security (JCPS) Cluster as tasked by the President (Cabinet)	Membership extends beyond the JCPS Cluster' departments and includes: SAPS, (DPCI, Crime Intelligence and Detective Service) NPA including the AFU DoJCD SIU NICOC and SSA FIC SARS National Treasury and DPSA The Presidency (represented by DPME) GCIS CoGTA PSC	• Purpose: a task team to fast track high-priority investigations and prosecutions on corruption-related matters • Mandate is premised on cooperation, integration, accountability and alignment of priorities to ensure the realisation of government's objective to effectively address corruption, in accordance with the relevant policy direction and legislation.
	Notes on history and functioning		

Body	Establishment	Membership	Purpose, Mandate and role
Anti-Corruption Task Team (ACTT)			• The Anti-Corruption Task Team is a collective of government stakeholders tasked with implementing the government's anti-corruption agenda as guided by the ACTT Executive Committee. • In July 2010 the Justice Crime Prevention and Security (JCPS) Cluster was tasked by the President (Cabinet) with the establishment of a task team to fast-track high-priority investigations and prosecutions on corruption-related matters. The multi-agency Anti-Corruption Task Team was subsequently formed in October 2010 to give effect to this tasking through a multi-disciplinary and integrated operational approach based on the mandate of the South African Police Service Directorate for Priority Crime Investigation. • The ACTT is not a statutory body and is not created by specific legislation. • In terms of the JCPS Cluster's Terms of Reference document paragraph 5.1.5, the ACTT is acknowledged as a sub-committee of the JCPS. • In addition to securing convictions, the JCPS also identified the need to associate government's outputs relating to investor perceptions and corruption more closely. The ACTT contributes to and reports on a quarterly basis to the JCPS on achievement of its targets towards the deliverables set out in the Medium-Term Strategic Framework (MTSF). The ACTT does not have its own Annual Performance Plan (APP) or allocated budget, and it is accepted that relevant deliverables are incorporated in the individual departmental APPs in line with their legislated mandates. • At its inception the ACTT was governed by the ACTT Charter and comprised mainly of law-enforcement departments and since 2013 it was managed through an Executive Committee of principals at the level of Directors-General (or their designated representatives). The ACTT Executive Committee meets on a monthly basis and it currently has four (4) functional teams focusing on: case management, high-risk sectors, intelligence coordination, and policy support. • For the first four years of the ACTT's existence with a narrow investigation and prosecution focus, the conceptual operational model towards just monitoring investigations and fast-tracking of prosecution worked relatively well. Conviction rates remained low due to the complexity of cases and the long duration of legal processes. • Since 2014 the ACTT was further guided by and worked under the oversight of the Anti-Corruption Inter-Ministerial Committee (ACIMC). In 2014 the ACIMC expanded and concretised the role of the ACTT as the central body mandated to give effect to government's anti-corruption agenda. The expanded mandate diversified the strategic and operational scope from a primary focus on investigations towards a number of programmes aimed at also improving: inter-sectoral cooperation; government communication and public awareness; intelligence coordination, integrated policy and strategy development; public sector policy and capacity development; and more focused interventions in sectors vulnerable to corruption.

Body	Establishment	Membership	Purpose, Mandate and role

National Anti-Corruption Forum (NACF)	2001 through coalition formed by the government, business and civil society sectors	• Thirty representatives from the public, business and civil society sectors, who participate in equal representation.
		• The Public Service Commission (PSC) served as the secretariat of the NACF.
			• Purpose:
			  • Discuss corruption challenges.
			  • Share information and best practice on anti-corruption work.
			  • Advise government on national policy initiatives in implementing anti-corruption strategies.
			  • Advise the different sectors on improving Sectoral Anti-Corruption Strategies.
			• All sectors coordinate their national strategies in the fight against corruption. This multi-sectoral mechanism provides a space for the coordination of, and improvement of sectoral strategies against corruption.

Notes on history and functioning

Body			
National Anti-Corruption Forum (NACF)	• Recognising that corruption is a phenomenon that affects all sectors of society, the government invited the business sector and civil society to the first National Anti-corruption Summit in 1999. A resolution from this Summit led to the formation of the National Anti-Corruption Forum (NACF) in 2001. • The NACF should meet approximately once every two years. • Although the National Anti-Corruption Forum was initially a very positive development in the anti-corruption landscape, it has not been very active since the fourth National Anti-Corruption Summit in 2011. • The National Development Plan (2012) directs that this inter-sectoral forum needs to be revived, thus its role and functioning must be re-considered in the finalisation of the NACS. There have been efforts in 2016/2017 to revive this structure, both by the Minister of Public Service and Administration, as well as between the DPSA and PSC, but due to the lack of an overarching custodian on government's side, this has not been successful. Challenges with NACF functioning were reviewed in 2017 by three (3) working groups appointed by the Minister of Public Servcice and proposals were made on its reconstitution and for a possible funding model. These proposals were never tabled to the NACF for discussion and subsequently there has been no progress. This is possibly compounded by a lack of alignment between the Ministerial representation on the NACF and Anti-Corruption Inter-Ministerial Committee (ACIMC). • The thinking and posture at the time of the establishment of the NACF (2001) versus the establishment of the ACIMC (2014) were vastly different. This resulted in insufficient policy coherence between the Ministries dealing with corruption strategically and a risk of either duplication of work, or some aspects not being addressed. • The NACF should be completely transformed to meet the requirements of multi-sectoral participation as anticipated in the NACS.		

APPENDIX G: EXTRACT FROM IMPLEMENTATION PLAN (DETAIL PER PILLAR)

Strategic Pillar One: Promote and encourage active citizenry, whistleblowing, integrity and transparency in all spheres of society.

