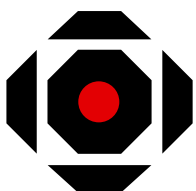


ADVISORY NOTE

TO THE PRESIDENT REGARDING THE IMPLEMENTATION AND ROLL-OUT OF THE NATIONAL ANTI-CORRUPTION STRATEGY



NACAC
National
Anti-Corruption
Advisory Council



1. AIM

This document serves as the an advisory note by the National Anti-Corruption Advisory Council (NACAC) to His Excellency: President Cyril Matamela Ramaphosa. It outlines the background to the NACAC and then makes specific proposals for the President's consideration in guiding the implementation and roll-out of the National Anti-Corruption Strategy (NACS).

2. SUMMARY OF RECOMMENDATIONS

2.1. Cabinet and all political principals in national, provincial and local government champion the process of embedding the NACS as the principal framework for the development and implementation of all anti-corruption and integrity-building programmes and projects throughout government, and develop the capability of for this to be carried into the development of the Mid-Term Strategic Framework of the 7th Administration.

2.2. Executive authorities of all government departments and entities, including state-owned and municipal entities, lead the alignment of their respective organisations' anti-corruption and integrity-building activities with the NACS and detail these in their organisations' annual performance plans as early as in the 2024/25 financial year, as well as in the Mid-Term Strategic Framework of the 7th Administration.

2.3. Executive authorities ensure that NACS related reporting on identified outputs are embedded in the annual performance plans and reporting of all government entities, and such performance plans and reports be availed to the NACAC to support fulfilment of its mandate.

2.4. Cabinet assign responsibility for cluster-level cooperation, coordination and

performance management of NACS programs to an appropriately suited department and allocate sufficient capacity and resources for to perform this-function. NACAC advises this should be the Department of Planning, Monitoring, and Evaluation in the Presidency.

2.5. The Presidency facilitate engagement between the NACAC and FOSAD to guide the development of a thoroughgoing NACS Implementation Plan and corresponding Monitoring and Evaluation Framework, and facilitate access to the appropriate stakeholders in their respective departments and entities to support this process.



3. CONTEXT

The NACS was adopted by Cabinet in November 2020 following a drafting and consultation process that involved a cross section of the public, in keeping with the whole-of-society approach to combatting corruption. The NACS provides a roadmap to an envisioned South Africa in which all sectors of society are transparent and accountable, leaders act with integrity, high ethical standards and zero tolerance for deviation are the norm, the rule of law prevail, and where the level of corruption is substantially reduced.

A key implementation proposal of the NACS is the appointment of the National Anti-Corruption Advisory Council (NACAC). In October 2021 Cabinet approved draft Terms of Reference for the NACAC, which guided a public nomination and selection process for potential members of the NACAC. On 29 August 2022, President Ramaphosa appointed the nine-member

NACAC for a period of three years.

Since its appointment the Council members have met in plenary monthly, and have organised themselves into workstreams to guide specific areas of mandated work. The NACAC is supported by a four-person Secretariat and is further assisted through the Transparency and Integrity Programme (TIP) with technical assistance and funding for specific strategic level operational activities.

In January 2023 the NACAC held a strategic planning retreat, and also conducted its first major stakeholder engagement with members of the previous NACS Reference Group and key law-enforcement agencies in efforts to identify potential strategic partners, concretise priorities, and to commence with awareness-raising to ensure the implementation of the Strategy.

Based on planning and engagement to date a number of matters need to be conveyed to the President. This NACAC Advisory Note has been prepared under the following headings:

1



Implementation approach for the NACS;

2



Monitoring and Evaluation approach for the NACS.

4. NACAC IMPLEMENTATION APPROACH FOR THE NACS

The NACS (2020 – 2030) has an anticipated 10-year implementation period. The implementation of the NACS and the work of the NACAC will require collaboration across sectors and from all members of society. In order to do this the following can be reported regarding prioritisation and organisation of the work of the NACAC:

4.1. Prioritisation of focus areas and work

Pending the appointment of the NACAC, preliminary ad hoc implementation of the six pillars of the strategy commenced in 2021, under the stewardship of the NACS Steering Committee.

