



GAUTENG
ANTI-CORRUPTION

Working together to fight corruption
and build an ethical society

2009 GAUTENG ANTI-CORRUPTION STRATEGIC FRAMEWORK

DECEMBER 2009



GAUTENG
it starts here.



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ABBREVIATIONS

ACCC	Anti-Corruption Coordinating Committee
EXCO	Executive Committee
FSU	Forensic Services Unit
GAS	Gauteng Audit Service
GPG	Gauteng Provincial Government
GSSC	Gauteng Shared Services Centre
HOD	Head of Department
OECD	Organisation for Economic Cooperation and Development
OOP	Office of the Premier
PACF	Provincial Anti-Corruption Forum
PACCC	Provincial Anti-Corruption Coordinating Committee
PCCA	Prevention and Combating of Corrupt Activities Act (12 of 2004)
PDA	Protected Disclosures Act
PFMA	Public Finance Management Act
NACH	National Anti-Corruption Hotline
RSA	Republic of South Africa
SOPA	State of the Province Address

DEFINITIONS

Corruption - The Prevention and Combating of Corrupt Activities Act, 2004 (Act No.12 of 2004) provide a very specific legal definition of corruption. It can be summarized as follows:

“Corruption is where a person (A) gives (or offers to give) someone in a position of power (B) something (called ‘gratification’ in the Act) to use that power, illegally and unfairly, to the advantage of A (or a third person). B will also be guilty of the same crime if he/she accepts (or offers to accept) the gratification to wrongly use his position.1”

Ethics - the term “ethics” refers to standards of conduct, which indicate how a person should behave based on moral duties and virtues arising from the principles of right and wrong. Ethics therefore involve two aspects: (1) the ability to distinguish right from wrong; and (2) the commitment to do what is right.

Fraud – refers to an unlawful and intentional misrepresentation that has caused another to act to his prejudice or potential prejudice.

Gratification – The Prevention and Combating of Corrupt Activities Act, 2004 (Act No.12 of 2004) (Section 1:ix) provide a very specific definition to: include money, donations, gifts, loans, discounts, status, honour, and employment.

Integrity – refers to the quality or state of being of sound moral principle; uprightness, honesty, sincerity.

Misconduct – means wrongful, improper, or unlawful conduct motivated by premeditated or intentional purpose or by obstinate indifference to the consequences of one’s acts.

Risk – is a concept that denotes a potential negative impact to an asset or some characteristic of value that may arise from some present process of future event.

Risk Management – is the process of measuring or assessing risk and developing strategies to manage it. Strategies include transferring the risk to another party, avoiding the risk, reducing the negative effect of the risk, and accepting some or all of the consequences of a particular risk.

Values – refers to beliefs of a person or social group in which they have an emotional investment either for or against something.

Whistle blowing – whistle blowing is not about informing in the negative, anonymous sense but rather about raising a concern about malpractice within an organization.



EXECUTIVE SUMMARY

INTRODUCTION

In January 2002, the Department of Public Service Administration (DPSA) developed an anti-corruption strategy for the Public Service in order to give effect to the expressed commitment of Government to fight corruption in the Public Service (National and Provincial). Provinces, however, as distinct spheres of government require tailor made strategies that address issues of corruption in an integrated, holistic and practical manner and hence provinces have to develop own anti-corruption strategic frameworks and implementation programmes that serve as roadmaps for departments to deal with anti-corruption on a daily basis, which includes but not limited to: detection, prevention and combating (investigations, prosecutions and disciplinary actions). Provincial anti-corruption strategies are however sensitive and complimentary to national and international requirements. For example, according to the Cabinet of South Africa; serious crime investigations and prosecutions are the competency of the Special Anti-Corruption Agencies and Courts such as – the National Prosecution Authority (NPA), Special Investigation Unit (SIU), Assents Forfeiture Unit (AFU) and the Directorate for Priority Crime Investigation (DPCI) which has been incorporated to the South African Police Service (SAPS).

The first GPG anti-corruption strategy was approved by EXCO in 2005 and revised in 2007 and got approved the same year together with the GPG Whistle-blowing Policy. The 2009 Gauteng Anti-Corruption Strategy is a revised version of the 2007 anti-corruption strategy. The GPG Anti-Corruption Strategy (2007) was found to be not functioning optimally due to the magnitude and sophisticated means as well as forms of corruption used by perpetrators to indulge in corrupt activities in Gauteng's the public service.

It is against this background that the African National Congress' 2009 electoral manifesto, which was adopted by the Gauteng Executive Council in May 2009, identifies the fight against crime and corruption as one of the top five priority areas for the period 2009 to 2014. In particular, the Manifesto states that an ANC government will, "Step up measures in the fight against corruption within society, the state and private sector, including measures to ensure transparent process of the tendering system as well as ensuring much stronger accountability of the public servants involved in tendering process."

To give effect to the ANC Manifesto commitments, the Gauteng Extended Executive Council Lekgotla in June 2009 agreed upon seven key strategic priorities and programmes for the period 2009-2014. One of the strategic priorities is to intensify the fight against crime and corruption across the province. These priorities were further elaborated in the 2009/10 Gauteng Programme of Action, which indicated that the Gauteng Anti-Corruption Strategy should be revised and relaunched, as a way of reinvigorating the province's anti-corruption efforts.

Key to the strategic posture of the provincial government is an acknowledgement of continued service delivery weaknesses which have impeded education and health outcomes and reduced government's impact in improving the lives of those in need. Under the slogan, "Kuyasheshwa: Gauteng Working Better", the emphasis has been on doing things differently, faster and in a manner that benefits the people of Gauteng more directly.

Within this context, the Gauteng MTSF priorities which were agreed upon at the June 2009 Extended EXCO Lekgotla, identified the following anti-corruption and anti-fraud related initiatives:

- Tackling fraud and corruption, especially in relation to the procurement system and contract management.
- Strengthening and tightening the regulatory regime dealing with anti corruption and supply chain management.
- Ensuring the application of maximum penalties in relation to all incidents of corruption.
- Eliminating maladministration and corruption in relation to driver's license testing stations and booking.
- Ensuring effective follow up on cases reported to the anti-corruption hotline.

South Africa has amongst others, the best pieces of anti-corruption legislation and policy frameworks to guide the behaviour and conduct of public servants and any other individuals that interact with them and/or render services to the public sector. These have largely been developed since 1994. In addition, regulatory mechanisms have been put in place to govern the conduct of political office bearers such as Premiers and Members of the Executive Council (MECs). These frameworks deal with, inter alia, issues of financial dis-

closure, conflict of interests and insider information. South Africa has further acceded to the United Nations, African Union, SADC and OECD international legal instruments on anti-corruption.

In short, it can be argued that the elements of an effective anti-corruption framework exist in South Africa and in Gauteng. However, these do not function optimally and are not effectively adhered to. South Africa continues to rank amongst the highest in terms of levels of corruption and perceptions of corruption.

There are inefficiencies within and between institutions with anti-corruption mandates, a lack of effective follow up on complaints of corruption, inefficient application of disciplinary systems, underdeveloped management capacity in some areas and societal attitudes which weaken anti-corruption efforts.

Corrupt acts by public servants, in particular, contribute directly to the increase in the levels of corruption in South Africa in general and in particular in Gauteng, the centre of business and economic activities.

In November 2009, Cabinet decided to set up an Anti-Corruption Inter-Ministerial Committee (IMC) to effectively deal with all incidence of corruption in the public service. The Anti-Corruption Inter-Ministerial Committee will be chaired by Mr Collins Chabani, Minister in the Presidency, and it will include the Ministers of Public Service and Administration, Finance, Cooperative Governance and Traditional Affairs, Social Development and representatives from the Justice, Crime Prevention and Security (JCPS) Cluster.

The IMC will:

- Further study the recent report and recommendations on corruption issued by the Public Service Commission and other reports.
- Ensure that action is taken against all persons who are involved in corrupt practices involving public finances.
- Present a report and action plan at the Cabinet Lekgotla in January 2010.

The government takes strong exception to corrupt practices and regards the matter very seriously because of the potential damage that this could cause to the country's reputation globally.

The government also condemned all private sector companies that are involved in corrupt practices including paying bribes to public officials and warned all state employees that strong action would be taken against anyone involved in corrupt practices.

It is against this backdrop that the Gauteng government has sought to blow life into the province's anti-corruption efforts through the Gauteng Anti-Corruption (GAC) Strategic Framework (Annexure A) and implementation plan (Annexure B). To keep the title of the Strategic Framework short, it refers to anti-corruption only. However, it should be noted that the framework and the implementation plan also deal with the related issues of fraud and ethics.

South Africa is a relatively new democracy that emerged in 1994 after decades of struggle. During the years of struggle, South Africa was a fragmented country and the majority of its people were subjected to a corrupt political, social, economic and moral regime. In 1994, the democratically elected government embarked upon a programme to reconstruct and develop South Africa to the benefit of its entire people. The programme of growth, reconstruction and development was faced with obstacles and legacies created by the apartheid regime. One such obstacle was the prevalence of corruption.¹

In recent years, government has stepped up its anti-corruption activities. Its efforts have become more systemic, with greater emphasis on instituting appropriate policy measures to prevent corruption. The fight against corruption has been a priority in the programme of government (national, provincial and local) for many years².

The campaign against corruption in the public service has increasingly gained institutional recognition in South Africa. At a national level, this has found expression through a variety of legal and policy instruments and reports, including reports of bodies such as the Public Service Commission (PSC). The following key documents bear mention:

- The Country Corruption Assessment Report (DPSA/UNODC, 2003)
- Towards a Ten Year Review discussion document (Presidency, 2004)
- The Public Integrity Index (Centre for Public Integrity, 2004) and

¹ <http://www.nacf.org.za/government/index.html>.

² <http://www.nacf.org.za/government/index.html>

- The National Integrity Systems country study report (Transparency International, 2005).

In 1997, the South African government initiated a national anti-corruption campaign. This campaign progressed to a National Anti-Corruption (NAC) Summit in April 1999, where both the public and private sectors of society made a commitment to establish sectoral anti-corruption strategies. The core of the campaign was to inculcate adherence to professional ethics in the conduct of government business and duties.

Subsequent to the first NAC Summit in 1999, two further NAC Summits were held in March 2005 and August, 2008. The resolutions of these summits are attached as Annexure C and D. The national Anti-Corruption Inter-Ministerial Committee is expected to take further the national government's programme of action to combat corruption.

As the country's economic hub, Gauteng has a particular responsibility to pay particular attention to the effective implementation of anti-corruption measures. This requires the development of a tailor-made strategy that addresses issues of corruption in a holistic, integrated and pragmatic manner, which takes into account the dominant forms that corrupt practices take in Gauteng and the most effective means of addressing these.

OBJECTIVES OF THE STRATEGY

The specific objectives of this anti-corruption strategy are:

- To fight fraud and corruption in Gauteng in all its forms, through the prevention and combating of corruption.
- To identify common strategic priorities in combating corruption in Gauteng.
- To promote good governance and best practice in all of Gauteng's public institutions.
- To promote professional ethics within the public service through a total ethics management programme (TEMP) in all Gauteng departments and municipalities.
- To magnify government's efforts to create awareness, training and education about corruption in Gauteng including how and where to report corruption and/or any ethical misdemeanors.
- To create a culture of zero-tolerance for corruption and whistle-blowing in all Gauteng communities and sectors.
- To strengthen compliance and enforcement of regulatory mechanisms and accountability of public servants at all levels of the public service and political office bearers.

SCOPE AND PURPOSE

The purpose of the 2009 Gauteng Anti-Corruption Strategic Framework is to outline an approach that is holistic, integrative and pragmatic enough to enhance government's efforts in intensifying the fight against corruption Gauteng-wide. This includes detection, prevention and combating of fraud and corruption with a referral of serious cases of corruption and fraud to special investigation units and or/agencies in collaboration with the criminal justice system.

While government's anti-corruption efforts must reach society as a whole, the strategic focus is on reducing and eliminating the occurrence of corruption within the public service. The key outcome is to reduce incidents of fraud and corruption and promote an ethical public service in Gauteng.

This strategy applies to all unethical conduct, fraud, corruption, or suspected irregularities of this nature involving the following persons or entities:

- Political office bearers, including the Premier and Members of the Executive Council
- All employees/officials of the GPG and municipalities.
- Private individuals and entities who provide goods or services to the GPG and to the public on behalf of the GPG, including consultants, suppliers, contractors and other providers of goods or services to the GPG.
- Non-governmental organizations and agencies and other parties receiving benefits from the GPG.

