

NACAC

National
Anti-Corruption
Advisory Council

NATIONAL ANTI-CORRUPTION ADVISORY COUNCIL

Final Report
To the President, the Cabinet,
and the Country

AUGUST 2025



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Executive summary

The National Anti-Corruption Advisory Council (NACAC) presents its final report, marking the culmination of three years of work to advise on the fight against corruption in South Africa. This report comes five years after the adoption of the National Anti-Corruption Strategy (NACS), both of which are critical interventions in the ongoing struggle against corruption, an existential threat to our democracy.

As a relatively young democracy, South Africa has courageously exposed corruption through several commissions of inquiry and media and civil society. The investigations and findings of the Commission of Inquiry into State Capture (the Zondo Commission) in particular have provided significant information and guidance, forming a crucial framework for the next phase of the anti-corruption programme.

The NACS is premised on the principle that **preventing corruption** through robust governance, transparency, and accountability should be given greater emphasis to mitigate corruption risks, thereby reducing the need for costly reactive measures. NACAC's work has remained true to this guiding principle, acknowledging, too, that combating corruption is not the sole responsibility of any single government department or agency, but rather a collective task for **'all of government and all of society'**.

NACAC's work and achievements

Since its appointment in September 2022, NACAC, comprised of diverse members from civil society, academia, labour and traditional leadership, has worked hard to address the mandate given to it by the President.

NACAC executed this mandate through a comprehensive approach, including:

- **In-depth research and analysis:** NACAC commissioned extensive research that supported the analysis of legislative and systemic weaknesses that enable corruption, and the understanding of the nature and characteristics of 'systemic corruption' detailed in the Zondo Commission's reports. This thorough analysis has enabled the crafting of tailored solutions.
- **Stakeholder engagement:** NACAC engaged widely with stakeholders from all levels of society, consulting government institutions, law enforcement agencies (LEAs), academics, and civil society experts. Learning journeys to countries like Kenya, Serbia, Lithuania, and Hong Kong provided valuable insights from the tackling of similar challenges globally.
- **Strategic Advisories:** A core part of NACAC's work involved drafting and submitting a series of Advisories to the President. These Advisories provided specific proposals on critical areas, including:
 - **Implementing Zondo Commission recommendations:** Advising on strategic and systemic implementation, including acknowledging and supporting whistleblowers, preventing retaliation, and exploring mechanisms for incentivised disclosures. It also covered principles for appointments to state-owned entities (SOEs), transparency in public procurement, balancing public and private sector accountability, and resourcing LEAs.



- **Public support for whistleblowers:** Highlighting the urgent need for robust protection and support mechanisms for whistleblowers, calling for legislative reforms to criminalise retaliation and establishing independent bodies for managing disclosures and providing comprehensive support (legal, medical, physical, and psycho-social).
- **NACS implementation:** Advising on embedding the NACS as the principal framework across all government levels and departments, with a strong emphasis on monitoring and evaluation.
- **Strengthening electoral integrity:** Proposing legislative amendments to the Political Party Funding Act (PPFA) and the Electoral Matters Amendment Bill (EMAB) to enhance transparency and reduce corruption risks associated with political party funding, ensuring accountability to the electorate rather than donors.
- **Public procurement reforms:** Recommending revisions to the Public Procurement Bill to align it with anti-corruption objectives, focusing on institutional arrangements, preferential procurement, professionalisation of procurement officers, and the integration of e-procurement systems.
- **National anti-corruption dialogues:** NACAC successfully hosted two multi-sectoral national dialogues in 2023 and 2024. The 2023 dialogue, attended by President Cyril Ramaphosa and Chief Justice Raymond Zondo, underscored the momentum gained in the fight against corruption and the collective determination to build an ethical society. The 2024 dialogue specifically engaged youth, leading to their own anti-corruption pledge and focusing on vital topics such as strengthening whistleblower protections, transforming public procurement, enhancing law enforcement capacity, and fostering professionalisation in the public sector.
- **Monitoring and evaluation:** NACAC considered progress in the implementation of the NACS and the Zondo Commission recommendations, observing significant steps taken, including critical legislative amendments. While progress has been achieved, NACAC's work has provided crucial insights into areas needing acceleration and further attention.

NACAC discussed the complex drivers of corruption in South Africa, identifying historical economic inequality, weak public sector governance, political patronage networks, and the pervasive influence of problematic social norms. NACAC's work was informed by an understanding of the corrosive impact of corruption on the economy, public services, trust in institutions, and the proliferation of organised crime. This comprehensive understanding informed the design of targeted and effective anti-corruption actions, emphasising the importance of proactive prevention measures alongside robust enforcement.

NACAC's key recommendations

NACAC's final report outlines the path forward, with several key recommendations designed to build a more resilient anti-corruption architecture in South Africa.



Establishment of the Office of Public Integrity and Anti-Corruption (OPI)

NACAC's key recommendation is the **establishment of the OPI** as a permanent, independent, overarching anti-corruption body. This body should be **entrenched in Chapter 9 of the Constitution**, signalling society and government's serious commitment to combating corruption as a way to safeguard constitutional democracy. **The Minister of Justice and Constitutional Development should be responsible for driving this process to speedy resolution.**

- **Absorption of the Special Investigating Unit (SIU):** The OPI should **absorb the mission, powers, and resources of the SIU**, enabling it to become operational immediately with a proven investigative and recovery capability. This move will provide an operational foundation, leveraging existing skilled investigators and institutional knowledge, and avoiding duplication.
- **Mandate:** The OPI's mandate would be to **prevent, investigate, and remedy systemic corruption** involving government and other organs of state, enhancing transparency, accountability and integrity in their operations. This includes conducting systemic anti-corruption audits, inquiries and investigations, providing policy guidance, protecting and supporting whistleblowers, and leading social mobilisation and public education programmes. The OPI must also approach its work with a deep understanding of the gendered nature of corruption, addressing issues like sexual corruption.
- **Functions and powers:** The OPI will perform investigative functions, including risk mapping, systemic audits, and civil investigations. It will coordinate the implementation of the NACS across all sectors and actively remedy systemic corruption risks by developing standards, providing advice, and training staff across all organs of state. Crucially, the OPI will **protect and support whistleblowers**, managing disclosures, ensuring their safety, and taking action where retaliation takes place. To support its independence and effectiveness, the OPI should have **control over its budget and human resources**, allowing it to recruit a multi-disciplinary team with specialised skills. It should have the power to **convene public hearings and pursue investigations** with powers to summon witnesses, access classified materials, conduct inspections, and seize evidence. Furthermore, the OPI should be empowered to **institute civil proceedings for the preservation and forfeiture of assets**, playing a vital role in recovering stolen public money. Its recommendations arising from audits and investigations should be **binding**, although available to judicial review, and enforceable by court order. The OPI's governance system, led by a council appointed through a transparent public process, must safeguard its integrity and independence.
- **Interim arrangements to protect and support whistleblowers:** The SIU should be empowered and resourced to provide protection and support to whistleblowers on an urgent basis until such time as the OPI takes over this function.

Strengthening LEAs

NACAC has made crucial recommendations to strengthen existing anti-corruption LEAs, ensuring a coherent and effective multi-agency system.



- **Rationalising mandates:** NACAC recommends **reorganising the mandates of key LEAs**. A **strengthened Investigating Directorate Against Corruption (IDAC)** should be solely responsible for investigating and prosecuting serious corruption and serious commercial crime. The Directorate for Priority Crime Investigation (DPCI) should focus exclusively on organised crime. This clarification aims to eliminate overlaps, enhance focus, and improve effectiveness. **An interministerial task-team of the Justice Crime Prevention and Security (JCPS) Cluster, chaired by the Minister of Justice and Constitutional Development, should be established to lead this rationalisation process and should be required to report progress to the public each month.**
- **Coordination mechanism:** A **case management committee (CMC)** should be established, comprising senior representatives from IDAC, the National Prosecuting Authority (NPA), DPCI, South African Police Service (SAPS), Independent Police Investigative Directorate (IPID), and the OPI. **Chaired by the National Director of Public Prosecutions**, the CMC will coordinate investigations, allocate cases, and monitor progress, ensuring seamless collaboration and collective accountability.
- **Senior leadership appointments:** NACAC recommends introducing statutory, transparent procedures for appointing senior leaders in the criminal justice system (CJS) to ensure ethical, qualified, strong leaders. The proposed reforms include legislated timelines, independent expert-led selection committees, public disclosure of shortlisted candidates, and the establishment of a National Police Board (NPB) to advise on SAPS leadership appointments, with these processes codified in law to safeguard against future manipulation.
- **NPA independence and resourcing:** A comprehensive **overhaul of the NPA's legislative framework is urgently needed** to ensure its financial and institutional independence. This includes granting the NPA control over its budget and human resources, reforming the appointment processes for senior leadership through public consultation, and improving conditions of service to attract and retain critical skills. NACAC is also calling for increased resourcing for the NPA's specialised units – IDAC, Specialised Commercial Crime Unit (SCCU), Asset Forfeiture Unit (AFU) – and the court system to effectively handle corruption cases. **The Department of Justice and Constitutional Development (DOJ&CD), of which the NPA is a programme, should initiate and drive this process.**
- **The SAPS:** NACAC recommends a **comprehensive reform programme** with high-level political commitment for: the establishment of an independent NPB to oversee a SAPS Integrity and Professionalisation Strategy, legislative amendments to strengthen accountability mechanisms, targeted lifestyle audits, and strengthening the Anti-Corruption Investigation Unit's (ACIU) capacity and independence. Additional measures include enhanced data-driven monitoring, robust disciplinary processes, the integration of ethics into performance systems, and stronger promotion of corruption-reporting channels. Collectively, these reforms aim to restore credibility, deter misconduct, and embed a culture of integrity within SAPS. **The Ministry of Police should initiate and drive this process.**
- **Security for personnel and witnesses:** Given the high rate of violence against investigators, **more resources should be urgently provided to protect law enforcement and auditing staff and witnesses.** Mechanisms extending these protections to civil investigations and oversight personnel, such as investigators, prosecutors, and forensic auditors, should be instituted with equal urgency. A collective effort by the SAPS, NPA, DPCI and SIU is required in this regard.



- **Leveraging technology:** NACAC strongly advocates for the **integration of digital technologies and advanced analytics** into law enforcement institutions to support the shift towards an intelligence-led, risk-based enforcement model. This should include artificial intelligence (AI)-driven anomaly detection tools and a **comprehensive anti-corruption data sharing framework** to overcome fragmented data practices. Furthermore, the report highlights the growing threat of deepfakes and AI-generated content to democracy, recommending that LEAs be equipped with detection tools and training to verify digital evidence. **A high-level inter-departmental task-team of the JCPS Cluster comprising Directors-General of the cluster and/or relevant and appropriate Chief Directors and Heads of LEAs and supporting institutions and/or their relevant and appropriate executives should be established to lead the development of an AI and data analytics strategy for immediate implementation by the LEAs.**

Broader anti-corruption initiatives

Beyond institutional reforms, NACAC's recommendations extend to societal mobilisation and legislative enhancements:

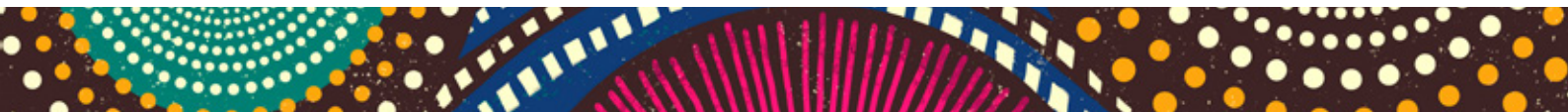
- **Strategic communications strategy:** A strategic communications strategy is essential to mobilise society against corruption. This involves driving social behaviour change communication, adopting a gender-transformative approach, including youth in messaging, and establishing a **National Communications Partnership (NCP)** led by the OPI to coordinate collective action across government, civil society, and the private sector. **In the interim, the SIU should intensify their current anti-corruption communications efforts, drawing on the findings of NACAC's research, and coordinate these efforts with other sectors. Once the OPI is established it will take over this communication function.**
- **Embedding NACS implementation:** Under the **leadership of the Minister of Justice and Constitutional Development**, executive authorities of all government departments and entities, at all levels, should **embed an anti-corruption and integrity-building framework** within their operations, complete with corresponding monitoring and evaluation mechanisms. This will ensure that implementation of the NACS becomes an integral part of daily government business.
- **Legislative amendments:** Urgent amendments are recommended for the Political Party Funding Act, Public Procurement Act, Electoral Amendment Act and the SAPS Act to address public integrity risks, enhance transparency in political financing and public procurement, and to improve the coherence of the SAPS Act, respectively.

NACAC's work has laid a **strong foundation for South Africa's future anti-corruption efforts**. While the full realisation of the OPI and other reforms will require sustained political will and significant effort, NACAC urges government to move forward with these proposed courses of action as quickly as possible. Strong and speedy action is vital for strengthening our young democracy and building a future free from the scourge of corruption and state capture.





Figure 1: Members of NACAC with President Ramaphosa after a meeting to present the work of NACAC





Foreword

It is with a deep sense of responsibility and hope that I present this final report of the NACAC. Since our appointment in September 2022, NACAC has been entrusted with a critical mandate: to advise the President and the nation on implementing the NACS 2020–2030, and to shape South Africa’s comprehensive response to the recommendations of the Zondo Commission.

In workshops and national dialogues – including events held on International Anti Corruption Day and youth and gender sessions – we deliberately positioned citizens not only as beneficiaries of reform but as key changemakers. Our engagements have been informed by extensive consultations with civil society, law enforcement, academia, and local communities – within South Africa and through international study visits to places such as Hong Kong, Kenya, and the Balkans.

Drawing on these engagements, our mid-term report of March 2024 proposed the creation of an OPI – a constitutionally entrenched body with broad investigatory powers, civil recovery tools, oversight duties, and a mandate to mobilise public education and participation. The OPI is intended to integrate the strengths of the existing SIU, while offering greater independence, continuity, and capacity to address the prevention of systemic corruption.

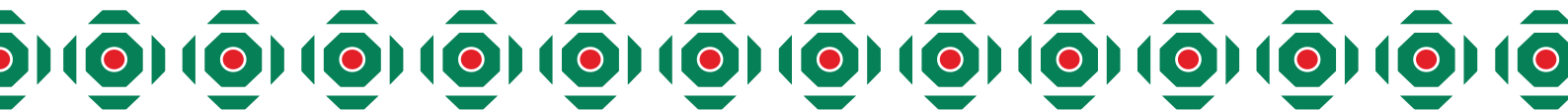
Our proposals are grounded in the STIRS criteria – specialisation, training, independence, resources, and security of tenure – laid down in the landmark Glenister judgments. We emphasised the need for an institution insulated from political interference but still empowered to collaborate with other bodies – such as the NPA and Public Protector – within a strengthened anti-corruption architecture.

This final report captures the culmination of NACAC’s full term: our research-based recommendations, our public and sectoral dialogues, and our clear message to government and the South African people. It sets out why preventive measures must be given a much stronger focus, and why we must tackle corruption as a structural and societal challenge – not merely a moral failing.

I would like to thank all members of NACAC and our many partners – including civil society, academia, local communities, and international peers – for their collaboration and insights. We submit this report in the belief that a revitalised, democratically accountable, and transparently governed state is not only possible – it is essential.

To those who read this report – government officials, members of parliament, students, civic leaders, and concerned citizens – I urge you to engage with its findings. Let us transform critique into action; let us ensure this report becomes a living blueprint that inspires reform, builds integrity, and restores public trust.

Chairperson, National Anti Corruption Advisory Council



List of abbreviations

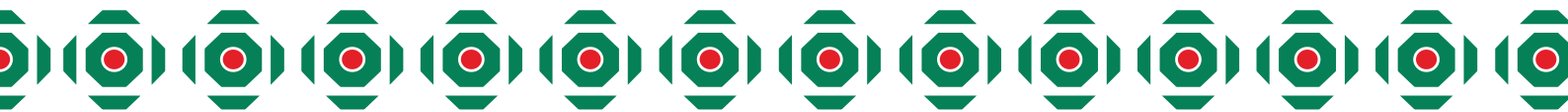
African Policing Civilian Oversight Forum	APCOF
Annual Performance Plans	APP
Anti-Corruption Investigation Unit	ACIU
Artificial Intelligence	AI
Asset Forfeiture Unit	AFU
Association of Anti-Corruption Agencies in Commonwealth Africa	AAACOA
Auditor General of South Africa	AGSA
Case Management Committee	CMC
Civilian Secretariat for Police Service	CSPS
Criminal Justice System	CJS
Deferred Prosecution Agreements	DPAs
Department of Justice and Constitutional Development	DOJ&CD
Department of Planning, Monitoring and Evaluation	DPME
Directorate of Priority Crime Investigation	DPCI
Directorate of Special Operations	DSO
Directors of Public Prosecution	DPPs
Deutsche Gesellschaft fuer Internationale Zusammenarbeit	GIZ
Electoral Matters Amendment Bill	EMAB
Ethics and Anti-Corruption Commission	EACC
Financial Action Task Force	FATF
Financial Intelligence Centre	FIC
Futures Literary Laboratory	FLL
G20 Anti-Corruption Working Group	ACWG
Global Organised Crime Index	GOCI
Human Sciences Research Council	HSRC
Independent Electoral Commission	IEC
Independent Police Investigative Directorate	IPID
Information and Communication Technologies	ICTs
Institute for Security Studies	ISS
Investigating Directorate Against Corruption	IDAC
Law Enforcement Agencies	LEAs
Justice Crime Prevention and Security Cluster	JCPS
National Anti-Corruption Advisory Council	NACAC
National Anti-Corruption Strategy	NACS
National Communications Partnership	NCP
National Development Plan	NDP
National Director of Public Prosecutions	NDPP
National Economic Development and Labour Council	NEDLAC
National Police Board	NPB
National Prosecuting Authority	NPA
Non-Trial Resolution	NTR
Office of Public Integrity and Anti-Corruption	OPI
Organisation for Economic Cooperation and Development	OECD



List of abbreviations continued

Political Party Funding Act	PPFA
Prevention and Combatting of Corruption Act	PRECCA
Prevention of Organised Crime Act	POCA
Promotion of Access to Information Act	PAIA
Protection of Personal Information Act	POPIA
Public Affairs Research Institute	PARI
Public Procurement Anti-Corruption Agency	PPACA
Public Procurement Office	PPO
Public Service Commission	PSC
South African Law Reform Commission	SALRC
Senior Management Structure	SMS
Serious Fraud Office	SFO
South African Police Service	SAPS
South African Revenue Service	SARS
Sexual Offences and Community Affairs	SOCA
Specialised Commercial Crime Unit	SCCU
Special Investigating Unit	SIU
State Owned Enterprises/Entities	SOEs
State Security Agency	SSA
Theory of Change	ToC
United Nations Convention Against Corruption	UNCAC
United Nations Office of Drugs and Crime	UNODC





Introduction

South Africa's struggle against corruption is unfolding in a complex socio-economic landscape, shaped by the legacies of apartheid-era exclusion and structural inequality. While economic power and opportunity remain unevenly distributed, and many – particularly among the black majority – continue to face barriers to quality education, healthcare, housing, water, and employment, there have been significant strides made since 1994.

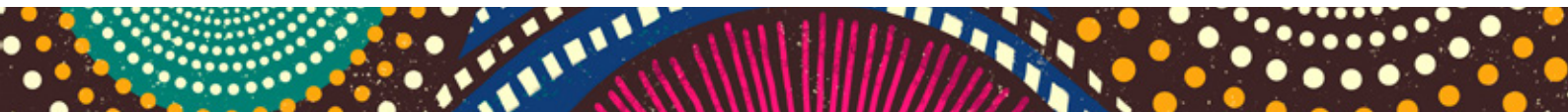
Institution-building is a long-term project. Over the past three decades, South Africa has expanded access to basic services, built democratic institutions, and made notable progress in delivering housing, electricity, and social grants to millions. Yet, despite these gains, the full promise of inclusive growth, meaningful economic participation, and social justice remains unrealised. This is due to factors such as governance challenges, persistent corruption, and policy approaches that have struggled to meaningfully transform the underlying economic structure.