Key envisioned outcomes for Pillar One

1. Active citizenry empowered through advocacy campaigns on anti-corruption, governance matters; and the negative effects of corruption.
2. All stakeholders, across all sectors of society, work together towards a common goal of preventing and combating corruption within their spheres of influence; and people willingly report corruption because they understand the benefits of doing and whistleblowers feel protected and supported.
3. Increased public participation and discourse on ethical conduct and a shift in the national consciousness towards societal reorientation to a values-based way of life evident in communities, workplaces, schools, higher education institutions and other civil society structures.
4. Greater transparency and improved measures for providing access to information in all sectors, in particular about governance, that is, business, CSOs and political parties.
5. Members of the public assist law enforcement agencies and hold individuals and organisations suspected of corrupt activities and unethical behaviour accountable.

	Programme	Proposed Activities
A	Support active citizenry and promote values reorientation initiatives to prevent and combat corruption.	• Develop a national communication plan to encourage values re-orientation in society. • Develop programmes to promote enhanced understanding of citizens' rights. • Implement education campaigns at all schools.
B	Protect and support whistleblowers, and resource the whistleblowing mechanisms.	• Research the feasibility of a central reporting agency / whistleblower agency, and if feasible establish such structure or mechanism. • Create a culture of whistleblowing, strengthen organisational policies and procedures, provide training for human resources officials to support whistleblowers, and for employees to promote it.
C	Improve integrity management and encourage a commitment to ethical behaviour.	• Include ethics and integrity courses in all higher education programmes. • Companies/organisations to commit to fair business practices though corporate integrity pledges. • Ensure an enabling environment for the media in the fight against corruption. • Capacitate ethics and integrity management committees or forums across sectors.
D	Increase and strengthen transparency in all sectors.	• Improve administrative systems to reinforce oversight functions. • Review PAIA and strengthen oversight to improve compliance with PAIA. • Improve availability and quality of data. • Establish mechanisms to provide information on 'Beneficial Ownership'. • Improve transparency in governance through professional guidelines, information campaigns and communication on successes, e.g. arrests/convictions, and the consequences of corruption. • Strengthen compliance with private sector reporting of corruption. • Improve transparency in political party funding.

Strategic Pillar Two: Advance the professionalisation of employees to optimise their contribution to create corruption-free workplaces.

Key envisioned outcomes for Pillar Two

1. Strengthening of the role of the Public Service Commission.
2. Reformed recruitment and appointment regimes for public servants and local government administrators specifically also for senior appointments.
3. Implementation of a comprehensive graduate recruitment programme for key professions for the public service.
4. Strengthening of the role of professional bodies across all sectors to advance the professionalisation of their members by reinforcing strict adherence to the highest standards of ethics and professional integrity in identified sectors, functions, occupations and disciplines that face a high risk of corruption.
5. Public, private and civil society sector partners demonstrate their commitment to collaborate in advancing the professional skills development of employees in key professions and their increased workplace investment in the education, training, development and upskilling of employees, particularly in key professions or vulnerable sectors.
6. In workplaces, across all sectors employees demonstrate values-based work ethos that includes the enactment of Batho Pele principles in public service, and good citizenship values in private business and civil society sectors.

	Programme	Proposed Activities
A	Support professionalisation of the public sector by giving effect to Chapter 13 of NDP	• Reform appointment processes for public officials. • Implement competency assessments for public officials. • Implement graduate recruitment for key professions in the public sector. • Initiate dialogue on the ethical challenges in the political-administrative interface.
B	Enhance the capacity and integrity of the professions central to anti-corruption efforts.	• Specialised training and development for the professions central to anti-corruption. • Develop ethics curricula for the professions. • Improve ethical standards in professional associations. • Build communities of practice. • Support forums that assist professionals facing intimidation for exposing corruption.

	Strategic Pillar Three: Enhance governance, oversight and consequence management in organisations.

Key envisioned outcomes for Pillar Three

1. Enhanced managerial, ethics competency and accountability by those in leadership positions as well as public recognition thereof.
2. Public and private sectors organisations and managers enhance organisational compliance with measures to ensure good corporate governance and support the promotion of ethics and ethical behaviour.
3. Public dialogues on the role of stakeholders in the promotion of integrity, ethics and accountability in challenging environments like labour and traditional leadership.
4. Mechanisms established by the PAMA are resourced and function effectively to ensure improved adherence to the Public Service Regulations, and improved functioning and integrity of the disciplinary process in the public sector.
5. Timeously and effective parallel investigation (non-criminal) of reported incidents of alleged corruption, maladministration and wrongdoing, in compliance with relevant organisational/ labour relations policies and procedures and applicable laws.
6. Establishment and/or maintenance of a central database of persons/public sector officials found guilty of fraud, corruption, other white-collar crimes or collusion, and/or else deemed unsuitable/undesirable for appointment in the public sector to be administered by the DPSA and/or CoGTA. The private sector can employ a similar approach.
7. Transparent public reporting on the findings of the reviews undertaken on the performance of government, businesses and CSOs on their governance, oversight and compliance obligations.
8. Bodies mandated to provide oversight such as Chapter 9 institutions, regulators, and those responsible for oversight in local government are supported, strengthened and adequately resourced.

	Programme	Proposed Activities
A	Enhance ethical leadership across sectors	• Expand director development programmes to enhance good governance and build the ethics competency of board members in private sector and SOEs. • Strengthen ethics frameworks for politicians. • Institute leadership awards for anti-corruption work. • Initiate a public dialogue in rural areas on integrity and accountability relevant to traditional leadership. • Develop mechanisms to enhance accountability and compliance by that Accounting Officers and Accounting Authorities.
B	Strengthen oversight and governance capacity in the public sector.	• Strengthen municipal oversight. • Strengthen Constitutional and other oversight bodies.

