

Corruption in South Africa: Magnitude, countermeasures and approaches to monitoring and evaluation

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1. Introduction

High levels of corruption were highlighted as one of the nine primary challenges impacting South Africa in the National Planning Commission's 2011 Diagnostic Report. Despite the passage of time, high levels of corruption persist and remain a focal point in public discourse, standing out among the country's wicked problems. According to the National Development Plan (NDP), corruption refers to "the misuse of an official position for personal gain," be it in the public or private sectors (National Planning Commission, 2012, p. 446). The ways in which corruption negatively affects the nation are also outlined in the NDP in several ways. Firstly, corrupt practices disproportionately burden the poor, as they undermine the quality and accessibility of public services. Secondly, the accountability mechanisms within state systems have exhibited inconsistencies, allowing corruption to flourish unchecked. Lastly, corruption is not confined solely to the public sector; it permeates broader societal structures, indicating a pervasive societal 'disease' that necessitates comprehensive addressing (Ibid p446). In order to overcome corruption and the lack of accountability, there is a need for using a comprehensive approach that fosters "political will, sound institutions, a solid legal foundation and an active citizenry that holds public officials accountable" (Ibid p446).

About 13 years after the launch of the NDP, one of its aspirations to achieve a zero tolerance for corruption seems to be waning away. One of the notable strides has been the launch of the National Anti-Corruption Advisory Council (NACAC) – a multi-sectoral advisory body appointed by President Ramaphosa in August 2022 to oversee the implementation of the National Anti-Corruption Strategy (NACS) and to advise on the future of the country's anti-corruption institutional architecture. Its roles also include reviewing the anti-corruption policies and instruments in place as well as an analysis of the progress and effects of their implementation. Despite considerable efforts and achievements, there remains a widespread perception that the South African government is not sufficiently contributing to the fight against corruption. It is thus important to analyse and narrate the progress to acknowledge the efforts of the involved entities and to foster the motivation of others to participate.

This review of literature analyses corruption in terms of magnitude, countermeasures and examples of approaches used to monitor corruption in other jurisdictions, from which South Africa can learn. The purpose of this concise literature review is to provide contextual background on corruption, its drivers, legislative and policy frameworks and provide recommendations for the creation of the NACS implementation plan and monitoring framework. The opening section provides an assessment of the extent of corruption in the country, drawing on international indicators. Chapter 2 discusses the shortcomings of these indexes and the difficulty in quantifying corruption. Chapter 3 of the second section presents a comprehensive analysis of both international and national strategies implemented to combat corruption in South Africa. Chapter 4 examines the monitoring and evaluation procedures that are in place to supervise the implementation of the stated policies and assess their overall efficacy and impact. The authors examine the difficulties in assessing the efficacy of anti-corruption policies and provide case studies from different nations in Chapter 5. The concluding chapter provides a concise summary of the main findings from the literature study and finishes by offering recommendations for the monitoring and evaluation of anti-corruption initiatives in South Africa.

The sources of evidence for this literature review include policies, scholarly articles, government reports, and other relevant sources.

2. (Measuring) corruption in South Africa

On a global scale, the need to research corruption to understand its drivers, magnitude, traits, and combating mechanisms has led to a plethora of studies, indicators and indices by scholars and various organisations. Each of these possesses its strengths and weaknesses, particularly in providing a comprehensive understanding of corruption prevalence. When focusing on indicators and indices, it becomes crucial to scrutinise those that extend beyond mere reporting of corruption incidents or perceptions. In this section, emphasis is placed on credible and widely acknowledged indices and forecasts. Among them is the Corruption Risk Forecast, which examines the underlying social, legal, and institutional factors that either foster or impede corrupt practices. This framework integrates assessments of both "de facto" (in practice) and "de jure" (in law) institutional transparency and integrity. Transparency International offers similar evaluative tools with its National Integrity Assessment framework, providing valuable guidance for developing corruption assessment methodologies. Such guidance is pivotal in accurately gauging the depth of corruption and corruption risk within South Africa. Additionally, it is beneficial to consider Transparency International's insights on the potential limitations of "integrity-led" anti-corruption programmes, as several such initiatives are featured in the National Anti-Corruption Strategy (NACS).

2.1. The extent and nature of corruption in South Africa

In his lecture at the National School of Government (February 2024), Prof. Christopher E. Stone states that corruption involves the use of public power for personal purposes and that it can be achieved through legal or illegal means. However, proving corruption in court can be challenging, especially when no specific action can be directly linked to a particular benefit. Corruption can sometimes be justified as 'noble cause' corruption, where public power is misused for the perceived public interest. The motivations for engaging in corruption and the experiences of those involved can be highly complex, underscoring the importance of understanding these contextual factors to develop effective anti-corruption strategies. In the same lecture, he cites examples from Nigeria and Mexico, where police corruption is prevalent, showcasing the systematic nature of corruption and the difficulties in dismantling it.¹ Corruption results in a lack of public confidence in democratic processes, it entrenches elites, slows economic growth, and deepens economic inequality as money continues to trickle up (van Vuuren, 2004).

According to Transparency International's 2023 Corruption Perceptions Index, South Africa scored 41 on a scale of 0–100, where 0 means "highly corrupt" and 100 means "very clean". In the index, South Africa ranked 83rd among 180 countries². As reported by Corruption Watch, corruption and the perception of corruption in South Africa have significantly harmed the country's reputation, creating barriers to local and foreign direct investment, capital flows to the stock

¹ Stone, C.E. Public Corruption Turnarounds: Replacing a Legacy of Corruption with a new Culture of Integrity. The National School of Government Masterclass. Streamed Live on 22 Feb 2024. YouTube Video : <https://www.youtube.com/watch?v=kSExrssFAfU> (Accessed 26 February 2024)

² <https://www.transparency.org/en/cpi/2023>

market, global competitiveness, and economic growth. Ultimately, this has hindered the development and upliftment of the population. Corruption and bad management practices eat into the nation's wealth, channelling money away from such projects and the very people most dependent on the government for support (Corruption Watch, n.d.)

The Corruption Perception Index

South Africa is amongst the nations evaluated by Transparency International's Corruption Perception Index (CPI), which assesses the prevalence of corruption in various countries. The CPI employs a scale ranging from 0 to 100, where 0 signifies an extremely high level of corruption and 100 denotes a very low level of corruption. Additionally, the index ranks countries from 1 to the last position (determined by the number of countries assessed in a given year), with the lowest rank indicating the least corrupt country. In 2023, South Africa obtained a score of 41 out of 100, reflecting a decline of 2 points compared to its CPI score of 43 in 2022³.

The National School of Government (2024) however, notes a significant public misperception regarding South Africa's recent decline in the Corruption Perception Index (CPI) from a score of 43 to 41. While this drop could be interpreted as a general indicator of worsening corruption, the CPI is fundamentally a measure of perception rather than quantifiable instances of corruption. Crucially, it aggregates the perceptions of business elites, not the general public. The CPI score is an average of multiple surveys, and the 2023 downturn can be largely attributed to a decline in business leader perception as measured by a single survey.⁴

The National School of Government (2024) therefore emphasises the importance of critical analysis when interpreting CPI headlines. Oversimplified conclusions about endemic corruption must be avoided, as they can obscure the complex factors that shape the index's results.⁵

The Governance Indicators

Concerning the World Bank's governance indicators, South Africa is ranked 44.81⁶ with an index of -0.32 (+2.5 is the maximum value) (World Bank Group, 2023). This index indicates that the country's performance is lacking, as the index exhibits negative values and poor rankings. The World Bank's indicators are among the most widely recognised variables for measuring good governance. Encompassing six governance indicators, one of which is control of corruption, the WGI seeks to assess the perceived levels of corruption within a country's public sector. The WGI employs a set of six indicators to gauge governance, with the indexes for the various variables ranging from -2.5 to +2.5 (Meyer, 2022).