FORMULATION OF THE PROBLEM

Corruption is a universal problem that undermines growth and development by diverting resources away from development programmes. Its effects are particularly harmful to developing countries and achieving good governance and fighting corruption is amongst the most important challenges facing new democracies such as South Africa. Gauteng, therefore, as the economic hub of South Africa and the African continent as a whole is particularly exposed to vulnerabilities of both fraud and corruption.³

³ Towards a fifteen year review: Assessing the effectiveness of the National Anti-Corruption Framework. Department of Public Service and

Compared with international practice, elements of a good anti-corruption strategy exist in South Africa and in particular in the public service. In addition to strong political commitment, South Africa has a solid legislative, regulatory and institutional framework, largely put in place since 1994. The Public Service in general utilises good governance practices, including a code of conduct, modern employment practices, financial disclosures, fair procurement and a progressive disciplinary system for the ensuring of economic utilisation of all state resources.

The South African framework does, however, not function optimally at present. Reasons for this can be seen in the lack of sufficient resources to fulfil mandates in the light of more pressing problems such as unemployment and service delivery, more especially health and education delivery, the fragmentation of the legislative framework, inefficiencies within and between institutions with anti-corruption mandates, a lack of focussed socialisation programmes, inefficient application of the disciplinary system, underdeveloped management capacity in some areas and certain societal attitudes and values. The concealment of corrupt acts by some public servants, including those in senior positions, contributes directly to the increase in the levels of corruption in South Africa.

Public perceptions of corruption in surveys conducted by Statistics South Africa (1998) highlighted that the communities surveyed experienced more than one incident of corruption committed by public servants. Similarly a study carried out by the UN Inter-regional Crime and Justice Research Institute (UNICRI), in 1993, 1996 and 2000 respectively, showed the rates for corrupt behavior as: 1993 (6.7%); 1996 (7.6%) and 2000 (13.3%). These studies clearly show that the levels of corruption in SA increased two-fold during 1993-2000. Corruption surveys conducted in 2001 and 2008 to assess the extent and levels of corruption in South Africa, however, indicated that corruption trends (perceptions and experiences) have declined over the years. This could be attributed to the awareness of anti-corruption measures put in place, including the enactment of the Prevention of Corrupt Activities Act (PCAA) and the Second Anti-Corruption Summit.² The results of these various surveys highlight the discrepancy between perceptions and actual levels of corruption taking place. Cause for concern is that, despite measures that government has put in place since 1997, the majority of the respondents were of the view that corruption is a serious problem and government is not doing enough to eradicate it.³

In general, the South African society is of the opinion that corruption is widespread in the country, within both the private and public sector. According to a Transparency International Corruption Index (2007), SA has been rated number 43 out of 180 countries and in 2008 number 54 out of 180 developed countries.

In the Gauteng Province, the first Provincial Anti-corruption Strategy was developed in 2002. This strategy was revised and, in 2007, EXCO approved a GPG Anti-corruption & Ethics Policy and Implementation Plan as well as the GPG Whistle-Blowing Policy (attached as Annexure E and F).

The pace and level of implementation of this strategy across GPG departments has been uneven. Effective implementation may have been adversely affected by insufficient levels of commitment displayed by top management in implementing the existing anti-corruption strategies. There has also been a lack of integration of provincial anti-fraud initiatives with broader anti-corruption and ethics management initiatives. This was further exacerbated by a lack of support to the Office of the Premier as the agent responsible for anti-corruption, fraud and ethics in GPG, with the additional responsibility of rolling out the minimum anti-corruption capacity across sector departments effectively. Some progress was made in relation to ethics. Subsequent to the 2007 strategy, 24 ethics officers were trained (two per department). However, ethics capacity has not been fully established through the development of ethics infrastructure and systems. For example, departments did not establish fully fledged ethics offices which would enable the trained ethics officers to perform their duties.

The Provincial Anti-Corruption Forum was formed in May 2005, to be attended by Chief Financial Officers and Risk Managers from departments. However, the attendance has not been optimal and numbers have been dwindling despite attempts to improve departmental participation.

Departments have, however, improved with regard to responding to cases referred from the National Anti-Corruption Hotline (NACH). To date all cases referred from the NACH in the Office of the Public Service Commission (OPSC) have been dealt with accordingly. A cause for concern though, is that despite this improvement, instances of corruption has been on the increase in the province. GPG ranks the highest in terms of "unethical behaviour" by public servants, as reported through the NACH (2007), including the abuse of gov-

ernment vehicles, fraudulent drivers and car licensing and abuse of working hours by public servants across all sector departments. Bribery of traffic officers is also reportedly rife and a common practice in Gauteng. GPG financial disclosures in 2008/2009 revealed that, while there is a marked improvement from the 2007/08 financial year, financial disclosures for senior management, the GPG as a whole had submitted only 81% of all required financial disclosures by 31 July 2009. Given that the submission of this information is a statutory requirement, the PSC expects all departments to submit 100% of disclosures.

Of a total of 1581 cases identified across national and provincial government departments, Gauteng represented 12% of the total. The national average is that 53% of disclosures contain potential conflicts while the Gauteng proportion is slightly higher at 55%.

A report by the Auditor General released in 2009 was the subject of a Standing Committee on Public Accounts (SCOPA) hearing on 8 July 2009. The Performance Audit of GPG Officials doing Business with Government covered the period 1 April 2005 to 31 March 2007 and reported that, in relation to public servants owning interests in the business entities:

- Employees were the managing directors of the entities and a percentage of the contract values would be managed or executed by these employees.
- Employees signed the quotations and invoices personally on behalf of the entities.
- The invoices submitted by the entities indicated that the departments should pay the value of the transactions into the bank accounts of the employees.
- Agreements between the departments and the entities were signed by the employees and the appointment letters were addressed to such employees.
- The quotations were faxed by employees during working hours.

A breakdown of the employees closely involved in the management of enterprises revealed that seven employees were from the Department of Education, one employee from the Gauteng Shared Service Centre and one employee from the Department of Health. A total of six staff members were found to have revenue from the companies that they were operating, one in the Department of Public Transport, Roads and Works, one in the Gauteng Shared Service Centre, one in the Department of Social Development and three in the Department of Health.

A recent investigation by the PSC on Supply Chain Management and adherence to procurement policies within the two hundred rand threshold in provincial and national departments of public works and human settlement, found low compliance levels. "Only 55% of transactions had evidence that the required number of quotations was obtained or had authorization for deviation from the required number of quotations. Low levels of compliance were particularly evident in the Department of Human Settlements: National (40%), Gauteng (19%), KwaZulu-Natal (53%), Northern Cape (41%) and Western Cape (42%)."

The occurrence of fraud and corruption referred to above, takes place in the context of key societal trends, which can be expected to impact on incidents of corruption. This includes continued high levels of income inequality – largely still along racial lines – alongside the accelerated accumulation of wealth by a minority within society, conspicuous consumption and "living beyond ones means". In addition, the recession and related job losses has impacted heavily on the poor and other sections of society, increasing indebtedness. Public servants, for example, are heavily indebted and many have garnishing orders against them. In addition, the media has frequently highlighted what are deemed to be unacceptable, corrupt or immoral practices by public servants and politicians alike, including in relation to tendering processes, nepotism, irregular allocation of houses etc.

All of these points to the need for a thoroughgoing renewal and change in the manner in which Gauteng plans to combat and prevent corruption and fraud in the province and to indicate how a culture of ethics, integrity and good governance ought to be promoted.

A REVISED GAUTENG ANTI-CORRUPTION STRATEGY FRAMEWORK

The 2009 Gauteng Anti-Corruption Strategic Framework borrows valuable strategies to combat and prevent fraud and corruption from a wide range of countries (international and regional) and organisations (multilaterals) such as – the United Nations Convention against Corruption (UNCAC); the World Bank, the International Monetary Fund (IMF); Transparency International (TI); Organisations for Economic Cooperation and Development (OECD); the SADC Protocol Against Corruption; and the African Union Convention on Preventing and Combating Corruption (AUCPCC). The UNCAC is the central international framework.

These organisations offer a myriad of strategies, systems and solution for the prevention and combating of corruption which is justifiable called the – International benchmarks in the fight against fraud and corruption

for the public service and business.

International benchmarks on the prevention and combating of corruption.

The list of these international benchmarks cannot be exhaustive enough, however, the most prominent and most common to all organisations listed above are the following:

- Honesty and Integrity
- Effective mechanisms
- Accountability and Transparency of government, especially to the public
- Raising awareness and/or campaigning against corruption
- Law enforcement (punishment)

Education and training in ethical decision making and best practice

- Oversight
- Systems control
- Monitoring and Evaluation System on the effectiveness of strategies
- Review of policies, strategies and closing of systems "gaps" as identified through M&E
- Regular reporting on progress
- Continuous research (corruption experiences, best practice, etc)
- Public participation

While all the benchmarks listed above are important, Gauteng found it critical to adapt the ones that are more relevant to its situation and context which are based in a situational analysis reflected in the background view of this strategy.

The 2009 Gauteng Strategic Framework, therefore, identifies the following strategic priorities and/or benchmarks:

- Reporting corruption and ensuring effective follow up and maximum penalties.
- Promoting ethical procurement.
- Building a social compact against corruption.
- Campaigning against corruption and building an ethical public service.
- Developing and implementing sectoral anti-corruption strategies.

A revised 2009 Gauteng Anti-Corruption Strategic Framework and implementation plan has been developed in order for it to provide an overall framework to guide the province's anti-corruption efforts and the development of more detailed sectoral strategies.

In addition to the five strategic pillars identified and elaborated upon in the content of the strategic framework, the Framework also identifies key role players and institutional arrangements both within the GPG and government in general in Gauteng, as well as mechanisms such as the Gauteng Anti-Corruption Forum which incorporates civil society sectors.

Attention is also paid to the critical role of awareness raising, training and education and communication in making the strategy a success.

Finally, attention is paid to reporting, monitoring and evaluation and the review of the strategic framework.

1. INTRODUCTION AND BACKGROUND

The Gauteng Executive Council officially adopted the ANC's 2009 Election Manifesto. The Gauteng MTSF 2009-2014 priorities and programmes were agreed upon by both the province and municipalities. This mandate requires that things be done differently. The commitment by government to embark on a renewal mode forms the centrepiece of the government strategic posture. It dictates that government changes the way it works, for example, the systems, operations, organisational structures, expenditure patterns, policies and response to the needs of the people of Gauteng. This moment entails heightened, accelerated and responsive public service delivery to make a significant impact on the socio-economic conditions of the people of the province, especially the poor.

Amongst other government mandates, the Gauteng Provincial Government (GPG) derives its mandate on anti-corruption, fraud and ethics from the following key government documents:

- The ANC Manifesto which became the party's Electoral Mandate
- The 2009-2014 Gauteng Medium Term Strategic Framework (MTSF)
- The Gauteng Inter-Governmental (IG) Programme of Action (POA) 2009/2010' and
- The Extended EXCO Lekgotla (4-6 June 2009).

It is against this background that the Executive in Gauteng has as one of its strategic priorities, the intensifying of the fight against crime and corruption in the entire province and further committed through Gauteng's Inter-Governmental Programme of Action (POA) to: "Revive and re-launch the public service anti-corruption strategy."

To this end, the Government of Gauteng is committed to bringing corruption, fraud and all forms of ethical misdemeanours to an end. At the Extended EXCO Lekgotla during the 4-6 June 2009, the EXCO took a decision to: "Revive and re-launch GPG Anti-Corruption Strategy". The commitment by EXCO Lekgotla emphasised the imperative to intensify the fight against crime and corruption in the entire province and across all sectors of society. Moreover, GPG's commitment can only be actualised through a specific strategy with specific objectives and an action plan that is time-bound and measurable.

BACKGROUND

South Africa is a relatively new democracy that emerged in 1994 after decades of struggle. During the years of struggle, South Africa was a fragmented country and the majority of its people were subjected to a corrupt political, social, economical and moral regime. In 1994 the Government that was elected democratically by the majority of people, embarked upon a programme to reconstruct and develop South Africa to the benefit of all its peoples. The programme of growth, reconstruction and development was fraught with obstacles and legacies created by the apartheid regime. One such obstacle was the prevalence of corruption.⁴ In recent years, government has stepped up its anti-corruption activities. Its efforts have become more systemic, with greater emphasis on instituting appropriate policy measures to prevent corruption. Anti-corruption has been a priority in the programme of Government (National, Provincial and Local) for many years⁵.

The campaign against corruption in the public service has increasingly gained institutional recognition in South Africa. At the national level, this has found expression through five key documents, namely the Country Corruption Assessment Report (DPSA/UNODC, 2003), Towards a Ten Year Review discussion document (The Presidency, 2004), the Public Integrity Index (Centre for Public Integrity, 2004) and the national Integrity Systems country study report (Transparency International, 2005). In 1997, the Government of South Africa initiated a national anti-corruption campaign. This campaign progressed to a National Anti-Corruption Summit (hereafter "summit") in April 1999 at which both the public and private sectors of society committed to establishing sectoral anti-corruption strategies. The core of this campaign is to inculcate adherence to professional ethics in the conduct of government business and duties.