	Strategic Pillar Three: Enhance governance, oversight and consequence management in organisations.	
Key envisioned outcomes for Pillar Three		
C	Strengthen ethics and integrity promotion across sector	• Enhance adherence to ethics requirements of the Public Service Regulations and other legislation regulating the conduct of employees of the state and public representatives. • Implement the Local Government Anti-Corruption Strategy and relevant provincial strategies. • Enhance implementation of the King IV Code. • Promote adoption of the international anti-bribery management system standard (ISO 37001). • Link performance management to integrity promotion. • Undertake ethics training in the public sector to promote an enhanced understanding of building and fostering a values-based organisational culture and workplace. • Undertake training and capacity-building in the public sector to promote an enhanced understanding of key legislation relevant to anti-corruption. • Provide holistic employee wellness programmes in the public sector. • Initiate a public dialogue on the role of unions in promoting ethical organisations.
D	Strengthen accountability and programme management in organisations across sectors.	• Resource and strengthen the Public Administration Ethics, Integrity, and Disciplinary Technical Assistance Unit and ensure corresponding resourcing and implementation within departments. • Develop investigative capacity in public-sector organisations. • Improve the integrity of the disciplinary process in the public sector. • Develop an accountability framework for professions. • Develop an anti-corruption compliance culture in private companies and state-owned entities.

Strategic Pillar Four: Improve the integrity and credibility of the public procurement system.

Key envisioned outcomes for Pillar Four

1. Enhanced public procurement data and management systems to ensure improved integration, digitalisation, and transparency of procurement information and data, based on the principles of open governance and open contracting. Updated data on all procurement of services and goods is available and accessible in a user-friendly manner leading to growing public confidence in and scrutiny of the state procurement system.
2. Improved SCM-related legislation, regulations, systems, processes and tendering procedures are in place to identify and effectively address corrupt practices.
3. Appropriate training and professionalisation initiatives implemented to enable those tasked with responsibilities in the procurement process to execute their role with skill and integrity.
4. Systems for monitoring compliance with procurement regulation function effectively, and facilitate appropriate remedial or disciplinary action.
5. Awareness-raising programmes and tools created for private and civil society sectors, and the media on the public procurement system, monitoring of public procurement, use of the appropriate reporting and whistleblowing mechanisms to report suspected acts of corruption and wrongdoing.
6. Whistleblowing relevant to corruption in procurement is incentivised and supported.
7. Improved coordination with law enforcement bodies to ensure consequence management for procurement-related corruption.
8. Information on blacklisted and/or restricted companies and individuals found guilty of fraud/corruption and those that perform poorly in the execution of their contracts with the state is easily accessible and up to date.

	Programme	Proposed Activities
A	Enhance oversight and enforcement in public procurement.	• Strengthen regulatory and enforcement capacity in government to ensure adherence to the relevant legislation, policies and procedures regulating financial conduct and procurement. • Incentivise and support whistleblowing on illegal conduct in the public procurement system. • Enhance business integrity in large procurement contracts, e.g. the introduction of cross-sectoral integrity pacts.
B	Improve transparency and data management in public procurement.	• Establish an integrated, digital financial and procurement management system incorporating the principles of open governance and open contracting. • Develop public education tools to support accountability.
C	Support professionalism in supply chain management (SCM).	• Enhance the professionalisation of occupations within the SCM value chain in state organisations and public entities. • Develop a compulsory training programme for senior management and accounting officers on SCM.

Strategic Pillar Five: Strengthen the resourcing, coordination, transnational cooperation, performance and independence of dedicated anti-corruption agencies.

Key envisioned outcomes for Pillar Five

1. A review of all anti-corruption mechanisms and agencies, their mandates, performance and independence.
2. Rebuilt state capacity with well-resourced anti-corruption law-enforcement agencies collaborating and executing the investigation, prosecution and asset recovery functions free from any outside influence, political or otherwise.
3. Streamlined and efficient coordination, between all anti-corruption mechanisms and agencies and of all anti-corruption activities, through an independent anti-corruption body.
4. An increase in prosecutions, convictions and recoveries.
5. A marked improvement in public confidence and trust in law enforcement.
6. Productive and strengthened relationships with other countries, international bodies and the custodians of multi-lateral agreements to which South Africa is a signatory or partner.

	Programme	Proposed Activities
A	Strengthen South Africa's relationships and transnational cooperation with other countries in the fight against corruption	• Improve bilateral cooperation, support and coordination between South Africa and other countries. • Improve relations with respect to extradition and mutual legal assistance.
B	Establish an anti-corruption coordinating body to coordinate all anti-corruption activities.	• Review and strengthen the performance and function of the current mechanisms such as the ACTT. • Establish the new Anti-Corruption Coordinating Agency that coordinates all anti-corruption activities.
C	Resource anti-corruption agencies by ensuring capacitation, training and modernisation of methodology and human resource for improved law enforcement.	• Improve systems for capturing and analysing relevant intelligence information and data on reported or suspected cases of corruption. • Improve the use of intelligence products and advisories in corruption matters. • Implement advanced skills development programmes for investigators and prosecutors. • Provide specialised training, with supportive mentoring and coaching programmes, to investigators in the field of sophisticated economic and financial crime as well as cybercrime.
D	Safeguard the independence of key anti-corruption agencies responsible for investigating and prosecuting corruption.	• Ensure oversight of the work of anti-corruption agencies through direct performance reporting to the relevant clusters, Parliament of the Republic of South Africa and through public scrutiny undertaken by civil society and members of the public. • Provide adequate budget for anti-corruption agencies.

Strategic Pillar Six: Protect vulnerable sectors that are most prone to corruption and unethical practices with effective risk management.

Key envisioned outcomes for Pillar Four

1. Continuous longitudinal research to identify areas particularly vulnerable to corruption, in the public and private sectors, and civil society. This research then informs the regular updates on, and revisions to industry/sector-specific anti-corruption interventions.
2. Multi-stakeholder implementation of industry/sector specific anti-corruption strategies and programmes, in particular towards risk management and integrity management, that is subject to ongoing monitoring, periodic evaluation and review.
3. Vulnerable sectors demonstrate a marked reduction in corrupt activities and unethical practices.
4. Centralised strategic review of progress made in addressing the risks of corruption in vulnerable sectors.

