TERMS OF REFERENCE

REGIONAL AND INTERNATIONAL ANTI-CORRUPTION COOPERATION
SUB-COMMITTEE

BACKGROUND

1. Corruption is a global phenomenon that impedes development. It has the potential to undermine efficiency and the rule of law. The absence of legislation to address the scourge can have serious repercussions for a country. The fact that states are becoming more interconnected through trade, investment, financial transactions and communications means that corruption permeates borders.

2. A number of regional and international instruments have been put in place to enable a framework for strengthening preventive and punitive measures. South Africa has ratified and acceded to the following regional and international anti-corruption conventions: the Southern African Development Community’s Protocol against Corruption (SADC Protocol) African Union Convention on Preventing and Combating Corruption (AU Convention), the United Nations Convention Against Corruption (UNCAC) and recently, to the OECD Convention on Bribery of Foreign Public Officials in International Business Transactions.

3. In an effort to address the problem of corruption nationally, the South African government passed various pieces of legislation. In January 2002, Cabinet approved the Public Service Anti-corruption Strategy (the Strategy). The Strategy requires that the fight against corruption be conducted in an integrated and coherent manner. To ensure the implementation of the Strategy, an intergovernmental structure, the Anticorruption Coordinating Committee (the ACCC), was established and tasked with coordinating the implementation. The ACCC is comprised of key government departments and agencies that meet quarterly.

4. In 2005, the dpsa conducted the compliance audit of the Public Service Anti-Corruption Strategy. The audit also assessed the strategic and operational functioning of the ACCC as the implementing mechanism of the Public Service Anti-corruption Strategy. The audit report recommended that sub-committees be established to address the various strategic areas of the ACCC. The six sub-committees that were established include: Anti-corruption Legislation and Policy sub-committee, Regional and International Cooperation sub-committee, Communication sub-committee, Civil Society and Private Sector Relations, Training and Development Sub-committee and Monitoring and Evaluation sub-committee.
5. The mandate of the ACCC is to:

a) Ensure that the fight against corruption is fully coordinated and integrated, with synergies between the elements of prevention, detection, investigation, prosecution and monitoring, as well as synergies between the different spheres of government;

b) Advise the government on regional and international cooperation, including coordination of representation in the international and inter-governmental forums;

c) Establish a system for information collection, coordination, dissemination and management; and

d) Formulate proposals on a national anti-corruption strategy.

REPORTING AND ACCOUNTABILITY

6. The sub-committee is fully accountable and submits progress reports to the Committee.

7. Decisions taken by the sub-committee that affect departments which are not permanent members of the sub-committee should be communicated to the ACCC representative of the said department.

OBJECTIVES

8. The primary objective of the Regional and International Anti-corruption Cooperation sub-committee is to advise ACCC on regional and international anti-corruption cooperation. This is in support of the national objectives of South Africa discharging its international obligations, promoting the Africa Agenda and fighting corruption in South Africa.

SCOPE OF WORK

9. As per the recommendation of ACCC, the sub-committee will perform the following functions:

a) Advise on the continuous development and maintenance of the regional and international anti-corruption strategy,

b) Prepare for the substantive participation of South Africa in regional and international anti-corruption mechanisms, forums and events,

c) Translation of decisions of regional and international forums, instruments and agreements into implementable projects and programmes,
d) Advise on regional and international anti-corruption support programmes and bilateral agreements for such programmes and,

e) Promote and enhance interstate cooperation on fighting corruption.

MEMBERSHIP

10. The following departments, agencies and provinces make up permanent membership of the sub-committee, others structures will be co-opted as and when needed:

a) Department of Public Service and Administration (convenor and chair)
b) Department of Foreign Affairs (DFA)
c) Department of Justice and Constitutional Development (DoJ&CD)
d) South African Revenue Services (SARS)
e) National Prosecuting Authority (NPA)
f) Government Communications and Information Systems (GCIS)
g) National Treasury (NT)
h) Finance Intelligence Centre (FIC)
i) Department of Provincial and Local Government (DPLG)
j) Special Investigations Unit (SIU)
k) Kwa-Zulu Natal Province
l) Free State Province
m) Western Cape Province