The Corruption Risk Forecast

Corruption Risk Forecast (CRF) is a corruption analysis tool that uses facts instead of perceptions. It's based on a collection of public data and provides three dashboards to show the state of corruption globally. According to the Corruption Risk Forecast (CRF) South Africa's Corruption Forecast is stationary. South Africa has made progress in e-citizenship and online services,

³ Stone, C.E. Public Corruption Turnarounds: Replacing a Legacy of Corruption with a new Culture of Integrity. The National School of Government Masterclass. Streamed Live on 22 Feb 2024. YouTube Video : <https://www.youtube.com/watch?v=kSExrssFAfU> (Accessed 26 February 2024)

⁴ Ibid

⁵ Ibid

⁶ Percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank)

leading in fiscal and administrative transparency. However, land cadastres, mining concessions, international aid, building permits, and public officials' assets and conflicts of interest are only partially accessible online. The government operates informally and without public fiscal tracking, reducing transparency. South Africa needs a Brazil-like system where the general auditor publishes reports on all government units to prevent corruption at the administrative stage. Despite the good quality of anti-corruption organisations, final impunity tests have not yet been passed.⁷

Table 1: South Africa's Corruption Forecast

| Components | 2013 | 2023 | |
|-----------------------|------|------|--|
| Budget Transparency | 9.36 | 10 | |
| Judicial Independence | 7.44 | 6.92 | |
| Press Freedom | 7.79 | 8.07 | |
| E-Citizenship | 3.23 | 4.4 | |
| Online Services | 5.12 | 7.74 | |

Keys

| | |
|--|-----------------------------------|
| | change not statically significant |
| | negative change |
| | positive change |

The Public Integrity Index

South Africa's Index of Public Integrity (IPI) is a composite index that measures a country's ability to control corruption. The IPI is based on six components that are an equilibrium between opportunities for corruption and society's ability to constrain corrupt behaviour: Judicial independence, administrative burden, trade openness, budget transparency, e-citizenship, freedom of the press. According to Corruption Risk, South Africa's IPI score is 7.51 out of 10. The IPI score is the mean of the six components scores, which result from the standardisation and normalisation of original source data to range between 1 and 10 using a min-max-transformation, with higher values representing better performance⁸.

Table 2: South Africa's Index of Public Integrity (IPI)

| Components | Component Score (max=10) | World Rank | Income Group Rank | Regional Rank |
|-------------------------------------|--------------------------|------------|-------------------|---------------|
| Opportunities for Corruption | | | | |
| Administrative Transparency | 7.75 | 3/119 | 3/40 | 1/31 |
| Online Services | 7.05 | 45/119 | 12/40 | 2/31 |

⁷ <https://www.corruptionrisk.org/country/?country=ZAF#forecast>

⁸ <https://www.corruptionrisk.org/country/?country=ZAF#integrity>

| Components | Component Score (max=10) | World Rank | Income Group Rank | Regional Rank |
|----------------------------------|--------------------------|------------|-------------------|---------------|
| Budget Transparency | 10 | 1/119 | 1/40 | 1/31 |
| Constraints on Corruption | | | | |
| Judicial Independence | 7.26 | 21/119 | 3/40 | 3/31 |
| Freedom of the Press | 7.89 | 21/119 | 3/40 | 2/31 |
| E-Citizenship | 5.09 | 70/119 | 28/40 | 2/31 |

The Transparency Index

Lastly, the Transparency Index (T-index) is a measure of government transparency in South Africa. It considers both de facto and de jure aspects of transparency. De facto transparency refers to the availability of public information online, while de jure transparency refers to the signing of treaties and the implementation of laws. According to Corruption Risk, the South African T-Index Score is 15/20, indicating a moderate level of government transparency. While this score reflects some progress in recent years, there is still room for improvement.⁹

Table 3: South Africa's Transparency Index (T-index)

| | Regional Average | South Africa | World | Income Group Average |
|-----------------------|------------------|--------------|-------|----------------------|
| De Facto Transparency | 4.98 | 9 | 7.5 | 9.19 |
| De Jure Transparency | 4.37 | 6 | 4.63 | 4.37 |

2.2 Limitations of “integrity-led” anti-corruption interventions

A paper by Jenkins (2022) examined the effectiveness of integrity-led interventions in reducing corruption. The findings suggest that while integrity-oriented approaches alone do not yield substantial results, certain interventions like ethical leadership, behavioural nudging, and anti-corruption messaging can contribute to corruption reduction in specific contexts. The most effective approaches combine making corruption costly with promoting ethical behaviour (Ibid). Integrity measures can complement, but not replace, direct anti-corruption efforts; they are unlikely to be successful as standalone strategies¹⁰.

In sum, while South Africa scores poorly on international corruption perception indices, such as the CPI, IPI and T-index, indicating a widespread belief that corruption is a problem, there are limits to what these perceptions actually entail, for instance as pointed out by Jenkins (2022), the measures of corruption/integrity measures are insignificant if they do not promote ethical

⁹ <https://www.corruptionrisk.org/country/?country=ZAF#transparency>

¹⁰ Jenkins, M (2022). The effectiveness of integrity-led anti-corruption interventions. Retrieved 27 February 2024 from <https://knowledgehub.transparency.org/helpdesk/the-effectiveness-of-integrity-led-anti-corruption-interventions>

behaviour. In the South Africa context there are signs of resilience against corruption. As outlined in the National Anti-Corruption Strategy (NACS), the Republic of South Africa possesses a robust constitutional and legislative framework for law enforcement, composed of multiple agencies designated to combat corruption and a range of regulatory or oversight bodies established to prevent and mitigate its prevalence (NACS, 2020-2023, p. 38). Furthermore, independent media organisations such as Corruption Watch actively challenge instances of corrupt practices. Additionally, the establishment of [The Zondo Commission on State Capture](#), tasked with investigating allegations of state capture, and proposals for the creation of a new anti-corruption agency demonstrate a commitment to addressing the issue of corruption. Lastly, the pursuit of [international cooperation](#) with other countries in combating crime, which is often linked to corruption, through recent initiatives provides a glimmer of hope for progress in this domain. The NACS 2020-2030 (p.38), however notes that efforts to create a well-regulated public sector and fast-track corruption cases in South Africa have not been fully successful as many implicated in corrupt activities remain unpunished. Challenges with the current multi-agency approach, some deliberately created or exacerbated by individuals seeking to weaken these entities, hinder progress. However, there is a renewed commitment within key law-enforcement agencies to root out unethical practices and ensure the detection, arrest, and conviction of perpetrators. Concerted efforts are required to strengthen the country's anti-corruption law-enforcement capacity and provide adequate resources for mandated agencies to effectively execute their functions.