	Programme	Proposed Activities
A	Conduct research into public and private sectors vulnerable to corruption	• Develop a risk management framework to guide the assessment of vulnerable sectors. • Identify those industries, sectors and government departments at all three tiers and state-owned entities that are most vulnerable to corruption. • Undertake comprehensive research studies in each of the identified areas regarded as most vulnerable to corruption.
B	Implement interventions aimed at reducing the risk of corruption and promoting integrity management in vulnerable sectors.	• Identify and assess the strengths and weaknesses of existing strategies, projects and/or programmes of action in terms of their effectiveness in mitigating risks identified within the targeted sectors. • Promote collaboration between key stakeholders to fight corruption in sectors vulnerable to corruption. • Develop and/or redesign specific anti-corruption strategies, well-resourced project plans and/or programmes of action for vulnerable industries, sectors, departments or SOEs. • Implement risk mitigation strategies, project plans and/or programmes of action in each prioritised
C	Conduct monitoring, evaluation and a review of interventions aimed at risk management in vulnerable sectors.	• Establish clearly defined targets for planned progress in each of the risk management interventions implemented in identified vulnerable sectors. • Conduct regular monitoring, evaluation and a strategic review of progress made in addressing the risks of corruption in vulnerable sectors, on a centralised level. • Based on the findings of the strategic review, report on each sector; identify further research possibilities, if applicable, and revise and/ or implement appropriate risk management interventions, where necessary, to effectively address the recommendations made.

APPENDIX H: CONSIDERATIONS FOR LONG-TERM ARRANGEMENTS

The National Anti-Corruption Strategy proposes the establishment of an independent statutory, constitutionally entrenched state entity that will report to Parliament. This overarching body will drive strategy roll-out and coordinate all the anti-corruption activities in the country. It is premised on an integrated operational model with cross-sectoral collaboration, in line with the country's whole-of-government and societal approach to combating corruption. This body can ensure national compliance with the provisions of the United Nations Convention against Corruption (UNCAC), in particular Article 6 (Prevention, Advocacy, Whistleblowing) and Article 36 (Specialised authority). It should also have a role to conduct monitoring and evaluation activities both in terms of general compliance and tracking of progress across all sectors and programmes.

A key component of the work of interim body, NACAC, will be the research, conceptual development and drafting of a proposal for the establishment of long-term institutional arrangements, inclusive of the required overarching body. This proposal should contain the required legislative provisions and will be tabled to Cabinet for approval. In the finalisation of the proposal on the establishment of the overarching body the following will have to be considered:

- All relevant international, Constitutional and legislated obligations, and current capacities of existing structures.
- Findings of various judicial commissions of inquiry e.g. the Khampepe and Zondo Commissions, and court rulings, in particular the Constitutional Court rulings in the Glenister cases[34].
- A review of mandates and functioning of all existing institutions with anti-corruption mandates to ensure rationalising or streamlining of the work of, and elimination of overlaps between agencies e.g. between DPCI, SIU and Public Protector, especially as the latter is not part of the ACTT.
- Statutory provisions for ethics infrastructure, as set out in the Regulations of the Public Service Act, Act No. 103 of 1994 and the need for a more comprehensive anti-corruption capacity and functions in each department with regard to structural implementation.
- The role of the DPSA Ethics, Integrity, Disciplinary, Technical Assistance Unit in terms of internal investigations and need for investigative capacity in each department.
- The guiding documents reflected on above provides information on critical aspects that require consideration during the establishment of anti-corruption bodies.
- Conceptually there must be a clear distinction to differential between the roles of overseeing and implementing structures.
- Detailed costing and comparison of models/options will be required for the final development of the proposal.

Tabled below are some of the ideas, on key aspects of the composition of such a body, as raised during the consultation on the NACS and its implementation plan. These are by no means definitive and will be subject to extensive further research and engagement by the NACAC.

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[34] The three judgments are:
a) Glenister v President of the Republic of South Africa and Others (CCT 41/08) [2008] ZACC 19; 2009 (1) SA 287 (CC); 2009 (2) BCLR 136 (CC) (22 October 2008),
b) Glenister v President of the Republic of South Africa and Others (Glenister I) (CCT 48/10) [2011] ZACC 6; 2011 (3) SA 347 (CC) ; 2011 (7) BCLR 651 (CC) (17 March 2011) and
c) Helen Suzman Foundation v President of the Republic of South Africa and Others; Glenister v President of the Republic of South Africa and Others (CCT 07/14, CCT 09/14) [2014] ZACC 32; 2015 (1) BCLR 1 (CC); 2015 (2) SA 1 (CC) (27 November 2014)

Aspect	Description
Mandate	• The establishment of overarching body must be mandated by legislation with sufficient constitutional measures for ensuring the independence of the body. • The overarching body must be mandated to ensure implementation of all aspects of South Africa's approved National Anti-Corruption Strategy.
Institutional placement	• An independent, autonomous agency reporting directly to Parliament.
Functions	• Strategy implementation. • Coordinating and monitoring of anti-corruption programmes and projects across all sectors. • Research, policy formulation and advice. • Managing stakeholder relations and partnerships. • Prevention and detection functions. • Public education. • Oversight and ensuring accountability.
Powers and responsibilities	• The powers of the oversight body will require further research and engagement. • The overarching body must be able to engage with parliamentary committees and other relevant stakeholders.
Interfaces / Relationship with other institutions	The interfaces, links or collaboration mechanisms will have to be refined in due course but can include provision for the following, or processes to work with supportive structures such as: • all oversight structures, regulators and regulatory bodies; • all Parliamentary committees, including the Standing Committee on Public Accounts (SCOPA); • all government clusters and departments; • the National Security Council; • dedicated law-enforcement or other agencies; and • sector and industry specific anti-corruption forums.
Accountability and reporting	• Section 55(2) of the Constitution requires that the National Assembly 'must provide for mechanisms to ensure that all executive organs of state in the national sphere of government are accountable to it; and to maintain oversight of ... any organ of state'. It should therefore follow that any new statutory body in the anti-corruption sphere should also account to Parliament. • To ensure and reinforce the independence of the overarching body it is recommended that it reports directly to Parliament, at least annually, and not to or via the Executive.
Appointment and removal processes	• Three (3) to five (5) persons" fit and proper individuals from all sectors, appointed according to skills, expertise and relevant experience, should be appointed as 'commissioners' to lead the body. • Appointments must be in an open, transparent and competitive selection process which can be similar to either the Judicial Service Commission or Electoral Commission, during which candidates are shortlisted and interviewed by panel headed by Chief Justice with recommendations to Parliament. • Tenure: Fixed non-renewable term of around five (5) years, to be determined at the time of appointment