It is in this context that corruption has become systemic. The revelations of large-scale state capture under previous administrations exposed how public institutions and state-owned enterprises were repurposed for private gain, draining billions from the public purse. This entrenched corruption continues to divert resources away from vital social and economic programmes, weakening public trust in institutions and eroding the rule of law.

The impacts of corruption are not felt equally across South Africa's population. With high levels of poverty affecting a significant share of the population, the poor are especially vulnerable to the failures of basic service delivery and the diversion of resources meant for social development. Women, who are more likely to live in poverty and to rely on public services and social grants, often bear the brunt of dysfunctional service delivery and diminished state capacity. Corruption in sectors like housing, healthcare, and social welfare perpetuates cycles of poverty and deepens the gendered dimensions of structural inequality.

The persistence of corruption undermines the state's ability to function as an effective agent of development. The National Development Plan (NDP) envisions a capable state that can drive inclusive economic growth, reduce inequality, and expand opportunities for all. Yet, widespread graft compromises governance, weakens oversight bodies, and distorts policy implementation, stalling progress towards these goals. Institutionalising democracy therefore needs to incorporate anti-corruption mechanisms.

It is within this context that the NACS 2020–2030 was developed to provide a national framework to tackle corruption more strategically and systematically. The NACS emphasises that corruption is not just about unethical individuals but about systemic weaknesses in governance and accountability systems that must be addressed at all levels. It outlines measures to strengthen institutions, improve oversight, promote transparency in political and public life, and ensure consequences for wrongdoing. Importantly, it calls for stronger partnerships between government, civil society, and the private sector to build an active citizenry that asserts public integrity, demands accountability and protects whistleblowers.





The NACS also highlights how corruption worsens poverty and exclusion by siphoning resources away from critical social and economic programmes. It recognises that addressing corruption entails advancing economic transformation and social justice. By safeguarding public resources and ensuring that services reach those who need them most, the NACS aims to restore trust in the state and support the broader goals of reducing inequality and building an inclusive society.

In September 2022, the President appointed the NACAC to advise on the implementation of the NACS and the design of a new anti-corruption institution. From the start, NACAC has been conscious that it is working in the interests of the people of South Africa and it is for their benefit that it exercises its mandate.

It is time to act on this will of the people, and to strengthen the government's response to corruption. Senior government leaders have committed to making progress against corruption, embracing a pro-integrity culture, and working to embed systems to safeguard against corruption.

Translating these commitments into concrete action is especially important in this new phase of South Africa's maturation as a democracy. Low-growth and heightening social insecurity demand the highest levels of probity in the governance of the new wave of loan-based investments into growth-driving public infrastructure and the economy.¹ Exposing and neutralising organised crime networks that have corroded the delivery of public goods and services and which endanger our people daily is all the more urgent.

NACAC's term of office has not been without challenges, many of which are inevitable when working in the field of anti-corruption. Anti-corruption councils around the world have always worked in difficult circumstances and generated controversy, and probably always will.

NACAC was established to advise the President on how to make good on South Africa's aspiration for concrete actions that will make a material difference in the fight against corruption. Understandably, South Africans are watching NACAC expectantly, waiting for its recommendations. However, NACAC was appointed to advise the President. As such, its recommendations have not yet been made public. NACAC delivered its Advisories and its two reports – the mid-term report and this final report – to the President for his consideration.

This report has three main objectives, namely:

- to describe how NACAC carried out its mandate;
- to outline NACAC's proposal for a dedicated, independent anti-corruption institution, operating within a strengthened framework of LEAs; and
- to present recommendations made in NACAC's Advisories to the President.

¹ World Bank. 2025. Driving inclusive growth in South Africa: Quick wins with competitive markets and efficient institutions . <https://www.worldbank.org/en/country/southafrica/publication/driving-inclusive-growth-in-south-africa-quick-wins-with-competitive-markets-and-efficient-institutions>



The report is made up of seven sections. After the Introduction, Chapter 1 tells the story of the NACAC, describing its mandate and way of working. Chapter 2 gives necessary background information about corruption in South Africa. Chapter 3 describes the new anti-corruption agency – the OPI. Chapter 4 explains the NACAC’s communication and society mobilising efforts. Chapter 5 sets out essential measures for strengthening existing LEAs. Chapter 6 summarises NACAC’s Advisories and recommendations, and Chapter 7 sets out the way forward. More detailed information is provided in comprehensive appendices, which include research reports and the full Advisories to the President.

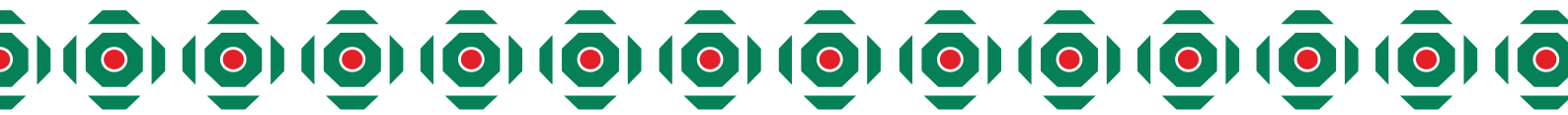




CHAPTER 1

THE STORY OF **NACAC**





The story of NACAC began when President Cyril Ramaphosa, following a public call for nominations, appointed nine Councillors to advise him on improving South Africa's response to corruption.

NACAC was composed of individual members drawn from civil society, academia, labour, private sector, and traditional leadership, broadly representative of society and giving effect to the all-of-society and all-of-government approach to combatting corruption. NACAC members collectively brought decades of experience in areas of anti-corruption, public service and social justice, and this diversity of voices allowed for robust discussion and a balancing of views.



Professor Firoz Cachalia (Chair)



Inkosikazi Nomandla Dorothy Mhlauli (Deputy Chair)



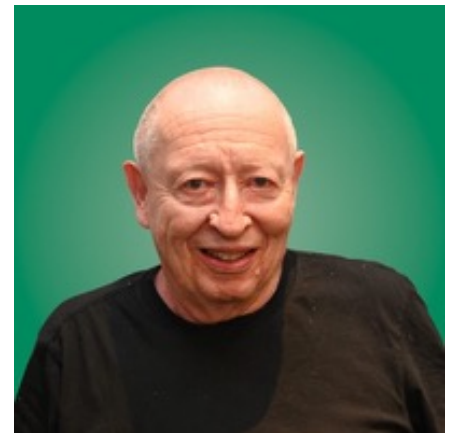
Mr Nkosana Dolopi



Ms Thandeka Gqubule-Mbeki



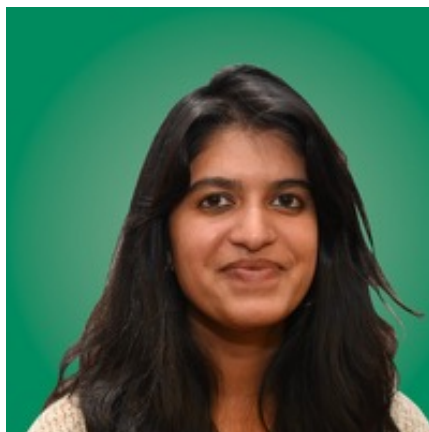
Adv. Nokuzula Gloria Khumalo



Mr David Lewis



Mx Sekoetlane Phamodi



Ms Kavisha Pillay



Ms Barbara Schreiner



NACAC's mandate

The President appointed NACAC with a mandate to:

- Advise on the effective implementation of the NACS by government, civil society and the private sector, including the design of the new anti-corruption agency described in the NACS;
- Advise key role-players on the overarching thrust of the NACS, namely the six pillars upon which it is premised;
- Advise on the strengthening of South Africa's anti-corruption architecture;
- Host the national anti-corruption summit(s), bringing together government, civil society, business, and academia, to set the country's anti-corruption agenda and evaluate progress in the implementation of the NACS;
- Advise on public awareness about corruption in all its facets; and
- Advise on the implementation of the recommendations of The Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State (the Zondo Commission) from a strategic and systemic perspective.

NACAC prioritised key aspects of its mandate, while addressing other tasks as its resources allowed. NACAC's most important contribution has been to lay the groundwork for South Africa's new anti-corruption agency. This new, independent, overarching institution will play a leading role in the country's anti-corruption effort, in collaboration with existing LEAs, which need to be strengthened to better address corruption.

This work supports South Africa's compliance with its international obligations. The United Nations Convention against Corruption (UNCAC) requires countries to ensure the existence of a body or bodies that prevent corruption (Article 6), and that specialise in combating corruption through law enforcement (Article 36). It provides that countries shall give these institutions enough independence and resources to carry out their work. NACAC is committed to supporting the government to fulfil these obligations.

NACAC's way of working

Civil society partnered with government in a rich multi-stakeholder process over many years to develop the NACS. NACAC built on this foundation of anti-corruption work by civil society, citizens and many ethical government officials. NACAC also drew on the valuable work of the Zondo Commission – a unique South African accomplishment on the road away from corruption and towards greater integrity.

NACAC established several workstreams, some of which established reference groups that brought together external experts on a specific topic. Reference group members provided inputs and contributed to the development of advisories. NACAC adopted a consultative approach to its work, engaging with a large number of organisations involved in the anti-corruption struggle in South Africa. NACAC commissioned research from institutions, worked closely with leaders of LEAs, and consulted academics and other experts. It held workshops to engage with stakeholders and sector experts and went on learning journey-exchanges with international counterparts.

These numerous engagements allowed NACAC to obtain deep and varied evidence for its advice to the President. Despite NACAC's efforts, engagement with some stakeholders, notably the DOJ&CD and the SAPS, proved difficult. More details on NACAC's work are in Appendix T.



NACAC's decisions were taken at plenary meetings on a consensus-based approach, underpinned by full and robust discussion by Councillors. Advisories to the President were approved by the full Council before submission to the President.

NACAC delivered its mid-term report to the President in May 2024. The mid-term report (Appendix G) described the work and key milestones achieved by NACAC in executing its mandate, from its inception in 22 September 2022 to 31 March 2024. The report was also presented to the State Capture Commission Steering Committee on 16 September 2024, and to the JCPS Cluster on 5 November 2024. The Ministry of Justice and Constitutional Development was asked to champion the recommendation for the OPI and to ensure that these recommendations were considered by the JCPS Ministerial Cluster.

For Phase 2 of its work (May 2024 – August 2025) NACAC prioritised three areas of work, setting up three workstreams focused on:

- Refining the proposal for the proposed OPI;
- Strengthening of the existing anti-corruption LEAs; and
- Communications for an all-of-government and all-of-society approach to combatting corruption.

NACAC would like to thank all those who have contributed their time and support to the work of NACAC (Appendix U), including the secretariat staff; members of the reference groups; members of government, civil society and the private sector; Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ); the United Nations Office of Drugs and Crime (UNODC); and other development and technical assistance partners such as the Public Affairs Research Institute (PARI), the Dullah Omar Institute, the African Policing Civilian Oversight Forum (APCOF), and the Institute for Security Studies (ISS). Special thanks is due to the Public Service Commission (PSC) which co-hosted the national dialogues. Thanks too to Prof. Chris Stone of Oxford University for his support and advice, and to Colette Ashton and Tersia Lewis for their hard work in pulling this report together.





CHAPTER 2

CORRUPTION IN SOUTH AFRICA: BACKGROUND AND CONTEXT





Corruption In South Africa: Background and Context

Understanding corruption is essential to designing effective remedies. As such, NACAC commissioned research on the drivers and types of corruption in South Africa.

Drivers of corruption

There are various drivers of corruption in South Africa, including economic inequality, poverty and a legacy of state corruption from colonial and apartheid governments. There are other drivers such as weak institutions and political patronage networks. While government is the 'demand side' of corruption, the private sector is the 'supply side'. Research shows that social norms – peoples' expectations about how others think they should behave – are also a strong driver of corrupt behaviour.²

The Human Sciences Research Council (HSRC) survey on social norms and behaviour change (Appendix N) found that public trust in government is declining. Many South Africans believe that accepting bribes is permissible. Only 45% of respondents said that they would report corrupt behaviour. Fear emerged as a factor and a clear majority of the population sampled felt that reporting corruption could bring retaliation from the community in which they lived. Many people thought that inadequate law enforcement was part of the problem.

There is a lack of 'primary empirical research' into corruption in South Africa – which makes it difficult to understand the drivers of corruption in depth.³ This is a challenge for reformers, "because understanding local contextualities is crucial to effective anti-corruption design and implementation".⁴ More robust empirical research into the drivers of corruption, particularly at provincial, local, and sector-specific levels, is needed to inform policy in South Africa in future.

Types of corruption

State capture

Corruption manifests in many forms. One particularly destructive form of corruption which South Africa has experienced is state capture. The Zondo Commission defined state capture as a systematic project where a group of actors, inside and outside of the state, conspire to redirect state resources for their own gain. This process involves weakening or exploiting key state institutions and public entities, manipulating public narratives and undermining oversight mechanisms.⁵ State capture left in its wake many damaged institutions vulnerable to systemic corruption.

² C. Scharbatke-Church & D. Chigas. 2019. Understanding Social Norms: A Reference Guide for Policy and Practice. The Fletcher School: Tufts University. www.kpsrl.org/sites/default/files/2019-11/SN_CorruptionRefGuide_AUG2019-linked.MR__0.pdf

³ T. Amanquandor. 2024. Limitations of the international approach to anti-corruption: a systematic review of South Africa's compelling case of failing anti-corruption. Crime, Law and Social Change, Vol 82. Pp 493-516. www.link.springer.com/article/10.1007/s10611-024-10152-y

⁴ T. Amanquandor. 2024. Limitations of the international approach to anti-corruption: a systematic review of South Africa's compelling case of failing anti-corruption. Crime, Law and Social Change, Vol 82. Pp 493-516. www.link.springer.com/article/10.1007/s10611-024-10152-y

⁵ Judicial Commission of Inquiry into State Capture Report. Part VI, Vol 2. Pp 5-40. www.statecapture.org.za/site/files/announcements/670/OCR_version_-_State_Capture_Commission_Report_Part_VI_Vol_II_-_CR.pdf



Systemic corruption

State capture is one manifestation of systemic corruption. Corruption is systemic when it is deeply embedded in the structures and functioning of an organisation, institution, or society. It occurs when corruption is not limited to isolated cases but becomes a regular, normalised, and pervasive feature in an organisation, sector or society. Systemic corruption does not always involve criminal acts and is not necessarily punishable through criminal law. It is always unethical, but not always criminal. It is widespread in South Africa.

Systemic corruption involves hidden networks of public and private actors that distort and capture democratic and state processes to facilitate the misuse of public authority for their own personal and political advantage. These networks are governed by unwritten rules and are held in place by rewards (including promotion) or punishments (including bullying and even death threats). Systemic corruption has eroded the value systems of state institutions, turning their purpose from *ubuntu* to personal and political gain (see Appendix B, p 9).

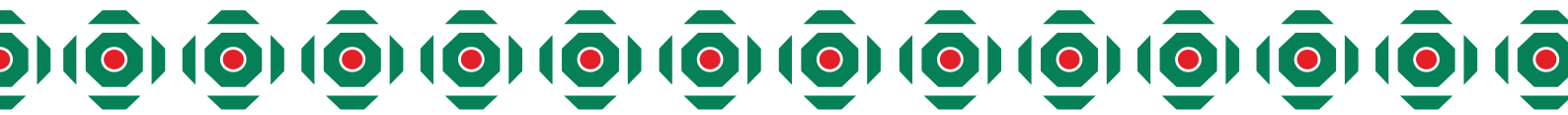
Taking account of definitions by the World Bank, Transparency International, UNODC and the Anti-Corruption Resource Centre, systemic corruption has the following key characteristics:

- **Commonplace and institutionalised:** Systemic corruption describes environments where corrupt practices have become commonplace, institutionalised, or normalised (also called 'legal corruption').
- **Political decay:** Corruption becomes integral to the system, often involving those in power shaping the system to serve corrupt ends.
- **Everyday experience:** Systemic corruption refers to environments where corruption, such as bribery, is a common experience for the population in their interactions with the state.
- **Collective norm:** Systemic corruption can function as a collective norm, tolerated or even encouraged by those in power, and supported by low levels of trust that others will behave non-corruptly (see Appendix B, p 10).

Frontline corruption

Systemic corruption may include frontline corruption, including corruption in access to public services such as health, police services and education. Frontline corruption refers to corruption or the abuse of power at the point where the public interact daily with the state, such as clinics, schools, police stations, licensing departments, or grant offices. It typically involves informal payments, favours, or coercion, demanded by public officials in exchange for basic services where access should be a matter of right.

While often dismissed as "small-scale" or "petty", frontline corruption can be systemic in nature. It reinforces inequality, weakens trust in public institutions, and entrenches exclusion – particularly for the poor, marginalised, or politically disempowered people who may not be able to offer gratification to unlock access to public goods, services or opportunities they should otherwise be able to access freely or by operation of established procedures. Additionally, it can distort political behaviour by entrenching patronage networks, eroding accountability, and undermining democratic participation. Over time, frontline corruption shifts the very terms on which the public relate to the state, from one of rights and services to one of survival, favours, and transactions. And frontline corruption – as the examples cited above illustrate – also targets some of the largest procurement budgets in the public sector.



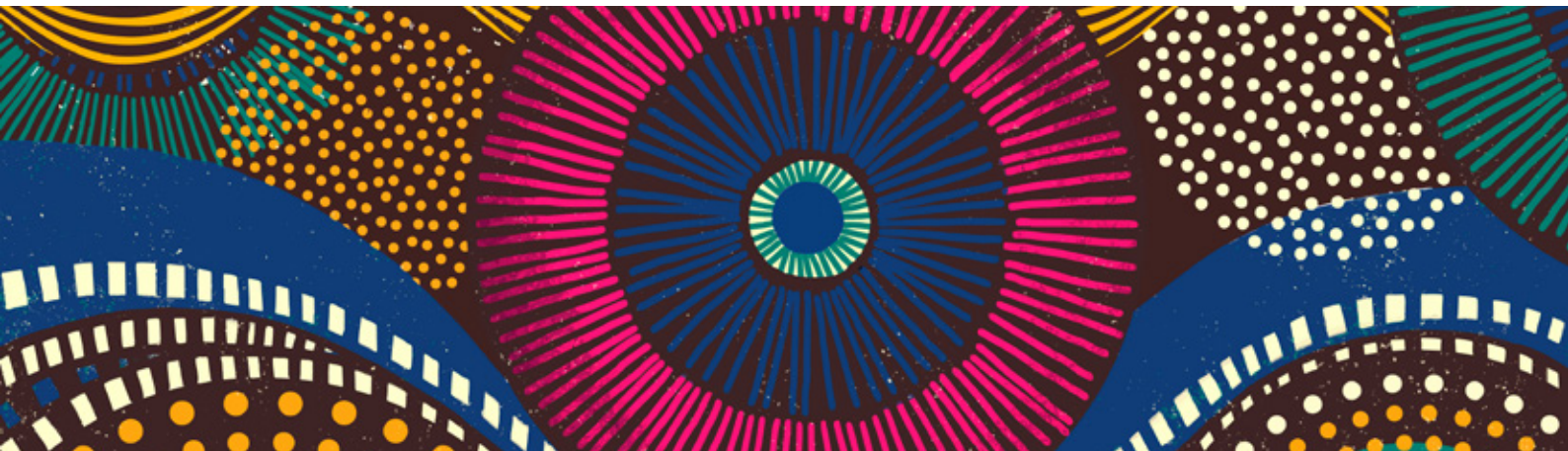
The impact of corruption

Regardless of how one defines corruption, its impact is highly corrosive. Corruption in South Africa has caused far-reaching damage, impacting on the economy, the ability of state institutions to effectively carry out their service delivery functions, confidence in the private sector and the country's reputation, as well as public trust. Financial losses as a result of corruption are starkly illustrated by the Zondo Commission's investigations.

The Commission estimated the total amount of money spent by the state which was 'tainted' by state capture to be around R57 billion.⁶ Other estimates which take a wider view place the figure in the region of R1.5 trillion in losses to the budget, debt servicing costs, lost tax revenue collection, project overspends, and losses from the value of South African bonds and listed companies.⁷ A South African Reserve Bank economist estimated that the economic impact of state capture in South Africa amounted to 4% of GDP growth.⁸

Failure to control economic crime and corruption has additional consequences. In 2023 South Africa was added to the Financial Action Task Force's (FATF) list of "Jurisdictions under Increased Monitoring" or grey list. Being on the grey list signals that a country needs to address weaknesses in its anti-money laundering and counter terrorism finance frameworks and makes doing any business in the country more difficult, so that the country becomes less competitive. It comes with significant reputational damage and damages sentiment towards the economy.