Subsequent to the 1999 summit, the 2nd (March, 2005) and 3rd (August, 2008) Summits were held. In accordance with the resolutions of the most recent summit, herewith attached as Annexure 2, the Revised GPG Anti-Corruption and Ethics Strategy (hereafter referred to as the "strategy") as well as its Implementation Programme represent a further step towards government's and/or GPG's contribution towards establishing an Anti-corruption and ethics strategy for the entire Gauteng (Province and Municipalities). The GPG, as a distinct province of South Africa, requires a tailor made strategy that addresses issues of corruption in a holistic, integrated and pragmatic manner. This strategy is nonetheless sensitive and complimentary to national requirements.

4 <http://www.nacf.org.za/government/index.html>.

5 <http://www.nacf.org.za/government/index.html>

The stance of the GPG on crime and corruption is nowhere more represented than in the Premier's State of the Province Address (SOPA) presented as follows:

"Fraud and corruption are eating into the moral fibre of our society. This government commits itself to dealing with this scourge swiftly and effectively. Fraud and corruption in procurement systems, tendering processes and contract management will attract maximum penalties. We look forward to the support of trade unions in our efforts to root out corruption in both the public and private sector."

GPG is of the conviction that there is a need for cultural change. Therefore, a strategy should be developed within society which will honour and respect citizens, not for their material excess, but for their ethical virtues. Furthermore, we need to educate our citizens to realise that claims to rights are not blind entitlements, but privileges guaranteed by our dutiful commitment to respect the rights of others by being zero-tolerant to corruption, fraud and unethical behaviour from public servants, business and from any sector (Civil society, NGOs and CBOs) of our society.

In order to effect such a cultural change all sectors of society need to co-operate. The GPG is determined to do its part. It encourages every sector to contribute to the struggle against fraud and corruption.

2. LEGISLATIVE AND POLICY FRAMEWORKS

Underscoring South Africa's efforts to combat and prevent corruption are the following pieces of legislations:

LEGISLATIVE FRAMEWORKS

- i. The Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)
- ii. The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
- iii. The Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)(the PAJA)
- iv. The Protected Disclosures Act, 2000 (Act No. 26 of 2000)
- v. The Public Finance Management Act, 1999 (Act No. 1 of 1999)(the PFMA)
- vi. The Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (the MFMA)
- vii. The Finance Intelligence Centre Act, 2001 (Act No. 38 of 2001) (the FICA)
- viii. The Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)
- ix. The National Prosecuting Authority Act, 1998 (Act No. 32 of 1998)
- x. The Public Service Act, 1994 as amended by Act 30 of 2007.

South Africa has a National Anti-Corruption Framework which serves as a blueprint of fighting corruption in the country. The framework consists of the key institutions, sectors, laws, policies, practices and specific mechanisms that collectively contribute to enhancing integrity, transparency and accountability. The framework consists of the following main tenets:

- Normative frameworks
- Legislative frameworks
- Conventions (UN, AU, SADC and EOCED)
- Institutional arrangements – National Anti-Corruption Forum, Anti-Corruption Coordinating Committee, Criminal Justice Institutions, Public Sector Departments (National & Provincial).
- Mechanisms (NACH, register for tender defaulters)
- Sectors (media, civil society and the private sector)

FINANCIAL DISCLOSURES FRAMEWORK

The main purpose of the framework is to ensure that managers in the public service ascribe to the highest possible standards of both professional and work ethics including organisational integrity. The main objective of the disclosure framework is to ensure that potential conflict of interest does not become real conflict.

The Public Service Commission (PSC) is responsible for operationalising financial disclosures, monitoring and evaluating the disclosures as well as managing the reports generated, however, the responsibility to discipline false disclosures and or/ non-disclosures lies with the Executing Authority (EA). Where potential conflict of interest is picked up, the case is referred to the EA for further investigations and to revert back to the PSC within 30 days.

The Financial Disclosure Framework was implemented in March 2000 in terms of Section 41 (1) (d) of the Public Service Act of 1994. The Financial Disclosure Framework is informed by:

- Section 196 of the Constitution of the Republic of South Africa stipulates that public administration must be accountable, ethical, impartial and fair.

- The Code of Conduct for the Public Service and related Financial Disclosure Framework in the Public Service Act of 1994 (as amended) and Public Service Regulations of 2001 (as amended).
- Chapter 9 of the SMS Handbook issued by the Department of Public Service and Administration.

This framework is applicable to both National and Provincial (including Municipalities) spheres of government. In April 2000, the framework covered employee levels 15-16

- In May 2001 it was extended to cover levels 13-14
- During 2007-2008 there was a proposal to extend it to Middle Management levels 11-12

However, the proposal above did not go through due to the concern that the majority of officials with business interests are not only SMS members but even officials at lower levels such as levels 4-8, hence the current proposal is that: the FDs covers all levels of public servants starting from level 1-16.

Members of the Executive Council (Ministers, MECs) and Presiding Officers are covered by the Ministerial Handbook.

The Ministerial handbook emanates from the Executive Members' Ethics Act.

Chapter 13 of the Rules of the Legislature deals with ethics and provides for the appointment of the Integrity Commissioner.

At the September 2009 Extended EXCO Lekgotla, a decision was taken that the Integrity Commissioner approach should be extended to Municipalities as well as a mechanism to enhance executive accountability.

CONFLICT OF INTEREST

Serving the public interest is the fundamental mission of a government and its public institutions. Citizens are entitled to expect that individual officials will perform their duties with integrity, and in a fair and unbiased way. Public officials who maintain private interests during their time in office can present a threat to this fundamental right. Such conflicts of interest have the potential to weaken the trust of citizens in public institutions (OECD: Guidelines for managing conflict of interest in the public service, June 2003).

Most conflicts of interest are obvious: Public officials who award contracts to themselves, members of their family or to their friends or political patrons; public officials who personally hold – or whose close relations hold – shares in companies subject to their regulation, with which they are contracting or which they are granting licences, etc. These conflicts require no explanation. They present circumstances which pose a threat to the public interest, however honest the official may claim to be.

Conflicts of interest situations cannot be avoided. It is inevitable that, from time to time, personal interest will come into conflict with work decisions or actions. For these to be identified from the outset is important if confusion and misunderstandings are to be avoided. When someone considers that they may have a conflict of interest, what they need do as a first step is to place the potential conflict on the record and seek the guidance of a superior or an ethics adviser (all GPG departments have two certified Ethics Officers).

A conflict of interest arises when a person, as a public sector employee or official, is influenced by personal considerations when carrying out his or her job. In such cases, decisions are made for the wrong reasons. Moreover, perceived conflicts of interests, even when the right decisions are being made, can be as damaging to the reputation of an organisation and can erode public trust as easily as can an actual conflict of interest.

The most common problem with regard to conflict of interest in South Africa's public service is that of former public officials who improperly use confidential information acquired during the course of official functions for personal benefit, or to benefit another person or organization –

"information trading" and/or "insider-trading". To counter-act this problem, government introduced the "restraint-of-trade" in their salary packages to take care of the proposed "cooling-off period", however, politicians are not covered by the same clause, it is therefore, hereby proposed in this Framework that:

- A Standing Advisory Body (SAB) that would assist Members of the Executive
- Council in complying with any guidelines that might address their later employment be established in the Gauteng Legislature. This feature is common to legislative and executive ethics instruments internationally and not just for dealing with post-public sector employment.

With regard to conflict of interest, both the PSC and the Auditor General (AG) have recently scrutinised financial disclosures to establish whether conflicts of interests harmful to the state exists. A draft was tabled for consideration and approval by Cabinet in March 2009. Cabinet proposed that declaration by spouses be included in the revised document on Conflict of Interest, however, a legal opinion is that such an inclusion would be illegal since spouses are not employees of government. The legal advice is that procurement processes and procedures be tightened with high level due diligence in tendering processes.

Subsequent to the tabling of the draft in Parliament, the document was also presented at the MINEXCO of the DPSA in September 2009 and Cabinet in October 2009. The draft is still being finalised with inputs from both MINEXCO and Cabinet. To be tabled at the January 2010 Cabinet meeting.

In its efforts to fulfil its legislative mandate, the PSC has published Rules for the Management of Conflicts of Interest which, in collaboration with the AG, was used to conduct a range of performance audits examining civil servants doing business with government.

The EXCO at the extended Lekgotla in September 2009 resolved that the financial disclosures as well as conflict of interest be extended to include all public service employees especially those placed at procurement and finance units of government departments.

REMUNERATION WORK OUTSIDE THE PUBLIC SERVICE

The Public Service Act (1994), Section 30 gives provision for the issue of remuneration work outside the public service. The Act stipulates that:

"...an employee does not, without approval, undertake remunerative work outside her or his official duties or use office equipment for such work".

The Code of Conduct for Public Servants stipulates that:

"...every government employee shall place the whole of his or her time at the disposal of the State". Full time employment in the Public Service requires and demands undivided commitment, expertise and dedication to the State (as the Employer)".

Currently, the DPSA has provided guidelines to departments (National & Provincial) for employees performing remunerative work outside the public service or his/her relevant department. The move to develop the guidelines is due to the fact that the definition of "Remuneration work outside the Public Service" in the Act is not being comprehensive enough. The Director General for the DPSA approved the Guidelines in November 2009.

REGULATORY FRAMEWORKS

The Executive Members' Act 82 of 1998 provides for the code of ethics for governing the conduct of members of the Cabinet, Deputy Ministers and members of provincial Executive Councils; and to provide for matters connected therewith⁴.

(a) The code of ethics amongst other provisions, prohibits MECs from –

- (i) Undertaking any other paid work;
- (ii) Acting in a way that is inconsistent with their office;
- (iii) Exposing themselves to any situation involving the risk of a conflict between their official responsibilities and their private interests;
- (iv) Using their position or any information entrusted to them, to enrich themselves or improperly benefit any other person; and
- (v) Acting in a way that may compromise the credibility or integrity of their office or of the government.

(b) It also requires MECs to disclose to an official in the office of the Premier concerned designated for this purpose –

- (i) all their financial interests when assuming office; and
- (ii) any financial interests acquired after their assumption of office, including any gifts, sponsored foreign travel, pensions, hospitality and other benefits of a material nature received by them or by such persons having a family or other relationship with them as may be determined in the code of ethics; and
- (iii) prescribe that the financial interests to be disclosed in terms of paragraph (b) must at least include the information, and be under the same conditions of public access thereto, as is required by members of the National Assembly as determined by that House from time to time, but may prescribe the disclosure of additional information.

3. PROBLEM STATEMENT

Corruption is a universal problem that undermines growth and development by diverting resources away from development programmes thus increasing poverty, inequality and underdevelopment. It complicates sustainable development and hits the poor particularly hard. Corruption slows economic progress. Axel Dreher and colleagues (as cited by Robert Klitgaard, *SaturdayStar*, 27 March 2010), estimate that corruption is responsible for a reduction of 63% in per capita income in sub-Saharan Africa. A scientific research conducted by Klitgaard and Fedderke (University of Cape Town), shows that, all things being equal, countries with more corruption have less investment, and each dollar of investment has less impact on growth. Moreover, bad governance has direct and negative effects on long-term outcomes such as infant mortality and educational attainment. Corruption hurts the poor; not the rich. It undercuts democracy lending it to dictatorship and corruption, both of which are two great sins of government. Like disease, corruption comes in many forms, some cancerous, some mild. Like disease corruption can be widespread like a pandemic or occasional like mumps. Like disease, prevention is important, and so is treatment of disease. Responsible administration which respects the rules of democracy and creates a favourable environment for economic and social development is a basic prerequisite for combating poverty. Its effects are particularly harmful to developing countries and achieving good governance and fighting corruption is amongst the most important challenges facing new democracies such as South Africa and Gauteng in particular as the economic hub of South Africa and the African continent as a whole⁶.

Compared to international practice, elements of a good anti-corruption strategy exist in South Africa and in particular in the Public Service. In addition to strong political commitment, South Africa has a solid legislative, regulatory and institutional framework, largely put in place since 1994. The Public Service utilises good management practices, including a code of conduct, modern employment practices, financial disclosures, fair procurement and a progressive disciplinary system for the ensuring of economic utilisation of all state resources.