Aspect	Description

Internal structure and operational matters (E.g. Administrative, HR, Reporting)	• A permanent office with professional staff and supported by a secretariat.
	• The body may determine the procedure to be followed in executing its mandate.
	• Other internal structural arrangements will need further development, but may have to comprise of the following:
	  • A research and policy unit;
	  • An operational project management office;
	  • A public education office;
	  • A whistleblower protection unit; or
	  • Other sub-structures as required.

Budget	Fully and adequately funded from state resources.

As there is great debate and many opinions and ideas about the anticipated functions and role of the overarching body, the table below indicates some of the proposals that were made during consultations and that are consistent with the intent and anticipated programmes outlined in the strategy.

High-level functions	Possible role or responsibilities
Strategy implementation	• Oversee implementation of the National Anti-Corruption Strategy and all anti-corruption programmes. • Periodically review the NACS, including call for public submissions / hearings, and recommend changes to Parliament.
Coordinating and monitoring of anti-corruption programmes and projects across all sectors	• National coordination of, and implementation monitoring of all anti-corruption programmes and projects across all sectors in the country, also towards ensuring international compliance. • Coordinating South Africa's compliance with its international reporting obligations and liaison with such international and multi-lateral institutions.
Research, policy formulation and advice	• Research and data collection on all anti-corruption activities. • Advise on legislative and regulatory inadequacies and propose relevant interventions. • Formulating policy and initiating measures aimed at preventing corruption. • Further investigate the suitability of a single anti-corruption agency.
Managing stakeholder relations and partnerships	• Multi-sectoral partnership development. • Stakeholder engagement. • Sectoral and/or industry forum coordination. • Hosting of regular anti-corruption summits. • Development of relevant interfaces or engagement mechanisms. • Continuous liaison with other institutions and agencies involved in fighting corruption including but not limited to Constitutional institutions e.g. Chapter Nine institutions and the PSC, law enforcement agencies, the NPA, the SIU, the intelligence services, specialised units in Departments, and any coordinating mechanism for reactive and law-enforcement activities (currently the ACTT). This should include sharing of information, including through regular e.g. quarterly meetings with these entities as well as the referral of cases for investigation and prosecution and the civil recovery of losses and prevention of future losses. The body can make recommendations to those other bodies, but not issue instructions as to safeguard independence / autonomy of those bodies.
Prevention and detection functions	• Advocacy, public awareness and education on corruption and anti-corruption measures. • Supporting the provision of secure measures to report corruption, inclusive the anti-corruption hotline (receive reports, referral to relevant agencies and requiring feedback.) • Overseeing and monitoring of whistleblower protection.
Oversight and ensuring accountability	• Should not have 'sanctioning powers'. • Highlight failure or any undue, unconstitutional, political and/or other interference in the operation of these bodies and bring it to attention of Parliament. • Highlight deficiencies related to capacitation, inadequate funding and resources for anti-corruption bodies. • Raise the alarm on any unethical or integrity-deficient conduct of the head or senior management of any anti-corruption body, as an early warning system for any attempts at capture or any action that can result in capture.

ANNEXURE I: STAKEHOLDERS CONSULTED

A. PARTICIPANTS CONSULTED[36]

Notes on stakeholder lists:

This consolidated stakeholder list reflects (at organisational level[37]) all the preliminary consultations with individuals in 2015, the original high-level consultations held in 2016 on the "Discussion Document" and the national and provincial consultations on the draft strategy document (2017-2019).

All provincial consultation sessions were either hosted by the Provincial Premiers, or arranged in conjunction with the Offices of the Premiers, this implies that participation from these offices and relevant integrity units took place, thus the Premiers are not listed. The provincial consultations were attended by more than 900 individuals.

During the national and provincial consultations, participation was recorded for individual members of the public or communities where consultation events took place as well as individuals from the following entities that could not clustered into the groups/sectors that follows: • Eastern Cape Provincial Legislature • Governance Support Programme (GSP) • Houses of Traditional Leaders (Free State, KwaZulu-Natal and North West) • State Owned Entity – Eskom • Various Members of Executive Councils (MECs) • United Nations Office for Drugs and Crime (UNODC)	
Academia & Research institutes	Central University of Technology Bloemfontein (CUT) Community Engagement Unit (CEU) at University of Western Cape Human Sciences Research Council (HSRC) Institute for Security Studies (ISS) Land and Accountability Research Centre (LARC) at UCT Motheo Tvet College North West University (NWU) Public Affairs Research Institute (PARI) at Wits Sefako Makgatho Health Sciences University University of Cape Town (UCT) University of Limpopo University of Pretoria (UP) University of South Africa (UNISA) University of Stellenbosch (USB) University of the Witwatersrand (Wits) Vuselela Tvet College
Business / Private sector entities and umbrella bodies	African Cooperative for Hawkers and Independent Business (ACHIB) Afrikaans Handelsinstituut (AHI) Black Business Council (BBC) Business Against Crime (BAC) Business Leadership South Africa (BLSA) Business Unity South Africa (BUSA) Cape Chamber of Commerce and Industry Deloitte Edward Nathan Sonnenbergs (ENS) Africa EY (www.ey.com) Institute of Directors of Southern Africa (IODSA) Klynveld Peat Marwick Geordeler (KPMG) Landile Private Security Company Metrobus Multivision National African Federated Chamber of Commerce and Industry (NAFCOC) National Business Initiative (NBI) National Federated Chanber of Commenrce and Industry (NAFCOC) Nedbank

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36. Due to handwriting legibility the names of a few organisations could not be deciphered and the NACS Steering Committee apologises to any organisation or entity who were thus not listed or inadvertently omitted
37. Due to the sheer number of persons who participated, it is not possible to list all individuals by name.