In the past two years, South Africa has taken significant steps to improve these frameworks and the country is likely to exit the grey list in October 2025. This positive development will bring a measure of economic relief.



⁶ Public Affairs Research Institute. 2022. The Zondo Commission: A bite-sized summary. P 6.
<https://pari.org.za/wp-content/uploads/2022/09/PARI-Summary-The-Zondo-Commission-A-bite-sized-summary-v360.pdf>

⁷ Marianne Merten. Daily Maverick. 2019. State capture wipes out third of SA's R4.9-trillion GDP – never mind lost trust, confidence, opportunity.
<https://www.dailymaverick.co.za/article/2019-03-01-state-capture-wipes-out-third-of-sas-r4-9-trillion-gdp-never-mind-lost-trust-confidence-opportunity/>

⁸ News24. 2024. Damage from state capture 'worse than suspected' – SARB.
<https://www.news24.com/business/damage-from-state-capture-worse-than-suspected-sarb-20190606>



However, the proliferation of organised crime, which is facilitated by corruption, sees South Africa scoring poorly for criminality syndicated activities by ENACT's Global Organised Crime Index (GOCI). South Africa has become a major transit and destination country for drug trafficking, and crimes such as kidnappings and extortion are on the rise. Local and foreign criminals seek and find refuge in the country and are able to evade arrest through bribery of border and police officials.⁹

As mentioned, the differentiated impact of corruption means that women, youth, people living with disabilities, and those with fewer resources and those highly dependent on public services, such as poor rural and urban households, often bear a disproportionately higher burden. The health sector is an example of a sector where corruption is rife in both the private and public sector. Rampant procurement corruption, corrupt employment practices, theft and medical claims fraud have reduced access to healthcare for the most vulnerable in society.

The extent of the harm done by corruption was acknowledged by the President at the inaugural National Dialogue on Anti-Corruption in 2023, where he said:

"Corruption has wounded our democracy and shaken people's faith in our institutions. If corruption is not arrested, the greatest damage will not be in the funds stolen, the jobs lost or the services not delivered. The greatest damage will be to the belief in democracy itself."¹⁰

Responses to corruption

There is currently impunity for perpetrators of serious corruption in South Africa.¹¹ Continued impunity for powerful and politically exposed people implicated in corruption is responsible for eroding public trust in government. NACAC regards the current crisis in law enforcement as a threat to the stability and future of South Africa. Making recommendations to strengthen anti-corruption enforcement was therefore a key focus area of NACAC.

Prosecution of complex, systemic corruption in particular requires significant financial and human resources, and can take years. It is globally recognised that a law enforcement approach to addressing corruption is necessary, but not sufficient, and must be paired with a strong preventive strategy.

Corruption prevention is as important as anti-corruption enforcement. It helps to tackle corruption before it can result in serious negative consequences and addresses its root causes. The UNCAC, the Organisation for Economic Cooperation and Development (OECD) Anti-Bribery Convention, the NDP, and the NACS all emphasise the importance of corruption prevention. The NACS is premised on the approach that prevention must be emphasised at least as strongly as reactive measures. Six of the NACS's seven strategic objectives have a direct corruption prevention focus.

Corruption prevention refers to the proactive measures and strategies implemented to deter, detect, and eliminate the root causes of corruption before it can occur or cause significant harm. Corruption prevention methods include:

⁹ ENACT. Africa Organised Crime Index. 2023. Increasing criminality, growing vulnerabilities. <https://enact-africa.s3.amazonaws.com/uploads/pages/1708078753063-2023-11-24-oci-africa-final.pdf>

¹⁰ President Cyril Ramaphosa. 2023. Keynote address: National Dialogue on Anti-Corruption. <https://www.thepresidency.gov.za/keynote-address-president-cyril-ramaphosa-national-dialogue-anti-corruption-birchwood-hotel-gauteng>

¹¹ National Prosecuting Authority. 2021. Annual Report. P 8.



1. Promoting transparency and open government through, for example,

- **Access to information laws:** Ensuring public access to government records and decision-making processes.
- **Open budgets and spending:** Publishing budgets, procurement data, and government contracts.
- **Public disclosure of assets:** Requiring officials to declare assets, incomes, and interests.

2. Strengthening accountability through, for example,

- **Internal controls:** Establishing clear procedures, checks and balances, and oversight within institutions.
- **Codes of conduct and ethics:** Implementing clear rules for public officials' behaviour.
- **Independent oversight bodies:** Strengthening agencies tasked with anti-corruption oversight including auditors-general.
- **Whistleblower protection:** Providing safe channels and legal protection for reporting wrongdoing.

3. Improving governance and institutions through, for example,

- **Professionalisation of the civil services:** Merit-based recruitment and promotion to reduce patronage and nepotism.
- **Institutional capacity building:** Training public servants on ethics, integrity, and anti-corruption measures.
- **Streamlining bureaucracy:** Simplifying overly complex procedures to reduce opportunities for corruption.

4. Promoting civic engagement and public awareness through, for example,

- **Civic education campaigns:** Informing citizens about their rights and how to report corruption.
- **Engaging civil society and media:** Supporting investigative journalism and NGOs in monitoring corruption.
- **Social norms change:** Engaging with officials and the public in programmes to change pro-corruption social norms.

5. Risk management and corruption proofing through, for example,

- **Corruption risk assessments and remedial action:** Identifying sectors or processes most vulnerable to corruption and implementing remedial action.
- **Audit and monitoring systems:** Routine audits and performance monitoring of public programmes.



As a signatory to UNCAC, South Africa is obliged to give effect to the provisions of the Convention. In terms of articles 6 and 36 of UNCAC, state parties have an obligation to establish a body or bodies that are dedicated to preventing corruption. These bodies must be able to discharge their functions in an independent manner. Independence means these bodies must discharge their functions without any undue influence from anyone. States have an obligation to provide the necessary material resources and specialised staff, as well as the training that such staff may need to carry out their functions. The African Union Convention on Preventing and Combatting Corruption and the Southern African Development Community Protocol Against Corruption, both of which South Africa is a signatory to, entail similar obligations.

It is important for South Africa to fully comply with these international obligations given the leading role it continues to play in global and continental anti-corruption structures. In December 2024, South Africa assumed the chairmanship of the G20, and with that, leads the G20 Anti-Corruption Working Group (ACWG). South Africa also currently chairs the Association of Anti-Corruption Agencies in Commonwealth Africa (AAACOA), an organisation that works to strengthen anti-corruption efforts across Commonwealth African countries and will keep the chairperson's seat throughout the 2025-2026 term.





CHAPTER 3

THE OPI



Establishing the OPI

The Zondo Commission recommended that:

“...a permanent Commission be established the main function of which will be to investigate, publicly expose acts of state capture and corruption in the way that this Commission did over the past four years, make findings and recommendations to the President. Such a Commission could be called the Anti-State Capture and Corruption Commission.”¹²

The Zondo Commission also recommended that:

“Government introduce legislation for the establishment of an independent Public Procurement Anti-Corruption Agency (PPACA)... as an independent body subject only to the Constitution and the law; which has jurisdiction throughout the Republic; which is impartial and must perform its functions without fear, favour or prejudice; which is financed from: money that is appropriated by Parliament for the Agency; fees payable to the Agency by all tenderers for public procurement contracts; money received from any other source.”¹³

NACAC considered these recommendations and the requirements of the UNCAC, which requires countries to:

“ensure the existence of a body or bodies to prevent corruption... implement and coordinate anti-corruption policies, increase and disseminate knowledge about corruption prevention, and oversee preventive measures.”

The UNCAC provides that these bodies must have independence and sufficient resources to carry out their functions free from undue influence.

NACAC considered the international standards for anti-corruption bodies known as the Jakarta Principles and studied the Constitutional Court’s judgments in the *Glenister* cases. It conducted research on appropriate institutional arrangements and discussed options with the heads of government institutions, including the Public Protector of South Africa, the PSC, and the SIU. NACAC consulted former Chief Justice Zondo and legal officers of the State Capture Commission, LEA heads from the NPA and DPCI, as well as experts from academia and civil society.

NACAC learned much from study tours to Kenya, Serbia, Lithuania and Hong Kong (see Appendices P, Q and R) allowing us to interact with institutions – new and old – that have tackled related challenges across our continent and elsewhere in the world.

¹² Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State. 2022. Volume 4: Summary of Recommendations. P 186. https://www.statecapture.org.za/site/files/announcements/672/OCR_version_-_State_Capture_Commission_Report_Part_VI_Vol_IV_-_Recommendations.pdf

¹³ Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State. 2022. Volume 4: Summary of Recommendations. P 17. https://www.statecapture.org.za/site/files/announcements/672/OCR_version_-_State_Capture_Commission_Report_Part_VI_Vol_IV_-_Recommendations.pdf



Figure 3: Learning journey to Hong Kong. March 2024



Figure 4: NACAC members engage with members of the Ethics and Anti-Corruption Commission on the learning journey to Kenya. 2023

Based on this work, NACAC recommends the establishment of a permanent, independent, overarching anti-corruption body.



Recommendation 1 – Establish a new anti-corruption agency as a permanent, independent institution in terms of Chapter 9 of the Constitution.

NACAC recommends that the OPI is established as a Chapter 9 institution with the mandate to prevent, investigate and remedy systemic corruption involving government and other organs of state and to enhance transparency and integrity in their workings.

This recommendation is in alignment with the NACS, which states:

“This overarching body will drive strategy roll-out and coordinate all the anti-corruption activities in the country. It is premised on an integrated operational model with cross-sectoral collaboration, in line with the country’s whole-of-government and whole-of-society approach to combating corruption.” (NACS, P 51)

This strategic intent of the NACS was reiterated by President Ramaphosa in his 2021 State of the Nation Address, where he explained that he is relying on NACAC to “oversee the initial implementation of the strategy and the establishment of an independent statutory anti-corruption body that reports to Parliament”.

Systemic corruption poses a serious challenge to democracy

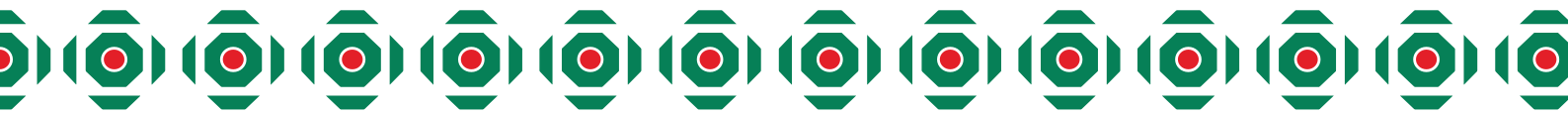
NACAC’s mid-term report described how South Africa “face[s] challenges to our democracy from systemic corruption that are distinct from challenges elsewhere and are particular to our society, our history, and our continuing struggles.”¹⁴ Drawing from the findings of the Zondo Commission and engagements with social partners including the leadership of the LEAs, NACAC concluded that “the institutional mechanisms of our young democracy have failed and been harmed most dramatically. Corruption has affected the functioning of public institutions and impacted negatively on public welfare and the delivery of public services.”¹⁵

The preamble to the Prevention and Combatting of Corrupt Activities Act (PRECCA) expounds on the corrosive effects of corruption on social and political life, and the duty of the state to take all necessary measures to fight corruption effectively and efficiently as part of its obligation to respect, protect, promote and fulfil the rights enshrined in the Bill of Rights.

The PRECCA, along with other legislation, provides for a suite of LEAs responsible for **reacting** to corruption through a multi-agency approach. The continued prevalence of systemic corruption despite the existence of this law enforcement architecture is a clear indication that a complementary **preventive** institution is also required to reduce corruption.

¹⁴ NACAC. 2024. Mid-Term Report to the President, the Cabinet and the Country. P 7.

¹⁵ NACAC. 2024. Mid-Term Report to the President, the Cabinet and the Country. P 9.



Why a Chapter 9 institution?

In *Glenister II* the Constitutional Court held:

“SA needs an agency dedicated to the containment and eventual eradication of the scourge of corruption. We also agree that the entity must enjoy adequate structural and operational independence to deliver effectively and efficiently on its core mandate.”¹⁶

Establishing the OPI as a Chapter 9 institution responds to two imperatives. Firstly, it signals the seriousness with which society and government view corruption and the risk it poses to our constitutional democracy. A proper response to this risk requires the establishment of an institution with a **dedicated** rather than merely incidental mandate of corruption prevention. This institution should have extensive powers of intervention such as the other Chapter 9 institutions which support and strengthen constitutional democracy. This would be in keeping with the seriousness with which the drafters of PRECCA viewed the risk that corruption poses to South Africa’s constitutional democracy.

Secondly, establishing the OPI as a Chapter 9 institution would provide legal safeguards for its **independence** and would mitigate the risk of executive interference by removing the institution from the direct sphere of influence of an executive authority. It would depoliticise the OPI’s mandate and functions by making it accountable to parliament. Most importantly, entrenching the OPI as a Chapter 9 institution would require a two-thirds majority in parliament to disband it. This would help to protect the OPI from suffering the same fate as the Directorate of Special Operations (DSO or ‘Scorpions’), founded in terms of mere statute, which was dissolved with a simple parliamentary majority in 2009.¹⁷

Chapter 9 of the Constitution provides for a range of institutions supporting constitutional democracy that have related and sometimes overlapping mandates that are, for various reasons, not always properly fulfilled. NACAC’s proposal to introduce a new Chapter 9 institution was not made lightly. NACAC concluded that it would enable existing Chapter 9 institutions with overlapping corruption investigation mandates to carry out their primary mandates which would complement the OPI’s dedicated mandate to prevent, investigate and remedy **systemic corruption**.

In taking the establishment of the OPI forward, if its establishment as a Chapter 9 institution will significantly delay its establishment, the option exists to establish it as a statutory body with the intention to transform it into a Chapter 9 institution when the correct circumstances arise. Attention will also have to be paid to ensuring that the proposed functions and powers are in no way constrained by its Chapter 9 status.

¹⁶ *Glenister v The President of the Republic of South Africa* 2011 (7) BCLR 651 (CC), Para 2.

¹⁷ Berning, J. & Montesh. M., ‘Countering corruption in South Africa: The Rise and Fall of the Scorpions and Hawks.’ SA Crime Quarterly No. 39. Pp 3-11. <https://issafrica.s3.amazonaws.com/site/uploads/CQno39March12.pdf>



Urgency of action

The establishment of a permanent anti-corruption body is urgent. The NACS, adopted in 2020, anticipated that “[i]t will take some time, possibly up to two years, before a permanent body will be in place, with the required legislation passed, and appointments and budgets finalised.”

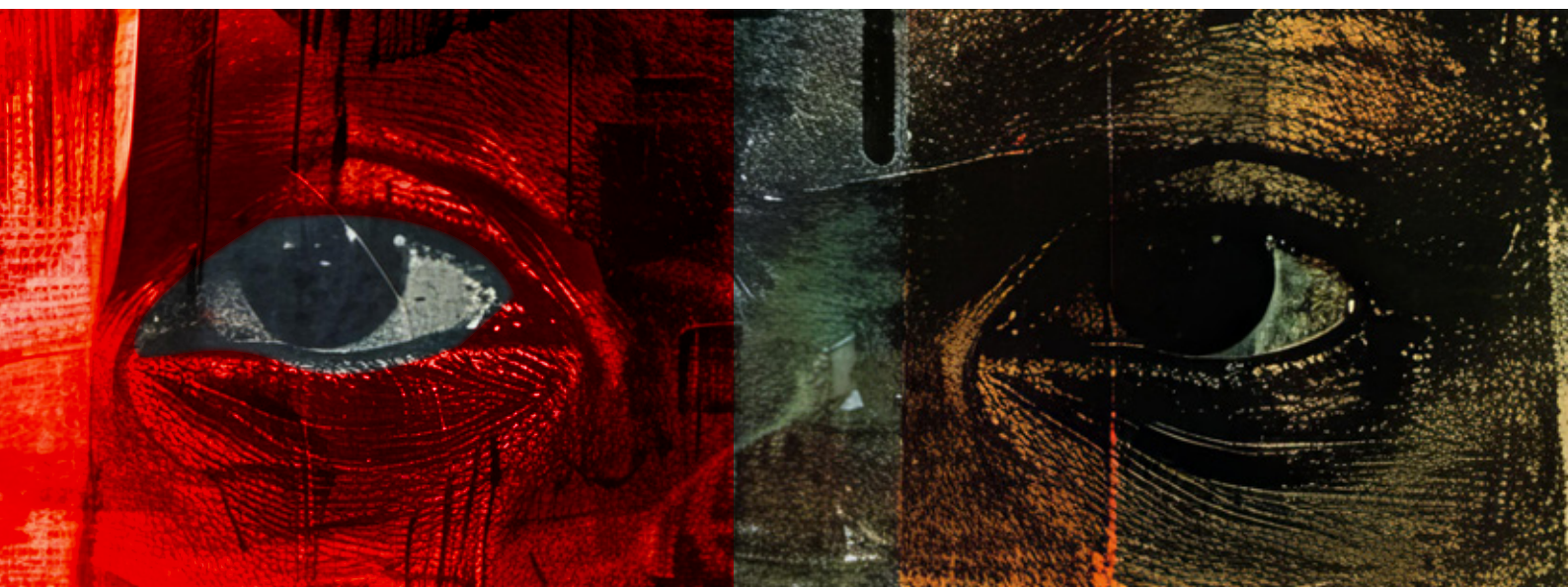
The establishment of the new anti-corruption body is therefore already **overdue** and swift action is required by the DOJ&CD to draft the necessary legislation for the OPI and to expedite its processing through parliament.

Recommendation 2 – Retain and strengthen the multi-agency approach to anti-corruption enforcement

NACAC recommends that South Africa should retain its multi-institutional architecture rather than consolidating all anti-corruption powers and functions in a single institution. This is in line with international law, standards and good practice. For this to be effective, it is necessary to strengthen existing bodies tasked with anti-corruption functions, and the cooperation between them – strategically locating the OPI within a multi-agency framework of organisations with **complementary** powers and functions. The effective functioning of the multi-agency system requires clear mandates, effective coordination and cooperation between agencies.

South Africa has a successful model of inter-agency cooperation in the Fusion Centre. This initiative proved that a **collaborative**, intelligence-driven, and multi-agency approach is essential for effectively investigating and prosecuting complex financial crimes, including corruption and fraud. The Fusion Centre brings together key institutions like the NPA, SIU, SAPS, Financial Intelligence Centre (FIC), and South African Revenue Service (SARS), and others to share data, expertise, and resources, resulting in faster case resolution and successful convictions.

The OPI should adopt this collaborative and multi-disciplinary approach which is critical to dismantling systemic corruption without duplicating or encroaching on the distinct and successful capability the Fusion Centre has modelled. Further to this, the OPI should continue to have a relationship with the Fusion Centre which incorporates the role the SIU has played thus far.





Building on the successes of the SIU

Recommendation 3 – The OPI should absorb the mission, powers, and resources of the SIU, maintaining its full portfolio of work, thus enabling the OPI to be operational with immediate effect and adding to its functions, powers, staff, and resources.

Absorbing the SIU into the OPI will:

- enable the OPI to move forward swiftly and avoid the costs and inefficiencies of adding an entirely new state institution to the existing array;
- provide an operational foundation with already-skilled investigators, legal experts, and digital forensic capacity;
- enable continuity by embedding existing tools, systems, and institutional knowledge;
- accelerate the functionality of the OPI, reducing the lead time required for capacity development;
- ensure the OPI enters the system with proven investigation and recovery capability, leveraging the SIU's existing case load, infrastructure, and footprint;
- avoid duplication and streamline mandates, avoiding parallel investigations and overlapping mandates between the OPI and the SIU.

Until the OPI has been established, all lawful and practical measures should be taken to **empower the SIU** to start implementing the relevant and appropriate aspects of the OPI mandate and functions.

Mandate

Recommendation 4 – The mandate of the OPI should be to prevent, investigate and remedy systemic corruption involving government and other organs of state and to enhance transparency and integrity in their workings.

