Vision

An Eastern Cape Government that is corrupt-free and geared towards accelerated service delivery

Mission

• To promote a culture of integrity and to restore confidence in the fight against corruption.

• To foster and promote professional ethical standard through training.

• To encourage whistle blowing and reporting, and strengthen measure to protect all persons from victimisation when they expose corrupt and unethical practices.

• Ensuring effective implementation of the Public Service Ant-Corruption Strategy.
Acknowledgements

We, the Eastern Cape Office of the Premier, Anti-Corruption Unit and the Ethics Institute of South Africa, would like to thank all the contributors to this report for their valuable input and support.

In particular the members of the Provincial Anti-Corruption Council and the presenters and the participants at the Provincial Anti-Corruption Strategic Planning Session of the 28 - 29 July 2005, whose hard work and commitment made the compilation of this report possible.

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Executive Summary
Executive Summary

The Second National Anti-Corruption Summit held in March 2005 provided the mandate for the development of an Eastern Cape Provincial Anti-Corruption Action Plan 2005-2007 (PACAP). Following a Provincial Anti-Corruption Strategic Planning Session held 28-29 July in East London, attended by representatives from government, the private sector and civil society, the following was resolved:

Provincial Resolutions

There should be:

1. Increased and sustained senior commitment in the fight against fraud and corruption;
2. High ethical standards set by those in positions of authority;
3. Diligent and consistent communication on these high ethical standards;
4. Education and encouragement for civil servants to meet these standards;
5. Firm action against those that do not meet these standards;
6. Honour and reward for those that do meet these standards;
7. Consistent and high efforts made to institutionalise and integrate these high ethical standards throughout the public service;
8. Proper implementation and utilisation of existing capacity and legislation;
9. Concerted efforts made to build new fraud and corruption combating capacity;
10. Ongoing efforts to identify loopholes in the system;
11. Increased co-operation between various agencies and departments especially in the fields of law enforcement and data sharing;
12. Strengthening of prevention programmes and methods throughout the province, especially in the fields of: Training; Whistle-blowing; Data sharing; and Blacklisting.
Background
1.1 INTRODUCTION

There has been growing awareness that since 1994 unethical activities in all sectors of society pose a serious risk to our young democracy.

The most common of such unethical activities are fraud and corruption in the public and private sectors of our economy.

From within government, but also on many other platforms, various responsible and committed leaders have emphasised that our country needs to undergo a moral regeneration to excise the spectre of corruption and decay, that without timely and wilful intervention, may erode our dreams of a prosperous and just South Africa.

There has been acknowledgment that widespread materialism and a sense of unbridled entitlement are making the combating of fraud and corruption in organisations more difficult and complex.

There is 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.

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

This report, the Eastern Cape Provincial Anti-Corruption Plan 2005-2007, is an expression of an initiative to reach out to society, to affect such a cultural change, by further equipping and institutionalising the drive against fraud and corruption within the provincial public service.
1.2 Addressing The Challenge

Addressing such a challenge involves meeting three important benchmarks:

1.2.1 Ensuring high-level political acknowledgement of the threat of fraud and corruption within the public sector.

On a national level South Africa has enjoyed the benefit of increased awareness of the urgent need to combat fraud and corruption, from the most senior levels of national government, the private sector and civil society.

Subsequently, fraud and corruption is now more commonly understood, not just as a criminal issue but as a human rights issue, often robbing the most vulnerable elements of society of their constitutional rights to basic services and human dignity.

This understanding has been clearly reflected by the leadership of the Eastern Cape, with the Honourable Premier Me Nosimo Balindlela making a pledge during her address at the Provincial Anti-Corruption Strategic Planning Session of 28-29 July 2005, to both personally and provincially, lead by example.

1.2.2 Building Of White Collar Crime Combating Infrastructure

Since 1994 South Africa has seen the adoption of a public service Code of Ethics (1997) and the significant strengthening of the legislative arsenal available to prosecute fraud and corruption. These efforts provided the rationale for hosting the First National Anti-Corruption Summit in 1999 and the creation of the National Anti-Corruption Forum (NACF) in 2001, both with the aim of galvanising broader society in the battle against fraud and corruption.

The more recent expression of these efforts has been the promulgation of the Protected Disclosures Act (2000) designed to protect whistle-blowers, and the Prevention of Corrupt Activities Act (2004) designed to improve the state’s ability to prosecute fraud but especially corruption.