2.3 The Zondo Commission on State Capture

The Zondo Commission, also referred to as the State Capture Commission, is a public inquiry initiated in January 2018 by former President Jacob Zuma. Its purpose is to investigate allegations of state capture, corruption, and fraud within the public sector and various governmental bodies in South Africa. The following poignant statement made in the conclusion of the report shows the depth of corruption in South Africa: “Corruption has strengthened its hold and extended its hold on public procurement over a very long period. Clearly, a new approach is required; it cannot be the same mixture as before” (James, 2022). The Presidency has submitted details to NACAC on the implementation of “actions contained in the President’s response to the Judicial Commission of Enquiry into allegations of state capture, corruption and fraud in the Public Sector”¹¹. In sum, the key recommendations are the following:

- i. The publication of a national charter against corruption
- ii. The strengthening of protection for whistle-blowers and allowing them to financially benefit from disclosures
- iii. The creation of an anti-corruption agency dealing with public procurement
- iv. The deferral of prosecution of corporations if they cooperate fully and pay a fine
- v. The creation of a professional body for procurement officers
- vi. The enhancement of transparency in public procurement
- vii. The strengthening of protection for accounting officers or authorities acting in good faith.
- viii. The strengthening of the Prevention and Combating of Corruption Activities Act (PRECCA)
- ix. The criminalising of making donations to political parties in exchange for a tender

¹¹ The Presidency (a). (n.d.) The State Capture Inquiry. State of the Nation. <https://www.stateofthenation.gov.za/priorities/fighting-corruption/the-state-capture-inquiry>

- x. The introduction of stronger and more specific legislation relating to public procurement.¹²

The Executive and Parliament were tasked with implementing the Zondo Commission's extensive reform recommendations to prevent corruption and state capture. A recent study by the Human Sciences Research Council, in collaboration with several institutional partners, has revealed that implementation of these recommendations has been uneven. While both the Government and Parliament published response plans in October and November 2022, the government's response contained some timeframes and promised regular progress reports, but Parliament's contained neither (Pienaar and Bohler-Muhler 2023 p1).

2.4 Sectors most affected by corruption and its socioeconomic implications

Corruption disproportionately harms impoverished and vulnerable populations, leading to increased financial burdens and diminished access to essential services, including healthcare, education, social programs, and even justice. Moreover, it exacerbates inequalities and deters private-sector investment, which has detrimental effects on markets, employment opportunities, and economic growth (World Bank Group, 2023a).

According to a report by KPMG (2016), The presence of corruption within the public sector exerts a significant influence on the institutions of a country, manifesting through both direct and indirect consequences. Direct costs associated with corruption encompass not only bribery but also the misallocation of funds resulting from inflated procurement contract prices and the theft of public assets. The indirect costs, on the other hand, include inefficiencies stemming from the deterioration of institutions and the prevalence of criminal activities. Furthermore, corruption has implications for social welfare, impacting the distribution of income and assets, unemployment rates, and environmental conditions, and public health. Additionally, a culture of corruption undermines the rule of law by weakening the institutions responsible for enforcing a country's legal framework (KPMG, 2016).

The National Anti-Corruption Strategy (NACS) places significant emphasis on protecting vulnerable sectors within South Africa that are disproportionately prone to corruption. The strategy outlines targeted interventions aimed at reducing unethical practices and corrupt activities in these sectors. For instance, one of the pillars of NACS (Pillar 6 - Protection of Vulnerable Sectors) focuses exclusively on protecting vulnerable sectors that are most prone to corruption and unethical practices with effective risk management. NACS focuses to continuously identify high-risk areas within both the public and private sectors. The ultimate goal is to create multi-stakeholder collaboration to enhance integrity, transparency, and accountability, particularly in sectors where citizens interact with those in positions of power, or where the government exercises control over valuable resources or processes.

3. Legislation and Policy Frameworks

There are several local and international frameworks, conventions, legislative acts and policies that form the framework for preventing corruption, and holding accountable those who commit corrupt acts.

¹² Ibid

3.1. International Anti-Corruption Conventions and Frameworks

Below is a list of international conventions and frameworks that govern anti-corruption efforts across the globe. It is not exhaustive but provides an indication of what instruments exist in this regard:

- **The United Nations Convention against Corruption (UNCAC):** The UN Convention against Corruption promotes prevention, criminalization, and asset recovery for corruption. It establishes preventive measures and provides a framework for international cooperation¹³.
- **The Organisation for Economic Cooperation and Development (OECD) Convention:** Criminalizes bribery of foreign officials in international business, promoting transparency and accountability¹⁴.
- **African Union Convention on Preventing and Combating Corruption:** Aims to eradicate corruption in Africa by coordinating policies and legislation, including measures for prevention, detection, and punishment¹⁵.
- **SADC Protocol Against Corruption:** Extends anti-corruption measures to the private sector, emphasising asset confiscation and legal assistance¹⁶.
- **The Financial Action Task Force (FATF):** Focuses on combating money laundering, including terrorist funding, through global standards and monitoring¹⁷.
- **G20 Anti-Corruption Working Group:** Monitors integrity, transparency, and asset recovery, guiding G20 leaders¹⁸.

3.2. National policy and legislation in South Africa's public sector

The Constitution serves as the overarching framework that guides all aspects of governance. While explicitly mandating ethical leadership, the Constitution also establishes stringent criteria for public procurement practices, ensuring transparency, integrity, and accountability in government operations. section 27(1) of the Constitution of the Republic of South Africa states: ***"When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services it must do so by a system which is fair, equitable, transparent, competitive, and cost-effective."*** (Constitution of the Republic of South Africa). This is meant to emphasise the importance of the

¹³ UNCAC. (n.d.). Stolen Asset Recovery Initiative (StAR). Retrieved October 6, 2023, from <https://star.worldbank.org/focus-area/uncac>

¹⁴ Convention on combating bribery of foreign public officials in international business transactions. (n.d.). OECD. Retrieved October 6, 2023, from <https://www.oecd.org/corruption/oecdantibriberyconvention.htm>

¹⁵ African Union Convention on Preventing and Combating Corruption (2003). Client Earth. Retrieved October 7th, 2023 from <https://www.clientearth.org/latest/documents/african-union-convention-on-preventing-and-combating-corruption/#:~:text=PDF%20%7C%20159%20kb-.African%20Union%20Convention%20on%20Preventing%20and%20Combating%20Corruption,the%20public%20and%20private%20sectors.>

¹⁶ SADC Protocol Against Corruption (2001). Transparency.org. Retrieved 7th October, 2023 from <https://knowledgehub.transparency.org/guide/international-anti-corruption-commitments/8167#:~:text=Brief%20description,the%20public%20and%20private%20sector.>

¹⁷ FATF: What we do (n.d.) FATF. Retrieved 7th October, 2023 from <https://www.fatf-gafi.org/en/the-fatf/what-we-do.html>

¹⁸ G20 Anti-Corruption Resources (n.d.) UN Office on Drugs and Crime. Retrieved 7th October, 2023 from <https://www.unodc.org/unodc/en/corruption/g20-anti-corruption-resources/by-thematic-area.html>

Constitution and ethical leadership in South Africa and serves as a reminder that all South Africans have the right to hold their government accountable for the way it spends public money.