The OPI should have a mandate to prevent systemic corruption by:

- leading social mobilisation, **behaviour change**, public awareness and education programmes;
- conducting **systemic audits** into public institutions either as a function of a request or special projects determined by itself – systematic reviews of institutional policies and practices guided by risk-based frameworks appropriate to the institution, industry and/or sector;
- conducting **civil investigations** into systemic corruption, either through a Presidential Proclamation or of its own accord and in line with the mandate given to it by new enabling legislation;
- providing policy guidance and **binding directives** on corruption-risk reduction measures to any and all organs of state;
- protecting and supporting **whistleblowers**, ensuring that those who expose corruption are safeguarded from retaliation; and
- conducting research.

Social mobilisation, behaviour change, and public awareness and education should be key components of the OPI's strategy to prevent systemic corruption. The OPI should lead efforts to foster integrity and anti-corruption values from a young age, engaging with educational institutions, communities, and the private sector. The OPI should partner with government, civil society and private institutions to provide guidance on changing social norms across society.



Functions

To fulfil its mandate, NACAC recommends that the OPI should be empowered and appropriately resourced to perform a range of functions related to the prevention of systemic corruption. The key functions are outlined below. Full details on the proposed functions are given in Appendix A.

Recommendation 5 – The OPI should perform the following functions: civil investigations, risk mapping and systemic audits into government institutions, policies, and practices.

The OPI should conduct investigations into systemic corruption involving government or any organs of state. Investigations should be triggered either by proclamation of the President of the Republic of South Africa, or by a decision of the OPI. Currently, the SIU's ability to undertake investigations and litigate for preservation and civil forfeiture orders depends on a presidential proclamation. This poses serious and inherent risks for the independence of the organisation and the anti-corruption role it plays. The ability of the SIU to achieve the exemplary track-record it has even through the state capture years is not because but in spite of this arrangement. We therefore propose that in addition to acting on the basis of a presidential proclamation, **the OPI should be able to undertake investigations of its own accord.**

Investigating systemic corruption effectively requires predictive analysis using data-driven methods potentially empowered by AI. This will enable the OPI to compile **risk maps** of public institutions, and their exposure to corruption risk. Systemic audits will enable the OPI to assess and determine the nature, scope and drivers of these risks, and issue recommendations to mitigate them and prevent loss. This may include recommending and enforcing consequence management measures.

The OPI should perform the following functions:

- develop frameworks and measures to monitor, inspect, detect and expose corruption risk, and enhance transparency and accountability in government and other organs of state;
- conduct audits into the corruption risk of institutional policies and practices in government and other organs of state; and
- conduct audits into systemic corruption involving government or any organs of state.

Recommendation 6 – The OPI should coordinate the implementation of the NACS.

NACAC recommends that the OPI should drive the long-term roll-out of the NACS. It should advise the government on policy measures to advance the NACS, to educate and mobilise the public, to gather and analyse data relevant to corruption and anti-corruption, and to develop relevant frameworks and measures to prevent, investigate and remedy corruption.

This is in line with the NACS which calls for the new anti-corruption agency to “drive the long-term roll-out of the strategy and all its related programmes”. Neither the NACS nor NACAC imagines that the OPI would undertake all the activities required to drive the NACS on its own, but it is anticipated that the OPI will drive the implementation of this strategy across the whole of government and society and monitor its implementation and effectiveness.





Recommendation 7 – The OPI should remedy systemic corruption in government institutions or organs of state.

NACAC recommends that the OPI should partner with government institutions to remedy systemic corruption in various ways. It should:

- develop and issue standards and guidelines for organs of state to mitigate systemic corruption risk and/or promote integrity;
- provide advice to organs of state in the field of remedying systemic corruption and promoting integrity;
- train staff of government institutions to uphold integrity measures; and
- recommend the development of government policies and legislation for mitigating the risk of systemic corruption and promoting integrity.

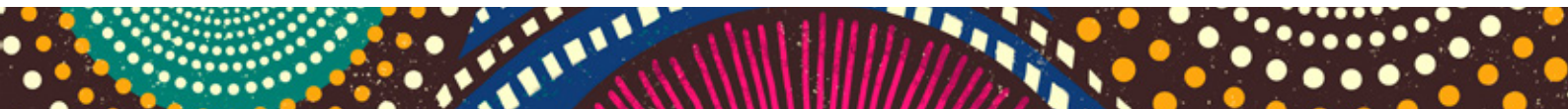
Recommendation 8 – The OPI should protect and support whistleblowers.

The protection of whistleblowers is an integral part in the fight against corruption and upholding our democracy. Positioning the OPI to play an oversight role in ensuring that the Zondo Commission's recommendations on the protection of whistleblowers are implemented would demonstrate a decisive and urgent commitment to protecting those who expose corruption, reinforce the OPI's institutional integrity, and elevate it as a trusted defender of public interest. Restoring public confidence, fostering a culture of accountability, and ensuring that disclosures are not silenced by fear or intimidation is essential.

A whistleblower protection and support function should be located in the OPI. It should:

- receive and review whistleblower disclosures and refer these to the appropriate authorities;
- lead whistleblower protection and support functions across government in line with relevant whistleblower legislation;
- receive and manage dedicated resources for the protection and support of whistleblowers;
- advise on and support the implementation of any national, provincial or local policy and legislation, as well as institutional policies and practices, on the appropriate treatment of disclosures, and protection and support of whistleblowers.

NACAC understands the plight of whistleblowers and takes their struggles seriously. Interim arrangements for their support and protection should be put in place urgently. The SIU currently supports whistleblowers, including through its institutional partnership with civil society organisation Whistleblower House. The SIU should be empowered and resourced to protect and support whistleblowers on an urgent basis until the OPI is established.





Powers

The OPI's powers must be carefully framed in law to ensure that it has the authority to investigate systemic corruption while avoiding an overly broad scope that allows it to pursue any matter arbitrarily.

Recommendation 11 – The OPI should have powers to conduct investigations into systemic corruption.

The OPI should have the powers necessary to conduct investigations into systemic corruption. These include:

- powers of search and seizure;
- powers to summon and interview witnesses under oath;
- powers to undertake joint operations with LEAs; and
- powers to publish reports on its investigations.

Recommendation 12 – The OPI should be empowered to convene public hearings/public inquiries into systemic corruption.

The Zondo Commission recommended the establishment of a permanent commission to investigate and expose acts of state capture and corruption, hold public hearings, and make findings and recommendations to the President. NACAC supports this recommendation and proposes that the OPI be given the necessary authority to convene public hearings/public inquiries into systemic corruption. This is a tested model in South Korea, for example, where the Anti-Corruption and Civil Rights Commission has used public hearings to promote transparency in systemic corruption cases.

Recommendation 13 – The OPI should be empowered to apply to a court of law or a competent tribunal for asset recovery orders.

Recovering stolen public money should be a top priority for the OPI, including the value of assets acquired through corrupt, irregular or unlawful conduct uncovered in the course of an inquiry into systemic corruption. For the OPI to recover money lost to corruption effectively, it requires strong asset recovery powers.

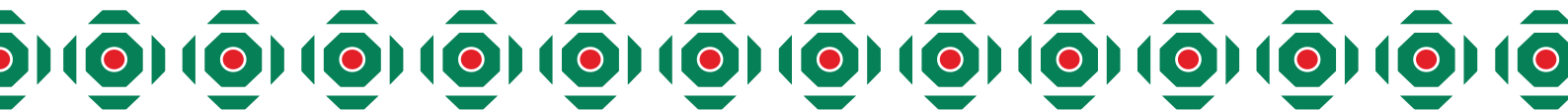
NACAC recommends that the OPI be granted powers to make civil applications for the preservation and forfeiture of assets. These should be aligned and exercised in collaboration with those of the AFU and subject to the provisions of the Prevention of Organised Crime Act (POCA).

The OPI should be empowered in law to apply for restraint, preservation or recovery orders, or any other relief necessary to protect property, which includes assets in South Africa and other countries, and any interest on or proceeds of these assets.

Recommendation 14 – The OPI should have powers to issue binding recommendations for remedial action pursuant to its systemic audits or civil investigations.

NACAC recommends that the OPI's recommendations arising from its public inquiries, audits and investigations of systemic corruption should be binding on the institution in the same way those of the Public Protector are.

The OPI should be empowered to supervise the implementation of those recommendations, apply to a court to enforce the implementation of the recommendations, and institute other civil proceedings incidental to its mandate.



Recommendation 15 – The OPI should be funded in ways that support its independence, enable its resilience, and reflect its importance to the fiscus.

NACAC recommends that the OPI should receive funds from the following sources:

- parliamentary appropriations;
- government institutions and organs of state for services rendered;
- a proportion of assets recovered;
- disbursements from the Criminal Asset Recovery Account; and
- appropriate donors, in ways that uphold the independence and integrity of the OPI.

Recommendation 16 – The OPI should have independence over its human resources.

NACAC recommends that the OPI should have statutory authority to create an organisation and to employ staff with expertise in particular areas. The OPI should have the power to independently recruit a multidisciplinary team with skills in forensics, data analysis, law, and public administration. The OPI should have the powers to set its own pay structures in order to be able to recruit suitably qualified staff. This approach aligns with global good practices, as seen by the UK's Serious Fraud Office (SFO) and Kenya's Ethics and Anti-Corruption Commission (EACC).

The OPI should have powers to obtain professional advice and assistance from organisations or persons it deems appropriate, including from the private sector.

Recommendation 17 – The OPI's governance system must safeguard its integrity and independence.

NACAC recommends that the governance system of the OPI must safeguard its integrity, and the appointment criteria for the head of the OPI should safeguard its independence.

NACAC recommends appointing a council of between five and nine members as the governing body of the OPI, with a CEO serving as the accounting officer, in line with the Constitution and the Public Finance Management Act. These members must be fit and proper persons, with suitable qualifications and experience, and with a record of honesty, integrity and outstanding service to society within the scope of the OPI's mandate and functions.

The OPI Council should be appointed by the President on the recommendation of parliament, following a rigorous process that is open to public scrutiny and participation. There should be similarly robust procedures in place for the removal of members.

This model, consistent with other Chapter 9 institutions, ensures clear separation between strategic oversight and operational execution, enhancing both accountability and efficiency. This should be embedded in the appointment procedures.

The chairperson of the OPI should direct the work and staff of the OPI. The OPI should appoint a chief financial officer who will be the accounting officer. The OPI should also appoint other executives as necessary for the proper performance of its mandate. Internal governance mechanisms should be set up to ensure there are sufficient checks and balances inside the organisation and the integrity of the OPI remains above reproach.



Transitional arrangements

NACAC concludes that courageous, visible and sustained political leadership is necessary to implement its recommendations. NACAC urges government to take the following steps to build institutional alignment and momentum for implementation:

- Mandate the Minister of Justice and Constitutional Development to drive and oversee implementation of NACAC's recommendations regarding the OPI within the next three years.
- Empower the SIU to undertake the functions of the OPI not requiring legislative amendments in the transitional period.
- Dedicate substantial public resources to establish and sustain the functions of the OPI.

NACAC's detailed proposals for the establishment of the OPI are attached as Appendix A. The research report commissioned by NACAC on the OPI is attached as Appendix B.



Figure 5: NACAC members present the OPI proposal to the Presidency, represented by Minister of Justice and Constitutional Development, Ms Mmamoloko Kubayi – Union Buildings, Pretoria. July 2025



CHAPTER 4

COMMUNICATION: MOBILISING SOCIETY



Communication: Mobilising society

This chapter explains the importance of communication as an anti-corruption strategy to change value systems. It provides information about NACAC's work in this area and tells the stories of NACAC's public engagements. Finally, it sets out the role of the OPI in taking the communication strategy forward.

In NACAC's appointment letter, the President expressed the key principle that informs NACAC's work: **Combatting corruption is a task for 'all of government/all of society'.**

Combatting corruption is not a task for a single public agency – it is a task for all government departments and all public agencies which are obliged to embed the anti-corruption struggle in their daily work. Fighting corruption is not a task for government alone. It is a task for all of society and must be taken up by all people of South Africa in their homes, schools, workplaces, in their trade unions, their businesses, and their sports clubs.

Communication is key to mobilising the support of citizens for anti-corruption agencies. Anti-corruption fighters will have no reason to fear the wrath of the powerful if they enjoy the support of a well-informed public.

NACS communication strategy

In 2022 a comprehensive communications and engagement strategy was developed to support the implementation of the NACS. This strategy mapped key stakeholder groups as well as their information needs and communications preferences. It also proposed umbrella messaging and a whole-of-society approach that aimed to build a culture of integrity and active citizenry. The NACS takes a long-term view, providing a communication and engagement framework, considering all sectors of society as key target audiences.

The NACS communication strategy has a dual focus: to build an identity for NACS and anti-corruption work, and to create a whole-of-society anti-corruption movement. It is based on four communication cornerstones: awareness, education, prevention and mobilisation.

NACAC picked up on the importance of communication and the mobilisation of society, both in relation to its own work and in relation to the longer-term fight against corruption. The sections below set out the work done by NACAC in relation to communication and mobilisation as well as the recommendations for a longer-term programme.

National anti-corruption dialogues

One of NACAC's mandate areas was to host anti-corruption summits to revive multi-sectoral dialogues on corruption challenges and anti-corruption collaboration, a practice which had ceased a decade ago.

NACAC hosted several preparatory events for the national dialogues. There were two anti-corruption roadshows in North West and Limpopo provinces, hosted by the respective Premiers' offices.



Figure 6: NACAC Deputy Chairperson, Nkosikazi Mhlauli, engages community members in the North West. 2023

NACAC members also participated in a Futures Literary Laboratory (FLL) organised by GIZ, together with government departments, civil society, and academics, to explore the intersection of gender and corruption in preparation for the national anti-corruption dialogue on December 9, 2024. A FLL is a learning by doing collective intelligence process that involves getting participants to describe and imagine different kinds of futures in the context of a particular topic. The topic of this particular lab, “The Future of Gender and Trust in Governance in 2040”, was chosen to engage participants in exploring the intersection of gender and corruption in South Africa. The year 2040 is significant as it marks 20 years since the launch of the NACS. Through the lab, participants engaged with different ways of using the future, imagining probable, preferred as well as strange and unexpected futures and generated a list of recommendations. See Appendix H for a full report on this exercise.

In November 2024 NACAC partnered with the Ahmed Kathrada Foundation and the Youth Coalition to host South Africa’s first **Youth Anti-Corruption Dialogue**, where the youth developed their own anti-corruption pledge (See Appendix L).



Figure 7: Youth Anti-Corruption Dialogue Attendees. November 2024

Encouraging wider collaboration with and support for organisations empowering young people is critical. The inclusion of ethics and social values courses in the national school curriculum, a programme in the NACS, has yet to be designed and implemented.

NACAC's two national dialogues, in 2023 and 2024

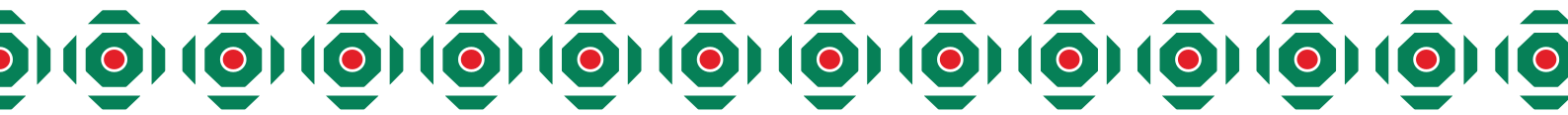
NACAC hosted two national dialogues. The 2023 National Dialogue was held on 8 and 9 November 2023 in Boksburg under the theme: “Together Building a Corruption-Free Society – Xelela Abanye, Bolella ba Bangwe, Vhudzani Vhanwe, Byelani Vanwani, Tell Others”. It was attended by President Cyril Ramaphosa, Chief Justice Raymond Zondo, cabinet ministers, leaders of LEAs, representatives from the National Economic Development and Labour Council (NEDLAC), foreign dignitaries, civil society organisations, the media, and hundreds of South Africans.

The President’s keynote address emphasised the need to strengthen the shared determination to build an ethical society:

“While there is a long road ahead, the fight against corruption is gaining momentum. [...] We meet here as diverse constituencies, but with a common purpose. We are here to identify the further measures we need to take to build a South Africa that does not allow for corruption or capture. We are here to strengthen our shared determination to build an ethical society founded on the values of our democratic Constitution.”¹⁸

Justice Zondo highlighted the need to protect whistleblowers and incentivise them in cases where money was recovered, saying,

¹⁸ UNODC Regional Office for Southern Africa. 2023. The South African movement toward anti-corruption reform. <https://www.unodc.org/rosaf/stories/2023/November/the-south-african-movement-toward-anti-corruption-reform.html>



“Whistleblowers helped to stop State Capture. Everybody talks about the protection of whistleblowers, but all of you would be aware the commission went beyond that, recommending we incentivise them to blow the whistle...”¹⁹

The **2024 National Dialogue** was hosted by the Presidency, NACAC, and the PSC on 9 and 10 December in Boksburg, under the theme: “Uniting with youth against corruption: Shaping tomorrow’s integrity”. The event was attended in person by around 500 people, with many more online.

Day one featured panel-led group discussions on the following topics, aligned with the NACS pillars:

- Improving whistleblowing in South Africa and mainstreaming gender and youth into anti-corruption strategies (Pillar 1)
- Professionalisation of the public service (Pillar 2)
- Ethical governance and consequence management (Pillar 3)
- Credible, transparent procurement system (Pillar 4)
- Strengthening anti-corruption agencies (Pillar 5)
- Protecting vulnerable sectors and improving service delivery (Pillar 6)

Day two featured the launch of the NACAC Mid-Term Report, which outlined NACAC’s progress, recommendations and vision for combatting systemic corruption in South Africa.

The outcomes and resolutions of two days of vigorous discussions were:

1. Establishing the OPI

Participants endorsed the expedited establishment of the OPI as a Chapter 9 institution with Constitutional protections, to address systemic corruption, issue binding recommendations and lead preventive measures through public education and institutional capacity building.

2. Strengthening whistleblower protections

The critical role of whistleblowers in exposing corruption and the need for urgent legislative reforms to strengthen protections was emphasised. Measures proposed included expanding the scope of the Protected Disclosures Act, criminalising retaliation and establishing independent bodies to manage disclosures and provide support. Public education campaigns were recommended to destigmatise whistleblowing and foster a culture of integrity.

3. Transforming the public procurement system

The National Treasury’s commitment to implementing an e-procurement system to address procurement, a key vulnerability in governance, was commended, with stakeholders emphasising the need for improved transparency, community oversight and the blacklisting of corrupt suppliers.

¹⁹ Schreiber, S. Business Day. 2023. Pay whistleblowers, Zondo urges government. <https://www.businesslive.co.za/bd/national/2023-11-09-pay-whistleblowers-zondo-urges-government/>

4. Enhancing the capacity and independence of anti-corruption agencies

In light of the significant resource constraints faced by anti-corruption agencies, recommendations included increased funding, enhancing forensic capabilities and establishing a dedicated unit with the NPA to prosecute complex corruption cases. Inter-agency cooperation, guided by a streamlined case management system, was recognised as critical to the fight against corruption.

5. Professionalisation of the public sector

To establish a capable and developmental state, participants emphasised the necessity of mandatory ethics training, competency-based recruitment, and reforms in performance management.

6. Inclusive anti-corruption strategies

Crafting gender sensitive anti-corruption policies and programmes, involving youth through innovative means such as social media, and empowering marginalised communities to engage in governance were recognised by participants as vital for tackling systemic inequalities and fostering ethical governance.

7. Safeguarding vulnerable sectors and communities

Participants recognised that the impact of corruption on at-risk sectors – including health, education, and local government – highlights the necessity for targeted oversight and reform. Increased public engagement, enhanced mechanisms for service delivery, and greater accountability are critical priorities.

The dialogue laid the groundwork for a cohesive, action-oriented anti-corruption agenda by uniting stakeholders across sectors, underscoring the urgency of safeguarding South Africa's democratic and developmental future. See Appendix F for the full reports on the National Dialogue.



Figure 8: National Dialogue. December 2024



The OPI's role in taking the NACS communication strategy forward

Recommendation – The OPI should be responsible for the implementation of a national communication, education and behaviour change programme and should have an experienced and appropriately resourced communication capability.