Since its appointment in 2022 the NACAC, guided by the NACS and a preliminary prioritisation exercise carried out by a multi-sectoral Reference Group in 2021, commenced with formal prioritisation of work and implementation of select activities.

To better achieve multi-sectoral coordination and other NACS objectives, the NACAC has identified six priority areas on which to focus for initial implementation of outputs and activities aligned to the NACS. These are:

1. *Institutional Architecture*
2. *Procurement Reform*
3. *Whistle-blower Protection*
4. *Legislative Reform and Transparency*
5. *Monitoring, Evaluation, Reporting, and Learning*
6. *Communications & Stakeholder Engagement*

4.2. Organisation of work (workstreams and expert reference groups)

Each prioritised area is addressed by a NACAC Workstream comprised of 2-3 Councillors, supported by members of the NACAC Secretariat, representatives of the Transparency and Integrity Project and select experts.

During its tenure the NACAC will lead the process of processing and tracking the NACS and its implementation framework, through the social compact, with key implementation partners and target entities to ensure buy-in and impactful implementation.

The concept of an expert “reference group”, and use of focused “workstreams” were employed with great success during the development of the NACS, and the NACAC builds on this methodology and relationships in its work with expanded stakeholder groupings. To further support some of the primary NACAC Workstreams, multi-sectoral expert reference groups have been constituted. The focus of these reference groups will initially include communication and stakeholder engagement with a view towards raising awareness of the NACS and affecting behaviour change in society; guiding the developments in the design of an anti-corruption agency; monitoring

the implementation of the NACS across all sectors; and issuing advisories on governance, the procurement system, and whistle-blower protection and support. To this end expert reference groups informing social participation; systems and infrastructure; institutional capacity; and governance approaches have already been formed.

Some of the various activities required to implement the NACS already resort under line-functional mandates or work being undertaken by government departments, private sector entities and civil society organisations. Roll-out will also take place through sectoral or industry forums established in line with the “Vulnerable Sector” approach as outlined in Pillar 6 of the NACS, and which has been articulated through initiatives such as the Joint Initiative on Crime and Corruption.



4.3. Embedding the NACS in government

Even while the NACS is a whole-of-society response to corruption which requires the involvement of all social partners in their communities of influence, government must lead in creating an enabling environment for anti-corruption and integrity building initiatives. This is ideally achieved by government a) demonstrating the importance of framing all anti-corruption and integrity-building programming through the NACS framework, and b) coordinating and facilitating the implementation of the various programs and projects being undertaken by all social partners to facilitate mutual cooperation and shared benefits in the implementation of the NACS.

The effective implementation of the NACS therefore requires that it is embedded in government. In order to do this, **the NACAC advises that:**

- 4.3.1.** Cabinet and all political principals in national, provincial and local government champion the process of embedding the NACS as the principal framework for the development and implementation of all anti-corruption and integrity-building programmes and projects throughout government. This must include:

- 4.3.1.1.** structuring the all-of-society implementation of the NACS through government Clusters who will take ownership of the aggregation of relevant projects implemented by various social partners under the NACS into Cluster Programs, as well as coordinate agreement on responsibilities, actions to be implemented, participation in implementation as well as reporting;

- 4.3.1.2.** developing the necessary capability to guide the development and implementa-

tion of a NACS-aligned anti-corruption and integrity-building programmatic agenda for the Mid-Term Strategic Framework of the 7th Administration;

- 4.3.2.** the executive authorities of all government departments and entities, including state-owned and municipal entities, lead the alignment of their respective organisations' anti-corruption and integrity-building activities with the NACS. This must include:

- 4.3.2.1.** Developing programs by which the NACS is socialised among public servants and employees in their respective organisations so that it is well-understood and supported;

- 4.3.2.2.** Developing the internal/operational and external/programmatic anti-corruption and integrity-building initiatives of their respective organisations in line with the NACS;

- 4.3.2.3.** Requiring that the performance planning and management processes of their respective organisations are aligned with and communicated through the NACS framework, including at the level of budgeting for priority programmes and projects, the specific outputs to be achieved, and the performance monitoring and evaluation of their implementation.