The South African government has implemented various anti-corruption strategies and enacted relevant legislation to combat corruption effectively. These measures aim to foster transparency, accountability, and integrity in both the public and private sectors. These anti-corruption strategies and legislations in South Africa demonstrate the government's commitment to combating corruption and promoting ethical governance. By fostering transparency, accountability, and integrity, these measures aim to create a more just and equitable society. The Medium-Term Strategic Framework (MTSF) emphasises leadership and ethical behaviour, aiming to improve the country's ranking on Transparency International's Corruption Perception Index and enhance the criminal justice system¹⁹. The Public Service Anti-Corruption Strategy (PSACS) focuses on integrated and holistic anti-corruption measures, successfully bolstering anti-corruption legislation and developing public sector policies and guidelines²⁰. The Local Government Anti-Corruption Strategy (LGACS) promotes community ownership, strengthens municipalities against corruption, and builds trust through effective investigation and resolution²¹. The National Anti-Corruption Strategy (NACS) which serves as a framework that guides ministries, departments, agencies, and local governments in formulating and implementing anti-corruption action plans.

According to the Presidency of the Republic of South Africa (2023), as of November 2023, the President's response plan to combat corruption encompassed sixteen legislative amendments or new statutes. These initiatives aim to address vulnerabilities identified within the South African system. Nine bills have been introduced to parliament, and two have been successfully enacted into law. The most recent additions to the legislative pipeline include the National Prosecuting Authority Amendment Bill (B29-2023) and the Companies Second Amendment Bill. Introduced in September and August 2023 respectively, these bills respectively establish a permanent anti-corruption investigating directorate within the National Prosecuting Authority and extend the period for disbarring delinquent company directors, as recommended by the State Capture Commission. The broader legislative agenda encompasses a range of reforms, targeting areas such as public procurement, national intelligence, anti-corruption measures, money laundering prevention, electoral reform, and professionalisation of the public service²².

In addition to the policy frameworks identified above, other existing legislation that can contribute to the fight against corruption includes:

- Prevention and Combating of Corrupt Activities Act (PRECCA), Act 12 of 2004 - criminalises acts of corruption and bribery, places onus of reporting on any person who holds the position of authority, if they don't, they are liable.²³

¹⁹ NACS 2020-2030, p19.

²⁰ Parliamentary Monitoring Group (PMG). (n.d.). Public Service Anti Corruption Strategy: summary of proposals. Retrieved 16 October 2023 from <https://static.pmg.org.za/docs/2003/appendices/summaryfr.htm>

²¹ Holden, P. (November 2023). Zondo at your Fingertips

²² The Presidency Republic of South Africa (2023) The Tide Is Turning: Progress Report on Implementation of President Ramaphosa's Response to the Judicial State Capture Commission. Retrieved 27 February 2024 from https://www.stateofthenation.gov.za/assets/downloads/State_Capture_Progress_Report_November_2023.pdf

²³ Holden, P. (2023). Zondo at your Fingertips.

- Promotion of Access to Information Act (PAIA), Act 2 of 2000 - “enables everyone to be able to access the information they need to exercise or protect their constitutional rights,”²⁴ This means anti-corruption individuals or organisations can ask for relevant information from both public and private bodies.
- Promotion of Administrative Justice Act (PAJA), Act 3 of 2000 - emphasises principles such as openness, transparency and accountability of the public service to protect citizens from being treated unfairly.²⁵
- Protected Disclosures Act (PDA), Act 26 of 2004 - provides procedures for whistle-blowing as well as legal protection against reprisal.²⁶
- Public Finance Management Act (PFMA), Act No 1 of 1999 (used most often in the Zondo commission). Establishes 2 legal entities with duties: a) ‘accounting officer’ (person in government department responsible for making and administering procurement system and that rules are followed, usually head of government department) and b) accounting authority (mostly board of an entity have fiduciary duties & must be fair. If you’re unfair, fruitless or wasteful there are statutory crimes or offences.²⁷
- Municipal Finance Management Act (MFMA), Act no 56 of 2003 - clarifies roles of local government officials, ensures a sound financial governance framework at the municipal level, and maximises the capacity of municipalities to deliver services.²⁸
- Public Audit Act, Act 25 of 2005 - provides the legislative framework for reporting material irregularities identified during the auditing process as well as actions taken to remedy these, and what to do if the actions were not appropriate.
- Financial Intelligence Centre Act (FICA), Act 38 of 2001 - the legislative framework for the Financial Intelligence Centre (FIC) to investigate financial flows relating to racketeering, money laundering, potential terrorism and corruption.²⁹
- Prevention of Organised Crime Act, Act 121 of 1998 - includes legislation on racketeering and money laundering that can be applied in corruption cases with severe penalties, liable for suspecting and not curbing criminal activity.³⁰

Chapter 14 of the National Development Plan (NDP):

The NDP was released in 2012 after extensive research into the development issues facing South Africa. Incorporated in the vision for a ‘thriving’ country across many dimensions was an emphasis on, including values-based and anti-corruption ethics as part of professional public service as part of the fostering of the dignity of citizens, and poverty elimination and inequality reduction by

²⁴ Corruption Watch. (n.d.). Our Recent PAIA request. *Corruption Watch*, retrieved 16th October 2023 from <https://www.corruptionwatch.org.za/learn-about-corruption/reports/our-recent-paia-requests/>

²⁵ The Public Service Commission. (n.d.). *Compliance with the Promotion of Administrative Justice Act 2000 (Act No.3 of 2000)*. The Public Service Commission. Pretoria.

²⁶ Department of Justice. (n.d.). Protected Disclosures Act, 2000 (Act 26 of 2000). Retrieved 16th October 2023 from https://www.justice.gov.za/legislation/acts/act_docs/2001_draft_protdisclosure%20guide.html#:~:text=The%20purpose%20of%20the%20Protected,her%20employer%20or%20fellow%20employees.

²⁷ Holden, 2023.

²⁸ National Treasury (n.d.) MFMA. National Treasury. Retrieved 16th October 2023 from <http://mfma.treasury.gov.za/Pages/Default.aspx>

²⁹ FIC. (n.d.). *Legislation*. Retrieved 16th October 2023 from <https://www.fic.gov.za/Resources/Pages/Legislation.aspx>

³⁰ Holden, 2023.

2030.³¹ Corruption is identified as one of the potential pitfalls for achieving the NDP's aims, and as part of the ethos, the plan identifies that "An open society, transparency, disclosures and a culture of accountability"³² will be necessary to make a change. Specifically a critical action identified is to: "professionalise the public service, strengthen accountability, improve coordination and prosecute corruption."³³ This emphasis on good governance found particular Chapter 14 of South Africa's National Development Plan (NDP) envisions a 2030 free from corruption, achieved through an empowered citizenry, ethical leadership, and a robust anti-corruption system. This future hinges on a multi-pronged approach. According to the NDP, the vision for 2030 is zero tolerance for corruption. ***"In 2030, South Africa will be a society in which citizens do not offer bribes and have the confidence and knowledge to hold public and private officials to account, and in which leaders have integrity and high ethical standards. Anti-corruption agencies should have the resources, independence from political influence, and powers to investigate corruption, and their investigations should be acted upon."*** (National Planning Commission, n.d., p. 447). The commission has identified key areas where policy changes should be implemented to create an accountable state and achieve zero tolerance for corruption. These areas are: (i) Strengthening the multi-agency anti-corruption system; (ii) Strengthen protection of whistle-blowers; (iii) Centralise the awarding of large tenders or tenders with long duration; (iv) Give greater teeth to the tender compliance monitoring office to investigate both corruption and the value for money aspect of tenders; (v) Strengthening Judicial Governance and the Rule of Law: reforming the judicial governance system to ensure the independence and accountability of the judiciary, improve the quality of judges, and increase access to justice for the poor.