Business / Private sector entities and umbrella bodies *- continued*	NM Group Orlando West Industrial Parks Association (OWIPA) Phumlani Mkhize Association Price Water House Coopers (PWC) Raubex Group South African Chamber of Commerce and Industry (SACCI) Specialist Investigation Litigation Case Management (SILC)
Chapter 9 & 10 Institutions	Auditor General of South Africa (AGSA) (Eastern Cape, Free State, North West) Independent Electoral Commission (IEC) (Eastern Cape, North West) Public Protector (Eastern Cape, Limpopo, Mpumalanga, North West, Western Cape) Public Service Commission (PSC) (Eastern Cape, Free State, Gauteng, North West, Western Cape) South African Human Right Commission (SAHRC) (Free State, Limpopo)
Civil Society Organisations	Accountability Lab Accountability Now Afesis-Corplan African Diaspora for Development (ADD) AfriForum Apostle Faith Base Black Sash Centre for Municipal Research and Advice Citizen Justice Network Community Law Centre Corruption Watch Council for the Advancement of the South African Constitution (CASAC) DEAF School South Africa (DEAFSA) (Northern Cape) Democracy Development Program Democracy Works Foundation Diepsloot Chamber Disabled People SA Dullah Omar Institute Employ Insight Equal Education Law Centre Ethics Institute of Southern Africa Foundation for Contemporary Research (FCR) Goedgedacht Forum Grassroot Helen Suzman Foundation (HSF) Institute for Justice & Reconciliation Isandla Institute L Ron Hubbard Foundation Legal Resource Centre (LRC) Livity Africa Matlosana Community Forum Moral Regeneration Movement (MRM) My Vote Counts National Women's Coalition Older Person Forum Open Democracy Advice Centre Open Society Foundation of South Africa Organization Undoing Tax Abuse (OUTA) Parliamentary Monitoring Group Peer Impact Mentorship Programme (PIM) Project for Conflict Resolution and Development Right2know SA Council of Churches SA Youth Council SANTACO

Civil Society Organisations *- continued*	Section 27 Service Gender Justice Solidarity / Solidariteit South Africa Board for People Practices (SABPP) South African Council of Churches (SACC) South African National Civic Organisation (SANCO) South African NGO Coalition (SANGOCO) Student for Law and Social Justice
Civil Society Organisations	The Ethics Institute Toro Ke Bophelo Trading Project Vela Njabulo Organisation for people with dyslexia
Media	Association of Independent Publishers Capricorn FM Hlasela TV Lesedi FM National Press Club South African Broadcasting Corporation Sunday Times

Municipalities	Eastern Cape	Amathole District Municipality
	Eastern Cape	Intsika Yethu Municipality
	Free State	Fezile Dabi District Municiplity (FDDM)
	Free State	Letsemeng Municipality
	Free State	Mangaung Metropolitan Munisipality (MMM)
	Free State	Mantsopa Local Municipality
	Free State	Matjhabeng Local Municipality
	Free State	Mohokare Local Municipality
	Free State	Moqhaka Local Municipality
	Free State	Ngwathe Local Mnicipality
	Free State	Nketoana Municipality
	Free State	Setsoto Local Municipality
	Free State	Thabo Mofutsanyana District Municipality (TMDM)
	Free State	Tokologo Local Municipality
	Free State	Tswelopele Local Municipality
	Gauteng	City of Ekuruleni
	Gauteng	City of Johannesburg
	Gauteng	City of Tshwane
	Gauteng	Lesedi Local Municipality
	Gauteng	Merafong Local Municipality
	Gauteng	Midvaal Local Municipality
	Gauteng	Mogale Lexar Municipality
	Gauteng	Sedibeng District Municipality
	Kwa-Zulu Natal	Abaqulusi Local Municipality
	Kwa-Zulu Natal	Dr Nkosazana Dlamini-Zuma Local Municipality
	Kwa-Zulu Natal	eDumbe Local Municipality
	Kwa-Zulu Natal	Ilembe District Municipality
	Kwa-Zulu Natal	Msinga Local Municipality
	Kwa-Zulu Natal	Umgeni Local municipality
	Kwa-Zulu Natal	Umzumbe Local Municipality
	Limpopo	Elias Motsoaledi Local Municipality (EMLM)
	Limpopo	Greater Giyani Local Municipality
	Limpopo	Makhado Local Municipality
	Mpumalanga	City of Mbombela
	North West	Bojanala Platinum District Municipality
	North West	Ditsobotla Local Municipality
	North West	Dr Kenneth Kaunda District Municipality
	North West	Dr Ruth Segomotsi Mompati District Municipality
	North West	Greater Taung Local Municipality
	North West	J B Marks Local Municipality
	North West	Kagisano-Molopo Local Municipality (KMLM)
	North West	Lekwa-Teemane Local Municipality
	North West	Madibeng Local Municipality