In addition, concerted effort has been made to build investigative and prosecution capacity through the creation of special units and dedicated economic crime courts.

However, there is increased awareness that reported levels of corruption seems to be rising in spite of a much improved legislative and prosecution infrastructure.

There is danger of corruption becoming endemic. On the lowest levels of government this has a direct impact on the capacity to deliver services, with the associated risks of social instability. On the highest levels of government it can potentially erode confidence in the State and its ability to manage a just society.
1.2.3 Institutionalising An Ethical Culture

South Africa, able to count on the support of its leaders, and a well developed legislative infrastructure, is placed in the fortunate position that despite the huge challenges faced, it has the opportunity to successfully combat fraud and corruption.

However, in order to do so there is a dire need to institutionalise and integrate the high ideals of legislation and the Constitution (in particular the Bill of Rights) into the organisational culture of the public service.

Therefore the immediate objective would be to compliment investigative and prosecution functions with a more preventative approach to combating fraud and corruption.

Within this context the Second National Anti-Corruption Summit was held in March 2005. It resolved to implement a series of resolutions focusing on:

1. Increasing ethics awareness and prevention capacity;
2. Promoting and supporting inter-sectoral and inter departmental combating initiatives;
3. Strengthening oversight, transparency and accountability capacities within government and civil society; and
4. Recommitting to the National Anti-Corruption Forum as an appropriate body to drive a joint national anti-corruption strategy.
2.1 THE PROVINCIAL ANTI-CORRUPTION STRATEGIC PLANNING SESSION

Armed with a national mandate, the Eastern Cape Provincial Anti-Corruption Council agreed on the need to conduct a strategic planning session to investigate methods of implementing the Second National Anti-Corruption Summit resolutions. This resulted in the Eastern Cape Office of the Premier (OTP) Anti-Corruption Unit planning and hosting a Provincial Anti-Corruption Strategic Planning Session, 28-29 July 2005 at the Regent Hotel in East London.

It was attended by approximately 70 delegates representing various government departments, law enforcement agencies, private sector organisations and civil society. The objective was to develop a PACAP and provide an opportunity for government, business and civil society leaders to publicly pledge support for the initiative.

2.2 RESOLUTION AND ACTION PLANS

The Provincial Anti-Corruption Strategic Planning Session comprised presentations delivered in plenary and three work commissions tasked to develop implementable strategies required to successfully turn the tide of fraud and corruption in the province.

Commission 1 developed broader, more encompassing resolutions while Commissions 2 and 3 were to develop concrete action plans for the Province.

PROVINCIAL RESOLUTION

2.2.1 COMMISSION 1: PROVINCIAL RESOLUTIONS

Overview of Fraud and Corruption in the Province

From the findings of Commission 1 consensus emerged that there should be:

1. Increased and sustained senior commitment in the fight against fraud and corruption;
2. High ethical standards set by those in positions of authority;
3. Diligent and consistent communication on these high ethical standards;
4. Education and encouragement for civil servants to meet these standards;
5. Firm action against those that do not meet these standards;
6. Honour and reward for those that do meet these standards;
7. Consistent and high efforts made to institutionalise and integrate this high ethical
standard throughout the public service;
8. Proper implementation and utilisation of existing capacity and legislation;
9. Concerted efforts made to build new fraud and corruption combating capacity;
10. Ongoing efforts to identify loopholes in the system;
11. Increased co-operation between various agencies and departments especially in the fields of law enforcement and data sharing;
12. Strengthening of prevention programmes and methods throughout the Province, especially in the fields of: Training; Whistle-blowing; Data sharing; and Blacklisting.

**Provincial Action Plan**

2.2.2 Commissions 2 And 3: Provincial Action Plans

Interpreting the National Anti-Corruption Plan and investigating information sharing and risk management procedures

2.2.2.1 Ethics Awareness And Prevention (See Table 1, Page 12–13)

Problem statement

There is:

- A dire need to raise societal ethical standards;
- Toleration for corruption with the resultant lack of societal sanction;
- A danger of fraud and corruption embedding itself into what is perceived as a normal or even desirable way of living;
- A need to build ethical role models by recognising and rewarding people for their ethical virtues and their ability to accumulate symbols of wealth;
- A need to clearly state public service ethical standards; and
- A need for public services to meet these standards.
2.2.2.2 Combating Fraud And Corruption Through Capacity Building  
(See Table 2, Page 12–13)

Problem statement
There is a lack of capacity in many departments to effectively combat fraud and corruption.

