

Address at the opening of the Second National Anti-Corruption Summit

CSIR, Brummeria, Tshwane, 22 March 2005

Chairperson of the National Anti-corruption Forum, Minister Geraldine Fraser-Moleketi
Chairperson of the Public Service Commission, Professor Stan Sangweni
Members of the National Anti-corruption Forum
Your Excellencies, members of the Diplomatic Corps
Distinguished Delegates and Guests
Ladies and Gentlemen

I would like to thank you for inviting me to participate in this important Summit convened by the National Anti-Corruption Forum.

I trust that this Summit will provide all of us with the additional measures that would help us to achieve new successes in the fight against corruption in both the public and private sectors. This is important because, as we know, corruption is inimical to development. It constrains our ability to fight poverty, negatively affects economic development, damages social values and undermines democracy and good governance.

In the last ten years, we have put in place laws, policies and programmes to root-out corruption in our society, established partnerships among the social partners and collaborated with regional, continental and international partners. Yet, more will have to be done to fight corruption. I am confident that this Summit will give more impetus to our on-going work and help all of us to overcome whatever weaknesses may exist in our programmes and systems designed to fight corruption.

In the Preamble to the United Nations Convention against Corruption, adopted in 2003, State Parties expressed their concerns "about the seriousness of the problems and threats posed by corruption to the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardising sustainable development and the rule of law".

This Preamble goes on to state that "corruption is no longer a local matter, but a transnational phenomenon that affects all societies and economies", and that "a comprehensive and multidisciplinary approach is required to prevent and combat corruption effectively".

The Preamble also reminds us that the prevention and eradication of corruption requires the support and involvement of individuals and groups "outside of the public sector, such as civil society, non-governmental organisations and community-based organisations".

These observations may appear to be stating the obvious. But it remains true that consideration of the steps we should take further to build a national movement against corruption must constitute an important part of our business here today and tomorrow.

South Africa is a signatory to a number of multilateral anti-corruption agreements, including those adopted by our regional and continental bodies, SADC and the AU.

Together with our national initiatives, the various international instruments to which we have acceded are critical to our fight against corruption.

As delegates are aware, in April 2003 the Department of Public Service and Administration and the United Nations Office on Drugs and Crime published a joint Country Corruption Assessment Report, reflecting on our progress and problems in the fight against corruption. In the Foreword to the Report, the

Minister for the Public Service and Administration and the Regional Representative of the UN Office on Drugs and Crime said that:

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

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

Some of the great strides to which the Report refers include our national legislation, international agreements to which we have acceded, and the mechanisms and processes we have put in place to fight corruption.

With regard to legislation we must mention the Protected Disclosures Act, the Promotion of Access to Information Act, the Promotion of Administrative Justice Act, the Financial Intelligence Act, the Prevention of Organised Crime Act, the Prevention and Combating of Corrupt Activities Act, and the Public and Municipal Finance Management Acts.

The international agreements include the United Nations Convention against Corruption, the SADC Protocol against Corruption, and the African Union Convention on Preventing and Combating Corruption.

We have also established various national institutions to complement the effort of the Police Service to combat corruption. These institutions have reached a certain level of maturity. Individually and collectively they provide us with a strong anti-corruption capacity.

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

In addition to all this we have also:

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

Where appropriate we have combined the capabilities of the various state institutions to ensure effective outcomes. A case in point is the Joint Anti-Corruption Task Team (JACTT) that was set up to deal with corruption in the Eastern Cape. In this regard we brought together the particular expertise and capacities of the Police Service, the National Prosecution Service, the Scorpions, the Asset Forfeiture Unit, the

Special Investigating Unit, the National Intelligence Agency as well as the Office of the Auditor-General, together to form a highly effective anti-corruption mechanism.

We will assess the lessons that emanate from this exercise, the better to understand both the positives and the negatives. This is especially important as we will use the JACTT-type mechanism to address challenges similar to those we experienced in the Eastern Cape.

The High Flyers Project in the Western Cape represents another example of co-ordinated law enforcement. In this case we dealt successfully with gang bosses and other high flying and identified top criminals.