The South African framework does, however, not function optimally at present. Reasons for this can be seen in the lack of sufficient resources to fulfil mandates in the light of more pressing problems such as unemployment and service delivery, more especially health delivery, the fragmentation of the legislative framework, inefficiencies within and between institutions with anti-corruption mandates, a lack of focussed socialisation programmes, inefficient application of the disciplinary system, underdeveloped management capacity in some areas and societal problems (wealth accumulation). The concealment of corruption acts by some highly placed public servants contributes directly to the increase in the levels of corruption in South Africa.

Public perceptions of corruption on surveys conducted by Statistics South Africa (1998) highlighted that the communities that were surveyed experiences on more than one incident of corruption committed by public servants. Similarly a study carried out by the UN Interregional Crime and Justice Research Institute (UNICRI), in 1993, 1996 and 2000 respectively showed the rates for victimisation as: 1993 (6.7%); 1996 (7.6%) and 2000 (13.3%). These studies clearly show that the levels of corruption in SA increased two-fold during 1993-2000. Corruption surveys conducted in 2001 and 2008 to assess the extent and levels of corruption in South Africa, however, indicated that corruption trends (perceptions and experiences) have declined over the years. This could be attributed to the awareness of anti-corruption measures put in place including the enactment of the PCCA) and the 2nd Anti-Corruption Summit.⁵ The results of these various surveys highlight the discrepancy between perceptions and actual levels of corruption taking place. Cause for concern is that despite measures that government has put in place since 1997 majority of the respondents were of the view that corruption is a serious problem and government is not doing enough to eradicate it.[□]

In general, the South African society is of the opinion that corruption is widespread in the country within both the private and public sector. According to a Transparency International Corruption Index (2007), SA has been rated number 43 out of 180 countries and in 2008 number 54 out of 180 developed countries.

In the Gauteng Province, the first provincial anti-corruption strategy was developed in 2002. This strategy was revised and approved by the EXCO in 2007 as a GPG Anti-corruption & Ethics Policy with an Implementation Plan as well as the GPG Whistle-Blowing Policy. The pace and level of implementation of this strategy across GPG departments has not been even. This may be adversely impacted by the insufficient level of commitment displayed by top management as far as the implementation of the existing strategies for anti-corruption is concerned. This is further exacerbated and demonstrated by a lack of support to the Office of the Premier as the agent responsible for anti-corruption, fraud and ethics in GPG with the additional respon-

⁶ *Towards a fifteen year review: Assessing the effectiveness of the National Anti-Corruption Framework*. Department of Public Service and Administration, July 2008.

sibility of rolling out the minimum anti-corruption capacity across sector departments effectively. Subsequent to the 2007 strategy, 24 ethics officers have been trained (two per department), however, no ethics offices have been established for these officers to act fully as ethics officers nor is there the creation of ethics offices in the departments.

The Provincial Anti-Corruption Forum was formed in May 2005 to be attended by Chief Financial Officers and Risk Managers from departments but the attendance has not been optimal and numbers have been dwindling in spite of several attempts to improve departmental participation. Departments have, however, improved with regard to responding to cases referred from the NACH. To date all cases referred from the NACH in the OPSC have been dealt with accordingly. A cause for concern though is that despite this improvement, instances of corruption has been on the increase in the province. GPG ranks the highest in "unethical behaviour" of public servants as reported through the NACH (2007), abuse of government vehicles, fraudulent drivers and car licensing and abuse of working hours by public servants across all sector departments. Bribery of traffic officers is also rife and a common practice in Gauteng.

GPG Financial Disclosure 2008/2009 revealed that:

While there is a marked improvement from the 2007/08 financial year financial disclosures for senior management, the GPG as a whole has submitted only 81% of all required financial disclosures by 31 July 2009. Given the submission of this information is a statutory requirements the Public Service Commission expects all departments to submit 100% of disclosures by 31 March 2009.

An audit conducted on the 2006/07 disclosures revealed the following data for Gauteng:

Number of Cases	Potential Conflicts	No Potential Conflicts	%
186	102	84	55%

Of a total of 1581 cases identified across national and provincial government departments, Gauteng represented 12% of the total. The national average is that 53% of disclosures contain potential conflicts while the Gauteng proportion is slightly higher at 55%.

A report by the Auditor General released in 2009 was the subject of a Standing Committee on Public Accounts (SCOPA) hearing on 8 July 2009. The Performance Audit of GPG Officials doing Business with Government covered the period 1 April 2005 to 31 March 2007 and reported that:

	No of Employees	Number of Entities	Amounts Paid (2005 – 2007)
Employee-related companies and/or CC's doing business with own departments	87	86	12,392,184
Employee-related companies and/or CC's doing business with other departments of GPG	92	93	12,465,311
Employee's spouse-related companies and/or CC's doing business with own departments	14	14	1,323,438

Source: AG (2009) Performance Audit of GPG Officials doing Business with Government

At the time of audit, only one employee of the 87 listed had permission to perform remunerated work outside of the public service in terms of Section 30 of the Public Service Act. Similarly, in only of the 92 cases of employees doing business with other GPG departments did the employee have permission to do remunerated work outside the public service. At the time of the audit departments were still verifying whether other employees identified had requested permission.

The audit further discovered that in owning interests on the business entities:

- Employees were the managing directors of the entities and a percentage of the contract values would be managed or executed by these employees.
- Employees signed the quotations and invoices personally on behalf of the entities.
- The invoices submitted by the entities indicated that the departments should pay the value of the transactions into the bank accounts of the employees.
- Agreements between the departments and the entities were signed by the employees and the appointment letters were addressed to such employees.
- The quotations were faxed by employees during working hours.

A breakdown of the employees closely involved in the management of enterprises revealed that 7 employees were from the Department of Education, 1 employee from the Gauteng Shared Service Centre and 1 employee from the Department of Health. A total of 6 staff members were found to have revenue from the companies that they were operating, 1 in the Department of Public Transport, Roads and Works, 1 in the Gauteng Shared Service Centre, 1 in the Department of Social Development and 3 in the Department of Health. In its submission to SCOPA in July 2009 where the contents of the Auditor General's reports were discussed, the GPG indicated that it has initiated the following process, amongst others:

Conflict	Action
Performance of remunerated work	Initiate disciplinary action against the implicated officials who did not adhere to prescripts and failed to declare their interest and did not obtain permission for remunerative work outside the public service; Issue circulars/policy and raise awareness regarding compliance with the applicable prescripts to ensure declaration of interests and approval for doing remunerative work outside the public service; and Request GSSC to restrict the use of the relevant service providers.

In the past few months the media has on a daily basis reported on the new culture of wealth accumulation with a conspicuous consumption of resources – a value of amassing wealth which is so uncanny (neo-capitalism) by public servants and politicians alike, irregular tendering and housing allocation procedures and the callous use of public funds to purchase expensive cars by politicians to name a few (Mail & Guardian). All these, point to the need for a renewal and change of how Gauteng plans to combat and prevent corruption and fraud in the province and indicate how a culture of ethics and good governance ought to be promoted.

4. SCOPE AND PURPOSE OF THE STRATEGY

The purpose of the Gauteng revised anti-corruption, fraud and ethics strategy is to have an approach that is holistic, integrative and pragmatic enough to enhance government's efforts in intensifying the fight against crime and corruption Gauteng-wide.

This strategy applies to all unethical conduct, fraud, corruption, or suspected irregularities of this nature involving the following persons or entities:

- Political principals
- All employees/officials of the GPG and Municipalities.
- Consultants, suppliers, contractors and other providers of goods or service to the GPG; and
- NGO and Agencies and other parties receiving benefits from the GPG.

5. OBJECTIVES OF THE REVISED STRATEGY

Specific objectives of this anti-corruption strategy are:

- To fight through combating and prevention of corruption in all its forms in the entire province.
- To promote good governance and best practice in all of Gauteng's public institutions.
- To manage professional ethics through total ethics management programme (TEMP) in all of Gauteng's departments and municipalities.
- To magnify government's efforts to creating awareness, training and education about corruption in the entire province, and how and where to report corruption and/or any ethical misdemeanors.
- To create a zero-tolerance culture in all of Gauteng communities and sectors towards corruption through campaigns.
- To ensure and strengthen public servants' accountability (including Political principals).

6. STRATEGIC PRIORITIES UNDERLYING THE STRATEGY

Based on an analysis of the most prevalent forms of corruption in Gauteng and taking into account the outcomes and objectives which the strategic framework seeks to achieve, a number of inter-related strategic priorities have been identified which together lay the basis for an overlapping matrix of interventions to combat corruption. These are:

- Reporting corruption and ensuring effective follow up and maximum penalties
- Promoting ethical procurement
- Building a social compact against corruption

- Campaigning against corruption and building an ethical public service
- Developing and implementing sectoral anti-corruption strategies.

7. DEFINITION OF CORRUPTION

Settling on a working definition of “corruption” is essential for setting the tone for this strategy. Proceeding to identify a working definition of corruption could begin by acknowledging the fact that general definitions of corruption seem to be difficult to produce, and thereafter by beginning to look at how the act of corruption has been legally defined in relevant statutes. It is crucial also to realise that corruption has posed a lot of problems in having one legally acceptable definition. There has been no universal consensus of what would be the internationally acceptable definition of corruption and as well as of what sorts of conduct should be included or excluded particularly in developing criminal laws or other politically sensitive concepts of corruption.

For example, on the one hand the United Nations (UN), in its anti-corruption Toolkit (2001), proposes the following definition: “Corruption is an abuse of public power for private gain that hampers the public interest”, while on the other hand experts such as Elliston and Feldberg (1985, p.25) provide a classic definition of corruption which holds that: “A public official is corrupt if that official accepts money or something else of value for doing something he or she is under a duty to do anyway, under a duty not to do, or for exercising legitimate discretion for improper reason.”

Even then, the definitions provided above beg the question: “Should the definition of corruption be limited to abuses of public power or harm to public interest, and if not, what sorts of private elements should be included?” For example, the two definitions given above are too broad and general while not necessarily a legal definition of corruption. However, there are definitions that are useful in defining corruption that are applied in varying forms from country to country. It is believed that each describes only a portion of the overall problem as they are in accordance with the particular country’s cultural, legal or other factors and the nature of the problem. These definitions also vary depending on the background and perspective of the definer and the purpose for which the definition is constructed; for example,

- Economic or commercial models may focus on trade issues or harm to economic stability
- Legal models tend to focus on criminal offences or areas such as breach of trust.
- Political models tend to focus on the allocation and the abuse of power or influence.

For purposes of the GPG revised strategy, it is crucial at this stage to bring in a Legal definition of the concept as it is defined in South Africa’s Prevention and Combating of Corrupt Activities Act (PCCA), Act No. 12 of 2004. One of the main things that the Prevention and Combating of corrupt activities Act (No. 12 of 2004) does is to make certain actions crimes (some of which might not have been regarded as crime in the past) to do this, it has to “define” or explain what the crime of corruption is. This is known as the “legal definition” of corruption, which might be different to what one understands the word “corruption” mean. Instead the Act sets out a range of activities that are regarded as corruption – all of which have the following in common; Someone (A) gives (or offers to give) someone in a position of power (B) something to use their power, illegally and unfairly, to the advantage of A (or anyone else). The person offering to give or do something in return for something is always guilty of corruption. And both parties (A and B) will be guilty of corruption if the offer is accepted⁷.

To this end, the Act defines corruption legally as follows:

“Corruption is where a person (A) gives (or offers to give) someone in a position of power (B) something (called ‘gratification’ in the Act) to use that power, illegal and unfairly, to the advantage of A (or a third person). B will also be guilty of the same crime if he/she accepts (or offers to accept) the gratification to wrongly use his position.” (Prevention & Combating of Corrupt activities Act, No.12 of 2004).

The Act is broader in scope, firstly in its delineation of actors that engage in corruption, covering “offences in respect of public officers”, “foreign public officials”,

“agents”, “members of legislative authority”, and “judicial officers”. Secondly, it also distinguishes “general” from more activity-specific instances where corruption is alleged to have taken place, i.e. “general offence of corruption”, “offences relating to contracts”, “offences relating to procuring and withdrawal of tenders”, and “miscellaneous offences”. If one considers the “general offence of corruption” as a basic standard however, it is evident that the 2004 Act’s definition focuses on persons who accept or offer to accept/gives or agrees to give any gratification, which results in their being influenced and/or attempting to influence

persons to act in a particular manner. Such a manner can be considered to be illegal, dishonest, unethical, unauthorised, incomplete or biased in terms of the exercise or carrying out the performance of any powers, duties or functions that arise from a constitutional, statutory, contractual or any other legal obligation, and otherwise constitutes the abuse of one's position of authority, breach of trust, violation of a legal duty or set of rules. Section 4 of the Act applies this general definition to corrupt activities relating to "public officers", and adds a number of specific activities relating to the performance of public officials in particular, for example:

- voting at any meeting of public body,
- performing or not adequately performing any official functions,
- expediting, delaying, hindering or preventing the performance of an official act,
- showing any favour or disfavour to any person in performing a function as a public officer,
- exerting any improper influence over decision making of any person performing functions in a public body (Section 2, paragraph 4).