(i) *Strengthening the multi-agency anti-corruption system.*

- ❖ An anti-corruption system needs to be free from political interference. According to the NDP, the ***"institutional independence of anti-corruption agencies is contentious, since they are all accountable to the Executive"*** (National Planning Commission, n.d., p. 448).
- ❖ Designated entities need to have the capability and resources, including increased funding and specialised teams. Designated anti-corruption agencies include the South African Police Service, the Special Investigations Unit, the Assets Forfeiture Unit, and the Public Service Commission. The Public Protector and the Auditor-General also investigate corruption. The NDP recommends sharing and coordination, as well as distinct and separate functions to reduce duplication (National Science and Technology Forum, n.d.).
- ❖ Leaders need to take action. This means political will and support for anti-corruption agencies. According to the NDP, political will refers to ***"more than public statements of support, and includes a commitment to acting on that support by providing sufficient resources and taking action against corrupt officials"*** (National Planning Commission, 2013, p. 404).

(ii) *Strengthen the protection of whistle-blowers to create a culture of disclosure of*

³¹ National Planning Commission, 2013. National development plan vision 2030.

³² National Planning Commission, 2013. National Development Plan Vision 2030. National Planning Commission (2013). Our future - make it work: National Development Plan 2030 - Executive Summary. , p17.

³³ Ibid, p24.

wrongdoing

- ❖ According to the NDP, the protection of whistle-blowers is essential to create a culture of disclosure of wrongdoing. ***“While the Protection of Disclosure Act (2000) provides some protection for whistle-blowers, it does not do Enough”*** (National Planning Commission, n.d., p. 404)
- ❖ The Protected Disclosures Act (2000) needs to be reviewed and then the government departments need to develop policies to implement the act. The act doesn’t provide enough protection, including inadequate security and confidentiality for whistle-blowers (National Science and Technology Forum, n.d.). The NDP notes several weaknesses that need to be addressed i.e., there is ***“no public body tasked with providing advice and promoting public awareness, and no public body dedicated to monitoring whistleblowing; the possibility of conditional amnesty for whistle-blowers implicated in corruption is not clear; adequate security for whistleblowers has not been established; the scope of protection in law is too narrow; and the range of bodies to which a protected disclosure may be made is too narrow”*** (National Planning Commission, 2013, p. 405).
- ❖ In response to these gaps, the NDP recommended, the ***“expansion of the scope of whistle-blower protection under the Protected Disclosures Act, to include those outside the traditional employer-employee relationship and permit disclosure to bodies other than the Public Protector and the Auditor-General and strength measures to ensure the security of whistle-blowers”*** (National Planning Commission, 2013, p. 405).

(iii) Centralise the awarding of large tenders or tenders with long duration

- ❖ The NDP proposed a review and reform of the procurement procedures, including legal reforms to simplify procurement. Furthermore, the NDP proposed that beyond designing cost-effective procurement systems that enable effective government, there should be a tiered system to review tenders depending on their value. This would include differentiated safeguards and procedures (National Science and Technology Forum, n.d).

(iv) Give greater teeth to the tender compliance monitoring office to investigate both corruption and the value for money aspect of tenders

- ❖ According to the NDP, the Office of the Accountant General in the National Treasury is responsible for promoting and enforcing the effective management of revenue and expenditure in departments, as well as monitoring the proper implementation of public sector financial management acts. This includes setting and monitoring procurement practices. The NDP proposes including value for money as part of this (National Planning Commission, 2013, p. 406).

Strengthening the multi-agency anti-corruption system entails ensuring institutional independence free from political interference, as highlighted by the National Development Plan (NDP), which underscores the need for anti-corruption agencies to operate autonomously from the Executive. Essential to this endeavour is equipping designated entities such as the South African Police Service, the Special Investigations Unit, the Assets Forfeiture Unit, the Public Service Commission, the Public Protector, and the Auditor-General with adequate capability, resources, and specialised teams, including increased funding, to effectively combat corruption.

The NDP emphasises the importance of coordination among these agencies while advocating for distinct and separate functions to mitigate duplication. Furthermore, effective leadership is crucial, requiring not only political will but tangible support for anti-corruption efforts, as articulated by the NDP's definition of political will as more than mere lip service but a commitment to providing ample resources and taking decisive action against corrupt individuals.

To ***strengthen the protection of whistleblowers and foster a culture of disclosing wrongdoing***, the National Development Plan (NDP) emphasises the imperative of enhancing existing legislative frameworks. Despite the Protection of Disclosure Act (2000) offering some safeguards for whistleblowers, the NDP highlights its insufficiency, advocating for a comprehensive review. Presently, government departments must develop policies to effectively implement the act, addressing its shortcomings, particularly regarding inadequate security and confidentiality provisions for whistleblowers. Identified weaknesses in the current framework include the absence of dedicated public bodies for providing advice, raising public awareness, and monitoring whistleblowing activities. Additionally, the NDP underscores the ambiguity surrounding conditional amnesty for whistleblowers implicated in corruption cases, insufficient security measures, and a narrow scope of protection under the law. To address these gaps, the NDP recommends expanding the Protected Disclosures Act's scope to cover relationships beyond traditional employer-employee dynamics and allowing disclosures to entities beyond the Public Protector and the Auditor-General. Moreover, it advocates for strengthening measures to ensure the security and protection of whistleblowers, thereby fostering a more robust culture of disclosure and accountability.

To ***centralise the awarding of large tenders or tenders with long durations***, the National Development Plan (NDP) advocates for a comprehensive overhaul of procurement procedures, including legal reforms aimed at streamlining the procurement process. In addition to designing cost-effective procurement systems conducive to efficient governance, the NDP suggests implementing a tiered review system for tenders based on their value. This tiered approach would entail tailored safeguards and procedures to ensure transparency and accountability in the procurement process, aligning with the NDP's overarching goal of enhancing government efficiency and effectiveness.

In line with ***giving greater teeth to the tender compliance monitoring office to investigate both corruption and the value for money aspect of tenders***, the National Development Plan (NDP) advocates for enhancing the mandate of the Office of the Accountant General within the National Treasury. Currently tasked with overseeing revenue and expenditure management across departments and ensuring compliance with public sector financial management acts, the NDP proposes expanding its role to encompass monitoring procurement practices. This expanded mandate would involve incorporating assessments of value for money into its oversight functions, thereby strengthening its capacity to investigate both corruption and the economic efficiency of tender processes.

The NDP further emphasised strengthening judicial governance and the rule of law. The NDP noted that “at present, there is little or no consensus in the Judicial Services Commission (JCS) about the qualities and attributes needed for the bench” (National Planning Commission, 2013, p. 408). As such, the JSC needs to lead a process to build a consensus on the qualities and attributes of the ideal South African judge. The NDP thus proposed the following, accelerating

reforms to implement a judiciary-led independent court administration; the JCS to lead a process to establish clear criteria for appointment of judges, scale up judicial training, consider whether the current form and structure of the JSC is adequate to allow it to fulfil its constitutional mandate, and consider the extension of community service to law graduates (National Planning Commission, 2013, pp. 409-410).

