



**Topic: Sustainable International Cooperation for a shared future**

**Sub-topic: Building partnerships & capacity building**

**SIU** SA  
STRIKING AGAINST CORRUPTION

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**Presented by: Adv. Andy Mothibi**  
**Head and CEO of SIU, South Africa and**  
**Vice-President of IAACA**  
**8<sup>th</sup> ICAC Symposium – 22-24 May 2024,**  
**Hong Kong, China**

**The State's preferred and trusted anti-corruption,  
forensic investigation, and litigation agency**

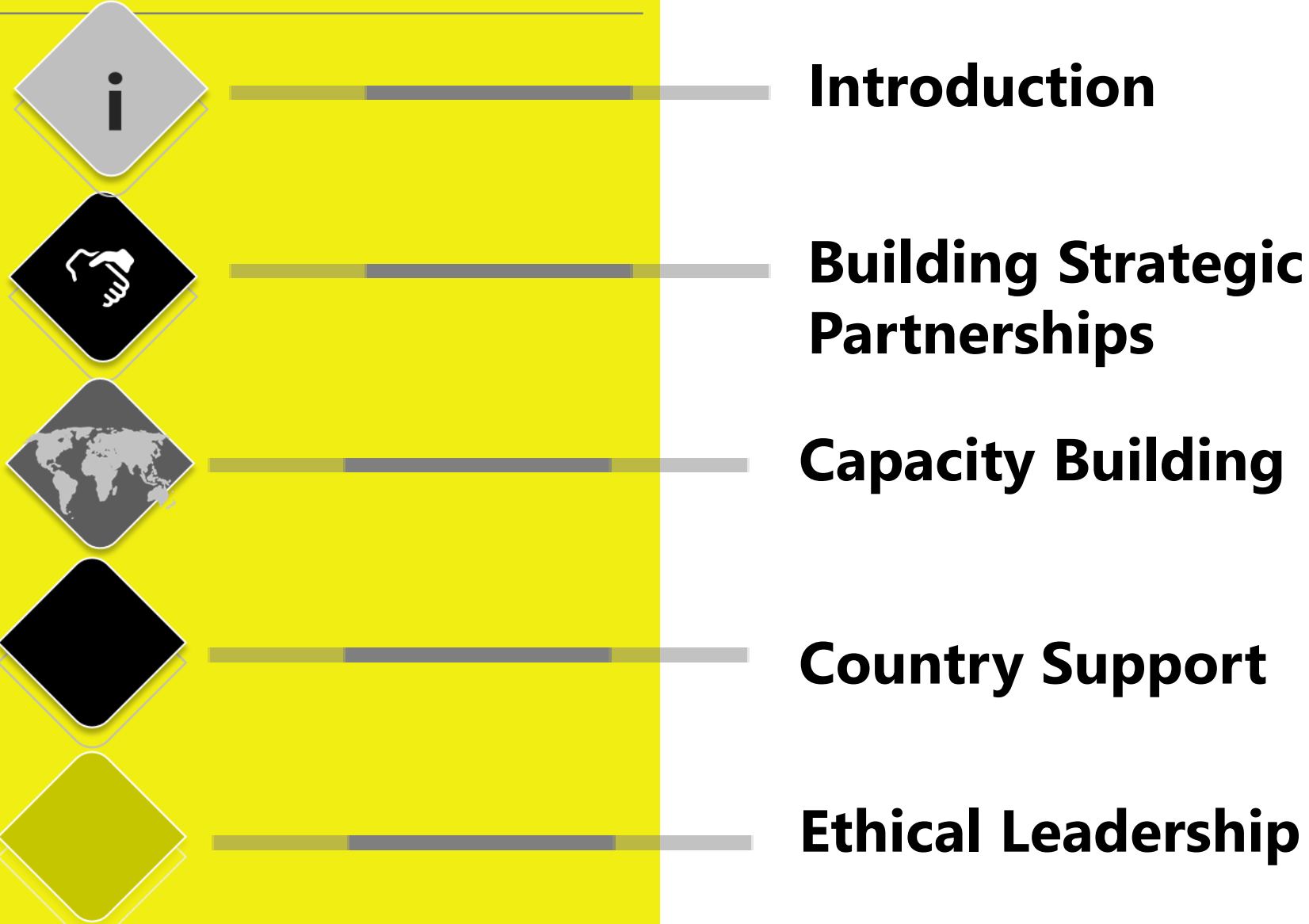
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# PRESENTATION OUTLINE



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# INTRODUCTION

- ❑ The **United Nations Convention Against Corruption** (UNCAC) turns 21 this year.
- ❑ In **South African culture**, when a person turns 21 years old, they are given the house key to symbolize their new level of adulthood and the responsibility of looking after and protecting the home.
- ❑ **United Nations Convention Against Corruption (UNCAC)** and other Regional instruments provide for partnerships, collaboration, information sharing and other forms of cooperation.
- ❑ This earth, the countries, and territories we call home, are our responsibility as signatures of the UN Convention to protect them against corruption.
- ❑ As **anti-corruption agencies**, we are **bound by the UN Convention keyholders**.
- ❑ However, our efforts fall short because, the latest Transparency International Corruption Perception Index report found that over **80% of the world's population is living in countries that are largely failing to stop corruption**.
- ❑ Furthermore, we are faced with the challenge where many of our countries are **grey listed** by the Financial Action Task Force (FATF) because of **poor controls and systems that allow criminals to prosper in money laundering, terrorist, and proliferation financing**.
- ❑ As we are here, we **each hold the key to unlocking effective collaborations** that could drastically reduce these numbers. Because beyond numbers, the impact is felt by the people we serve.
- ❑ How can we take the keys that we are entrusted with and unlock this potential that we have as member states of the UNCAC and as alliances?