Research and consultations conducted by NACAC highlighted that future anti-corruption awareness-raising, behaviour change, communication, and education work should be driven by the OPI and should:

- be designed in accordance with behavioural psychology and social norms theory;
- reach communities in their own languages;
- include youth in anti-corruption awareness programmes; and
- adopt a gender-transformative approach.

The anti-corruption communication effort must inform and mobilise all of government and all of society. This cannot be done using the conventional approach – a small communications team informing society through a media liaison channel alone. This is a strategic function with social and behavioural change goals. It requires an experienced and appropriately resourced capability empowered with the capacity, creativity, independence and resources to drive major social and behavioural change communications campaigns that are capable of shifting the value system of South Africa's diverse public.

The OPI should be empowered to build on the NACS communication strategy and develop a plan that incorporates innovation to move beyond traditional messaging in order to shift attitudes and behaviour, increase knowledge so that corruption is better understood, and showcase success in order to build trust and affirm the intention of the majority of citizens to live with integrity. The strategy should be carefully targeted and tailored, using different channels and messages reflective of the lived experiences of individuals.

This communication work would cover the four elements of the NACS communication strategy. One of the mandate areas of the OPI would be to drive **social behaviour change communication**, a process of building an idea into a norm using a circle of communication that frequently includes peer opinion, information, education, and dialogue. Encircling audiences with layered messaging across various touchpoints helps to shift perceptions and attitudes and ultimately drive behaviour change.

A clear, well-researched theory of change (ToC), a planning and evaluation framework that maps out how and why a desired change is expected to happen in a given context, will enable the development of indicators that are aligned to each stage of change, making it possible to measure progress, assess effectiveness, and adapt strategies as needed. Without a strong ToC, monitoring and evaluation efforts risk missing the nuances of behaviour change or focusing on the wrong metrics.



However, no single institution can shift the needle on corruption and achieve social and behaviour change. We need society-wide ownership and participation. By enabling shared ownership, content development and amplification through an inclusive, values-driven partnership model led by the OPI, we can have a whole-of-society impact.

This communication effort should have **five strategic pillars**:

Pillar 1: A bold and targeted communications approach to address the ‘corruption fatigue’ and disengagement of the majority of South African residents;

Pillar 2: Multi-channel communications strategy and audience segmentation to address low awareness, trust gaps, and knowledge deficits by using mediums and messengers that audiences trust and are comfortable using;

Pillar 3: Operationalising a NCP, under the leadership of the OPI, bringing together key communication partners from government, the private sector, the trade unions, civil society, and other relevant stakeholders to ensure solutions to the resourcing, coordination, legitimacy and fragmentation challenges that often plague similar processes. Until such time as the OPI has been established, the SIU should drive this partnership and the communication programme;

Pillar 4: Lifelong engagement approach to prevent shallow impact, campaign fatigue, lack of sustained change and moral and ethical erosion and to ensure engagement with children from a young age;

Pillar 5: Well-resourced and professionally led to address operational capacity, coordination failure, lack of data, and funding instability, and ensure that the approach is implemented as intended.

The success of this ambitious communication and behaviour change plan will depend on ensuring the programme is delivered by a well-resourced team of skilled social and behavioural change practitioners, researchers, and creatives, and in an enabling environment that supports credibility, coherence, and sustained public engagement.

Further information about how the OPI will drive the anti-corruption communication and behaviour change effort is contained in a detailed report entitled “Supporting the establishment of the Office of Public Integrity and a National Anti-Corruption Movement” which is attached as Appendix O.



CHAPTER 5

STRENGTHENING LAW ENFORCEMENT AGENCIES





Introduction

South African citizens believe that their LEAs have not risen to the challenge of protecting the country against corruption.²⁰ This is also the view of international organisations; the FATF and the OECD Working Group on Bribery both state that South Africa needs to improve its prosecution rate for corruption cases.²¹

Prosecuting corruption is a uniquely difficult task for law enforcement institutions across the world. The legal system is ill-suited to prosecute complex commercial crimes beyond a reasonable doubt where the benefits are hidden by teams of professional enablers in multi-layered corporate structure across national borders – and there are no willing witnesses to the crime.²² In South Africa, this problem is greater because LEAs were intentionally harmed by perpetrators of state capture, who benefitted from weakening the rule of law.²³

NACAC has engaged in intensive research and consultation with local and international experts and heads of LEAs. NACAC has concluded that there are serious weaknesses at the heart of our CJS and the time has come to address these challenges.

NACAC's key research findings concerned problems with the mandates, resourcing, independence, and integrity of LEAs. Overall, a picture emerges of problematic legislative mandates, structural challenges, and weak financial and human resource capacity.

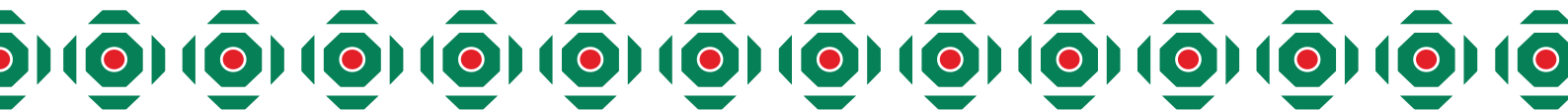
NACAC welcomes the promulgation of the Terms of Reference for the Judicial Commission of Inquiry into Criminality, Political Interference, and Corruption in the Criminal Justice System arising from the specific allegations made public by Lieutenant General Nhlanhla Mkhwanazi on 6 July 2025 (the 'Madlanga Commission'). This commission should provide valuable insights into problems in the SAPS.

²⁰ Human Sciences Research Council. 2024. Tracking Social Norms and Behaviour Change In South Africa: Measuring Attitudes To Corruption. <https://hsrc.ac.za/press-releases/dces/corruption-and-behaviour-change-tracking-social-norms-and-values-in-south-africa/>

²¹ Financial Action Task Force. 2025. South Africa. <https://www.fatf-gafi.org/en/countries/detail/South-Africa.html>; OECD Working Group on Bribery. 2016. Implementing the OECD Anti-Bribery Convention Phase 3 Report South Africa. https://www.oecd.org/en/publications/implementing-the-oecd-anti-bribery-convention-phase-3-report-south-africa_7b6204d0-en.html

²² C. Ashton. 2024. SA must look beyond prosecution for anti-corruption remedies that work. <https://issafrica.org/iss-today/sa-must-look-beyond-prosecution-for-anti-corruption-remedies-that-work>

²³ Public Affairs Research Institute. 2022. The Zondo Commission: A bite sized summary. P 3. <https://pari.org.za/wp-content/uploads/2022/09/PARI-Summary-The-Zondo-Commission-A-bite-sized-summary-v360.pdf>



NACAC's recommendations cover four focus areas:

1. Mandates and coordination mechanism

The mandates of some LEAs are uncertain, overlapping, and overbroad. There is a need for clear and aligned legal frameworks that are harmonised across sectors and levels of government to avoid gaps, contradictions, or unresolvable overlaps. For these reasons NACAC has made recommendations directed at clarifying the mandates of each agency and NACAC has also placed great emphasis on the coordination of case management between the agencies.

2. Independence and integrity of LEAs

Independence and integrity are essential for LEAs to effectively combat corruption and uphold the rule of law. Without operational and institutional independence, agencies are vulnerable to political interference, selective enforcement, or protection of powerful interests, which undermines public trust and the legitimacy of their actions. Integrity policies and practices ensure that officials within these agencies adhere to ethical standards, resist bribery or undue influence, and apply the law impartially. Together, independence and integrity create the conditions for credible investigations, fair prosecutions, and consistent accountability – key elements in preventing impunity and fostering public confidence in justice systems.

3. Resources

The capacity allocated to address South Africa's core problem of corruption is inadequate. It is essential to enhance the capacity of all existing agencies, and to make better use of existing resources. In the same way that there is a need for policy coherence, there needs to be coherence in the allocation of resources.

4. Harnessing information and communication technologies (ICTs) including AI

Traditional investigative methods are no longer sufficient to confront a form of corruption that is systemic, networked, and increasingly embedded within digital infrastructures. LEAs require new tools, and capabilities that leverage technology strategically, ethically, and at scale. These should include appropriate digital technologies, including AI.

Mandates and a new coordination mechanism

Responsibility for investigating corruption and commercial crime is presently assigned to the SAPS, the DPCI, the NPA, and the IPID.

The DPCI is responsible for investigating serious corruption, serious commercial crime, and organised crime. The NPA, through its specialised directorate, the IDAC, is responsible for investigating and prosecuting serious corruption.



Corruption deemed insufficiently serious to merit the attention of the DPCI and IDAC is investigated at SAPS station level and prosecuted by the regional divisions of the NPA. The Crime Intelligence unit of SAPS plays, or should play, a critical role in the investigation of serious corruption and organised crime. The SIU is responsible for conducting civil investigations into corruption and maladministration.

Vague and overlapping mandates

Research shows that the mandates of the various LEAs are overlapping, and some are poorly defined in their governing statutes.²⁴ The agencies' performance metrics are competing and not designed to promote cooperation. This contributes to turf wars between the agencies, which decreases the effectiveness of the multi-agency system.

The mandate of the **DPCI** is of particular concern. Research shows that it is overbroad and unmanageable.²⁵ While the DPCI is currently mandated to be the agency responsible for investigating serious corruption, it is also charged with investigating serious commercial crime and organised crime as well as a wide range of other 'priority' crimes, ranging from treason to terrorism related offences, from sedition to mercenary activities.²⁶

The Constitutional Court in *Glenister II* found that the DPCI's mandate in the SAPS Act is confusing and unsuited to an anti-corruption agency:²⁷

"Sections that provide for the jurisdiction of the DPCI are scattered in different parts of the SAPS Act. This makes it difficult to identify the offences that the DPCI is empowered to prevent, combat and investigate. Section 17D is headed 'Functions of Directorate'. One might justifiably assume that all the functions are set out under that section. Regrettably, one has to look elsewhere for the definition and the list of national priority offences. Ordinarily, all the definitions are to be found in section 1 of an Act. Although section 1 of the SAPS Act does define several concepts, 'national priority offences' is not one of them. It is instead located in section 17A which in turn refers to section 16 which sets out national priority offences. The complication does not end there. For other offences that constitute national priority offences, section 16(2)(iA) points to the Schedule to the Act. It should be evident from the discussion of other aspects of the Act, like the suspension and removal of the National Head, as well as the extension of tenure that the quality of drafting could use some improvement."²⁸

²⁴ African Policing Civilian Oversight Forum & Dullah Omar Institute. 2025. *Strengthening Law Enforcement Agencies in Combatting Corruption: Mandates and Resourcing*. Pp 5-7.

²⁵ African Policing Civilian Oversight Forum & Dullah Omar Institute. 2025. *Strengthening Law Enforcement Agencies in Combatting Corruption: Mandates and Resourcing*. P 15.

²⁶ Parliamentary Question 3964: Internal Question Paper 45-2023: 17 November 2023. www.static.pmg.org.za/RNW3964-2023-12-18.pdf

²⁷ *Glenister v The President of the Republic of South Africa* 2011(7) BCLR 651(CC). Para 233.

²⁸ *Glenister v The President of the Republic of South Africa* 2011(7) BCLR 651(CC). Para 93.



The court also expressed its concern at the inclusion of national priority offences which “do not deserve the attention of an anti-corruption agency if that agency were to pay adequate attention to its core mandate.” It held: “We point out in this regard that the DPCI is not, in itself, a dedicated anti-corruption entity.”²⁹

The DPCI is responsible for investigating serious corruption, serious commercial crime, organised crime and a host of other ‘priority crimes’. Research shows that the overwhelming preoccupation of the DPCI is with violent organised crime such as drugs, people and arms smuggling, and cash-in-transit heists, with a relatively small proportion of its attention devoted to investigating serious corruption.³⁰

The lack of mandated focus on fighting corruption means that, in practice, the DPCI does insufficient investigation of corruption. The DPCI must be at the centre of any effort to refine and reallocate the mandates of the LEAs. There is an urgent imperative to focus institutional attention and resources on the investigation and prosecution of serious corruption.

The mandates assigned to the DPCI and IDAC currently overlap, since both agencies are mandated to investigate serious corruption. This results in inefficiencies, conflicts and duplication of efforts. It does not support the effective cooperation required to make the multi-agency system function optimally. NACAC recommends a reordering of these mandates in order to overcome these difficulties.

NACAC examined alternative options for reorganising the allocation of mandates. In its process of consideration, NACAC engaged with the staff of some of the LEAs, researchers in the field of policing and security, and civil society experts. Based on these engagements and on empirical research,³¹ NACAC finalised its recommendations without the benefit of consulting the SAPS, which did not make itself available to meet with NACAC. NACAC recognises that the Madlanga Commission may make findings that influence the debate on the SAPS and welcomes this prospect.

After a process of research and consultation, NACAC concluded that the IDAC should have a mandate to investigate and prosecute serious corruption and serious commercial crime and the DPCI should have a mandate to investigate organised crime. This recommendation will have far-reaching implications for the LEAs.

²⁹ *Glenister v The President of the Republic of South Africa* 2011 (7) BCLR 651 (CC). Para 233.

³⁰ African Policing Civilian Oversight Forum & Dullah Omar Institute. 2025. *Strengthening Law Enforcement Agencies in Combatting Corruption: Mandates and Resourcing*. P 13.

³¹ See for instance Kinnes, I. & Newham, G. Freeing the Hawks: Why an anti-corruption agency should not be in the SAPS. SA Crime Quarterly. Pp 33-40. <https://issafrica.s3.amazonaws.com/site/uploads/CQno39March12.pdf>; and African Policing Civilian Oversight Forum & Dullah Omar Institute. 2025. *Strengthening Law Enforcement Agencies in Combatting Corruption: Mandates and Resourcing*



Recommendation 1 – Reorganise the mandates of the LEAs as follows: the IDAC should be solely responsible for investigating and prosecuting serious corruption and serious commercial crime; the DPCI should be solely responsible for investigating organised crime.

The DPCI's responsibility and resources for investigating serious corruption and serious commercial crime should be transferred to IDAC, with IDAC simultaneously relieved of responsibility for prosecuting any crimes other than those categorised as serious corruption and serious commercial crime. The DPCI should retain responsibility for investigating organised crime as well as the other serious crimes listed in Section 16(2)(iA) of the schedule to the SAPS Act.

This would resolve the current overlap in the designated responsibilities of both the DPCI and IDAC for investigating serious corruption and serious commercial crime, locating all responsibility for investigating these categories of crime in IDAC.

It will eliminate the greatest shortcoming of the present model, namely the DPCI's focus on organised crime at the expense of serious corruption. This will allow the DPCI to focus on organised crime, as recommended by researchers.³²

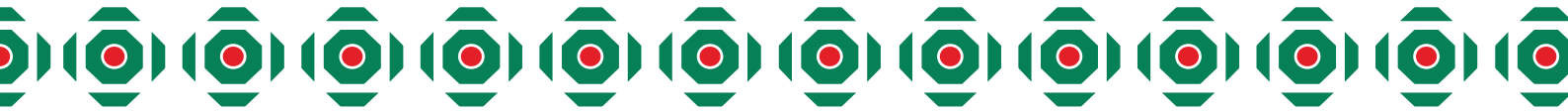
There are interconnections and overlaps between organised crime and serious corruption. They are both types of financial crimes, usually involving secretive networks. Corruption facilitates organised crime and perpetrators may belong to the same networks. However, policing commercial crimes and corruption demands a different investigative and prosecutorial skill set and institutional ethos from policing organised crime. As such, different agencies are required to deal with these different crime types.

Resourcing the IDAC

NACAC recommends that IDAC should be given far greater resources and capacity. It should be empowered to investigate and prosecute any politician or public official above the level of senior middle management (i.e. the rank of chief director or the equivalent and above) and their networks. It should also investigate and prosecute complex corruption emanating from the private sector involving powerful companies or business people.

In the short term the resources in the DPCI dedicated to tackling corruption should be allocated to the IDAC, which should be rebranded and launched within six months to signal the seriousness with which the current administration takes the issue of addressing corruption. IDAC should have its own intelligence capability, and like SARS or the SIU, be freed from the salary and recruitment constraints of the public sector. It should be able to recruit or contract the best available legal, forensic and analytical skills and have dedicated security for its staff and access to the NPA Witness Protection Programme.

³² Kinnes, I. & Newham, G. Freeing the Hawks: Why an anti-corruption agency should not be in the SAPS. SA Crime Quarterly. Pp 33-40. <https://issafrica.s3.amazonaws.com/site/uploads/CQno39March12.pdf>

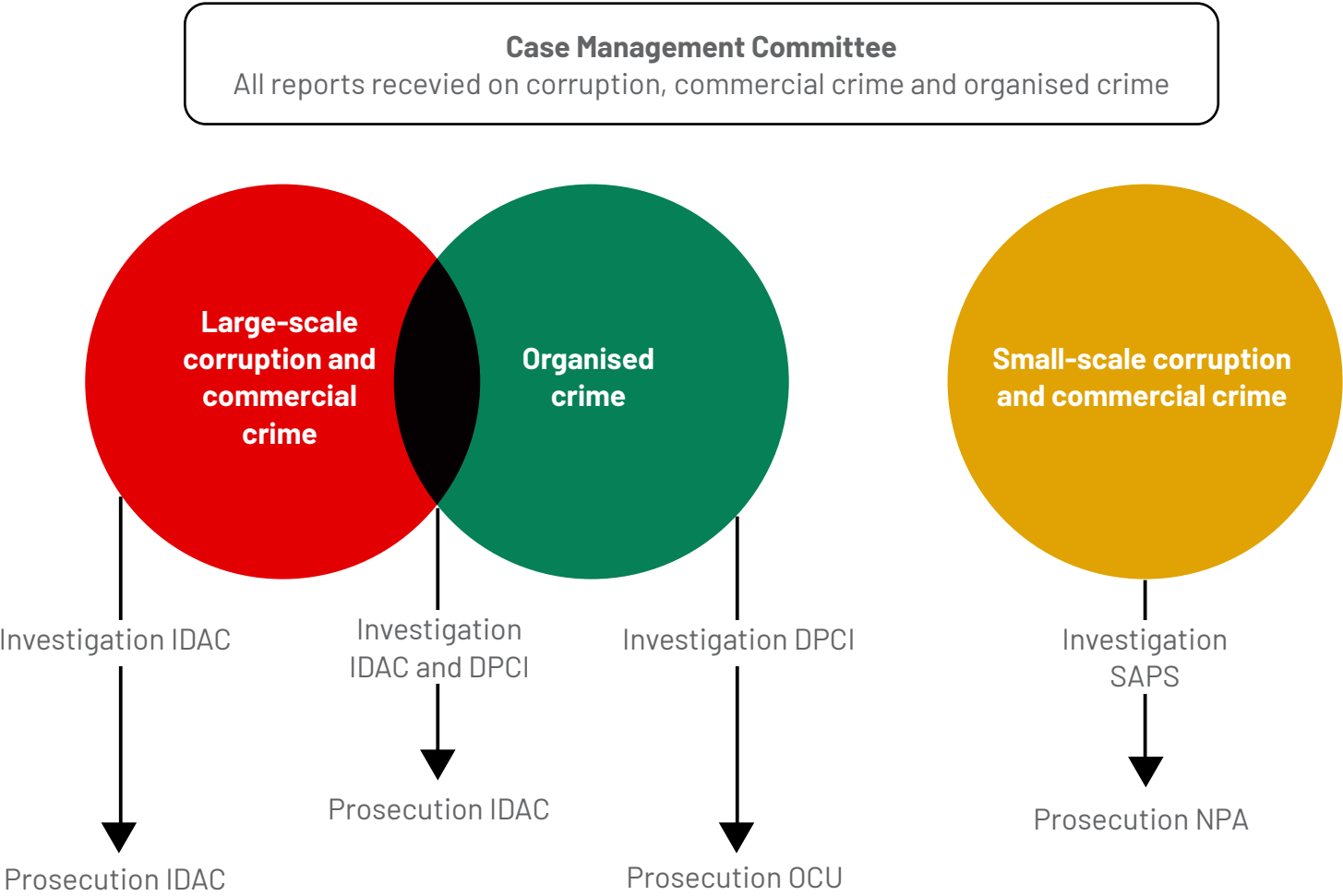


Focusing the SAPS

The DPCI should remain in its current form and be fully resourced to tackle transnational or national **organised crime**. The DPCI should have no less than 5000 investigators and the necessary intelligence, legal, forensic, and analytical capability.

