



the **dpsa**

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

**REMARKS BY THE DIRECTOR
GENERAL OF THE DEPARTMENT OF
PUBLIC SERVICE AND
ADMINISTRATION, MS YOLISWA
MAKHASI ON THE OCCASION OF THE
OECD FOREIGN BRIBERY DETECTION
WORKSHOP**

DATE: 27 MAY 2022,

VENUE: PROTEA HOTEL, LOFTUS VERSFELD PARK, TSHWANE

SALUTATIONS

Facilitator Brigadier John Matroos

Special Directors of the NPA

The Head of the Ethics, Integrity and Disciplinary Technical Assistance Unit (TAU), Dr Salomon Hoogenraad-Vermaak

Members of the OECD Inter-Departmental Task Team

Representatives of the private sector

Senior Managers in government departments

Colleagues from the Directorate for Priority Crime Investigation (DPCI)

Esteemed Guests,

INTRODUCTION

The Nobel Peace Laureate, Aung San Suu Kyi once said that “it is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it!” It is my informed view that this room today is filled by courageous individuals who have conquered fear. Conquered the fear of those who wield power!

When I was asked to welcome you to this second Workshop on the detection of Foreign Bribery, I was reminded of the personal dangers and sacrifices that whistle-blowers and those like you who fight bribery, maladministration and corruption face daily. As government, we appreciate the response of the private sector to our call to attend this workshop and your willingness to partner with us in the fight against corruption. I especially want to thank the Independent Regulatory Board for Auditors (IRBA) and the Export Credit Insurance

Corporation (ECIC), as they became actively involved in work stemming from our involvement with the Organisation for Economic Cooperation and Development (or OECD) since that first workshop in 2017. The Private sector is a valuable partner as it helps by closing the gap that exists from the lack of jurisdiction within the private sector.

Please, also allow me to welcome the representatives of the OECD Inter-Departmental Task Team and the chair and deputy chair, Brig John Matroos and Advocate Lebo Baloyi.

THE ROLE OF THE TASK TEAM

Through this Task Team, government is hoping to highlight the administrative reforms that are required to boost South Africa's anti-corruption agenda. The Anti-corruption and anti-bribery agenda requires that we emphasise and address integrity risks in the enforcement of laws and regulations through administrative action as part of the strategy to mitigate them. This approach was confirmed by the various anticorruption strategies which have set government's priority objectives on the control and administration action to limit the scope for corrupt practices both in the private and public sectors.

This Task Team is the implementation engine for South Africa on the international agreements pertaining to foreign bribery, and is responsible for all the work done behind the scenes to prepare South Africa for its assessments. This is a team of dedicated individuals that are capable and want to see South Africa succeed. The team comprises of the Department of Public Service and Administration, National Prosecuting Authority, Asset Forfeiture Unit, Special

Commercial Crimes Unit, Directorate for Priority Crime Investigation, Financial Intelligence Centre, Department of Justice and Constitutional Development, South African Revenue Service and Interpol.

REMAINING CHALLENGES ON ANTI-BRIBERY

Previous assessments identified several challenges that remain. These include the legal framework that is fragmented and lacks coherence, creating risks of corrupt practices in its enforcement, and more generally endangering the rule of law and the capacity of the administration to carry out its functions effectively. The most critical of these challenges is the personal cost to whistle-blowers, which we must address. It is our duty to ensure that the fight against anti-bribery and corruption becomes less expensive to individuals.

Esteemed Colleagues,

South Africa is a member of a number of international Conventions to further our fight against corruption and to implement best practise in doing so. This includes the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, or the Anti-Bribery Convention in short. This Convention addresses the issue of public officials receiving bribes in international business transactions, and we are here to review how we are doing in implementing it.

THE AFRICAN CONNECTION

In 2007, South Africa became the first African country to be a party to this Convention. As we commemorate the 59th Anniversary of the founding of Africa Day, South Africa has seen improvements in the standing of the

continent in the fight against corruption. In addition to improving the perceptions of the country abroad and that of the continent, the Convention also seeks to improve the social-, economic- and political existence of the average African by reducing the cost of the bureaucracy, doing business and improving service delivery.

Since joining the OECD Working Group on Bribery, which monitors implementation of the Convention, the DPSA -as tasked by Cabinet-coordinated and facilitated the implementation of the Anti-Bribery Convention. This led to the establishment of the OECD Inter-Departmental Task Team, which guided the country to the finalization of the Phase 1 assessment in 2008, followed by the Phase 2 Assessment in 2010. At the moment, we are currently addressing the recommendations made during the Phase 3 assessment.

THE PURPOSE OF THE WORKSHOP

In July 2023, South Africa is expected to start with its Phase 4 evaluation. This evaluation is building on the previous assessments, but requires the country to demonstrate a whole of society approach to address foreign bribery. This phase will target the effectiveness of the detection mechanisms that we have put in place, which makes it necessary to partner with all potential role-players. This workshop should therefore assist us to forge a common understanding of foreign bribery and to clarify the roles of each other pertaining to South Africa's foreign bribery obligations, especially when detecting foreign bribery.

The aim of today's session is therefore to provide you with an overview on the Convention, to explain the foreign bribery offence and to outline the detection processes expected to be in place. This will not only foster awareness on

foreign bribery, but will also assist in evaluating the paucity of our detection mechanism, and how these can be addressed as a collective.

CONCLUSION

I therefore invite all of you to participate fully and freely in this workshop. I also invite you to contact any of the Inter-Departmental Task Team Members here present if you would like further assistance. As we fight against this scourge, we must ensure that we guard against us becoming drawn into it. As the German Philosopher Friedrich Nietzsche said "Whoever fights monsters should see to it that in the process he does not become a monster."

This is a fight we have to win and must win

You are all welcome

Enkosi