From the foregoing conceptualisation of corruption by the Act, it is evident that there has been much improvement from the 2004 Act as compared with the 1992 central statute governing corruption in South Africa. For purposes of tightening the Gauteng strategy, we decided to consult the Public Service Anti-Corruption Strategy (PSACS) of 2002 in order to compare legal perspectives of corruption with a more strategic instrument. Largely, the PSACS describes a somewhat confusing picture of corruption which it firstly outlines in the form of a working definition as:

"Any conduct or behaviour in relation to persons (all levels) entrusted with responsibilities in the public office which violates their duties as public officials and which is aimed at obtaining undue gratification of any kind for themselves or for others" (PSACS, 2002:11).

Although indicating that such a definition should not be viewed as a legal definition, this description does generally resemble the legal definition captured in both the 1992 and 2004 Acts. The description of what the authors of the PSACS termed "dimensions of corruption", or the "various forms in which corruption manifests itself in the Public Service and elsewhere". Examples given of these "dimensions" appear to fall outside of activities contained under the legal definition of corruption, including "embezzlement" (theft of resources by persons entrusted with authority and control of resources", and "fraud" (PSACS, 2002: 7-8).

Gauteng, however, does recognise that corruption has been given a specific legal definition in South African law, in relation to the behaviour and activities it applies to the conduct of public officials, whilst also incorporating conduct that, whilst technically falling outside the narrower legal definition, i.e. fraud and theft, has been recognised by Government as being otherwise related to corruption. For purposes of the Gauteng revised anti-corruption, fraud and ethics strategy, the legal definition of corruption is the one that is adopted and shall be used throughout the province. Also, Gauteng embraces the public's understanding of the word "corruption", as delineated in the sub-section on "complexities related to the concept and its definition".

8. COMPLEXITIES RELATED TO THE CONCEPT "CORRUPTION" AND ITS DEFINITION

However, most members of the public understand the word corruption much more broadly to include the abuse of resources, maladministration, theft and fraud. To ensure the public's faith in the public service, it is crucial to address the risks of any of these occurring as well as addressing the risks of corruption as defined in the Act. Even 'minor' transgressions like small scale theft, misuse or abuse of property, abuse of sick leave, or generally failing to comply with laws, rules and regulations can have a major effect. And tolerating small scale transgressions often creates an environment for larger scale irregularities to take place⁸. Hence, when people engage in such activities, they are loosely accused of doing something that is illegal, immoral or unethical – these as they stand are just mere "concepts", however, in the context of this anti-corruption strategy, it therefore, becomes critical that such concepts be defined so that their relationship with the concept "corruption" is clearly identified so that common action against them in the public service can be taken.

The word/concept "illegal" means an act or conduct that is forbidden by law or conduct that is prohibited by accepted rules or by Codes, while the meanings of immorality and unethical can be found in a definition of the word "ethics" and "moral". While definitions of ethics and morality may proliferate, it is necessary to take into account injunction by various ethicists that ethics and its related constructs are phenomena residing in arts and not science; therefore whoever looks for ethical rules must not imitate the methods of science because, for example, science tells us what is, not what should be (ethics does).

Ethics may be defined as: "A reflective philosophical endeavour that attempts to make theoretical sense out of

our classification of actions into basic categories of the morally permissible, the morally impermissible, and the morally obligatory" (Earle 1992: 177). A functional definition of ethical actions as opposed to "unethical" actions is that such action is purposive and is according to a set of values. Such action yields an ethical system that may be judged moral or immoral to the extent that it improves a society corporately or the individuals that make up that society. So, any action that does not improve society and individuals making up a particular society is an immoral act. Any definition of ethics has to emphasize the deliberate aspect thereof; that is, the definition has to underscore the fact that ethics involves the use of reason in determining what actions measure negatively or positively against societal accepted moral standards. This leads to the conclusion that ethics is the study of morality. Morality expresses certain values that members of a group hold to be important and is reflected in laws, rules and regulations, or policies and procedures (Denhardt 1995: 107), immorality deemphasise those values.

ELEMENTS OF CORRUPTION

It can be accepted that the elements of corruption are as follows:

- a) Unlawfulness: The offences of corruption are committed only where there is benefit promised, given, or received corruptly.
- b) Benefit: This offence is committed by promising, giving or receiving a benefit of whatever nature which is not legally due.
- c) Person: Corruption is committed by any person who is charged with duty. It is not however necessary to establish that he / she has been charged with duty. In many instances the corruptor is also as guilty as the corruptee and they can both be charged with corruption.
- d) Intention: The intention to corrupt is basically an element of this offence.

When one examines corruption, it becomes apparent that it is mostly used as a generic phenomenon, if not a collection of these, such as fraud, bribery, extortion etc. to be discussed hereunder. These phenomena are related in various ways bearing in mind the basic dishonesty character that they all exhibit. There is however no single clinical definition which encapsulates corruption.

Various attempts aimed at defining or classifying corruption (above) for various purposes are largely based on many different perspectives and criteria including the following:

- Moral criteria
- Descriptions of the conduct or behaviour involved
- Models involving conflict of interest, breaches of trust or abuse of principal / agent /client relationships
- Economic, political and administrative models
- Distinctions based on whether the corruption involved public or private sector actors or interests; and on
- Factors such as whether the actors were engaged in an organized crime or more ad hoc forms of corruption.

Corruption may involve cash or economic benefits, power or influence, or even less tangible interests, and occurs in both government and private sectors, and in democratic and non-democratic governments and societies.

Having taken into account the prevailing problems posed in finding an internationally acceptable definition of corruption, most legislatures have chosen not to attempt to criminalize the general phenomenon but to focus, instead, on specific types of conduct as enunciated (Elements of corruption).

Some of the more commonly encountered forms of corruption include the following:

- a) Serious/Grand and Less Serious /Petty Corruption that pervades the highest levels of government, leads to a broad erosion of confidence in good governance, its rule of law and economic stability is generally referred to as "serious or grand corruption". At this level corruption can also involve the exchange of money in smaller amounts or minor favours by those seeking preferential treatment or the employment of relatives and friends. This is referred to as "less serious or petty corruption". The most critical difference between "serious /grand corruption" and "less /petty corruption" is that the former involves the distortion or pervasion of central functions of government such as legal, economic or other policy making, the development and enactment of legislation or judicial independence, whereas the latter develops and exists within the context of established governance and social frameworks.

(For Gauteng Province, the various forms of corruption – such as "petty" and "less petty" are of no consequence. Corruption is corruption, for example, if a traffic officer gets offered R20.00 bribe, and another officer is embroiled in a corruption case of R100,000 kickback from corrupt service providers, the "crime" is the same, it is all – corruption).

b) Active and Passive Corruption

The terms “active and passive” corruption are used in two distinct senses. Generally in discussing the transactional offences such as bribery, active bribery refers to the party who offers or actually pays the bribe while passive bribery refers to the recipient. In this sense active corruption would include all cases where some positive conduct such as the actual payment and / or acceptance of a bribe having taken place but not cases where a bribe was offered but not accepted or solicited but not paid.

9. MANIFESTATIONS OF CORRUPTION

Corruption manifests itself in various forms as indicated hereto below:

i. **Fraud**

Fraud can be described as a misrepresentation of fact or an act or behaviour by a public servant or any other person or a corporate body to another of providing a benefit that would not normally accrue to such a public servant, other person or a corporate body.

Example: An employee who lodges a fictitious claim for services rendered by X in order to collect the amount from the National Prosecuting Authority for the services rendered knowing very well that such services were not rendered and that X is a fictitious person and thus causing actual or potential prejudice to the organization.

ii. **Extortion**

This is an act involving coercion by the employee on a person or an entity to provide a benefit to such employee in exchange for acting or refraining to act in a particular manner by such employee.

Example: The employee threatens to withdraw the tender on the basis of a fabricated tender violation unless the tenderor provides the employee with a motor vehicle.

iii. **Bribery**

The act of Bribery involves the promise, offering, or giving of a benefit that is made by a person to an employee in order that the latter must not carry out his or her decision. This act may vary in its manifestation from an employee, entity, political party to government where a benefit is offered, promised or given which benefit improperly affects the decisions of such political party, entity, government or person.

Example: A policeman accepts a cash payment in order not to arrest an offender.

There are other specific types of bribery which include the following:

- **Influence – peddling**

This is where public officials or other political or government insiders offer to exert influence not available to the outsider. This is distinct from political advocacy or lobbying in that the corrupt individual sells access to or influences on government decision making that he / she only has as a result of public status of office.

- **Offering or receiving improper gifts, gratuities, favours or commissions**

In some countries it is common for public officials to accept tips or gratuities in exchange for their services. Such payments become difficult to distinguish from bribery or extortion as links between payments and results will always develop. In South Africa, government officials receiving any of gratuities, favours or commissions is obliged to declare such if the value thereof is more than R350 – 00.

- **Avoiding liability for taxes and other costs** Officials who work for or supervise revenue collecting agencies such as tax or customs authorities may be bribed to reduce or eliminate tax amounts or other revenues to be collected or to ignore illegal imports and exports or to conceal, ignore or facilitate illicit transactions for purposes such as money laundering.

- **Bribery in support of fraud** Payroll officials may be bribed to participate in abuses such as paying non-existent workers or “ghost workers.”

- **Bribery to avoid criminal liability** Law enforcement officers, prosecutors, or other officials may be bribed to ensure that other criminal activities are not investigated or prosecuted or if prosecuted that a favourable outcome will result.

- **Bribery in support of unfair competition for benefits or resources:** Employees responsible for awarding contracts for goods or services may be bribed to ensure that the contracts are awarded to the party paying the bribe and on favorable terms. Where the bribe is paid out of the proceeds of the contract this is commonly known as a “Kick back” or secret commission.
- **Private Sector Bribery:** This is the bribery of banking and finance officials which has an adverse impact on the economy far exceeding the bribes themselves because of corrupt officials who approve loans which do not meet the basic criteria for security and cannot later be collected.
- **Bribery to obtain confidential or “inside” information:** Employees who are privy to valuable information are often targets of bribery to induce them to disclose the same.

iv. **Embezzlement**

This act involves theft or misappropriation of resources by person entrusted with the authority and control over such resources.

Example: An employee working at the Information Technology section steals computers and sells them to other people.

v. **Nepotism**

This involves an employee who ensures that his / her family member is appointed to the position at the National Prosecuting Authority or that service level agreements from the National Prosecuting Authority are awarded to his / her family member.

Example: The head of the unit appoints his / her brother's child to a position despite the fact that there were more suitable aspirants than the brother's child is.

vi. **Abuse of Power**

This act involves the use of vested authority by the employee to improperly benefit or discriminate against another person or entity.

Example: During the interviews but before actual selection of the successful candidate the Head of Department expresses his / her wish that the post be awarded to a particular person.

vii. **Favouritism**

This act involves the provision of services or resources according to personal affiliations e.g. ethnically, politically or religiously as that of the employee.

Example: The head of the unit ensures that only people from his / her tribal area are appointed to positions in his / her unit.

viii. **Insider Trading / Abuse of Privileged Information**

This involves the use of privileged information and knowledge that the employee possesses emanating from his /her office and thus having an unfair advantage to any other person to obtain or accrue a benefit for himself from such information.

Example: The National Prosecuting Authority official because his position possesses or has information of the new premises that will be opened. He informs his /her relative to acquire himself/ herself a service level agreement in the premises with a view of selling such acquisition to other people at a higher premium.

ix. **Conflict of Interest**

The employee acts or fails to act in a matter where he / she has an interest as a result of a relationship with the organization, entity or another person having the same interest.

Example: The employee awards a contract to a company of which his /her spouse is the owner.

It is self-evident therefore, that understanding corruption requires an understanding which is not only of the individual phenomenon but, also how they are related and such understanding is critical in developing effective control strategies.

The above corruption manifestations must not be viewed as exhaustive. The pervasiveness of corruption is manifested in various kinds of different degrees and forms during “business deals” whilst it also manifests itself as personal and political corruption. As indicated above corruption is a national and international phenomenon that demands that the fight against it should be intensified. A lack of a concerted effort to fight the scourge of corruption will proliferate an environment that will be conducive for growth, development and social equity locally, regionally and internationally.