- 4.3.2.4.** Detailing their entities' respective anti-corruption and integrity-building initiatives in their annual performance plans starting as early as the 2024/25 financial year, in alignment with the NACS;

4.3.3. Cabinet assign ownership of the NACS to a government department responsible for cluster-level cooperation, coordination and performance management in the implementation of the NACS, with a special emphasis on ensuring delivery of the outputs prioritised in it. This Department should be appropriately resourced to be able to perform

this function. To this end, **the NACAC further advises that:**

4.3.3.1. the Department of Planning, Monitoring and Evaluation in the Presidency is institutionally best placed to fulfil this mandate;

5. MONITORING AND EVALUATION APPROACH

5.1. Overview of the M&E Approach

Even while the NACAC is still undertaking work to develop its proposals for the institutional architecture and arrangements required for the successful implementation of the NACS, including the utility and design of a new agency that will lead the independent coordination of anti-corruption and integrity-building initiatives, the NACS is already in the third year of its 10-year strategic horizon, and requires ongoing performance monitoring and evaluation at the level of institutionalisation, operationalisation, and outcomes. It is anticipated that this approach will build the requisite learning loops that will support the institutionalisation of the NACS, the ownership of which may ultimately fall to a new agency, and inform the effective and sustainable coordination and implementation of the programs and projects contained in the NACS.

NACAC has begun a process to learn about and immediately strengthen existing government processes utilised to report, monitor, and track anti-corruption and integrity-building initiatives, as well as to develop an effective and impact-oriented NACS monitoring and reporting framework that will align the interventions and results produced by the various social partners under the NACS in a credible, unified, and verifiable narrative of change.

This effort will ultimately result in the development of two interrelated outputs, namely: a) a **unified implementation plan** for the NACS, consolidating the various projects, programs, and outputs that various social partners will contribute towards realising the outcomes of the NACS, and b) a **monitoring and evaluation (M&E) framework** detailing the standards against which progress on their respective outcomes and social impact shall be measured and communicated to all of society by government as the chief custodian of this all-of-society response.



To develop a coherent and unified implementation plan for the NACS and its corresponding M&E framework, NACAC with the support of the TIP Program, is recruiting an expert research team that will undertake a deep research process with relevant stakeholders involved in the implementation of the anti-corruption and integrity-building initiatives prioritised in the NACS as well as by the Judicial Commission of Inquiry into Allegations of State Capture in the recommendations flowing from its reports. In order to support the success of this process, particularly in respect of NACAC's engagements with the public sector at all levels, the NACAC advises that in the immediate term:

5.1.1. The Presidency facilitates NACAC engagement with the Forum of South Africa's Directors-General (FOSAD) to:

5.1.1.1. introduce the work of the NACAC;

5.1.1.2. receive reports on the work furthering implementation of the NACS already underway in the public sector under the guidance of FOSAD clusters and their respective directors general;

5.1.1.3. coordinate anti-corruption and integrity-building programs in line with the NACS; and

5.1.1.4. facilitate the research and engagement processes supporting development of a unified NACS implementation plan and corresponding M&E framework to which the

government-wide performance-planning and management processes shall be aligned.

In order to support effective and sustainable monitoring, evaluation, reporting and learning in the implementation of the NACS over the mid-to-long term, and the NACAC's role in driving this work in line with its mandate, the NACAC advises that:

5.1.2. government departments, agencies, and state-owned entities, under the auspices of their respective clusters should periodically report progress made in the implementation of the NACS, including the factors enabling and inhibiting progress in order for review processes to respond to these accordingly. Thus, NACS related reporting on identified outputs should be embedded in the annual performance plans and reporting of all government entities, and such performance plans and reports be availed to the NACAC to support fulfilment of its mandate;

5.1.3. social partners and other entities interface and coordinate actions to report on the implementation and monitoring of NACS at regular intervals.

5.1.3.1. This emphasises the need for formalisation of partnerships with the social compact partners through NEDLAC.

6. CONCLUSION

We thank the President for his consideration of this advisory and are at his disposal to further elaborate its contents, as the case may be.