The SAPS should ensure that within each district there are dedicated anti-corruption investigation teams that are able to focus on **corruption** occurring within the provinces. These teams should investigate corruption in government institutions and organs of state by officials below the level of senior middle management i.e. chief directors, or the equivalent thereof.

Chart 1: Reorganised mandates of law enforcement authorities



This chart illustrates NACAC’s recommendation that the IDAC should have a mandate to investigate and prosecute serious corruption and serious commercial crime and the DPCI should have a mandate to investigate organised crime. The SAPS should investigate small-scale corruption and commercial crime.



Recommendation 2 – Establish a Case Management Committee (CMC) to coordinate the investigation and prosecution of corruption.

NACAC recommends that a coordinating structure – the CMC – should be established comprising senior representatives of IDAC, the NPA, DPCI, SAPS, IPID, and OPI.

The boundaries of serious corruption, serious commercial crime, and organised crime are porous – there are overlaps and similarities between these crime types. For these reasons NACAC places great emphasis on the coordination of case management between the LEAs in these types of cases. The LEA coordination mechanism – the CMC – should determine which agency or agencies are responsible for investigating a particular case.

Institutionalisation of the CMC

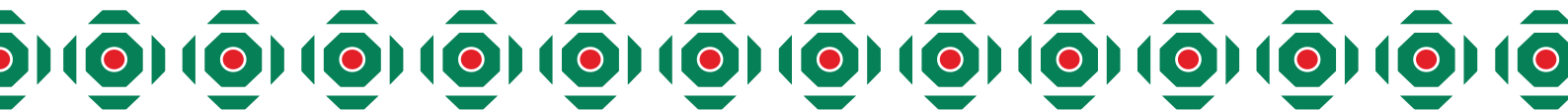
A permanent secretariat responsible for serving this structure should be established by, and located in, IDAC. Since the NPA should play a leadership role in guiding other agencies, the CMC should be chaired by the National Director of Public Prosecutions (NDPP). NACAC recommends that the CMC secretariat located in IDAC should be responsible for receiving and recording all reports alleging corruption, commercial crime and organised crime.

Upon receipt of the reports the CMC secretariat should undertake an initial **filtering** exercise distinguishing between reports of corruption, commercial crime and organised crime. It should also distinguish the reports of serious corruption and serious commercial crime from less serious crimes of these categories. The outcome of this filtering exercise should be reported to the following meeting of the CMC with the outcome of the meeting deciding the allocation of reported matters to the respective agencies represented there. A deadlock in the CMC should be resolved by decision of the chairperson, who should be empowered to provide **strong leadership**. Subsequent meetings of the CMC should receive reports of progress made in the investigation and prosecution of each allocated report.

The agencies entitled to participate in the CMC should be: the DPCI, NPA, SAPS, IPID, and the OPI. Agencies that are in possession of information often important for the investigation and prosecution of serious corruption – for example the SARS, the Financial Intelligence Centre (FIC) and the Auditor General of South Africa (AGSA) – should be invited to the CMC on an ‘as-needed’ basis. The CMC should be provided for in statute. Given the role assigned to the **NPA**, which should provide the secretariat and **chair** the committee, the NPA Act should be amended for this purpose.

There are interfaces between serious corruption and serious commercial crime – and both categories of crime will be investigated and prosecuted by IDAC. An internal IDAC coordination mechanism should be established to assign responsibility for the investigation and prosecution of each report of serious corruption and serious commercial crime to the respective units within IDAC. In addition, serious corruption and serious commercial crime reports have to be distinguished from less serious reports, the latter to be assigned to SAPS.





Reports of corruption, serious and less serious, should be submitted to the secretariat of the CMC located in IDAC. The secretariat should distinguish reports concerning serious corruption from those concerning less serious corruption. NACAC recommends that this initial filtering be based entirely upon the seniority of the local, provincial or national public official or politician implicated in the alleged corruption. The initial filtering should also recommend a preliminary allocation of serious corruption, serious commercial crime, and organised crime between IDAC and the DPCI.

The outcome of this initial filtering exercise should be reported to the CMC. All reports on less serious corruption should be submitted to a designated CMC official in the office of the SAPS Commissioner, who should filter the reports received by the province in which the alleged corruption has occurred. The reports should be submitted to the relevant provincial SAPS Commissioner.

Allegations of corruption committed by SAPS officials should be submitted to the CMC and filtered as per the proposals above with the rank of implicated official determining the allocation between serious and less-serious corruption.

Although the OPI will not, strictly speaking, be a LEA, NACAC has nevertheless included it in the ranks of the LEAs because its key preventive function will be to conduct inquiries into systemic corruption, that is corruption within a public institution so pervasive as to suggest managerial and governance shortcomings that render the institution in question vulnerable to corruption. Although its principal remedial findings should be aimed at correcting these managerial and governance shortcomings, NACAC has recommended that the OPI be included in the LEA coordination mechanism because:

- in the course of enquiring into systemic corruption, the OPI will frequently encounter evidence of criminal conduct which it would be obliged to refer to the LEA coordinating mechanism for possible further investigation and prosecution;
- in order to effectively inquire into systemic corruption, the OPI will be given investigative powers enforced, where necessary, by the criminal justice authorities, viz. the power to compel testimony and to conduct search and seizure operations;
- NACAC has recommended that the OPI be designated responsible for coordinating the 'all of government/all of society' approach to combatting corruption. For this reason too, it is important that the OPI be a member of the mechanism coordinating the anti-corruption LEAs. This would enable the OPI to play a mediating role between the public and the LEAs.

Recommendation 3 – Align the performance metrics of the LEAs to reward cooperation, not competition.

NACAC recommends that the performance incentives system governing the LEAs should reward cooperation between agencies, and excellence within them.

The imperative to focus institutional attention and resources on the investigation and prosecution of serious corruption requires a multi-disciplinary approach. In addition to law reform, there is another, complementary way to support the emergence of a culture of cooperation instead of competition among LEAs.





The potential of **incentives** to motivate behaviour change in organisations should be maximised. Currently incentive structures for LEAs set different agencies targets for reclaiming the same proceeds of crime. For example, the AFU, SARS and SIU compete to recover the same assets. Performance metrics incentivise competition between agencies, causing sub-optimal inter-agency cooperation and turf wars. These performance metrics should be revised to encourage the inter-agency cooperation that is essential for the effective functioning of the multi-agency approach.³³ Incentives such as promotion should be directly linked to performance and integrity in order to maximise the performance of staff in these institutions.³⁴

Recommendation 4 – The Terms of Reference of the Madlanga Commission should be amended to include a focus on crime intelligence.

NACAC commends the President's establishment of the Madlanga Commission of Inquiry into the SAPS.

While each of the various components of SAPS plays an important role in combatting corruption, NACAC recommends that the Madlanga Commission should pay special attention to the dire state of crime intelligence because of the critical role played by that division in the investigation of corruption.

NACAC recommends further that the Madlanga Commission should consider the possibility of establishing dedicated crime intelligence units in the agencies responsible for investigating serious corruption and organised crime.

The exact ambit of crime intelligence is not defined in legislation. The Crime Intelligence division in the SAPS appears to be responsible for security vetting and risk assessments, and the generation of intelligence reports. SAPS Crime Intelligence has two sub-programmes, being Crime Intelligence, and Intelligence and Information Management. It is unclear the extent to which there is a focus on corruption.

Many of the posts in Crime Intelligence were inappropriately filled during the period of state capture. It may be advisable for all persons currently occupying these posts first to be vetted. Given that it is Crime Intelligence itself that carries out such vetting, this poses a conundrum.



³³ C. Ashton. 2024. Rethinking anti-corruption in South Africa: Pathways to reform. P 16. <https://issafrica.org/research/southern-africa-report/rethinking-anti-corruption-in-south-africa-pathways-to-reform>

³⁴ C. Ashton. 2024. Rethinking anti-corruption in South Africa: Pathways to reform. P 21. <https://issafrica.org/research/southern-africa-report/rethinking-anti-corruption-in-south-africa-pathways-to-reform>



Particular concern has been expressed regarding the dysfunctionality of Crime Intelligence. This unit is meant to provide a critical service to the policing units fighting corruption. Not only does it appear that Crime Intelligence has performed woefully in its function, but corruption within the division has reached epidemic proportions. NACAC was advised by people with deep knowledge and familiarity with fighting corruption and organised crime that the Crime Intelligence division should be disbanded and reconstructed afresh. Whilst NACAC has not gone this far, NACAC recommends that the Madlanga Commission accords priority attention to investigating Crime Intelligence. NACAC has also recommended that consideration be given to permitting IDAC and the DPCI to establish appropriately resourced, dedicated, internal crime intelligence units.

Independence and integrity

Recommendation 5 – Provide statutory processes to ensure transparent, merit-based appointments of ethical senior leaders in the criminal justice system.

Urgent attention must be given to the processes – or lack thereof – governing the appointment of senior officials in the NPA and the SAPS. At present the appointment of the NDPP and the SAPS Commissioner are at the sole discretion of the President. There is an urgent necessity to ensure that the processes of appointment to these positions are fair, transparent and merit-based.

It has been well established and contained in the submissions to the Zondo Commission that there was an abuse of appointments of top managers to various LEAs.³⁵ The purpose thereof was to ensure that these institutions could protect those involved in state capture and to persecute those who were trying to hold those responsible for corruption accountable. This was achieved through appointing those perceived to be loyal to former President Zuma into the top management echelons of criminal justice agencies. In some cases these individuals were later found by the courts or inquiries not to have the necessary expertise, skill or integrity to fulfil the functions of the posts they hold. Another tactic was to appoint people in acting positions who could be removed if they did not comply with instructions.

These top managers would replicate this flawed process by appointing personnel throughout the organisation, based on their perceived loyalty and not ability. Many professional members of the SAPS, NPA, DPCI, and other agencies left as they found the working conditions and interference in their jobs intolerable. The consequences of this included declining capabilities and performance as these agencies became negatively affected by toxic organisational cultures characterised by a lack of transparency, accountability, bullying and mediocrity. While there has been much work undertaken to address this in the NPA and DPCI, this is not yet the case in the SAPS and IPID. Both organisations remain negatively impacted by this period as no clear programme of reform and institutional strengthening has occurred.

³⁵ Institute for Security Studies and Corruption Watch joint submission to the Zondo Commission: State Capture and the political manipulation of criminal justice agencies. 2019. <https://issafrica.org/research/books-and-other-publications/state-capture-and-the-political-manipulation-of-criminal-justice-agencies>



It is necessary to put in place a mechanism whereby the process to fill top leadership positions in the CJS begins at least one year in advance of the positions becoming vacant. Amendment of legislation should be instituted to require that posts are filled before incumbents retire or complete their term of office. This will not pertain where the incumbents leave for other reasons outside of the control of the executive authority. A stipulated timeframe for filling posts under such conditions should be included in legislation.

The processes for selecting candidates to occupy top leadership positions in the CJS agencies should follow a similar process as that used to appoint the NDPP Advocate Shamila Batohi. In this instance, President Ramaphosa required that the post be advertised and appointed a high-level panel to interview the candidates despite the fact that no law mandated this process.

While NACAC accepts the final decision-making role of the President, NACAC recommends that it be exercised on nomination from an appropriately composed **selection committee** comprising independent subject matter specialists and senior human resource practitioners. A selection committee of experts should be assembled on each occasion there is a senior appointment. The purpose of this committee should be to make recommendations to the President.

The selection committee should make its nomination on the basis of a shortlist of candidates who have responded to widely circulated advertisements which specify a detailed job description and the qualification requirements for the post in question. Should the President reject the selection committee's nominee, he/she must provide reasons to the committee which must be required to recommence its search for appropriate candidates. In all these appointment processes the CVs of the shortlisted candidates must be placed on the websites of either the NPA or SAPS, depending on the post advertised.

With respect to SAPS, the Minister of Police should investigate the form of an appropriate structure – taking into account the recommendation in the 2012 NDP that a **NPB** should be established. The proposed NPB should advise the President on senior leadership appointments for the posts of National Commissioner, Deputy National Commissioners, Provincial Commissioners and Divisional Commissioners – from the level of brigadier up.

To ensure that this process remains the practice in the long term and to protect these institutions from potential future attempts at capture, it is necessary to codify the processes in law as per amendments to the relevant legislation. This should be a legally required process for all senior managers to be appointed in the SAPS, DPCI, NPA, SARS, FIC, SIU/OPI, IPID, and other key criminal justice agencies.

Recommendation 6 – Overhaul the legislative framework of the NPA to provide for greater operational independence.

In any democracy, the police and the prosecutorial agency require **operational independence** to take policing and prosecutorial decisions without fear or favour. But these agencies are vested with extraordinary powers and they must therefore also be accountable for the exercise of these powers.



The entire accountability architecture of the state hinges on an effective, efficient, independent, and accountable NPA. Success in investigating and prosecuting high-level corruption matters remains elusive. Lacking institutional and financial independence, the effective functioning of the NPA is a core challenge and must be addressed to improve law enforcement capability.

NACAC recognises that the overall governance of the NPA compromises its independence and, by extension, that of the IDAC to prosecute corruption cases effectively. NACAC has made recommendations to strengthen the independence of the NPA in line with the criteria for independence set out in the Jakarta Principles for Anti-Corruption Agencies and the Constitutional Court's leading judgment in *Glenister II*.

At present the NPA is not an independent agency. It is a mere programme of the DOJ&CD. The NPA's budget and many HR decisions are controlled by the DOJ&CD – this is a serious constraint on the NPA's ability to function effectively and independently.

To combat corruption more effectively, an overhaul of the legislative framework of the NPA is needed in the following areas:

- its **financial independence**;
- the appointment and removal of the senior echelon;
- conditions of service of staff to attract and retain critical skills; and
- setting standards for accountability and transparency.

In support of the preceding:

- Special consideration should be given to mechanisms such as independent or special prosecutors in cases of corruption involving members and former high members of the executive.
- Significant delegation or expansion of the prosecuting role to other players would be required, as well as significantly better allocation and support of judicial officers in courts hearing these matters, and efficient management of their time. There is an urgent need to bolster the independence, accountability, and effectiveness of the NPA, to protect whistleblowers from physical violence – not just in the employment relationship, and not only when they are to give evidence in court.

NACAC concludes it is urgent that legislation provides:

- The establishment of a system to brief counsel in private practice to prosecute certain matters.
- Clarification of the mandate of the Investigating IDAC. It should be granted a large ring-fenced discretionary budget for the procurement of ad-hoc specialist skills.
- Term limits that apply to directors of public prosecution (DPPs), and the removal of the age limit of 65.
- That the NPA should be required to respond with a decision to referrals for prosecution for corruption from other agencies within specified time limits, and it should be required to maintain a register of all referrals for prosecution.
- Protection for whistleblowers and related persons, even if they are not to testify in court. Whistleblower protection must be effective and perceived to be effective.



Recommendation 7 – Implement integrity mechanisms to ensure that the SAPS becomes a professional organisation characterised by high levels of integrity.

As the country's single largest law enforcement agency, SAPS plays a crucial role in engendering public trust in the government's efforts to tackle corruption. Currently, and for the past three years, only 22% of the public have any level of trust in the SAPS.³⁶

All indications are that corruption is widespread and endemic across all functions and at all levels of the organisation. Unless a clear programme of organisational reform to address this and instil a culture of professionalism and integrity is undertaken and seen to be so by the public, any government-driven initiative to tackle corruption in South Africa will be stillborn.

International experience shows that the most effective way to tackle police crime and criminality is to have well resourced, dedicated and protected **internal investigation units**. If they are staffed by carefully screened, experienced detectives, they can be the most effective structure for both ensuring accountability for, and therefore deterrent against, police crime and corruption.

To ensure that the SAPS becomes a professional organisation characterised by integrity, NACAC recommends:

1. The Minister of Police, the Portfolio Committee for Police, and the Civilian Secretariat for Police Service (CSPS) should emphasise the need for a coherent, integrated and effective response to police corruption to be prioritised – employing the **'tone from the top'** leadership strategy.
2. That the Minister of Police consider the establishment of an independent, multi-sectoral **NPB** with appropriate and credible expertise as recommended by the 2012 NDP, with a mandate to assist with the development and oversight of a SAPS integrity and professionalisation strategy. The NPB should be comprised of a task team of five experts which will make recommendations to the CSPS on professionalism and integrity in the SAPS. The NPB should be given the necessary secretarial and other required support from the CSPS.
3. This strategy should be co-developed with and implemented by the SAPS top management structure and rigorously monitored and assessed by the NPB, which reports to the Minister of Police, who in turn reports to parliament on its implementation and impact.
4. The SAPS Act should be amended to establish the NPB and describe its functions. The SAPS Act should also support the strategy to support clear measures that improve police transparency and ensure regular independent reviews of the effectiveness of accountability mechanisms.
5. An appropriate agency such as the SIU/OPI or SARS should undertake **lifestyle audits** and risk assessments of SAPS top managers. The SAPS Integrity Management Component must be capacitated to undertake a variety of integrity enhancement measures including targeted lifestyle audits and risk assessments at ranks below top management. Oversight should be provided by the CSPS.

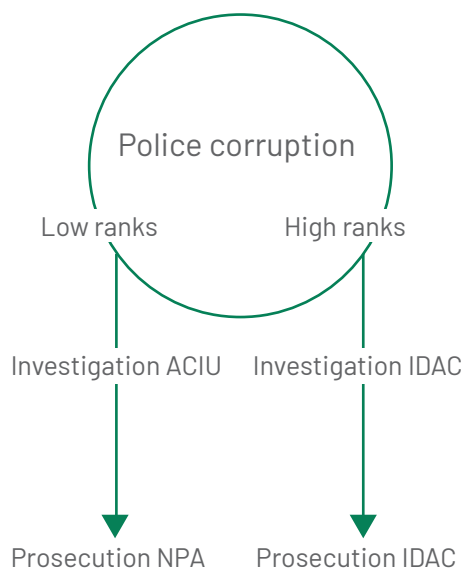
³⁶ HSRC Survey. 2024. Tracking Social Norms and Behaviour Change. Appendix N.



6. Regarding allegations of corruption against the senior management structure (SMS) of SAPS, including the ranks brigadier and above, the SMS cannot and should not investigate allegations of corruption against themselves. Such investigations should be taken on by IDAC as per the recommendations made above.
7. The SAPS SMS should take full responsibility for investigating allegations of corruption at the levels of colonel and below. This requires improved internal capability in the **Anti-Corruption Investigation Unit (ACIU)** to drive integrity processes in SAPS. The SAPS internal ACIU should be strengthened so that it at least has the resources and capacity of the SAPS Anti-Corruption Unit (ACU) that existed between 1996 and 2002. In addition, it should have its own intelligence capability and be able to undertake proactive integrity tests where there is reasonable suspicion of police corruption. All personnel admitted to the unit should be thoroughly vetted. MOUs should be developed where necessary to address the sharing of information with IDAC, DPCI and IPID. The unit should function independently but fall under the authority of the national commissioner for accountability purposes.
8. Available data on police corruption should routinely be analysed to identify police units, components, functions or divisions that are linked to allegations of corruption so that investigative resources for addressing police corruption can be targeted effectively.
9. An integrated **police corruption monitoring system**, providing coherent information on reported allegations of police corruption and on the outcome of disciplinary processes and criminal investigations related to police corruption, should be established. For this purpose, clear and straightforward guidelines should be developed for reporting and recording police corruption that must be adhered to by the SAPS and other bodies involved in investigating police corruption. These reports should be submitted to the relevant parliamentary portfolio committee and be made publicly available.
10. The amended SAPS Act must provide for the above capacity and be clear that failure by SAPS members to cooperate with the work of ACIU and the SAPS disciplinary structures is considered serious misconduct and can result in a dismissal.
11. Where a SAPS member resigns following allegations of corruption, the investigation and **disciplinary processes** must continue until a verdict is reached, irrespective of whether the subject SAPS member cooperates or not. If a negative finding is achieved for serious corruption, this person should be disqualified from serving in any public sector post for life. No pension or other payouts should be received by any person facing allegations until the disciplinary process is completed.
12. The NPA should establish **dedicated prosecutorial capacity** with experienced prosecutors who are tasked with any prosecution related to serious police criminality or corruption. These cases must be prioritised and expedited to send a message that this form of corruption is recognised as particularly egregious.
13. The SAPS **Code of Ethics and Conduct** should be integrated into performance management or promotions assessments. SAPS supervisors should assess the attitudes and conduct of those they assess. If the supervisor raises concerns, then a review of the SAPS member should be undertaken by the SAPS Human Resource Management Division or the SAPS Integrity Management component.
14. The public profile of systems for **reporting** police corruption should be promoted more vigorously – both outside the SAPS and internally.



