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INTERNATIONAL ANTI-CORRUPTION DAY: 9 DECEMBER

By Dave Steward: Chairman, FW de Klerk Foundation Board of Trustees

On 31 October 2003, the United Nations General Assembly decided to declare 9 December as International Anti-Corruption Day. Its role would be “to raise awareness of corruption and of the role of the UN Convention against Corruption” that came into force in 2005.

Article 6 of the Convention required States Party to ensure the existence of “a body or bodies to prevent corruption”. Such bodies would be granted the necessary independence to enable them to carry out their functions effectively and free from any undue influence. They would also be provided with the “necessary material resources and specialised staff, as well as the training that such staff may require to carry out their functions.”

South Africa had such a body - which had been established in 2001. It was called “the Scorpions” (the Directorate of Special Operations) and was located within the National Prosecuting Authority (NPA) to ensure its independence. Apart from investigating organised crime, racketeering and money-laundering, the Scorpions were responsible for combatting organised corruption.

It was very successful. The Scorpions led the investigations against those involved in the notorious arms deal - including Schabir Shaik and then Deputy President Jacob Zuma. It also began to unravel corruption among ANC parliamentarians in the Travelgate scam and was hot on the trail of corruption allegations involving senior ANC members and deployees.

It had to be stopped. At its National Consultative Conference in December 2007 at Polokwane, the ANC elected Jacob Zuma as its President - despite 783 outstanding counts of fraud against him. It also decided to disband the Scorpions and to replace them with a unit that would be under the effective control of the SAPS - and thus of the ANC government. Despite heroic rear-guard actions in the courts (Glenister I and II) the anti-corruption units that emerged from the process - most notably “the Hawks” - never attained the same level of effectiveness and independence as the Scorpions had enjoyed.

The effect of the ANC’s Polokwane decision was to throw open the floodgates of corruption and to clear the road for Jacob Zuma’s programme of State capture. State capture was facilitated by ongoing assaults on the independence of the NPA by a succession of Presidents - including the firing of Vusi Pikoli, the unconstitutional appointment of Menzi Simelane, followed by the appointment of Nomgcobo Jiba and Lawrence Mrwebi to key positions in the organisation.

The results of this industrial scale corruption are now being unravelled by the Zondo Commission and other commissions appointed by President Ramaphosa. The total cost is probably incalculable:

- It includes the crises now being experienced by SOEs - including ESKOM, SAA, PRASA and Denel.



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- Together with incompetence, it has resulted in the massive debt of R450 billion accumulated by ESKOM, as well as the enormous cost to the economy of rolling electricity disruptions.
- It is also one of the principal reasons - together with inappropriate ideological programmes - why South Africa's economic growth has failed to take off following the 2008 financial crisis.
- It has contributed to the fact that, in 2018, only 33 of South Africa's 257 municipalities had clean audits.

Marianne Thamm of the *Daily Maverick* has estimated that the total cost of corruption during the Zuma years may amount to R1.5 trillion.

According to Transparency International's 2018 *Corruption Perceptions Index*, South Africa is ranked 73rd out of the 180 countries measured in terms of public perceptions of corruption. Its Index score of 43/100 is exactly at the same as the world average.

Transparency International points out that there is a direct correlation between levels of corruption and levels of political freedom and democracy. Very few of the world's 75 full democracies score below 50 in the *Corruption Perceptions Index* (one of the exceptions in South Africa). On the other hand, only four of the world's 30 least free countries score above 50.

Integrity in government and in society is a key requirement for the long-term maintenance of democratic governance and economic progress. We should accordingly welcome the steps that President Ramaphosa has taken to restore the integrity of the NPA through the appointment last year of Advocate Shamila Batoyi as the National Director of Public Prosecutions (NDPP) - as well as his decision to establish a new independent investigative directorate within the NPA.

The test, however, will be the degree to which the President's actions will lead to the prosecution of those involved in corruption - and the response of many ANC cadres in the municipalities, in the public service and in the SOEs who have come to depend on the continuation of corruption and patronage for their present and future wellbeing.

These are all factors that we should consider carefully on International Anti-Corruption Day.