Municipalities *- continued*	North West North West North West North West North West North West North West North West North West North West North West Northern Cape Northern Cape Northern Cape Western Cape Western Cape Western Cape Western Cape Western Cape Western Cape Western Cape Western Cape	Mahikeng Local Municipality Mamusa Local Municipality Maquassi Hills Local Municipality Matlosana Local Municipality Moretele Local Municipality Moses Kotane Local Municipality Ngaka Modiri Molema District Municipality Ramotshere Moiloa Local Municipality (RMLM) Ratlou Local Municipality Rustenburg Local Municipality Tswaing Local Municipality David Kruiper Local Municipality Kai! Garib Local Municipality ZF Mgcawu District Municipality Cape Winelands District Municipality City of Cape Town Eden District Municipality Overberg District Municipality Overstrand Local Municipality Saldanha Bay Local Municipality Swartland Local Municipality Swellendam Local Municipality
Organised labour movements / Unions	Association of Mineworkers and Construction Union (AMCU) Congress of South African Trade Unions (COSATU) Federation of Unions of South Africa (FEDUSA) Independent Municipal and Alliend Workers Union (IMATU) National Council of Trade Unions (NACTU) National Union of Mineworkers (NUM) Police and Prisons Civil Rights Union (POPCRU) Public Servants Association of South Africa (PSA) South African Federation of Trade Unions (SAFTU) South African National Taxi Council (SANTACO)	
Political Parties	African National Congress (ANC) including the ANC Veterans League and ANC Youth League Economic Freedom Fighters (EFF) South African Communist Party (SACP)	
Professional bodies or councils	Association of Certified Fraud Examiners (ACFE) Black Lawyers' Association Chartered Institute of Government Finance, Audit & Risk Officers (CIGFARO) Chartered Institute of Procurement and Supply (CIPS) Consulting engineers Independent Regulatory Board for Auditors (IRBA) Institute for Commercial Forensic Practitioners (ICFP) Institute for Internal Audit SA Institute for Risk Management South Africa Public Sector Audit Committee Forum SA Law Society South African Institute of Chartered Accountants (SAICA)	

Government entities and departments (Including specific provincial participation)

Department of Agriculture, Land Reform and Rural Development (DALRRD)
- Department of Agriculture, Rural Development, Land and Environmental Affairs (DARDLEA) (Mpumalanga)
- Department of Rural Development and Agrarian Reform (DRDAR) (Eastern Cape)
- Department of Rural Development and Land Reform (DRDLR) (Gauteng)
- Department of Rural, Environment and Agricultural Development (North West)
- Department of Environmental Affairs and Nature Conservation (DENC) (Northern Cape)
- Gauteng Department of Agriculture and Rural Development (DARD)
- Limpopo Department of Agriculture and Rural Development (LDARD)

Department of Basic Education (DBE)
- Provincial Departments of Education (DOE) (Eastern Cape, Free State, Gauteng, KwaZulu-Natal, North West)

Departments of Cooperative Governance and Traditional Affairs (COGTA) (Free State, Gauteng, KwaZulu-Natal, Mpumalanga, Northern Cape, North West)
- Department of Cooperative Governance, Human Settlement and Traditional Affairs (COGHSTA) (Limpopo)
- Department of Local Government (Western Cape)

Department of Correctional Services (DCS) (Western Cape)

Department of Economic Development and Tourism (DEDT) (Mpumalanga, Northern Cape)
- Department of Economic Small Business Development, Tourism and Environmental Affairs (DESTEA) (Free State)
- Department of Economic Development and Tourism and Environmental Affairs (KZN EDTEA)
- Department of Economic Development, Environment, Conservation and Tourism (North West)

Department of Health (DOH) (Eastern Cape, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, North West)
- Department of Health and Emergency Services (Free State)

Department of Home Affairs (DHA) (Northern Cape, North West)

Department of Human Settlements (DHS) (Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga)

Department of Justice and Constitutional Development (DoJCD) (Eastern Cape, Gauteng, Western Cape)

Department of Labour (DOL) (Eastern Cape)
- Department of Employment and Labour (Mpumalanga)

Department of Planning, Monitoring and Evaluation (DPME)

Department of Public Works (DPW) (Eastern Cape, Free State, Gauteng, KwaZulu-Natal)
- Department of Public Works, Roads and Infrastructure (DPWRI) (Limpopo)

Department of Public Service and Administration (DPSA) (North West

Department of Social Development (DSD) (Eastern Cape, Free State, Gauteng, Limpopo, Mpumalanga, North West)
- South African Social Security Agency (SASSA) (Gauteng, Western Cape)

Government entities and departments (Including specific provincial participation)

Departments of Sports, Arts and Culture
- Department of Culture, Sport and Recreation (DCSR) (Mpumalanga)
- Department of Culture, Arts and Traditional Affairs (North West)
- Department of Cultural Affairs & Sport (DCAS) (Western Cape)
- Department of Sports and Culture (North West)
- Department of Sports Recreation Arts and Culture (DSRAC) (Eastern Cape)
- Department of Sports, Arts and Culture (DSAC) (Limpopo)
- Gauteng Department for Sport, Arts and Culture and Recreation (GDSACR)

Department of Transport (DoT)
- Department of Transport (DOTEC) (Eastern Cape)
- Department of Safety and Liaison (Eastern Cape)
- Gauteng Department of Road and Transport (GDRT)
- Department of Community Safety and Transport Management (DCSTM) (North West)
- Department of Community Safety, Security and Liaison (DCSSL)(Mpumalanga)
- Department of Transport, Safety & Liaison (Northern Cape)

Directorate for Priority Crime Investigation (DPCI) (Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Northern Cape, North West, Western Cape),

Eastern Cape Parks and Tourism Agency (ECPTA)

Gauteng City Region Academy (GCRA)

Gauteng Department of Infrastructure Development (DID)

Gauteng E-Government Department

Independent Communication Authority of South Africa (ICASA)

Independent Police Investigative Directorate (IPID)

Government Communication and Information System (GCIS) (Eastern Cape, Free State, KwaZulu-Natal, Northern Cape, North West)
National Intelligence Coordinating Committee (NICOC)

National Prosecuting Authority (NPA) (KwaZulu-Natal, Western Cape)
National Treasury (NT)

North West Housing Corporation

Office of the Chief Procurement Officer (OCPO)

Provincial Anti-Corruption Forum (PACF) (North West)

Provincial Treasuries (Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West)

Road Accident Fund (Eastern Cape)

South African Local Government Association (SALGA) (Free State, Western Cape)

South African Police Service (SAPS) (Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Northern Cape, Western Cape)