2.2.2.3 Oversight, Transparency And Accountability (See Table 3, Page 14–15)

Problem statement
There are:

- Multiple fraud and corruption combating initiatives on national and provincial levels, with obvious duplication and overlap in goals, objectives and even zones of operations;
- Multiple data bases that are not communicating to ensure effectiveness of use; input and control standards that are not uniform or standardised, resulting in data integrity concerns; and
- Windows of opportunity, between commencement of investigation and eventual legal judgment, within which potential corrupt parties could further exploit state resources.

2.2.2.4 Provincial Anti-Corruption Forum (See Table 4, Page 16–17)

Problem statement
There is:

- A tendency for work to progress very slowly within such forums if no clear direction is provided and no common vision and urgency is shared; and
- A need to pay special attention to maintaining communication between forum constituents and other parties because of such a forum being inter-sectoral and inter-departmental by nature.
### Table 1: Ethics Awareness and Prevention

<table>
<thead>
<tr>
<th>Key Objective</th>
<th>Strategic Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Raising ethical awareness in the provincial public service.</td>
<td>Human Resources (HR) to include Code of Ethics awareness at induction.</td>
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<td>Departments to institutionalise and culturally instil the Batho Pele principles</td>
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<td>with ethics management and training.</td>
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<td>Reflect cases of corruption and misconduct and how departments dealt with it.</td>
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<td>Encourage safe and responsible whistle-blowing.</td>
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### Table 2: Combating Fraud and Corruption Through Capacity Building

<table>
<thead>
<tr>
<th>Key Objective</th>
<th>Strategic Activity</th>
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</thead>
<tbody>
<tr>
<td>Preventing and Combating corruption.</td>
<td>All departments to establish minimum anti-corruption capacity.</td>
</tr>
</tbody>
</table>

### Table 3: Oversight, Transparency and Accountability

<table>
<thead>
<tr>
<th>Key Objective</th>
<th>Strategic Activity</th>
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</thead>
<tbody>
<tr>
<td>Strengthen oversight, transparency and accountability</td>
<td>Establish a proactive, supportive and collaborative relationship between the</td>
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<td>Provincial Legislature and the Provincial Executive Council.</td>
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<td></td>
<td>Archiving annual reports, Auditor General and Public Service Commission reports</td>
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<td>to local, provincial and public libraries and departmental websites.</td>
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<td></td>
<td>Centralised database of cases of fraud and corruption.</td>
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<tr>
<td>Indicators</td>
<td>Major Activities</td>
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<tr>
<td>All SMS are aware of what is expected of them in terms of Professional Ethics and Code of Conduct.</td>
<td>Conduct periodic inspections in location to determine the extent of implementation of Ethics Awareness.</td>
</tr>
<tr>
<td>All incumbents are aware, adhere and overtly act in accordance with Code of Conduct provisions. Demonstrate pride and commitment to service excellence.</td>
<td>Ensure that department leadership facilitates training in Professional Ethics of all employees. Verify that all employees are aware of the Code of Conduct and its provisions.</td>
</tr>
<tr>
<td>Plan to deal with cases of misconduct in every department. Promotion and recognition of cases of ethical leadership.</td>
<td>Ensure that cases of misconduct are dealt with speedily. Encourage the legislature to engage the public on the contents of annual reports from the departments.</td>
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<table>
<thead>
<tr>
<th>Indicators</th>
<th>Major Activities</th>
<th>Output</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity to investigate, preside over and to present cases by all departments.</td>
<td>Develop a framework detailing minimum anti-corruption capacity for departments.</td>
<td>Exco approves minimum anti-corruption capacity guidelines.</td>
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<thead>
<tr>
<th>Indicators</th>
<th>Major Activities</th>
<th>Output</th>
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</thead>
<tbody>
<tr>
<td>Good working relationships with both the Executive and Legislature.</td>
<td>Periodic presentation to the Legislature and Executive Council of the Provincial Anti-Corruption Council Report. Encourage departments to implement timeously the resolutions and recommendations of the Legislature.</td>
<td>Heads of departments to engage portfolio committees in developing two-way communication channels.</td>
</tr>
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<td>Information sharing mechanism on fraud and corruption cases.</td>
<td>Ensure that HOD’s distribute the relevant reports.</td>
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<tr>
<td>Information and case management system of all fraud and corruption cases. Inter-departmental and inter-sectional information sharing mechanism.</td>
<td>Ensure that a centralised database of all fraud and corruption cases is created. Ensure maintenance of data integrity and vetting of suppliers. Develop best practice standard in consultation with various supply chain management units.</td>
<td>Fraud and corruption trend analysis.</td>
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<tr>
<td>Key Objective</td>
<td>Strategic Activity</td>
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<td><strong>Table 3: Oversight, Transparency And Accountability</strong></td>
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<td>High level co-operation between Fraud Units, National Treasury and the NPA.</td>
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<td>Encourage safe and responsible whistle-blowing.</td>
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<td><strong>Table 4: Provincial Anti-corruption Forum</strong></td>
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<td>Provincial Anti-Corruption Forum</td>
<td>Develop joint programmes around fraud and corruption awareness.</td>
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### Table 3: Oversight, Transparency And Accountability