4. Approaches to Monitoring and Evaluating Anti-Corruption Initiatives

As shown in earlier sections of this literature review, there are several legislations and policies that have been formulated to prevent and combat corruption in the country. A review of some of the approaches to monitoring and evaluating anti-corruption initiatives will be the focus of this section. It will assess the different methodologies that have been employed in tracking the implementation of anticorruption initiatives and provide a few cases that were publicly available to demonstrate how other countries plan for M&E of these initiatives. First, the section will provide an overview of South African mechanisms and institutions mandated to prevent and combat corruption and the role they play in monitoring corruption.

4.1 Institutions and mechanisms for monitoring anti-corruption measures in South Africa

The Zondo Commission mentioned earlier in this review, has been a critical platform to record the mechanisms used to capture the state. Whilst the Commission is not an institution, it sowed the seeds for formation of institutions such as the Anti-Corruption Commission that will prevent and combat corruption and state capture. It also advocated for revamping of state-owned enterprises in terms of accountability and performance and called for reviewing statutory provisions of institutions such as the South African Revenue Authority (SARS) to ensure transparent and competitive processes for appointment of the accounting authorities. The Zondo report unearthed evidence of state capture involving 1,438 individuals and entities. According to the Presidency Republic of South Africa (2023), the South African government has responded with a plan of action to implement the commission's recommendations. The government has made progress in implementing the plan, including taking steps to strengthen law enforcement and address corruption. The plan submitted to parliament by the President in October 2022 represents a complex multi departmental and multi-agency effort to achieve “an ethical, moral and institutional departure from the abuses revealed by the State Capture Commission” involving 31 government departments and agencies. It represents a major reform initiative designed to redress the wrongs of the past and advance the renewal of society. Many of the actions in the plan are major legislative and institutional reforms that will take many years to achieve.

To ensure accountability and track the implementation progress of these recommendations, the following M&E measures are in place:

- ❖ The Presidency is tasked with producing regular progress reports on the President's response to the Zondo Commission recommendations. These reports provide detailed updates on specific actions taken and those planned.
- ❖ Civil society organisations, watchdogs, and academic institutions can play a crucial role in monitoring implementation, conducting independent research, and holding the government accountable.

- ❖ Regular updates to the public on the implementation efforts and their impact are vital for boosting transparency and public trust. This can be done through media updates, dedicated websites, and public engagement forums.

In addition to M&E measures, these reporting mechanisms are crucial. Parliament is responsible for exercising ongoing oversight of the implementation process, holding relevant ministers and departments accountable through hearings and inquiries. A free and robust media, along with an informed and engaged public, will continue to act as watchdogs and demand transparency.

The Office of the Accountant-General: The Office of the Accountant-General is entrusted with the formal mission of fostering and upholding the effective administration of revenue and expenditure in various departments. Furthermore, it is responsible for overseeing the proper implementation of the Public Finance Management Act (PFMA) and the Municipal Finance Management Act (MFMA). The Office of the Accountant-General also holds the authority to conduct inquiries into public procurement processes within the government sphere and to propose improvements³⁴. Currently, the monitoring and evaluation (M&E) approaches and instruments involve accounting officers monitoring the progress of their department's operational plan, which incorporates the budget. Subsequently, they are required to create, evaluate, and respond to monthly and quarterly reports that must be submitted to the executive authority and the treasury. While systems and procedures for monitoring and reporting monthly budgetary performance are already in place, accounting officers must scrutinise all financial information, including data on grants and transfers, before endorsing the reports demanded by the Act.³⁵

Auditor-General of South Africa (AGSA): The AGSA conducts regular audits of national and provincial government departments, identified public entities, municipalities, and municipal entities (collectively referred to as "clients" or "auditees"). Additionally, the AGSA undertakes discretionary audits, including performance audits, special audits, and investigations³⁶.

In accordance with their audit findings, the AGSA issues an array of reports, encompassing the Annual Reports on the national and provincial audit outcomes and Special Reports on significant audit findings. The audit reports produced by the AGSA are made publicly available and are presented to Parliament, provincial legislatures, and municipal councils. In addition to these audit-specific reports, the AGSA publishes comprehensive reports annually, in which it analyses the findings of the audits conducted at the national, provincial, and municipal levels. These reports are presented to Parliament and provincial legislatures, thereby engendering accountability among public entities for their financial performance. Overall, the AGSA's audits and reports play a pivotal role in ensuring transparency, accountability, and sound financial management within South Africa's public sector.

Cooperative governance: The Cooperative Governance and Traditional Affairs Ministry consists of the Department of Cooperative Governance (DCoG) and the Department of Traditional Affairs (DTA). The Department of Cooperative Governance is mandated to *“develop and monitor the implementation of national policy and legislation aimed at transforming and strengthening key institutions and mechanisms of governance in national, provincial and local government to fulfil*

³⁴ https://www.gov.za/sites/default/files/gcis_speech/NACS%20Diagonostic%20%20Report%20Final.pdf

³⁵ <https://www.treasury.gov.za/legislation/pfma/guidelines/guide%20on%20in-%20year%20management,%20monitoring%20and%20reporting.pdf>

³⁶ <https://nationalgovernment.co.za/units/view/50/auditor-general-south-africa-agsa>

their developmental role; develop, promote and monitor mechanisms, systems and structures to enable integrated service delivery and implementation within government; and promote sustainable development by providing support to and exercising oversight of provincial and local government”³⁷. The Department’s mandate is primarily derived from Chapters 3, 5, 6, 7, and 9 of the Constitution of the Republic of South Africa, Act 108 of 1996 as well as the following legislation: the Intergovernmental Relations Framework Act 13 of 2005; Municipal Property Rates Act 6 of 2004; Municipal Structures Act 117 of 1998; Municipal Systems Act 32 of 2000; Disaster Management Act 57 of 2002; Remuneration of Public Bearer’s Act 20 of 1998; Sections 100, 139 and 154, Monitoring/Intervention Bill³⁸. As such the DCoG is mandated to support anti-corruption work, to support good governance, and to improve financial management in local government. In so doing, DCoG uses a variety of methods to monitor and report on the implementation of national policy and legislation regarding governance and service delivery across all government spheres (national, provincial, and local).

Strategic Engagement and Implementation Plan: Cowater is currently engaged in a project funded by Global Affairs Canada. The project is conducted in collaboration with the Department of Public Service and Administration (DPSA). Its primary objective is to enhance accountability, efficiency, and transparency within the public administration system. The project aims to achieve these goals by providing technical assistance to the DPSA in designing and implementing the Public Administration Ethics, Integrity, and Discipline Management Technical Assistance Unit (PA-EIDM-TAU).³⁹

The mission of PAEIDTAU aligns directly with the National Anti-Corruption Strategy 2020-2030 (NACS). NACS primarily seeks to enhance governance, oversight, and consequence management within the public administration. In this context, the Strategic Engagement and Implementation Plan (SEIP) renders technical support to PAEIDTAU regarding Ethics, Integrity, and Discipline Management activities across all three spheres of government.⁴⁰

In 2021, the government implemented specific mechanisms, notably Lifestyle Audits, to monitor corruption through a three-phased approach encompassing a risk assessment review, an investigation into lifestyles, and the quantification and evaluation of losses (Lifestyle Audit). SEIP has provided technical support for formulating an implementation guide for lifestyle audits in the South African public service. Additionally, SEIP developed communication products and training programs on fraud. The unit conducted a questionnaire on lifestyle investigations across national and provincial departments and is currently developing procedures and tools to standardise and professionalise lifestyle audit investigations.