Chart 2: Investigating police corruption



This chart illustrates the principle that high-ranking SAPS officials should not be empowered to investigate allegations of corruption against themselves; and that the internal integrity function of the SAPS should be capacitated to investigate allegations of corruption against lower-ranking SAPS officials.

Resources

It is necessary to enhance the capacity of all existing agencies, and to make better use of existing resources. In the same manner that there is a need for policy coherence, there needs to be coherence in the allocation of resources which is informed by need and evidence. The capacity allocated to the core problem of the country is inadequate, yet there are real budget constraints.

Recommendation 8 – Give the NPA more operational control over its budget

NACAC recommends that the NPA should have its own budget vote and accounting officer. The NPA should control its own budget, staffing and salary decisions and allocations to units of the NPA, such as Sexual Offences and Community Affairs (SOCA) and SCCU.

The salary structure within the NPA should be reviewed and adjusted to be more in line with equivalent positions in the SIU. At the same time, consideration should be given to raising the requirements for appointment as a prosecutor to the NPA. It should be possible for the NPA itself to address vacancies not filled within one year by short-term procurement processes involving contracts.

Consideration should be given to adopting a funding model for anti-corruption agencies in which they retain a portion of funds they recover to invest in institutional capacity.



Recommendation 9 – Strengthen the resourcing and operational capability of the court system to combat corruption.

The courts are a key component in our constitutional democracy. Yet their resourcing is fractured and insufficient, and there appears to be inadequate attention paid to their optimal operation. Courts do not have enough judicial officers.³⁷

Court infrastructure challenges contributing to court delays should urgently be addressed. A thorough critical review of the operation of the courts towards maximising efficiency should be carried out.

A new model of prosecution should be discussed and consulted upon, which permits either the appointment of special counsel in sensitive matters, or that, as a matter of course, provides for the briefing of prior-approved counsel in private practice by the prosecuting authority (the Commonwealth model).

Recommendation 10 – Provide more security to protect law enforcement staff and witnesses.

NACAC recommends that, given the high rate of violence against investigators, more resources should urgently be provided to protect investigators and witnesses.

NACAC also recommends that greater attention be given to effective human resource management including workplace conditions and the management of disciplinary and grievance procedures.

Harnessing AI and digital tools

The fight against corruption in South Africa must evolve to meet the sophistication and scale of the threat it faces. Traditional investigative methods are no longer sufficient to confront a form of corruption that is systemic, networked, and increasingly embedded within digital infrastructures. LEAs require new tools and capabilities that leverage technology strategically, ethically, and at scale.

Through the 2023 Indata Workshop, convened by NACAC, NACAC engaged with law enforcement practitioners, government departments, Chapter 9 institutions, the banking sector, and civil society organisations to consider how digital innovation can transform the anti-corruption landscape.



³⁷ African Policing Civilian Oversight Forum & Dullah Omar Institute. 2025. *Strengthening Law Enforcement Agencies in Combatting Corruption: Mandates and Resourcing*. P 62.



Recommendation 11 – Integrate AI and advanced analytics into law enforcement institutions.

NACAC proposes that a key component of the national anti-corruption architecture going forward must include the coherent and integrated use of AI and advanced analytics.

An intelligence-led model

South Africa's enforcement model must shift from being primarily reactive to becoming intelligence-led and risk-based. This shift requires the integration of AI-driven anomaly detection tools that can proactively identify suspicious patterns across government systems, particularly in procurement, budgeting, licensing, and human resource management.

Machine learning models, trained on historical data including tender records, pricing benchmarks, supplier networks, beneficial ownership registries, and financial transactions, can flag outlier behaviour in real time. These red flags, such as inflated pricing, supplier collusion, irregular payments, or conflicts of interest, should be automatically referred to dedicated corruption analysts embedded within law enforcement units.

Rather than waiting for complaints or whistleblower reports, this model allows LEAs to intervene earlier and disrupt corrupt schemes before they cause significant loss.

Data sharing: risks and responses

One of the most consistent findings from the Indata workshop was that South Africa's ability to conduct cross-agency, multi-sectoral anti-corruption intelligence and investigations, is hampered by fragmented, inconsistent, and overly restrictive data sharing practices. Corruption cases often stall because key evidence, such as beneficial ownership, financial transaction data, or procurement records, sits in silos or cannot be lawfully accessed by investigators in a timely manner.

The barriers are both legal and institutional. The Protection of Personal Information Act (POPIA), while critical to safeguarding privacy, has been inconsistently interpreted by different departments and state entities, leading to a culture of risk aversion, where data is withheld even when lawful sharing is permissible. In some cases, information that could be vital for investigations is classified unnecessarily or bound up in bureaucratic procedures.

Recommendation 12 – Develop an anti-corruption data sharing framework governed by principles of necessity, proportionality, transparency, and accountability.

This framework should:

- Define lawful pathways for sharing data between designated anti-corruption agencies, in line with POPIA and Promotion of Access to Information Act (PAIA).
- Include mandatory data-sharing protocols and timelines, especially for procurement, company ownership, and financial records relevant to investigations.
- Be overseen by the Information Regulator to ensure that data requests are lawful, necessary, and free from undue influence.



The threat of deepfakes and AI-generated content

One of the emerging digital threats to the anti-corruption and law enforcement ecosystem is the proliferation of deepfakes and AI-generated content. These technologies, which use advanced machine learning models to synthetically create or manipulate images, audio, and video, pose a serious challenge to investigative integrity, public trust, and democratic institutions.

Globally, deepfakes have been used to harass whistleblowers, intimidate journalists, impersonate public figures, and discredit corruption investigations. In South Africa, where political contestation is high and trust in public institutions is brittle, the use of AI-generated content to impersonate investigators, fabricate evidence, or engineer public confusion could be devastating.

NACAC recommends that this growing risk be recognised as a priority issue across the anti-corruption and security architecture. Specific measures should include:

- Equipping LEAs with AI detection tools and training to identify and validate potentially manipulated content.
- Develop technical guidelines for verifying the integrity of digital evidence, including chain of custody, metadata preservation, and tamper-detection mechanisms, particularly in high-profile corruption cases.
- Establish a small, inter-agency advisory group on AI and disinformation threats, which can be activated when there is a suspected incident involving synthetic media that could affect an investigation or public trust.
- Build public awareness about the risks of deepfakes and AI-generated disinformation, so that citizens are equipped to critically assess content and avoid being manipulated by coordinated smear campaigns or falsehoods.

If left unchecked, the use of deepfakes could significantly hamper anti-corruption efforts, not only by confusing the public, but by polluting the evidentiary environment investigators rely on.

As AI-generated deception becomes easier and cheaper to produce, South Africa must proactively develop the institutional and legal capacity to respond, or risk seeing corruption disguised behind a veneer of digital illusion.

Ethics and training

Technology, no matter how advanced, cannot compensate for weak institutions or a lack of integrity. The successful use of AI and digital tools must be underpinned by a strong ethical framework, institutional safeguards, and public accountability. All systems deployed for anti-corruption work must be transparent, auditable, and subject to regular review by independent experts.

Equally essential is investing in human capability. The state currently lacks sufficient technical expertise in digital forensics, data science, and cybersecurity within its anti-corruption institutions. NACAC recommends that all LEAs build strategic digital forensics and advanced analytics capacity. In parallel, an AI literacy programme should be introduced for prosecutors, investigators, and compliance officers to build a foundational understanding of how digital systems can support case-building, asset tracing, prosecution, as well as identifying deepfakes and digitally manipulated evidence.



Conclusion

South Africa’s anti-corruption institutions must move beyond 20th-century tools to confront 21st-century crimes. The digitalisation of public services and financial flows creates both risk and opportunity. NACAC concludes that, with the right safeguards and investment, technology can become a force multiplier in the state’s efforts to detect, disrupt, and deter corruption.

But digital systems are only as ethical and effective as the institutions that wield them. South Africa must build this future deliberately: by embedding transparency, investing in technical capability, safeguarding rights, and coordinating across sectors. The alternative is clear: corruption will adapt faster than our institutions can respond.



Figure 9: NACAC Members with Heads of South Africa’s LEAs. L-R: Adv. Gloria Khumalo, Mx Sekoetlane Phamodi, Adv. Andy Mothibi (SIU), Prof. Firoz Cachalia, Lt. Gen Godfrey Lebeya (DPCI) and Adv. Rodney de Kok (NPA) on a learning visit to Hong Kong. March 2024



CHAPTER 6

NACAC's
ADVISORIES





NACAC Advisories to the President

During its three years of existence, NACAC researched and drafted Advisories to the President on a number of topics including procurement reforms and measures to protect whistleblowers. The focus and key recommendations from the advisories produced by the NACAC workstreams are summarised below. The full advisories are attached as appendices.

Advisory 1: Implementation of the recommendations of the Zondo Commission (Appendix D.1).

One of NACAC's key mandate areas was to advise the President on the implementation of the recommendations of the Zondo Commission from a strategic and systemic perspective. NACAC's first Advisory to the President focused on this topic and made specific proposals for consideration by the President.

Viewing the Zondo Commission Report recommendations from an integrated perspective, NACAC proposed that grand corruption and state capture should be prevented and combatted using the framework of the NACS strategic pillars. NACAC also proposed that a monitoring system with timeframes and a decision register against each of the Commission's recommendations should be created.

This Advisory also began NACAC's efforts to advocate for and advise on whistleblower protection. It called on the President to acknowledge the role of whistleblowers, civil society activists and journalists in exposing corruption; to denounce retaliation against whistleblowers in the workplace; to establish a temporary discretionary fund to support bona fide whistleblowers in dire need; and appoint a temporary "Protector of Whistleblowers" in the form of a retired judge to deal with the most serious violations of whistleblower rights.

NACAC also advised that a reconfigured Whistleblower Act be passed to address a number of issues: to criminalise retaliatory action; to extend the number of bodies that a bona fide whistleblower could make a disclosure to; and to create stiffer penalties for corporate violation of whistleblower legislation. NACAC recommended that the new Act should extend protections further than the narrow confines of the employer-employee relations stipulated in labour law and the current Protected Disclosures Act, thus making the Act an important cog in South Africa's human rights law. The new Act should establish a fund from which whistleblowers could draw and provide a framework for legal immunity for whistleblowers.

NACAC recommended that the framework for whistleblower protection in South Africa should align with international good practice, e.g. for example the UNCAC. It should include a mechanism for incentivised disclosures and an Independent Whistleblower Ombud's body with the capacity to provide legal, medical, physical and psycho-social support.





This Advisory also proposed that the Zondo Commission's recommendations on "appointments to the boards and executives of SOEs" be translated into principles and procedures that would apply across the board beyond the SOEs. It made recommendations on: measures to improve transparency in public procurement; a balanced response to corruption in the private and public sectors; and the resourcing of LEAs. Lastly it highlighted the need to address issues of poverty, unemployment and inequality as part of the struggle against corruption and the importance of ethical leadership and behaviour change at the societal and individual level.

Advisory 2: Public support for whistleblowers (Appendix D.2)

This standalone Advisory on whistleblower support further developed the proposed actions in the first Advisory. NACAC expressed concern about the socio-political environment in South Africa which allows for the ongoing harassment, retaliation, victimisation and threats to the lives, livelihoods and dignity of whistleblowers.

Key recommendations in this report included public communication in support of whistleblowers by the President as well as Cabinet endorsement of consequences for those engaged in acts of retaliation and victimisation. NACAC urged the President to consider public recognition of whistleblowers and awarding national orders of merit to whistleblowers.

Advisory 3: Regarding the implementation and roll out of the NACS (Appendix D.3)

NACAC recommended that Cabinet and all political principals in national, provincial and local government should champion the process of implementing the NACS throughout government. Government should use the NACS as the framework for the development and implementation of all anti-corruption and integrity-building programmes and projects and develop the capability for embedding the NACS in the Mid-Term Strategic Framework of the 7th Administration.

NACAC called on executive authorities of all government departments and entities, including state-owned and municipal entities, to lead the alignment of their respective organisations' anti-corruption and integrity-building activities with the NACS. They should detail their progress in their organisations' annual performance plans (APPs), ensuring that NACS related reporting on identified outputs are also embedded in their APPs.

Crucially, NACAC advised Cabinet to assign responsibility for cluster-level cooperation, coordination and performance management of NACS programmes to an appropriately suited department and allocate sufficient capacity and resources for the department to perform this function. This would ensure effective implementation of the NACS. NACAC recommended that the Department of Planning, Monitoring, and Evaluation in the Presidency is allocated responsibility for fulfilling this function.





Advisory 4: Strengthening the PPFA to manage corruption risks and improve transparency in South Africa (Appendix D.4)

The Zondo Commission exposed evidence that political parties were sometimes accountable to their donors rather than to their electorate. NACAC reviewed the PPFA and found that the 2019 PPFA contained vulnerabilities for corruption and undue influence. NACAC proposed legislative amendments aimed at strengthening transparency and reducing vulnerabilities for corruption and undue influence in the context of party funding.

NACAC recommended that the PPFA should not include the Corrupt Donation Crime as a separate offense. Instead it should reference section 13 of PRECCA which already criminalises corrupt donations. Further recommendations included: amendments to the existing thresholds for disclosure and caps on donations should be postponed until sufficient evidence is available to make informed decisions regarding more appropriate thresholds and caps; donations of amounts exceeding the Section 9(1)(a) threshold should be required to be disclosed directly to the Independent Electoral Commission (IEC); and natural persons and juristic entities should be prohibited from circumventing the Section 8(2) cap by making multiple donations through related juristic entities.

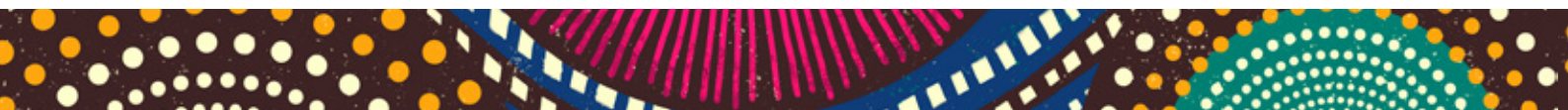
NACAC also proposed a requirement that all private monetary donations to political parties be deposited directly into the bank account specifically created for donations. NACAC recommended that donations made to internal party leadership contests should be subjected to the same disclosure thresholds and prescribed maximum caps as those applied to political party funding. It recommended that it should be mandatory for political party investment vehicles to disclose sources of investment income. It also recommended that donations received by independent candidates should be regulated and guidelines set for how they receive money from public funds.

NACAC also advised that the Political Party Funding Unit within the IEC be adequately resourced and staffed to effectively conduct oversight, monitor donations, and investigate complaints.

Advisory 5: Appointment of a retired judge as whistleblower protector of South Africa (Appendix D.5)

NACAC continued its work aimed at addressing the hardships experienced by whistleblowers. It noted that the existing framework has failed to provide sufficient protection for whistleblowers. This Advisory focused on a proposal for a specialist institution that is closely attuned to the experiences and needs of whistleblowers. It proposed that the institution should be headed by a retired judge and made suggestions for the characteristics, mandate, and resourcing of such an institution.

The Advisory identified the essential features that the proposed institution would need to have, including: a clearly defined whistleblower protection mandate; independence; adequate resources; and a single focus on protecting whistleblowers. The institution should be headed on a full-time basis by a retired judge, appointed through a legitimate and transparent process who would enjoy security of tenure.





The institution's functions would include: certifying a whistleblower's status; carrying out any risk assessment and making any necessary referrals based on these assessments; assisting whistleblowers to obtain interdicts in the case of retaliation; instructing institutions to take protective actions in favour of whistleblowers; providing financial assistance to whistleblowers in financial distress; and conducting research in order to make policy recommendations on whistleblower protections.

Mindful of the urgency of the plight of whistleblowers, NACAC proposed a two-phase process for the formation of the institution: an interim phase in which the President would establish the institution and appoint the retired judge to lead it, followed by a permanent institution as set out in the Advisory.

Advisory 6: Strengthening anti-corruption elements of the Public Procurement Bill (Appendix D.6)

This Advisory focused on the Public Procurement Bill that was before Parliament in January 2024. The Bill had been revised and passed by the National Assembly but had yet to be considered by the National Council of Provinces.

This Advisory expressed the opinion that the Bill which had been passed did not properly address the recommendations of the Zondo Commission on procurement corruption, and could still open the doors for graft. It expressed concerns about the procedure of passing the Bill and the limited nature of the parliamentary participation process. Significant changes had been made to the Bill in relation to preferential procurement during the parliamentary process, and there had been very limited consultation on these changes.

The Advisory explained where revisions to the Bill would be required in order to align it with the anti-corruption objective that is the heart of the NACS. It drew on research and expert knowledge to make recommendations on: institutional arrangements in procurement; preferential procurement; creation of a procurement officer's profession; whistleblowing and supplemental information disclosure to the state and transparency (procurement methods and open data standards).

NACAC recommended that the Public Procurement Bill be amended to: enable the establishment of an independent Public Procurement Regulatory Authority; simplify and clarify the clauses on preferential procurement and exclusions; establish a Procurement Professional Body and accreditation system; align the beneficial ownership provisions with recent amendments to the Companies Act; limit 'confidential information' to what is non-disclosable under PAIA and the Constitution; conform to public participation legislation process for major changes in the Public Procurement Bill; refer to disclosure of corruption and procurement fraud; encourage procurement information disclosures as a countenance to procurement corruption; and introduce e-procurement which integrates vetting of tendering entities.

The Public Procurement Bill was signed into law on 18 July 2024.



Advisory 7: Electoral Matters Amendment Bill (EMAB) (Appendix D.7)

This Advisory recognised that sufficient financial support for political parties is essential for maintaining and enhancing the vitality of South Africa's democracy. NACAC also expressed the view that adequate public funding is essential and that political parties should be able to raise funds from private sources. However, it noted the risk that unregulated influence of money in South African politics presents to our constitutional democracy and our ability to end state capture and undue influence by private actors in policy making process, regulatory bodies and procurement systems.

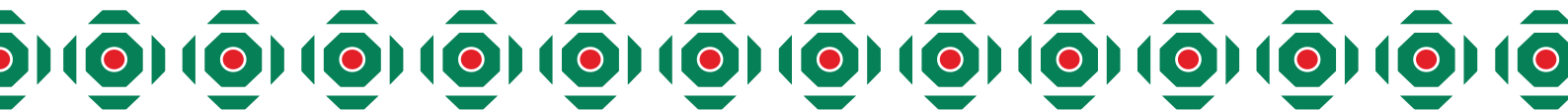
Following the adoption of the EMAB by the National Assembly and National Council of Provinces, NACAC remained concerned that a legal gap would mean that political parties and independent candidates would not be legally obligated to reveal their funding sources, nor would there be any imposed upper limits on the donations they can receive. The Advisory also identified grounds on which the EMAB could be challenged, including that:

- Information on the private funding of political parties and independent candidates is essential for the effective exercise of the right to make political choices and participate in elections;
- Information on private funding of political parties and independent candidates must be recorded, preserved, and made reasonably accessible;
- The detection of corruption in political processes requires transparency; and
- The prevention of undue influence of private actors and corruption in political processes requires upper limits.

The President was advised to assent the EMAB passing into law, but to specify an alternative commencement date for the sections of the Bill concerning disclosure thresholds and donation limits. To avoid a lacuna, protect the integrity of our electoral process, and mitigate risks of corruption, NACAC recommended that the sections of the Bill addressing disclosure thresholds and donation limits become effective at a later date (on 1 July 2024). This approach would have ensured a seamless transition and reinforces the legal framework governing political financing in the interim period.