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<tr>
<th>Indicators</th>
<th>Major Activities</th>
<th>Output</th>
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</table>
| Develop a database of suspected corrupt service providers (a Greylist) preceding listing of convicted corruption parties on the National Treasury List of Tender Defaulters (Blacklist). | The Council to engage the Provincial Treasury on the administrative processes to Greylist and eventual Blacklisting of recalcitrant parties. | Administrative process of preventing corrupt activities:  
- Greylist model as a risk management tool.  
- Precedes possible Blacklisting.  
- National Prosecuting Authority (NPA) test prima facie evidence.  
- Listing department on decision to prosecute by NPA.  
- Reduce window of opportunity for potential corruptees or corruptors.  
- In the event of a guilty verdict, name of the party to be BLACKLISTED. |
| Enter convicted parties on Blacklist as provided for under the Prevention and Combating of Corruption Activities, No 12 of 2004. | Provincial Anti-Corruption Units to liaise with NPA, to seek court order within 10 days instructing National Treasury to list convicted parties on National Tender Defaulters list (Blacklist). | High level co-operation between Fraud Units, National Treasury and the NPA. Enter convicted parties on Blacklist as provided for under the Prevention and Combating of Corruption Activities, No 12 of 2004. |
| Effective coordination of all the Council activities. |  
- Development and distribution of leaflets, booklets, etc throughout the administration.  
- Periodic reporting of activities and events of the Council in the Provincial newsletters like Intengu.  
- Ensure co-ordination of the activities of Law Enforcement Agencies and Chapter 9 institutions.  
- Enhance knowledge base on fraud and corruption trends. | Office of the Premier Anti-Corruption Unit coordinating all related initiatives. |

### Table 4: Provincial Anti-corruption Forum

<table>
<thead>
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<th>Indicators</th>
<th>Major Activities</th>
<th>Output</th>
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<tbody>
<tr>
<td>Enhance knowledge relevant prescriptions and values. Champion Anti-Corruption Campaigns. Capacity to employ Alternative Dispute Resolution Mechanisms (ADRM).</td>
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</tbody>
</table>
- Generate information that the Forum will use its campaigns and lobbying.  
- Periodic road shows and campaigns throughout the Province.  
- Advise Exco to appoint a political champion to lead forum activities.  
- Arrange information sharing sessions for Forum members.  
- Identify needs and areas of championing anti-corruption campaigns. | The Council to facilitate exchange programmes with the National Anti-Corruption Forum. Anti-Corruption campaigns. |
Concluding Remarks


It is foreseen to be a dynamic and living document, to be moulded and changed over time to suit evolving needs and meet new challenges.

As such, it details a minimum set of standards, contained within a series of provincial resolutions and action plans. Therefore, these resolutions and action plans do not comprise the limit of Eastern Cape endeavours. It rather describes the most basic elements of what is to be achieved.

It is the intention to revisit the resolutions and action plans of the PACAP after 2007 to assess its effectiveness and continued appropriateness. This is especially important since a possible Third Anti-Corruption Summit, to be held at some point after 2007, may require the plan to be adapted to changing circumstance and evolving best practise.

The Eastern Cape Province is determined to lead the way in building a society free of fraud and corruption. The PACAP 2005 - 2007, is an expression of that commitment.

It is a symbol of our commitment to protect the rights and dignity of the people and to retain and attract the investment that will ensure our long-term prosperity and the flourishing of our democracy.
ADOPTION OF THE POLICY

Comments

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Date:
Approved/not Approved
Comments

______________________________

Director-General
Eastern Cape Provincial Administration

______________________________

Mrs Nosimo Balindlela
Premier In The Executive