10. WHY IS CORRUPTION A PROBLEM?

The concern of governments with government transformation, reinventing government, and government reform has introduced a new era of governance. The implications of this concern are varied and relate intimately to the question of ethical governance and/or integrity. The extant problems of corruption and other ethical pathologies within the country and in particular the public service are additional obligatory reasons for focusing attention on corruption, fraud and ethics. Today, corruption in South Africa is a serious problem affecting all sectors of society that needs to be understood in the context of both globalisation and the country's unique history. Public sector corruption drains state of resources and weakens its capacity to meet the needs of its people and its ability to create opportunities for personal advancement and growth.

Corruption in the public service affects the entire country – it causes problems for individuals, for groups of people, for communities and for the country as a whole. For example:

- Corruption undermines human rights like the right to equality and to freedom of trade and occupation.
- When people pay bribes to get things that they are not entitled to (like old age pensions or other forms of social grants), there is less money available for people who really need it.
- Corruption increases the cost of public service. As a result there is less money for housing, health care, education or other basic services.
- Business costs, and costs to consumers, increase.
- Corruption can lead to people promoted who do not deserve to be.
- Countries with reputations for corruption scare off foreign investors, losing valuable foreign currency that could be used for economic development.
- Corruption stop economic development in the country because people from outside will not put their money into such countries.
- Because corruption is a crime, corrupt officials have to be prosecuted and perhaps kept in prison, (an exercise which is expensive and puts an additional burden on the criminal justice system).
- Loss of confidence in Public Institutions In any country the public entrusts confidence in its political order and institutions. However, if corruption sets in such trust and confidence in the system is lost. This develops to the undermining of the rule of law, contractual and property security, civil order and safety and even the legitimacy on the state or organization.

11. WEAKNESSES TO BE ADDRESSED BY THE STRATEGY

- Commitment from Senior Management
- Creation of Data Base of corrupt officials
- Lack of investigative capacity in departments
- Lack of proper management systems to monitor or deal with corruption e.g. nepotism both in the local government institutions and the provincial government departments.
- Staff's lack of knowledge, awareness about corruption and its manifestations Individual units not working as teams across departments and municipalities.
- Lack of cooperation with other sectors - business and civil society
- No dedicated personnel in some departments to manage anti-corruption.
- Departments do not have capacity to deal effectively with cases referred from the NACH.
- No proper guidelines for sentencing civil cases of corruption.
- Blacklisting of business and individuals charged with corruption.
- No Provincial Policy or protocol on Financial Disclosures.

STRENGTHS OF THE GAUTENG PROVINCIAL GOVERNMENT

- Existence of the anti-corruption and ethics unit in the office of the Premier.
- Existence of the Forensic Services Unit in the GSSC.
- Availability of anti-corruption legislation.
- Trained ethics officers (24).

- Fraud Prevention Plans in all departments.
- Provincial Anti-Corruption Forum.
- Political commitment to fight corruption in all its forms.

12. PRINCIPLES UNDERLYING THE GAUTENG STRATEGY

- The need for a holistic and integrated approach to fighting corruption, with a balanced mixture of prevention, investigation, prosecution and public participation as the platform for the strategy.
 - Constitutional requirements for the criminal justice system and public administration.
 - Gauteng (province & municipalities) tailor-made strategies are required that operate independently but complimentary to national strategies, particularly with regard to detection, investigation, prosecution and adjudication of acts of corruption, as well as the recovery of the proceeds of corruption.
 - Acts of corruption are regarded as criminal acts and these acts can be dealt with either in the administrative or criminal justice system, or both if need be.
- Domestic, regional and international good practice and conventions to serve as extra guides.
- All aspects of the strategy must be:
 - Supported with comprehensive education, training and awareness.
 - Coordinated within Government
 - Subjected to continuous risk assessment
 - Expressed in terms of measurable and time-bound implementation targets.

13. THE REVISED GAUTENG ANTI- CORRUPTION STRATEGY.

The situation analysis in the previous sections depicting the origins of the government's drive to address corruption and the various pieces of legislations and policy frameworks that have been put in place and the apparent signs that such legislations and policy framework do not seem to be effective enough to stamp the scourge of corruption in South Africa and in particular in Gauteng, is a cause for concern to the government of Gauteng.

Following on the various audits conducted nationally and in Gauteng relating to financial disclosures of senior management, performance audit of GPG officials doing business with government, as well as media reports highlighting irregular tendering procedures and the callous use of public funds to purchase expensive cars by politicians. Also, the wave of neo-capitalism that is sweeping through the Gauteng public service manifesting itself as a negative culture of wealth accumulation with conspicuous consumption of resources, a value that robs ordinary and the poorest members of our society to access services and to realise their socio-economic rights.

All these, point to the need for a renewal and change of how Gauteng plans to combat and prevent corruption and fraud in the province and indicate how to inculcate an ethics culture in all of Gauteng's public service institutions as well as in its municipalities.

It is against all the above salient considerations that we emphasize the strategic priorities below as the beacons that are going to guide the driving of the imperative to stamp out corruption in Gauteng .

These strategic priorities are all interrelated and inter-dependent. Sufficient allocation of resources (human and material) is crucial for ensuring that the ideals contained in the strategy are realised.

STRATEGIC PRIORITIES UNDERLYING THE STRATEGY

Based on an analysis of the most prevalent forms of corruption in Gauteng and taking into account the outcomes and objectives which the strategic framework seeks to achieve, a number of inter-related strategic priorities have been identified which together lay the basis for an overlapping matrix of interventions to combat corruption. These are:

- Reporting corruption and ensuring effective follow up and maximum penalties
- Promoting ethical procurement
- Building a social compact against corruption
- Campaigning against corruption and building an ethical public service
- Developing and implementing sectoral anti-corruption strategies.

Strategic Priority 1: Reporting corruption, ensuring effective follow up and maximum penalties.

This includes the following key actions:

- a. GPG-wide commitment to ensure that wrong doing is reported (internally) and (externally) including through the National Anti-Corruption Hotline (NACH).
- b. A culture of protected whistle-blowing within Gauteng departments and municipalities must be promoted, maintained and sustained.
- c. All reported cases of anti-corruption must be investigated and dealt with accordingly.
- d. Departments and municipalities should work collaboratively with the South African Police Services (SAPS), including ensuring that maximum penalties are meted out against perpetrators.
- e. In serious and high-profile cases, departments and municipalities should secure the services of law enforcement agencies such as the Special Investigation Units (SIU) and special courts.
- f. The Office of the Premier should maintain a central database of cases, receive monthly reports on progress and provide quarterly reports to the Executive. Reports on cases referred to law enforcement agencies should also be received.
- g. The NACH should be made more visible through posting it on all strategic areas in departments and public and community facilities. The procedures relating to the reporting of corrupt activities via the Public Liaison Hotline and the provincial government call centre should be clearly spelt out and operators effectively trained.
- h. The naming and shaming as well as the blacklisting of officials, companies, businesses and individuals found to be fraudulent and corrupt must be mandatory.
- i. A database of proven cases of fraud and corruption in GPG must be established, regularly updated and made accessible to the public.

Strategic Priority 2: Promotion of ethical procurement .

Despite the existence of legislation such as the Public Finance Management Act and significant controls over government procurement processes, it remains a high risk area in relation to corrupt practices and irregularities. The following actions among others are proposed in clamping down on procurement-related corruption:

- a. Development of a revised provincial procurement framework
- b. Development of guidelines to strengthen controls over procurement processes
- c. Implementation of the PSC recommendations on mitigating and managing the risk of fraud, corruption and other irregularities in the procurement process including those outlined in points d to k below.
- d. Ongoing training, education and communication on SCM processes
- e. Regular, detailed audits of SCM process to identify weaknesses which contribute to fraud, corruption and other irregularities.
- f. Ensuring that the different steps in the SCM process are assigned to different officials.
- g. The timely and accurate reporting of suspicions of fraud, corruption and other irregularities by all employees should be encouraged by management and specific mechanisms to facilitate whistle-blowing within departments should be developed and implemented as per the Protected Disclosures Act, 2000.
- h. To mitigate the fraud risks associated with requests for quotations (RFQ), the issuing of a formal written RFQ should be compulsory across all departments.
- i. Deviations relating to less than the required number of quotations must be minimised, recorded in writing and authorized in terms of the delegations of authority.
- j. Payment of invoices should not be made in the absence of the original quotation submitted and a copy of the original order attached to the original invoice.
- k. Officials involved in supply chain management must declare all interests including actual, perceived or potential on a regular basis. Furthermore, they should sign confidentiality agreements not to disclose any information received during the procurement process.
- l. Enforcement of the annual obligatory updating of Departmental Fraud Risk Plans.
- m. Implementing tighter controls over contracts and more effective contract management.
- n. Improved levels of vetting of officials involved in SCM and related functions and with regular reviews.
- o. Naming and shaming of tender defaulters through an efficient and effective mechanism that will be based on best practice.
- p. Improving access to public tenders and creating an environment of greater openness and transparency in relation to bidding processes and procedures for government tenders, including the compliance with the Protected Disclosures Act, Act No 12 of 2000 and the PAJA.
- q. Particular attention should be paid to the involvement of public servants' in tendering for government business, including a review and a strengthening of existing policies, regulations and control measures.
- r. Empowering Ethics Officers to play a role in supporting HODs in the management and administration of financial disclosures.

- s. Development and implementation of Gauteng-wide protocols on the verification of information in the Financial Disclosure Forms and regular auditing by GAS.
- t. The submission of Financial Disclosure Forms should be automated and an electronic database developed.
- u. Extending financial disclosure requirements to all staff (Levels 1-16) and discussions with organized labour in this regard.
- v. Development and implementation of Gauteng-wide protocols on actions to be taken with regard to non-compliance.
- w. Visible and meaningful disciplinary action should be taken against those who fail to submit disclosure forms, who submit forms late, who submit false information or who withhold information.
- x. Implementation of measures in line with the new DPSA Guidelines on remuneration outside the public service.
- y. Provision of Gauteng inputs into the national framework on Conflict of Interests including in relation to financial disclosures and cooling off periods.
- z. The adoption and implementation of a Gauteng implementation plan on the national framework once approved.

Strategic Priority 3: Building a social compact against corruption.

The development of strong partnerships against corruption has been identified as a cornerstone of a national anti-corruption strategy. To strengthen partnerships with a view to building a social compact against corruption in Gauteng, the following should inter alia be addressed:

- a. The Provincial Anti-Corruption Forum should be strengthened including more effective participation by both government and civil society representatives.
- b. A Provincial Anti-Corruption Summit should be held to consolidate a common approach to the combating of fraud and corruption across all sectors of society in Gauteng.
- c. Training and capacity building workshops on Anti-Corruption should be held with civil society representatives.
- d. Civil society sectors and bodies should be encouraged and assisted in developing custom-made Anti-Corruption Strategies and Plans for their organizations and sectors. Where relevant, these should be linked to sectoral and community safety plans.
- e. Specific joint projects and campaigns should be developed within the public service and with business and civil society sectors to curb corrupt practices, encouraging prevention, education and awareness and whistle-blowing.
- f. Public service unions should be encouraged and supported in mobilizing against corruption and in advocating professional ethics among members.

Strategic Priority 4: Campaigning against corruption and building an ethical public service.

Linked to the above priority on the development of a social compact against corruption, is the need to develop and sustain visible, Gauteng-wide anti-corruption and ethics promotion campaigns and steps to build an ethical public service. This includes media and communication campaigns, campaigns to promote professional ethics within the public service, external ethics awareness campaigns, education and training.

Key activities should include the following:

- a. Public launch of the 2009 Gauteng Anti-Corruption Strategic Framework and related measures.
- b. Promotion of the concept and practice of ethics management throughout the provincial government and municipalities.
- c. Development of permanent training modules for all public servants and public service managers on anti-corruption frameworks and ethics management through the GCR Academy, with extensive training materials.
- d. Promotion of anti-corruption and ethics at appropriate levels within the school curriculum.
- e. The finalization of the Gauteng Ethics Audit and consideration of key recommendations in this regard.
- f. Development and implementation of total ethics management programme (TEMP) in all Gauteng departments and municipalities.
- g. Ensuring that all Departments and municipalities adopt anti-corruption strategies.
- h. Establishment of ethics infrastructure and systems, including ethics offices and ethics officers.
- i. Establishment of a generic professional ethics statement for the public service.
- j. Development of mandatory sector-specific codes of conduct and professional ethics.
- k. The inclusion of conflict of interest and a system of declaration of assets/financial interests in the codes of conduct.
- l. Developing internal capacity within the GPG to conduct regular ethics audits, which must be reported on

in annual reports.

- m. Professional ethics must be promoted through explanatory manuals, continuous training and education and establishing partnership with professional associations.
- n. The Senior Management Service must be sensitized through awareness, training and education to espouse professional ethics and to provide leadership to other employees.

Strategic Priority 5: Sectoral Anti-Corruption Strategies and Plans.