Further, an important feature of the JACTT initiative is the centralisation of cases to a few dedicated courts, bringing greater efficiency and higher rate of convictions because of the use of dedicated prosecutors and presiding officers. This is an adaptation of the model of Specialised Commercial Crimes Courts.

Clearly, we have to continue to strengthen capacity in our anti-corruption programmes and improve on the performance of the criminal justice system through the various means I dealt with in the State of the Nation address. We have to remain vigilant against the new manifestations of corruption and keep our law enforcement capacity and legislative framework ahead of such new developments.

I say this because all of us know that those intent on committing crime will continuously seek new ways and means to beat the law enforcement system.

The new Prevention and Combating of Corrupt Activities Act contains additional tools to fight corruption. These include the duty of all citizens to report corruption and other crimes to the Police Service, and the establishment of a register of businesses that commit corruption, especially in government procurement.

At the same time, we confront major challenges, particularly in the area of prevention, public education and awareness. The old adage that "prevention is better than cure" remains valid. To ensure that indeed prevention becomes better than cure, we have to mobilise the necessary resources to prevent corruption and improve our programmes on awareness and education.

Clearly, this challenge faces all sectors of our society. The thematic discussions of this Summit on Prevention and Transparency, Oversight and Accountability are thus very relevant and necessary.

Further, the anti-corruption model adopted for South Africa in 1999, namely one of sectoral collaboration, is important in our fight against corruption.

One of the challenges before this Summit is to evaluate whether this model is working as it should and if not, what we should do to effect the necessary improvements. Necessarily, this assessment by the Summit would have to take cognisance of the different roles and capacities of the various representative organisations and sectors.

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

Chairperson;

As we know, corruption occurs in all sectors of society. The perpetrators - those corrupting and those corrupted - are equally guilty. While we tend to concentrate on corruption of high-value transactions and the dealings of the upper echelons of society, ordinary people are the most vulnerable to corruption in the processes of accessing services and infrastructure such as government grants, water, electricity, land and housing.

This also applies to those seeking employment or workers who are unable to gain due promotion because of the corruption of their supervisors. Accordingly, we have a particular responsibility to protect the poor and the weak from the corrupt practises of those in powerful positions.

At the same time, we know that at times, corruption is a handy label, used arbitrarily by commentators, politicians, the media and those who have one or another axe to grind. In some instances allegations of corruption are rarely substantiated.

In this regard, the Country Corruption Assessment Report that we cited earlier said:

"With South Africa's rating of 4.8 out of a score of 10 on Transparency International's Corruption index, it is clear that the country is perceived as having fairly high levels of corruption. There is a general perception within the country too, that corruption is rife. Many people believe corruption has increased in the post-apartheid era during the period of political and economic transition."

The Report then goes on to say:

"Unfortunately, the tools and surveys that have been used to measure levels of corruption are primarily based on perceptions. The media has also been influential in emphasising the incidence of corruption, which is of utmost importance but with lesser focus on the steps that have been taken to prevent and combat corruption. Perceptions and media have thus come to form the foundation for understanding the prevalence of corruption.

"It is important to recognise that perceptions do not necessarily reflect the actual experience of corruption in the country. The premise that levels of corruption in South Africa are high, needs to be tested." (P10) That is what the Report says.

Clearly, we need to understand why "the tools and surveys that have been used to measure levels of corruption are primarily based on perceptions", as the Report says. We need to ask the question whether it is correct that important bodies such as Transparency International should rate corruption levels in any country, including ours, on the basis of the tools and surveys that are based on perceptions.

We need to look at why the media correctly reports on the incidence of corruption but does little to do the same "on the steps that have been taken to prevent and combat corruption". It is important to answer these and other related questions to help us deal with the real cases and causes of corruption and not perceptions. Those answers will help us the better to evaluate the progress, or lack thereof, of our work in preventing and combating corruption.

I trust that this important Summit will help us to address all these questions and empower us with yet new capacities to achieve new successes in the sustained fight against corruption. I wish you success in your important deliberations.

Thank you.