Furthermore, SEIP supported PAEIDTAU in developing and implementing the first guide on preventing and managing conflicts of interest in the public service. This guide is crucial for

³⁷ <https://www.gov.za/about-government/government-system/co-operative-governance>

³⁸ <https://nationalgovernment.co.za/units/view/10/departments-of-cooperative-governance-dcog#:~:text=The%20Department's%20mandate%20is%20primarily,154%2C%20Monitoring%2FIntervention%20Bill.>

³⁹ <https://www.cowater.com/en/project/strengthening-ethics-and-integrity-in-south-africa/#:~:text=Cowater%20is%20currently%20delivering%20a,public%20administration%2C%20while%20improving%20their>

⁴⁰ [https://www.cowater.com/en/international-anti-corruption-day-supporting-south-africas-path-towards-greater-public-accountability/#:~:text=In%202021%2C%20the%20government%20implemented,of%20losses%20\(Lifestyle%20Audit\).](https://www.cowater.com/en/international-anti-corruption-day-supporting-south-africas-path-towards-greater-public-accountability/#:~:text=In%202021%2C%20the%20government%20implemented,of%20losses%20(Lifestyle%20Audit).)

assisting departments in managing the risks associated with conflicts of interest, thereby reducing corruption. The project also contributed to reviewing the Directive and monitoring tools for employees engaged in additional remunerative work and developing an upcoming Directive to professionalise the Ethics Officers function.

Dr. Salomon Hoogenraad-Vermaark, Director of the Public Administration Ethics, Integrity, and Disciplinary Technical Assistance Unit (PAEDTAU) of the Department of Public Service and Administration (DPSA), rampant corruption within the Public Service potentially undermines efforts to attract foreign investment⁴¹. The establishment of the PA- EID-TAU was intended to enhance ethical and anti-corruption policies, reinforce ethical infrastructure, improve discipline management, and align all three levels of public administration⁴². However, a review of the literature indicated a lack of studies evaluating the effectiveness of the SEIP Framework within the Department of Public Service and Administration.

Anti-Corruption Task Team (ACTT): The ACTT facilitates coordinated efforts within the government to combat corruption and expedite the efficient investigation of high-priority corruption cases. The team comprises representatives from various government entities, including the Directorate for Priority Crime Investigation (DPCI), National Prosecuting Authority (NPA), Asset Forfeiture Unit (AFU), Special Investigating Unit (SIU), South African Revenue Service (SARS), Office of the Accountant-General and Office of the Chief Procurement Officer (OCPO) in the National Treasury, Financial Intelligence Centre (FIC), National Intelligence Coordinating Committee (NICOC), State Security Agency (SSA), The Presidency, Department of Justice and Constitutional Development, Department of Public Service and Administration, and the Government Communication and Information System (GCIS). The ACTT regularly reports its activities and progress to the Anti-Corruption Inter-Ministerial Committee (ACIMC)⁴³. The ACTT likely utilises a multifaceted approach to monitor and report on anti-corruption efforts across government departments, including the Auditor-General Reports which entail audits of government departments instances of financial mismanagement that could be linked to corruption.

Anti-Corruption Inter-Ministerial Committee: In accordance with the National Development Plan (NDP) and the Medium-Term Strategic Framework (MTSF), which advocate for the establishment of a robust anti-corruption architecture, the Anti-Corruption Inter-Ministerial Committee (ACIMC) was instituted in June 2014. The ACIMC's primary function is to orchestrate and supervise the efforts of various state organs in combating corruption within both the public and private sectors. Convened and chaired by the Minister for Planning, Monitoring and Evaluation in the Presidency, the ACIMC comprises ministerial representatives from Justice and Correctional Services, State Security, Police, Cooperative Governance and Traditional Affairs, Public Service and Administration, Finance, Home Affairs, and Social Development.

⁴¹ <https://www.dpsa.gov.za/thepublicservant/2023/09/20/an-unethical-public-service-undermines-social-and-economic-development/#:~:text=According%20to%20Dr%20Salomon%20Hoogenraad%2DVermaark%2C%20the%20head,Ser vice%20potentially%20undermines%20efforts%20to%20attract%20foreign>

⁴² <https://www.dpsa.gov.za/thepublicservant/2021/09/21/the-new-technical-assistance-unit-will-bolster-efforts-to-fight-misconduct-in-the-public-service-minister-ayanda-dlodlo/>

⁴³ https://www.gov.za/sites/default/files/gcis_speech/NACS%20Diagnostic%20%20Report%20Final.pdf

Furthermore, the ACIMC serves as a strategic guidance body for the operational activities undertaken by the Anti-Corruption Task Team (ACTT)⁴⁴.

The institutions mentioned above, together with the Zondo Commission's recommendations, in carrying out their mandates, will provide critical monitoring data on the progress made by the South African government in preventing and combating corruption. In particular, tracking the implementation of the NACS will benefit immensely from the data provided by these key institutions, especially as the year 2030 draws near.

4.2 The importance of clear indicators and benchmarks for measuring success

The United Nations Office on Drugs and Crime has meticulously compiled an extensive guide to aid in the formulation of national anti-corruption strategies. It is, however, imperative to acknowledge that the sole existence of a strategy does not inherently assure a reduction in corruption. An examination of extant strategies has revealed that while some have facilitated advancements, there have been instances where strategies have been ineffective in delivering tangible results, exemplified by the observation that "impressive strategies had little or no impact on the situation on the ground⁴⁵." To avert such an outcome, Weylandt (2017) posits that drafters of strategies would be well-advised to adhere to best practices concerning the drafting process and content of the strategy.

Furthermore, the report acknowledges the absence of a standardised set of specific recommendations, particularly given that different countries possess diverse legal, cultural, and political traditions and encounter distinct challenges, opportunities, and constraints (Weylandt, 2017, p.3). Nonetheless, there exist general guidelines that, when followed, can enhance the likelihood of the strategy bearing fruit. According to Weylandt (2017), countries should decompose reforms into discrete steps and select suitable, meaningful indicators of progress. Each indicator should possess a baseline against which progress can be measured, as well as a delineated timeline for implementation (Weylandt, 2017).

4.3 Different methodologies and tools used for monitoring and evaluating anti-corruption initiatives

In this section, an overview of countries similar to South Africa is presented, both of which have a well-established country-specific strategic plan on anti-corruption and a structured framework for monitoring the effectiveness of such a strategy. Accordingly, a benchmarking exercise was conducted against Malawi and Namibia, to inform the outline of the design and layout of the National Anti-Corruption Strategy (NACS) monitoring framework.

4.3.1. Malawi

The national anti-corruption strategy of Malawi, known as the National Anti-Corruption Strategy (NACS), employs a framework similar to the approach of South Africa. The National Anti-Corruption Strategy II (NACS II) signifies the government's unwavering commitment to a zero-tolerance stance against corruption. NACS II serves as a comprehensive blueprint for Malawi's aspirations for a society free from corruption. By adopting a holistic approach, NACS II enables

⁴⁴ https://www.gov.za/sites/default/files/gcis_speech/NACS%20Diagonostic%20%20Report%20Final.pdf

⁴⁵ United Nations Office on Drugs and Crime, "National Anti-Corruption Strategies: A Practical Guide for Development and Implementation" (United Nations, 2015).

all sectors to participate in the fight against corruption actively. It represents a continuation of the anti-corruption drive initiated by the NACS in 2008.