Fraud and corruption manifests itself in various forms in the public service and particularly at the interface between the public and private sector and in the provision of services to the public. Some of these have been outlined above. While the Gauteng Anti-corruption Strategic Framework is intended to provide an overall guide to the direction of government's anti-corruption efforts and resources, the further elaboration of this framework within particular sectors is critical to government efforts to stamp out corruption. These sectoral strategies and plans should take into account the specific risks, conditions and forms that corrupt and fraudulent acts take within the sector and the tactics and measures required to prevent and combat these and to promote ethical practices within the sector. The term sector in this context is used fairly loosely to refer to a distinct grouping of activities or service provided by government or other area of focus. However, it could also be interpreted to refer to various civil society sectors or organized formations within civil society.

These sectoral anti-corruption strategies should also take into account the measures to improve service delivery within the sector and minimise confrontation resulting from poor service delivery. Poor service delivery is seen as one of the dimensions of corruption and sectoral strategies need to take this into account.

It is therefore proposed that, in further giving effect to the Gauteng Anti-Corruption Strategic Framework, sectoral strategies should be developed and implemented in the areas outlined below. This is by no means exhaustive and further attention should be given to identifying other forms corruption which may require sectoral plans in future. These can be identified inter alia through the NACH, Public Liaison Hotline, Izimbizo and ethics audits.

Further attention should also be given to the manner in which corruption interacts with and compounds other forms of the abuse of power by public officials, including unfair discrimination and the abuse of women. For example; the forced exchange of "sexual favours" in return for "jumping the queue" to get access to a particular public service. This necessitate the development of departmental strategies that will ensure that problems such as the ones sighted above are fully and successfully addressed. The departments that are vulnerable to corrupt activities and practices related to the critical and massive services they render to Gauteng communities according to their functional areas are – Local Government and Housing, Health, Education, Community Safety and Finance (former GSSC).

- a. Local Government and Housing: The department has the following fraud risk categories as mostly areas of concern –
 - i. Physical and Information Security: where there is marked unauthorised access to the department's computer systems and access to beneficiary records albeit control measures in place. This leading to unauthorised disclosure of confidential information to third parties.
 - i. Accounts payable (Claims): False invoices are accepted resulting in payments for goods not received. This form of corruption closely relates to the collusive practice between supplier and officials (buyers) which results in invoice prices higher than the original approved amount on the quotation.
 - ii. Collusive practice is rife: payment of invoice to a supplier that did not render services or double payment of same invoice to service provider for the official to claim kickbacks.
 - iii. Lack or poor adherence to proper tender processes, e.g. payment for services rendered by organisations that do not comply with tender requirements as per Legislations such as tax clearance certificates.

These risk areas were identified through the annual risk assessment exercise which is an essential part of the department's Fraud Prevention Plan. Of great concern is that in all these high risk areas there are control measures in place, but internal prosecution mechanisms and/or capacity to prosecute is apparently the problem (this is a problem residing in all GPG sector departments).

In addition to corruption linked to procurement processes, as elaborated upon by the PSC, the allocation of housing and sites, illegal occupation of houses, the housing waiting list and the poor construction of houses has featured prominently in public discourse on irregularities in the housing sector. Linked to this is the illegal selling of government-owned land by officials or people purporting to be from government and the falsification of title deeds.

- b. Public health care: Like in other sectors, a wide range of risk areas existing, including procurement processes, the awarding of contracts and the theft of hospital resources such as linen, medicines, surgicals, equipment and food. The protection of public property, including the buildings and ensuring optimum security within hospital premises is crucial. Unethical conduct by doctors towards patients is a topical issue, for example, sexual abuse of victims of rape, drugs and alcohol abuse, and lack of professionalism as witnessed by “doctors” who are unregistered by the Health Professions Council of South Africa (HPCSA).
- c. Education: Due to vastness of the department of education, special services to be rendered to the department demand tenders that cost sizeable amounts of money, for example, tenders for Learner-Teacher- Support materials that are about R500,000.00 The Scholar Transport tender is high risk area, sub-contracting is very common with “mafia-style” kind of approach between both the officials in the department and the industry. One serious concern in the transport is that individuals and groupings that bid for the tender, some of them usually do not even have transport and/or vehicles to transport the scholars. Another area of concern is the School Nutrition where the entire process has a potential for abuse by both the supposed service providers and the officials alike. If these tenders proceed without due diligence being applied, the potential for irregular procurement processes and tender rigging becomes high.
- d. Law enforcement: This is one of the areas in which media and anecdotal reports of corruption including bribery are most prominent, including in relation to the South African Police Services, Metro Police and the booking and issuing of drivers licenses. A comprehensive strategy in this regard is central to the not just the fight against corruption but the fight against crime in general.
- e. Finance (former GSSC): An area of great concern is the overriding of formal control measures for tender evaluation by senior managers, i.e. procurement officers’ short-listing gets “flouted” , this leading to a situation where service providers who do not have the requisite skills and knowledge are awarded the tender. Senior Managers then use preferences that are not necessarily in line with tender specifications. Collusion (price inflations) with service providers by buyers is also a common phenomenon – characterised by bribery and kick-backs. There is obviously a blatant abuse of power by SMS. One other big problem is the fact that, when the bid committee for tenders sits, the issue of Financial Declaration is never taken into consideration leading the entire process to unfairness and biased – most probable with all sorts of ethical misdemeanours involved (collusion, bribery, nepotism, price inflation, etc).

There is clearly a lack of “Internal Prosecution” capacity in the respective departments. A proposal in this regard is that departments must establish oversight committees that will ensure that enforcement of the rule of law is realised. For organisational integrity, departments need to establish ethics committees that will deal with issues of unethical behaviour as well as unprofessional conduct, and the case of health care professionals, the departmental ethics committee can refer matters of unprofessionalism to professional regulatory bodies of South Africa – the HPCSA and the South African Nursing Council (SANC) who will level charges of misconduct against health professionals for ethical misconduct and negligence.

- f. Procurement: Many of the procurement issues have been outlined above in strategic priority 2. In addition to reviewing the provincial procurement framework, a comprehensive plan, including ensuring more effective controls and enforcement of existing legislation and measures should be developed, implemented and monitored. Particular attention should be given to the involvement of public servants’ in tendering for government business, including a review and a strengthening of existing regulations in this regard, as indicated in Strategic Priority 7. There are actually many steps that procurement units in Gauteng can take to promote more effective competition in public procurement and reduce the risk of corruption, for example, activities such as collusion, bid rigging, etc.

Procurement Units, over and above current existing control measures put in place by departments, Units should consider adopting the following measures advocated by the OECD:

- Be informed before designing the tender process – collecting information on the range of products and/or services available in the market that would suit the requirements of the purchaser as well as information on the potential suppliers of these products is the best way for procurement officials to design the procurement process to achieve the best “value for money”. Departments are urged to develop in-house expertise as early as possible.
- Design the tender process to maximise the potential participation of genuinely competing bidders – effective competition can be enhanced if a sufficient number of credible bidders are able to respond to the invitation to tender and have an incentive to compete for the contract. For example, participation in the tender can be facilitated if procurement officials reduce the costs of bidding, establish participation

requirements that do not unreasonably limit competition, allow service providers from a broad spectrum to participate, or devise ways of incentivising SMMEs to participate even if they cannot bid for the entire contract.

- Define your requirements clearly and avoid predictability – drafting the specifications and the terms of reference (TOR) is a stage of the public procurement cycle which is vulnerable to bias, fraud and corruption. Specifications/TOR should be designed in a way to avoid bias and should be clear and comprehensive but not discriminatory. They should, as a general rule focus on functional performance, namely on what is to be achieved rather than how it is to be done. The clearer the requirements, the easier it will be for potential suppliers to understand them, and the more confidence they will have when preparing and submitting bids. Clarity should not be confused with predictability. More predictable procurement schedules and unchanging quantities sold or bought can facilitate collusion.
- Design the tender process to effectively reduce communication among bidders – when designing tenders process, procurement officials should be aware of the various factors that facilitate collusion. The efficiency of the procurement process will depend upon the bidding model adopted but also on how the tender is designed and carried out. Transparency requirements are indispensable for a sound procurement procedure to aid in the fight against corruption.
- Carefully choose your criteria for evaluating and awarding the tender – all selection criteria affect the intensity and effectiveness of competition in the tender process. It is therefore important to ensure that qualitative selection and awarding criteria are chosen in such a way that credible bidders, including SMMEs, are not deterred unnecessarily.
- Raise awareness among your staff about the risks of bid rigging in procurement – professional training is important to strengthening procurement officials' awareness of competition issues in public procurement. Efforts to fight bid rigging more effectively can be supported by collecting historical information on bidding behaviour, by constantly monitoring bidding activities, and by performing analyses on bid data. This helps procurement units and/or agencies (and competition authorities) to identify problematic situations. It should be noted that bid rigging may not be evident from the results of a single tender. Often a collusive scheme is only revealed when one examines the results from a number of tenders over a period of time.

The proposed for departments to take the above measures in consideration as a means to beef-up control measures in fraud risk prevention is in keeping with the EXCO decision to do things differently as we deliver services to communities. It is also in keeping with AG's reports and PSC that continuously flag Gauteng's tendering process compliance to be low ranking.

In conclusion, as the Public Service and Administration Minister Richard Baloyi made the announcement at the conclusion of a three-day public service summit at the Durban's ICC on March 13, 2010 – “. . . tender processes should be opened to public scrutiny”

- g. Public service recruitment: Allegations of nepotism and irregular practices in relation to public service recruitment remain prevalent. Due diligence should be exercised and attention given to background and reference checks and vetting in relation to recruitment of public servants, especially in high risk areas. Consideration should be given to declarations by recruitment panels in relation to the candidates being interviewed.
- h. Government property and vehicles: Theft of government property and the use of government vehicles for private use should be further addressed. Attention should be paid to establishing a sense of responsibility in protecting government property, including equipment such as big machineries and other assets by revising policies that govern the care of such utilities. Members of the public should be encouraged to report cases where they suspect government vehicles are being abused or utilized for private use.
- i. Security vetting: A comprehensive plan is in place relating to the vetting of individuals and service providers and should be effectively implemented across government.
- j. Nepotism: Nepotism in procurement processes, in relation to recruitment and in the provision of public services remains a challenge. Particular attention should be paid to training and raising awareness of the dangers of nepotism and regulations to prevent a conflict of interests. Controls to prevent and detect nepotism should be tightened up, including due diligence in interviews, in contracting, through the maintenance of data integrity and the vetting of suppliers.
- k. Accountability and Transparency – modern government requires accountability. Without it, no system

can function in a way that promotes the public interest, rather than the private interests of those in power. The task for South Africa, and Gauteng in particular, is to continue with a move away from a system which is essentially top-down; one in which an autocratic ruling elite gives orders which are followed, to a greater or lesser degree, by those down the line. The approach is to move instead to a system of “horizontal accountability”, one in which power is dispersed, where no one has a monopoly, and where each person is separately accountable – a modern form of government. In such a system, there must be a free press. But the press must respect certain limits imposed by law – for example, avoiding defamatory attacks on individuals. The system of “horizontal accountability” results in a so-called “virtuous circle;” one in which each actor is both a watcher and is watched, is both a monitor and is monitored. Power is diffused, rather than monopolized. Although the contemporary wave of democracy has held much promise, in practice, democracy gains are being threatened and undermined by some of the very phenomena that were meant to disappear with construction of democratic state:⁷ corruption, abuse of power and nepotism.

To fight corruption, monopoly power has to be leavened and competition increased. Discretion in official actions must be limited, and the rules of the game must be clear – transparent. Accountability must be enhanced, through performance indicators and feedback from citizens, businesses, and public officials themselves. To enhance accountability, civil society must be more vital and effective. Corruption may filter down through poor leadership examples and practices, but it is public awareness (through transparency) and, where warranted, public outrage, that is a society’s ultimate defense.

Public servants should be accountable for their actions and omissions to their superiors and, more broadly, to the public. Accountability should focus on both compliance with rules and ethical principles and on achievement of results. Accountability mechanisms can be government-wide and can be provided to civil society. Mechanisms promoting accountability can be designed to provide adequate controls, while allowing for appropriately flexible management. Corruption and inefficiency flourish in an environment devoid of accountability and transparency.

The whole integrity edifice is maintained (or undermined) by a bottom-up process. The assumption underlying the approach advanced here, is that evolution can be an effective and preferable route to society’s participation – through democratic processes and involving the private sector, media, professions, churches and mosques, as well as non-governmental organisations in the fight against corruption.