Government entities and departments (Including specific provincial participation)
South African Revenue Service (SARS) (Eastern Cape)
Special Investigating Unit (SIU) (Eastern Cape, Free State, KwaZulu-Natal, Mpumalanga, North West, Western Cape)
State Security Agency (SSA) (Eastern Cape, Limpopo, Western Cape)
Statistics South Africa (Stats SA) (Eastern Cape, Mpumalanga)
Western Cape Provincial Forensic Services

B. MEMBERS OF THE NACS REFERENCE GROUP

Sector	Person nominated and organisation represented	
Academia & Research institutes	Ms. Sarah Meny-Gibert	Public Affairs Research Institute (PARI) at Wits
	Prof. Natasja Holtzhausen	University of Pretoria (UP)
	Dr. Godfrey Thenga	University of South Africa (UNISA)
Anti-Corruption Task Team	Adv. Xolisile Khanyile	Financial Intelligence Centre (FIC)
	Adv. Rodney de Kock	National Prosecuting Authority (NPA)
	Mr. Yousef Denath	South African Revenue Service (SARS)
	Adv. Andy Mothibi	Special Investigating Unit (SIU)
Business / Private sector	Ms. Nonhlanhla Mphlaba	Business Leadership South Africa (BLSA)
	Ms Thuthula Ndunge	National Business Initiative (NBI)
Chapter 9 & 10 Institutions	Mr. Matome Malatsi	Public Service Commission
	Mr. Johannes Mudau	Public Service Commission
Civil Society Organisations	Ms. Dadisai Taderera	Accountability Lab
	Mr. David Lewis	Corruption Watch
	Ms. Kavisha Pillay	Corruption Watch
	Adv. Lawson Naidoo	Council for the Advancement of the South African Constitution (CASAC)
	Adv. Anton van Dalsen	Helen Suzman Foundation (HSF)
	Ms. Cherese Thakur	Helen Suzman Foundation (HSF)
	Bishop J.M. Ndaka	Moral Regeneration Movement (MRM)
	Dr. Heinrich Volmink	Organisation Undoing Tax Abuse (OUTA)
	Mr. Kris Dobie	The Ethics Institute of Southern Africa
Organised Labour	Mr. Frank Nxumalo	Federation of Unions of South Africa (FEDUSA)
National Government Clusters	Mr. Robert McBride	Governance, State Capacity and Institutional Development (GSCID)
	Adv. Pieter du Randt	Justice, Crime Prevention and Security (JCPS)
Government Departments	Ms. Bunny Subedar	National School of Government (NSoG)
Provincial and Local Government	Mr. Collen Rammule	South Africa Local Government Association (SALGA)
	Ms. Mildred Nkopane	Gauteng Ethics Advisory Council (GEAC)
	Dr. Unathi Mphendu	Gauteng Ethics Advisory Council (GEAC)
	Ms. Sindisiwe Cele	Kwa-Zulu Natal Provincial Government
	Ms. Tshegofatso Mmuoe	Western Cape Provincial Government
	Mr. Ruthven Janse van Rensburg	Western Cape Provincial Government

C.   MEMBERS OF THE NACS STEERING COMMITTEE

Person Nominated	Organisation represented
As the Steering Committee has been functioning since 2015 some changes took place over the years. Members past and present are acknowledged:	
Mr. Elphus Ndou	Department of Cooperative Governance and Traditional Affairs (CoGTA)
Mr. Stanley Ntakumba	Department of Planning Monitoring and Evaluation (DPME)
Ms. Shirley Maboane	Department of Planning Monitoring and Evaluation (DPME)
Ms. Taetjo Dibakwane	Project Administrator (DPME)
Ms. Pleasure Matshego	Department of Public Service and Administration (DPSA)
Mr. Mokgapi Maleka	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
Mr. Ruan Kitshoff	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
Ms. Thabisile Dlomo	Government Communication and Information Service (GCIS)
Ms. Tersia Lewis	National Intelligence Coordinating Committee (NICOC)
Ms. Ayanda Malinga	National Intelligence Coordinating Committee (NICOC)
Ms. Moroko Mabowa	Public Service Commission (PSC)
Ms. Sefura Mongalo	Special Investigating Unit (SIU)
Mr. Pranesh Maharaj	Special Investigating Unit (SIU)
Ms. Sunelle Bruwer	State Security Agency (SSA)

Mr Roderick Davids (Retired)	Public Service Commission (PSC)
Mr. Joy Rathebe (Retired)	Department of Planning Monitoring and Evaluation (DPME)
Mr. Sibusiso Masuku (Past member)	Department of Planning Monitoring and Evaluation (DPME)
Ms.Phumzile Sikhakhane (Past member)	Department of Planning Monitoring and Evaluation (DPME)
Mr. Manyedi Nkashe (Past member)	Department of Cooperative Governance and Traditional Affairs
Dr. Salomon Hoogenraad-Vermaak (Past Member)	Department of Public Service and Administration (DPSA)
Mr. David Moraba (Past member)	Government Communication and Information Service (GCIS)
Ms. Yolisa Blom (Past member)	Government Communication and Information Service (GCIS)
Mr Shameel Ramdeen (Past member)	National Intelligence Coordinating Committee (NICOC)
Ms Duduzile Maleka (Past member)	National Intelligence Coordinating Committee (NICOC)
Mr Praveen Naidoo	National Prosecuting Authority (NPA)

CONTRACTORS AND FACILITATORS UTILISED BY THE STEERING COMMITTEE

Institutions	Person(s)	Purpose
Public Affairs Research Institute	Dr. Mbongiseni Buthelezi Ms. Sarah Meny-Gibert	Diagnostic Report and Discussion Document
The Renaissance Network	Adv. Hassan Cassim Mrs. Kudsiya Cassim	Public Consultations and draft Strategy document
Private	Mr. Koogan Pillay	Project Manager (July to December 2019)
Department of Water and Sanitation	Mr Kenny Govender	Facilitator for Reference Group

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Glenister v President of the Republic of South Africa and Others (Glenister I) (CCT 48/10) [2011] ZACC 6; 2011 (3) SA 347 (CC); 2011 (7) BCLR 651 (CC) (17 March 2011)

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