The development of NACS II is grounded in extensive research on the state and drivers of corruption in Malawi, complemented by multi-stakeholder consultations and a political economy analysis. Its methodology draws upon international evidence regarding best practices in drafting national anti-corruption strategies (Basel Institute of Governance, 2019). The successful implementation of NACS II depends on the active involvement and collaboration of all sectors.

Through the pursuit of three mutually reinforcing strategic goals—**improving service delivery, improving, and strengthening the rule of law and promoting a culture of integrity**—NACS II aims to contribute significantly to the achievement of Malawi's broader development agenda (Republic of Malawi, n.d., p. xi)

NACS II underscores that the eradication of corruption holds priority status within Malawi's development agenda, as outlined in the Malawi Growth and Development Strategy III (MGDS III). In so doing, The National Anti-Corruption Strategy II (NACS II) presents a framework for combating corruption. NACS II focuses on achieving three overarching strategic goals: enhancing the quality of service delivery, reinforcing the rule of law, and fostering a culture of integrity.

The strategy outlines twelve pillars that encompass Malawian society and assigns specific tasks to each pillar to attain clear objectives and goals. These pillars are the Executive, Legislature, Judiciary, Local Government, Private Sector, Non-Governmental Organisations/Civil Society, Faith-Based Organizations, Media, Traditional Leaders, Youth, Academia, and Women.

NACS II also includes additional pillars, such as Youth, Academia, Women, and Local Government. Overall leadership and direction for the implementation of NACS II will be provided by a multi-sectoral National Integrity Committee (NIC), while the Anti-Corruption Bureau (ACB), the legally mandated body responsible for spearheading the fight against corruption, will offer technical guidance to the NIC (Republic of Malawi, n.d.).

The Malawi NACS II Monitoring and Evaluation Framework incorporates several pillars for implementing anti-corruption activities. Each pillar is tasked with the responsibility of monitoring and evaluating its activities, and subsequently reporting them to the Anti-Corruption Bureau (ACB) Monitoring and Evaluation Unit. The Framework also facilitates peer reviews among the different pillars. The primary purpose of these monitoring and evaluation processes is to encourage self-evaluation and foster the exchange of valuable insights. The table below outlines the structure and the Malawian NACS II monitoring and evaluation plan.

Table 4: Outline of the Malawian NACS II (Monitoring Plan)

| Objective | Strategic Activities | Expected Outputs | Means of Verification | Implementing Body | Time Frame |
|-----------|----------------------|------------------|-----------------------|-------------------|------------|
| xxx | xxx | xxx | xxx | xxx | xxx |

4.3.2. Namibia

The Republic of Namibia implemented its novel National Anti-Corruption Strategy and Action Plan 2016- 2019 (NACSAP) to promote integrity, accountability and transparency across all spheres of society. The Strategy had 75 actions implemented by 22 implementing institutions. The

Namibian government launched the second National Anti-Corruption Strategy and Action Plan in 2022., Namibia's National Anti-Corruption Strategy and Action Plan (NACSAP) for 2021-2025, as a tool to promote cooperation and synergy across all sectors of society. The plan's primary objective is to promote a system of integrity, accountability, and ethics. The plan also focuses on the normative context of Namibia's corruption landscape, including the causes of corruption, legal framework, social and economic dynamics, and country context (Anti-Corruption Commission, 2021).

Similar to the Malawi NACS II, this Strategy further includes other players and bodies of the private sector, sports and youth fraternities. Furthermore, it included specific actions for the media, civil society and faith-based organisations, regional councils, local authorities, and the youth (Anti-Corruption Commission, 2021)

The National Anti-Corruption Strategy and Action Plan for the period 2021-2025 delineates the activities and action plan of the National Anti-Corruption Strategy (NACS) to be implemented over five years, ensuring the integration of NACS activities into the strategic plans of implementing institutions.

This revised Strategy revisits its strategic objectives to ensure their alignment with current and evolving national priorities, encompassing integrity systems, good governance, and accountability within the sectors initially outlined in the Strategy. Additionally, it incorporates other pertinent sectors such as the environment, agriculture, and tourism, as deemed relevant. (Anti-Corruption Commission, 2021).

Table 5: Outline of Namibia's NACSAP (Monitoring Plan)

| Strategic Objective | Implementing Institution | Action | Output | KPI | KPI Definition | KPI Type | Targets | Baseline | Planned Action Steps |
|---------------------|--------------------------|--------|--------|-----|----------------|----------|---------|----------|----------------------|
| xxx | xxx | xxx | xxx | xxx | xxx | xxx | xxx | xxx | xxx |

4.4. Similarities between NACS II and NACSAP and specific learnings for South Africa

NACS II and NACSAP both involve all facets of society, including government, private sector, and civil society, in the anti-corruption campaign. This multi-stakeholder approach engenders widespread ownership and responsibility.

Each framework delineates specific pillars, accompanied by designated tasks and action plans, for the attainment of their goals. This strategy provides clarity and direction for implementation. Progress monitoring and evaluation mechanisms are incorporated in both frameworks, utilising self-evaluation and peer reviews to ensure sustained improvement.

By leveraging the lessons gleaned from the Malawi and Namibia case studies, South Africa can establish a more robust and all-encompassing anti-corruption monitoring framework, thereby contributing to the successful attainment of its wider developmental objectives. As such, based on the NACS II and NACSAP, the potential for the development of the South African monitoring plan includes:

- 1) South Africa can encourage wider participation from all sectors in developing and implementing the anti-corruption strategy, as highlighted in both Malawi and Namibia's plans.
- 2) South Africa can adopt a more robust monitoring and evaluation framework, similar to Malawi's, with regular self-evaluations and peer reviews among different sectors to promote accountability and knowledge sharing.
- 3) Regularly review and update the strategy, as done in Namibia, to ensure alignment with current national priorities and evolving challenges.
- 4) Consider assigning specific tasks and responsibilities to each stakeholder group for achieving the goals.

5. Conclusion and recommendations for South Africa

In conclusion, corruption remains a severe challenge in South Africa, with far-reaching consequences for the country's economy, political stability, and social well-being. The NDP acknowledges corruption as a significant impediment to achieving the country's developmental goals and emphasises the importance of a comprehensive approach that includes political will, strong institutions, a solid legal foundation, and an active citizenry that holds public officials accountable. Despite ongoing efforts, Transparency International's Corruption Perceptions Index and the World Bank's governance indicators continue to raise concerns about South Africa's corruption levels. The Zondo Commission's findings highlight the widespread corruption in the country's public sector. However, substantial progress has been made, including the formation of the NACS, as well as the implementation of several anti-corruption initiatives. Nonetheless, concerted efforts are needed to effectively combat corruption and achieve the NDP's vision of a corruption-free society.

Moving forward, South Africa can learn from international best practices, such as Malawi and Namibia's anti-corruption measures. These countries have developed multi-stakeholder methods, clear objectives and action plans, and strong monitoring and evaluation systems. South Africa's anti-corruption measures can be strengthened by encouraging greater engagement, improving monitoring methods, reviewing and revising tactics regularly, and allocating particular roles to stakeholders. Furthermore, there is a requirement for ongoing political will, proper financial allocation, and effective anti-corruption legislation and regulations. Finally, eliminating corruption necessitates collaborative action and a firm commitment to maintaining integrity, accountability, and transparency in all areas of society.

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