When government is accountable and transparent, the tendency is to gain public trust and respect. This improves perceptions of the public service and/or government, especially where issues of “perceived” corruption are concerned. Initiatives to enhance public respect for public service are likely to enhance public servants’ respect for themselves, and are thus likely to improve their morale and performance. The public’s trust in public servants is likely to be higher if the public service is perceived to be non-partisan and professional. Hence, it is critical that public servants and government alike always strive to gain public trust and mutual respect through accountability and transparency of their actions and omissions.

OTHER KEY COMPONENTS OF THE STRATEGIC FRAMEWORK.

In addition to the five strategic pillars identified and elaborated upon above, the Strategic Framework also identifies key role players and institutional arrangements both within the GPG and government in general in Gauteng, as well as mechanisms such as the Gauteng Anti-Corruption Forum which incorporates civil society sectors.

Attention is also paid to the critical role of awareness raising, training and education and communication in making the strategy a success.

Finally, attention is paid to reporting, monitoring and evaluation and the review of the strategic framework.

14. IMPLEMENTATION ROLE PLAYERS AND INSTITUTIONAL ARRANGEMENTS

OoP, GDF (Former GSSC) DCS, PROVINCIAL DEPARTMENTS AND THE PUBLIC SERVICE INTEGRITY COMMISSIONER (PSIC) – ROLE AND FUNCTIONS

OFFICE OF THE PREMIER (OoP)

The OoP’s primary function is to provide strategic leadership in the prevention of corruption. The Office focuses on maintaining high standards of organizational ethics and managing potential risks in a proactive

⁷ OECD, *National Anti-Corruption Strategies*, 2007.

manner. In this sense anti-corruption strategies are viewed within a broader context, i.e. they are viewed not just about preventing fraud and corruption but about establishing and maintaining a culture of ethical and good governance within the province. To this end, the OoP is, therefore, responsible for providing strategic leadership and support to the entire province in the development, implementation, monitoring and evaluation of the provincial anti-corruption strategies and action plans per department to give effect to the relevant strategic intentions outlined in the strategy. OoP can ensure that it has a central repository of the strategy, implementation plan, action plans and reports by departments.

The OoP provides strategic direction to GPG departments regarding the following:

- a. Ethical organizational culture.
- b. Policies and procedures
- c. Training and awareness programmes.
- d. Corruption risk management systems.
- e. Development of action plans by all GPG sector departments and municipalities to give effect to the implementation programme of the strategy.

FUNCTIONS OF THE OoP

The functions of the Office of the Premier are the following:

- a. Develop anti-corruption policies and strategies.
- b. In collaboration with the FSU at the Department of Finance set the agenda for the Provincial Anti-Corruption Forum (PACF).
- c. Serve as the Chair for the PACF.
- d. Oversee the coordination of anti-corruption prevention in the province.
- e. Advise the HOD Forum and the Executive Committee on the status of anti-corruption and fraud programmes.
- f. Oversee the provision of efficient support to provincial government departments on anti-corruption strategies.
- g. Monitoring and evaluation of the anti-corruption programmes.
- h. Provide quarterly Status Reports to the HOD Forum.
- i. Synchronise dates for meetings with the annually set anti-corruption meetings.
- j. Represent GPG in the national anti-corruption forums.
- k. Custodian of GPG Anti-corruption Case Studies and internal/external communication thereof.

GAUTENG DEPARTMENT OF FINANCE (FORMER GSSC)

The FSU is established as a support service to GPG and its management. The services of the FSU are directed towards the fair and objective deterrence, prevention, detection, and investigation of fraud and corruption, as well as developing, reviewing and creating awareness of fraud prevention framework for GPG.

It is the responsibility of the FSU of the GPG to investigate all fraud and corruption impacting or having the potential to impact on GPG. In this regard, the Unit is supported by line managers and other functionaries within GPG.

The Unit obtains, assembles and researches information on fraud and corruption in order to identify causes, advice and consult on interventions and action plans.

All practices and procedures utilized during investigations shall comply with the requirements of the Laws of the Republic of South Africa and other laws as applicable.

The FSU of GPG shall provide reports to the Office of the Premier on the management of corruption allegations.

FUNCTIONS OF THE FORENSIC SERVICES UNIT (FSU)

- a. Supporting all proceedings relating to the resolution of investigated fraud and corruption as detailed in paragraph 12.3.6 (d) including managing relationships with supporting relevant law enforcement agencies.
- b. Investigating all allegations reported via the NACH.
- c. Conducting fraud and corruption risk assessments to identify and address fraud and corruption risk areas.
- d. Development of information systems to identify and detect fraud and corruption threats and to address internal and external threats to GPG.

- e. Investigation of high-risk business areas and processes, and advising on the implementation of appropriate fraud and corruption prevention controls.
- f. Supporting awareness programmes relating to fraud and Corruption risk and the Code of Conduct in order to promote professional ethics and the integrity standards expected by GPG.
- g. Provide secretariat support to the PACF and this includes:
 - Convenes PACF meetings as scheduled in GPG calendar.
 - Recording minutes during the forum meeting and disseminate them not later than three weeks after the meeting.
 - Provide the necessary documentation well in advance before the meeting.

DEPARTMENT OF COMMUNITY SAFETY (DCS)

- The Department of Community Safety will be responsible for facilitating, coordinating and monitoring all criminal investigations and court proceedings emanating from such investigations within GPG.
- All Department are required to report all criminal activities to the SAPS and then to the Department of Community Safety.
- The Department of Community Safety will keep a register of all criminal matters in GPG and will ensure successful conclusion of all such cases.

PROVINCIAL DEPARTMENTS AND MUNICIPALITIES

- a. All the provincial departments are responsible for ensuring the existence of anti-corruption and ethics capacity to deal with the challenge of unethical behaviour in their areas of operation. It is expected that the departments will cooperate with OoP and FSU by ensuring that anti-corruption policies and strategies are implemented. This includes:
 - b. Ensuring that each department/municipality is represented by a relevant official in the Provincial Anti-Corruption Committee
 - c. Maintain consistent representation in the committee
 - d. Ensuring that each department provides quarterly reports on anti-corruption prevention activities
 - e. Cooperate with FSU when conducting investigations on allegations of fraud and corruption
 - f. Departments/ are expected to implement recommendations arising from investigations and audits, an implementation plan should be in place within 30 days of such report.
 - g. Departmental management shall render appropriate support and assistance to investigations undertaken by the FSU and shall arrange or take the necessary steps to facilitate free access to GPG-controlled buildings, equipment and information sources as required.

THE PUBLIC SERVICE INTEGRITY COMMISSIONER (PSIC)

As an additional mechanism to ensure the objective and effective implementation of anti-corruption measures, it is proposed that an independent person in the form of a retired judge be appointed as a Public Service Integrity Commissioner to consider key anti-corruption measures relating to the public service.

There is an existing independent mechanism in relation to political office bearers (MPLs and MECs) in the form of the Integrity Commissioner. However, it is proposed that a similar mechanism be established in relation to the public service.

The Public Service Integrity Commissioner will be appointed by the Premier and will inter alia:

- Receive any complaints from the public relating to fraud and corruption involving the Gauteng Provincial Government
- Monitor the follow up on anti-corruption cases reported by members of the public, including those reported through the Anti-Corruption Hotline
- Make appropriate recommendations on action to be followed and the applicable sanctions in relation to cases of fraud and corruption.

It is envisaged that the PSIC will play both an "activist" and "interventionist" roles as far as serious corruption and fraud cases in the Gauteng public service is concerned. Also, the PSIC once appointed will have a dedicated secretariat services to enhance his capacity to deal with cases of anti-corruption effectively and efficiently.

The role of the PSIC differs from that of an Ombudsman (in our case the Public Protector) in that, an Ombudsman:

- Provides oversight role on issues of good governance, integrity and human rights

- S/he ensures that processes, procedures and protocols have been followed regarding issues referred to him or her (see bullet 1 above)
- S/he also assesses whether or not such activities (investigations, prosecutions, etc) were done fairly and just.

PROVINCIAL ANTI-CORRUPTION FORUM (PACF)

The PACF should be comprised of three sectors, namely civil society, business and government. Each sector is represented by ten members nominated by their respective constituencies. This forum should be chaired by Chief Operations Officer (COO) in the OoP.

A Provincial Anti-Corruption Coordinating Committee (PACCC) should be established to afford departments an opportunity to discuss government specific issues relating to anti-corruption.

THE MAIN PURPOSE OF THE PACF IS:

- To contribute towards the establishment of a provincial consensus through the co-ordination of sectoral strategies against corruption;
- To advise Government on provincial initiatives on the implementation of strategies to combat corruption;
- To share information and best practice on sectoral anti-corruption work;
- To advise sectors on the improvement of sectoral anti-corruption strategies.

MEMBERSHIP TO THE NATIONAL ANTI-CORRUPTION COORDINATING COMMITTEE (ACCC).

The Office of the Premier together with FSU shall represent the province in the National Anti-Corruption Committee and the OoP will lead the delegation. The number of delegation from the province shall not exceed the maximum of three. As the leader of anti-corruption as well as policy developer, the OoP shall avail two officials, while one official from FSU shall form part of the delegation.

A meeting shall be required between OoP and FSU prior to the National Anti-Corruption Committee Meeting.

ESTABLISHMENT OF ETHICS OFFICES AND APPOINTMENT OF ETHICS & RISK MANAGEMENT OFFICERS IN OFFICES OF HEADS OF DEPARTMENTS

To build and maintain an ethical public service in Gauteng, it is proposed that all sector departments must establish ethics offices with responsible ethics officers (preferable at SMS Level) to manage ethics and integrity in the department.

15. AWARENESS, TRAINING AND EDUCATION

It is the responsibility of managers to ensure that all employees/officials receive appropriate training and education with regard to this policy.

16. COMMUNICATION

The Office of the Premier through GCIS is responsible for the overall communication of this policy.

17. ADMINISTRATION

The custodian of this policy is the Provincial Executive Committee and is supported by the Provincial Heads of Department Forum.

18. MONITORING AND EVALUATION

This GPG anti-corruption strategy is a five-year strategy (2009-2014). For effective implementation of this policy, the monitoring of outputs on the Action Plan is to be carried out as follows:

MONITORING

- a. There will be a quarterly reporting from departments to EXCO, while the OoP plays an oversight on this level of reporting.
- b. At Departmental/ Municipal level, departments will have to provide their principals with a monthly report on the progress made in the implementation of the anti-corruption strategy.

EVALUATION

The evaluation aspect in this regard focuses on outcomes. The evaluation will take the following forms:

- a. Immediate outcomes evaluation.
- b. Intermediate outcomes evaluation.
- c. Long-term outcomes evaluation.

- i. Therefore, all departments will present Annual Reports on the Progress of the Implementation of the GPG Anti-Corruption Strategy across the province (sector departments and municipalities) – Immediate outcomes.

- iv. The OoP will produce a Mid-term Review (about mid 2012) – Intermediate outcomes.

- v. An End of Term Report shall be produced province-wide: Long-term outcomes.

19. REVIEW OF STRATEGY

A strategy such as this one needs to be reviewed and revised annually, however, for the most pragmatic purposes this strategy will be reviewed and revised in 2012. It will be reviewed depending on periodic information (see Monitoring & Evaluation above), internally and externally, justifying the revisiting and updating thereof.

20. SIGNING OFF, APPROVAL AND IMPLEMENTATION OF THE STRATEGY

The GPG EXCO gives the approval for the Revised GPG Anti-Corruption Strategy. The Director General: Gauteng signs off the approved strategy. An implementation Programme and/or Plan accompanies the strategy and every department of the GPG and municipalities are expected to develop action plans that will give effect to the implementation programme of the strategy.

21. PROSECUTIONS

Prosecutions for serious/criminal offenses are the function of the Criminal Justice System and the South African Police Services (SAPS) in collaboration with law enforcement agencies and special courts.

22. CONCLUSION

It is in the above pragmatic, holistic and integrated approach that the GPG shows its commitment to fight corruption (in all its forms) in line with the Government of South Africa (National) and the International world to ensure good governance and organisational integrity.

(Endnotes)

- 1 Prevention and Combating of Corrupt Activities Act of 2004.
- 2 Towards a fifteen year review: Assessing the effectiveness of the National Anti-corruption framework. DPSA, July 2008
- 3 Ibid
- 4 Executive Members' Ethics Act 82 of 1998.
- 5 Towards a fifteen year review: Assessing the effectiveness of the National Anti-corruption framework. DPSA, July 2008
- 6 Ibid
- 7 Understanding the prevention and combating of corrupt activities Act Booklet, National Anti-Corruption Forum.
- 8 Anti-Corruption capacity requirements. Guidelines for implementing the minimum anti-corruption capacity requirements in departments and organisational components in the Public Service. Department of Public Service and Administration, January 2006.