Figure 10: NACAC members meet with President Cyril Ramaphosa and Minister of Justice and Constitutional Development Ronald Lamola. Cape Town. 2023



NACAC monitoring of NACS implementation

A key part of NACAC's mandate was to advise the President on the effective implementation of the NACS by government, civil society and the private sector.

NACAC has done the groundwork for the future implementation of the NACS. Much of this work has been done in collaboration with partners from all sectors, whose contributions have demonstrated the whole-of-society approach in action. The support of development partners and technical assistance providers has made in-depth research to ensure evidence-based policy making possible.

NACAC observed that, while the NACS is being implemented at a slow pace, many significant steps have already been taken, including the following legislative amendments:

- The Judicial Matters Amendment Act (Act 15 of 2023) makes technical and practical amendments to various laws administered by the DOJ&CD;
- The Electoral Matters Amendment Act (Act 14 of 2024) incorporates changes to the PPFA;
- The National Prosecuting Authority Amendment Act (Act 10 of 2024) creates a permanent IDAC and empowers this statutory body to undertake search and seizures and effect arrests.
- The General Intelligence Laws Amendment Bill, disestablishes the State Security Agency to address the abuse of intelligence services in processes of state capture.
- Amendments to PRECCA – including a new offense of failure by companies to prevent corruption, along with an affirmative defence that the company had put adequate preventive measures in place.

A comprehensive NACS implementation progress report is attached as Appendix E.

NACAC monitoring of Zondo recommendations

Another important component of NACAC's mandate was to advise the President on the implementation of the recommendations of the Zondo Commission from a strategic and systemic perspective.

President Cyril Ramaphosa submitted a comprehensive 60-point action plan to Parliament in October 2022, outlining the government's response to the recommendations made by the Zondo Commission. The Presidency provided detailed reporting on implementation in reports published in 2023 and 2025.

NACAC commissioned a research report from the PARL assessing government's progress in implementing the President's 60 commitments. The research report contrasts the Zondo Recommendations against the President's 60 commitments and assesses government's progress towards implementation. The full report can be found in Appendix S and some of its key findings are summarised below.



Individual accountability

Investigations and prosecutions are ongoing, but the justice system is facing significant challenges related to capacity, independence and institutional architecture. The President has other mechanisms available to hold implicated members of the Executive accountable, such as those set out in provisions of the Constitution and the Executive Members Ethics Act and Code. It is both inappropriate and unnecessary to await the outcome of protracted investigations and prosecutions. Monitoring and communicating effectively with the public about state capture-related cases is critical for building trust in government and democratic legitimacy.

Law enforcement

A permanent IDAC: The establishment of IDAC as a permanent unit with investigative powers within the NPA was an important step towards properly capacitating the NPA. It is now essential that this key piece of legislation is supported by adequate resources.

NDPP appointment process: There has been an extended delay by the government in effecting an amendment of the NPA Act to clarify the requirements for a 'transparent and open' process for the selection of the NDPP. Government's undertaking has apparently changed to now afford the President the discretion to include a relatively informal practice in 'guidelines' rather than the promised binding legislative amendment.

Progress towards NPA independence: It has long been recognised as deeply problematic that the DOJ&CD exercises control over the NPA to an extent which compromises the NPA's independence. The government has not set out a timeframe within which urgent reform of the NPA will be undertaken.

PARI reports that the DOJ&CD stands out as having been especially slow to respond to the pressing needs for institutional and legislative reform. It has also failed to provide the NPA with appropriate practical operational support by facilitating unhindered access to the SCC database.

Capacity and performance: The NPA's budget is controlled by the DOJ&CD. Despite some improvements, recent austerity measures resulted in negative personnel growth. The IDAC is severely under-capacitated, contributing to the slow progress of state capture investigations and the absence to date of successful high-profile prosecutions. Dependency on unduly slow-moving executive and legislative branches of the state exacerbates the pressures facing LEAs.

Anti-corruption architecture

Government's slow response to NACAC's mid-term report, and failure to release it, has left unresolved issues of coordination regarding the allocation of cases between the NPA, the DPCI and the wider SAPS, as well as the SIU. While the National Priority Committee on Organised Crime exists to, amongst other things, coordinate this work, there is no higher-level strategic oversight of that structure.

There is also an urgent need (as with public procurement and personnel practices) for an integrated digital case management system. The Integrated Justice System, under development for over two decades, has not yet been established, which has major implications for efficiency and oversight of the CJS.



Money laundering and financial crime

Significant progress has been made to strengthen South Africa's anti-money laundering regulatory environment and to re-align with FATF standards. The creation of the beneficial ownership register is an especially important step forward.

Reform of appointment processes

The evidence uncovered by the Zondo Commission clearly demonstrates the importance and urgency of the reform of appointment processes for senior leaders. It is unclear what progress has been made since 2022 and why the government has missed its promised deadline to introduce legislation in mid-2023 – a delay of over two years.

Procurement system reforms

The Public Procurement Bill has been enacted, though regulations to bring the legislation into effect are still being developed. The Act implements several of the Zondo Commission's recommendations but does not adequately address the fragmentation in the public procurement regulatory framework and defers important policy decisions, best embodied in statute law, to yet unpublished regulations.

Intelligence services reforms

The Zondo Commission found that the security and intelligence services were politicised and compromised at the highest level so that those involved in the state capture project could proceed with their illicit activities with impunity. The Zondo Commission made many recommendations concerning, inter alia, improving financial controls and accountability, and improving oversight.

The General Intelligence Laws Amendment Act was enacted in March 2025, fulfilling the President's commitment to disestablish the State Security Agency (SSA) and establish two separate entities responsible for foreign and domestic intelligence. The Act contains a number of provisions to improve oversight.

The Act has not yet commenced and the restructuring is still in progress; the SSA is still in operation as a single intelligence agency. In the interim the President has reported that the SSA has implemented many of the recommendations concerning various controls and internal processes.

The Act improves oversight of the intelligence function, but critical weaknesses in the legislative and regulatory framework remain. Some provisions in the Act are overly broad and could enable abuse, and civil society has raised important concerns about the powers and reach of intelligence agencies.



Whistleblower protection measures

The draft Whistleblower Protections Bill is yet to be published for public comment, so it is unclear whether its provisions will adequately strengthen the whistleblower protection regime. The extended delay in finalising this vital legislation is a matter for profound concern. No reasons have been put forward for the failure to finalise these reforms to date, and any draft bill still has to undergo lengthy public consultation and legislative processes. Reform of the whistleblower protection regime has been a consistent demand from civil society organisations and has been highlighted by NACAC as a top priority.

Professionalisation of the public administration

The Zondo Commission found that the ability to ‘strategically position’ political associates in key posts within the public administration was the ‘essential mechanism’ of state capture. The President positioned the ‘National Framework towards the Implementation of Professionalisation of the Public Sector’ (adopted in 2022) as an important instrument to address the Commission’s concerns. The framework contains various reforms to ensure a clearer regulation of the respective roles of politicians and administrators.

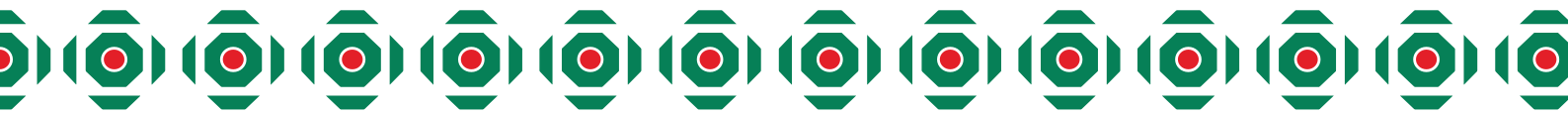
The Public Service Amendment Bill takes steps towards separating the political and administrative spheres and is a much-needed step in the journey towards a depoliticised public service. The Public Service Commission Bill is another positive development in the professionalisation of the public administration, in that it strengthens the independence of the PSC and extends oversight of the PSC to the local government sphere.

The legislation currently under deliberation in Parliament represents a partial or incomplete implementation of the promised reforms aimed at depoliticising the public administration. The commencement of lifestyle audits for members of the Executive constitutes welcome progress.

It is vital that integrated digital infrastructures and data collection standards are developed for the whole of the public administration (including in local government and public entities) to support enhanced oversight of personnel practices by the policy holders and Parliament. Further, it will be important to ensure that the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit in the Department of Public Services and Administration has the necessary resources and legal authority to effectively implement its mandate.

State-owned entities

Government has positioned the National State Enterprises Bill as the significant instrument to address governance challenges in SOEs. The Bill takes the important step of establishing a shareholding company into which the large SOEs will be transferred. The extent to which the Bill will in fact address the challenges is unclear. It includes some robust corporate governance provisions but does not satisfy the urgent need for far-reaching reform.



Private sector accountability

The Zondo Commission exposed the central role played by private sector actors in corruption and state capture, through direct involvement in corrupt deals and as ‘professional enablers’. To enhance accountability, the Commission recommended: amending PRECCA to criminalise the failure of persons or entities to prevent bribery; and introducing legislation for Deferred Prosecution Agreements (DPAs) to tackle economic crimes.

Both the Companies Act and PRECCA have been duly amended but official guidance/policy on how the new provision in PRECCA is to be applied in practice needs to be developed and adopted. The South African Law Reform Commission (SALRC) has published a discussion paper on ‘non-trial resolution’ (NTR) – of which DPAs are a subset. The SALRC review on NTRs should be finalised without delay, and the development of a principled NTR framework promulgated in legislation should be a priority. In the interim, in order to uphold the rule of law, the NPA developed and published a Corporate Alternative Dispute Resolution Directive, which provides for a simple, but lawful form of NTR for corporate corruption.

Parliamentary oversight

The Zondo Commission found that Parliament had failed to fulfil its oversight mandate due to the lack of political will from the (then) majority party. The report found that Parliament’s oversight powers and the tools available to it were generally sufficient, but that these were not used effectively. The report made specific recommendations on improving oversight, including reforms to mitigate the negative impact of the political environment.

The President limited his commitments to recommendations concerning the interface between Parliament and the Executive, acknowledging the need to determine whether the existing processes of reporting and accountability through the Leader of Government Business are ‘sufficient and appropriate’. The 2025 progress report noted that engagements on these issues have taken place. Parliament developed its own response and implementation plan. It has adopted some of the Zondo recommendations but decided against adopting many others, finding that it has sufficient powers and further intervention was unnecessary.



Figure 11 Councilor Sekoatlane Phamodi

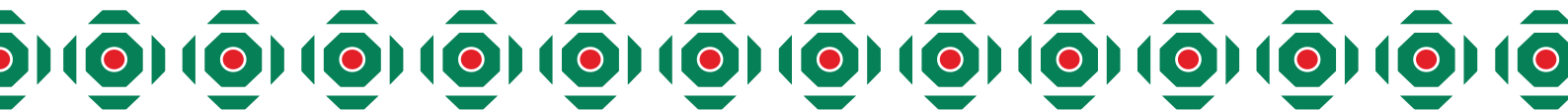
Conclusion

In summary, the Presidency’s efforts to monitor the implementation of the Zondo recommendations are a positive initiative by government. While progress has been made in some areas, civil society should remain vigilant to ensure that the achievements of the Zondo Commission are not forgotten, but remain a landmark on the road towards institutionalising integrity in our young democracy.



CHAPTER 7

THE WAY
FORWARD



NACS implementation

Section 8.2 of the NACS requires a “review of this strategy, which encompasses its supporting implementation plan, will be undertaken under the auspices of the overarching body”. This means that a comprehensive multi-stakeholder review at the NACS five-year mark is currently due.

Due to time and resource constraints, NACAC was unable to undertake this important task, which would highlight work to be urgently undertaken and present the opportunity to mainstream gender and youth aspects more strongly into the strategy.

Going forward, the role of civil society organisations, traditional leadership, academia and the media in awareness-raising, creating an active and informed citizenry and driving improved accountability will be important. The private sector should invest in the institutionalisation of the NACS, which will contribute to ethical governance and improvements in the procurement system. The protection of vulnerable sectors will continue to be important. Other priorities for the future should be ensuring the professionalisation of the public sector, demonstrable consequence management, and strengthening our LEAs.

Who will champion the NACS?

This does, however, bring us back to the question of who will take responsibility for the overall implementation of the NACS and be assigned the task to champion, drive and coordinate the actions of all these role-players. As indicated, the DOJ&CD had been requested to assist the NACAC to advance the OPI recommendations through government’s clusters. The challenge is that the focus of the DOJ&CD is the JCPS Cluster, while the NACS pillars include activities across all the governance clusters and sectors.

To date, the Department of Planning, Monitoring and Evaluation (DPME) has served as a NACS nodal structure, working closely with NACAC to develop the NACS Implementation Plan and monitoring the implementation of the NACS within government. It would therefore be expedient for the DPME to continue the work on the monitoring of the implementation of the NACS. However, NACAC recommends that the Minister of Justice and Constitutional Development be given the mandate to drive the implementation of the NACS and the establishment of the OPI.

Proposals for critical additional work to be undertaken, together with the duty bearers, are contained in the NACS progress report, Appendix E.





Gender and corruption

The OPI should also approach its work with an understanding of the gendered nature of corruption. In this regard, the OPI must raise awareness of aspects of corruption not recognised in the NACS, including sexual corruption.³⁸ Simply put, sexual corruption occurs when a person with entrusted authority abuses this authority to obtain a sexual favour. It is rife in South Africa. In the interim, it is important for the Department of Justice and Constitutional Development to pick up on these critical gender issues.

NACAC has considered extensive research on gender and corruption, including whether anti-corruption legislation is adequate to address sexual corruption (see Appendices H and J). With a sound evidence base now in place, mainstreaming gender into anti-corruption programming should follow to ensure improved responses to and outcomes of these programmes.

The way forward

The NACAC's recommendation for an OPI will not be realised overnight and while the discussions for the planning and operationalisation of this structure are underway, the task of comprehensively addressing systemic corruption and driving corruption prevention work must gather pace.

Losing momentum would send a signal to citizens that the threat corruption poses to our democracy has not been prioritised. The President may therefore need to consider keeping the NACAC in place until the OPI is set up or for the remainder of the NACS lifecycle. Should the NACAC be kept in place to continue work already begun, it will require a dedicated budget for the remuneration of NACAC members and a properly resourced secretariat.

The NACAC engagement with the Portfolio Committee on Justice and Constitutional Development surfaced the idea of integrating elements of the 21st Constitutional Amendment Bill and NACAC's proposals for the development of the OPI. The DOJ&CD should be assigned to explore and consult on this idea.

NACAC urges the nation to move forward with the proposed course of action as set out in this document as quickly as possible, while there is still time and hope for our young democracy to escape the scourge of corruption and capture.

³⁸ Defined by the International Association of Women Judges as "a form of corruption occurring when sexual acts are demanded or required from women, men and gender non-conforming people in order to obtain a public (or private) service or benefit".

Table of immediate and short-term actions

Focus area	Recommendations	Process owner(s)	Timeline
1. Establish the OPI	1. Conclude the OPI consultation process, draft enabling legislation and advance it through parliament.	DOJ&CD	Immediate
	2. Develop business case including the organisational design and budget.	DOJ&CD	Immediate
	3. Ensure approval of the OPI budget.	DOJ&CD	Short-term
	4. Undertake the process to equip the OPI to carry out an expanded SIU mandate including whistleblower protection, public enquiries, strategic corruption prevention functions, and strategic communication campaign.	DOJ&CD	Short-term
	5. Establish a NCP to advocate for public participation in collective action.	SIU/OPI	Short-term
2. Strengthen LEAs	1. Share NACAC's research reports and recommendations with the Madlanga Commission, highlighting the urgent need for the Commission to inquire into the operations of SAPS Crime Intelligence.	Presidency	Short-term
	2. Undertake the process to rationalise and reorganise the mandates of the LEAs.	SAPS/DPCI/ NPA/IDAC	Immediate
	3. Establish a CMC to coordinate the investigation and prosecution of corruption.	IDAC	Immediate
	4. Overhaul the legislative framework of the NPA and allow the NPA operational control over its budget.	DOJ&CD	Immediate
	5. Develop and implement a plan to provide increased security to protect law enforcement staff and witnesses.	SAPS/DPCI/ NPA/IDAC	Short-term
	6. Develop a strategy to integrate AI and advanced analytics into law enforcement institutions and develop an anti-corruption data sharing framework.	Justice, Crime Prevention and Security Cluster	Immediate
	7. Establish appropriate procedures for improving ethics and accountability in SAPS as per the recommendations of this report	Minister of Police	Immediate

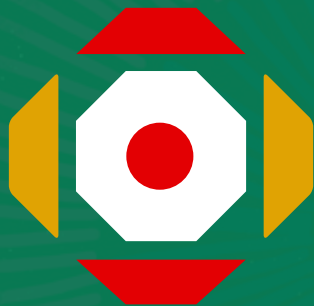


Focus area	Recommendations	Process owner(s)	Timeline
3. Whistle- blower protection and support	1. The SIU should be empowered and resourced to provide interim protection and support to whistleblowers on an urgent basis.	SIU	Immediate
	2. Finalise amendments to strengthen the Protected Disclosures Act and expedite its processing through Parliament.	DOJ&CD	Immediate
	3. Publicly recognise whistleblowers and award national orders of merit to them.	Presidency	
4. Strengthen anti-corruption elements of public procurement	1. Ensure all reports of procurement corruption and fraud are referred to the relevant law enforcement bodies.	Public Procurement Office (PPO)	Immediate
	2. Establish a procurement professional body and accreditation system.	PPO	Short-term
	3. Clarify principles and approach to guide open data and transparency requirements.	PPO	Immediate
5. Embed NACS implementation within departments	1. Take the lead in assigning responsibility for cluster-level cooperation, coordination and performance management of NACS programmes and allocate sufficient capacity and resources to perform this function.	DOJ&CD	Immediate
	2. Champion the NACS and the development and implementation of anticorruption and integrity-building programmes.	DOJ&CD	Immediate
	3. Ensure alignment of organisational anti corruption and integritybuilding activities with the NACS and ensure that NACS-related reporting on identified outputs are embedded in the annual performance plans.	Executive authorities	Immediate
6. Legislative amendments	1. Commence the process of amending legislation to strengthen the Public Procurement Act, Political Party Funding Act and Electoral Amendment Act, as per NACAC advisories and recommendations.	DOJ&CD	Short-term



APPENDICES

Appendix A	Final Recommendations on the Establishment and Implementation of the Office of Public Integrity
Appendix B	Establishing the Office of Public Integrity and Anti-Corruption
Appendix C	Strengthening Law Enforcement Agencies in Combatting Corruption: Mandates and Resourcing
Appendix D	NACAC Advisories
Appendix E	NACS Progress Report
Appendix F	National Dialogue on Anti-Corruption
Appendix G	NACAC Mid-term Report
Appendix H	The Future of Gender and Trust in Governance in 2040: Futures Literacy Laboratory Report
Appendix I	Legal Framework on Sextortion / Sexual Corruption in South Africa
Appendix J	Sextortion: Gendered Corruption Key Findings
Appendix K	Sexual Corruption in South Africa
Appendix L	Youth Anti-Corruption Dialogue
Appendix M	Whistleblower Protection Conference
Appendix N	Anti-Corruption Social Norms & Behaviour Change
Appendix O	Communication, Prevention & Public Education: Supporting the Establishment of the Office of Public Integrity & a National Anti-Corruption Movement
Appendix P	Learning Journey 2023 Kenya Report
Appendix Q	NACAC GIZ Hong Kong Report
Appendix R	Report: Eastern Europe Learning Journey
Appendix S	Independent Assessment for the National Anti-Corruption Advisory Council of the 60 Presidential Commitments to implement the State Capture Commission Recommendations
Appendix T	The NACAC's Work
Appendix U	Acknowledgements
Appendix V	Enhancing Corruption Investigation and Prosecution in South Africa
Appendix W	Enhancing Corruption Investigation Institutions in South Africa
Appendix X	Review of the Implementation Plan and M&E Framework of the National Anti-Corruption Strategy - recommendations to strengthen reporting and accountability



NACAC

National
Anti-Corruption
Advisory Council

NATIONAL ANTI-CORRUPTION ADVISORY COUNCIL

Final Report
To the President, the Cabinet,
and the Country

AUGUST 2025