# INTERNATIONAL, REGIONAL AND NATIONAL ANTI-CORRUPTION REGULATORY FRAMEWORK

## NATIONAL

The anti-corruption regulatory framework in South African government include amongst others the following:

- The Constitution of Republic of South Africa, 1996
- Special Investigating Unit and Special Tribunals Act 74 OF 1996
- Public Finance Management Act 01 of 1999
- Municipal Finance Management Act 05 of 2003
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- National Development Plan (NDP) 2030
- National Anti-Corruption Strategy (NACS) 2020 – 2023

## INTERNATIONAL AND REGIONAL





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# BUILDING PARTNERSHIPS



## PARTNERSHIPS

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- ❑ Building partnerships globally is critical for the SIU in our efforts to fight corruption at a grand scale.
- ❑ Corruption is a global problem that requires a coordinated, multi-faceted approach to effectively address.
- ❑ The SIU realized that working together with other countries, international organizations, law enforcement and anti-corruption agencies can enhance the SIU's effectiveness, promote,
- ❑ Transparency and accountability, strengthen legal frameworks, enhance investigative capabilities through training,
- ❑ Promote the sharing of information, provide a platform for mutual legal assistance, research in our efforts to fight corruption, deter and prevent corruption.

## PARTNERSHIPS VALUE PROPOSITION

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- 1. Leveraging expertise** – Pull knowledge and expertise of partners together leading to consolidated, strengthened and synergized strategic approaches to tackling corruption.
- 2. Increased resources** - by combining resources and capabilities, together we can achieve greater impact and efficiency in our anti-corruption efforts, enabling the tackling of bigger and more complex corruption cases.
- 3. Increased impact** – Greater impact in the fight against corruption through combined efforts, resources and expertise to take on corruption more effectively and holistically.

## THE IMPORTANCE OF PARTNERSHIPS

- 1. Cross-border cooperation** – Allows for information sharing and coordinated efforts to investigate and prosecute corrupt individuals and organizations operating across borders.
- 2. Leverage, resources and capabilities of international agencies** – Provides an opportunity for greater success in combating corruption at a grand scale.
- 3. Increased impact** – Greater impact in the fight against corruption through combined efforts, resources and expertise to take on corruption more effectively and holistically.



## **OPERATIONALIZATION OF MUTUAL LEGAL ASSISTANCE AND EXTRADITIONS BY SOUTH AFRICA IN A GLOBALIZED WORLD**

- The International Co-operation in Criminal Matters Act (the ICCM) inter alia aims to facilitate the provision of evidence, the execution of sentences in criminal cases, and the confiscation and transfer of the proceeds of crime between SA and foreign states. The ICCM regulates the law in respect of mutual legal assistance.
- A reciprocal provision allows for a foreign state (the requesting state) to request South Africa (the requested state) for assistance in obtaining evidence in South Africa.
- The requests are made in accordance with the Extradition Treaty between South Africa and the other foreign countries as well as the United Nation Convention Against Corruption (UNCAC) which is a multilateral international convention to which both countries are Member States.
- The South Africa Extradition Act 67 of 1962 - Intends to provide for the extradition of persons accused or convicted of certain offences and for other incidental matters.
- The following are examples of SA perspective on mutual legal assistance and extraditions in a globalized world:

### **EXTRADITION REQUESTS FROM SOUTH AFRICA TO FOREIGN STATES**

- Gupta Brothers: United Arab Emirates
- Mr. Shepherd Huxley Bushiri and Mary Bushiri: Malawi

# OPERATIONALIZATION OF MUTUAL LEGAL ASSISTANCE AND EXTRADITIONS BY SOUTH AFRICA IN A GLOBALIZED WORLD Cont....

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## MUTUAL LEGAL ASSISTANCE REQUESTS TO AND FROM FOREIGN STATES

- Kusile Project: United States of America
- PRASA: Spain
- Bank of Botswana: Botswana
- Mr. Bobroff: Israel
- NOORDOEWER: Namibia (Phala Phala)

## EXTRADITION CASES TO AND FROM FOREIGN STATES

- Mr. Krejcir: Czech Republic
- Mr. Freedendal: Australia
- Mr. Kouwenhoven: Netherlands
- Mr. Chang M: USA and Mozambique
- Maren Brynard De Klerk: Namibia



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# ESTABLISHED INTERNATIONAL MULTILATERAL STRATEGIC PARTNERSHIPS



## ESTABLISHED INTERNATIONAL MULTILATERAL STRATEGIC PARTNERSHIPS

- ❑ Closing this gap creates an opportunity for us to influence and shape anti-corruption efforts by cooperating and collaborating with our regional anti-corruption bodies, be it within the members of the South African Development Community (**SADC**), the Economic Community of West African States (**ECOWAS**), the Common Market for **Eastern and Southern Africa (COMESA)**, the **Economic Community of Central African States (ECCAS)**, AMU and the Intergovernmental Authority on Development (**IGAD**), and African Union (**AU**) etc.
- ❑ As the Special Investigating Unit of South Africa (the SIU), we are affiliated with and have also entered into a range of partnerships with other Anti-Corruption Authorities such as (**ACAs**) who are also affiliated with the United Nations (**UN**), the African Union (**AU**), the Southern African Development Community (**SADC**), the African Association of Anti-Corruption Authorities (**AAACA**) and the Heads of Anti-Corruption Agencies in Commonwealth Africa, to name a few.
- ❑ We are also part of the International Association of Anti-Corruption Authorities (**IAACA**), and we are partnered with the Independent Commission Against Corruption (**ICAC**) (Hong Kong) amongst many others.

# SOME OF THE SIU'S STRATEGIC PARTNERS (REGIONAL AND INTERNATIONAL)



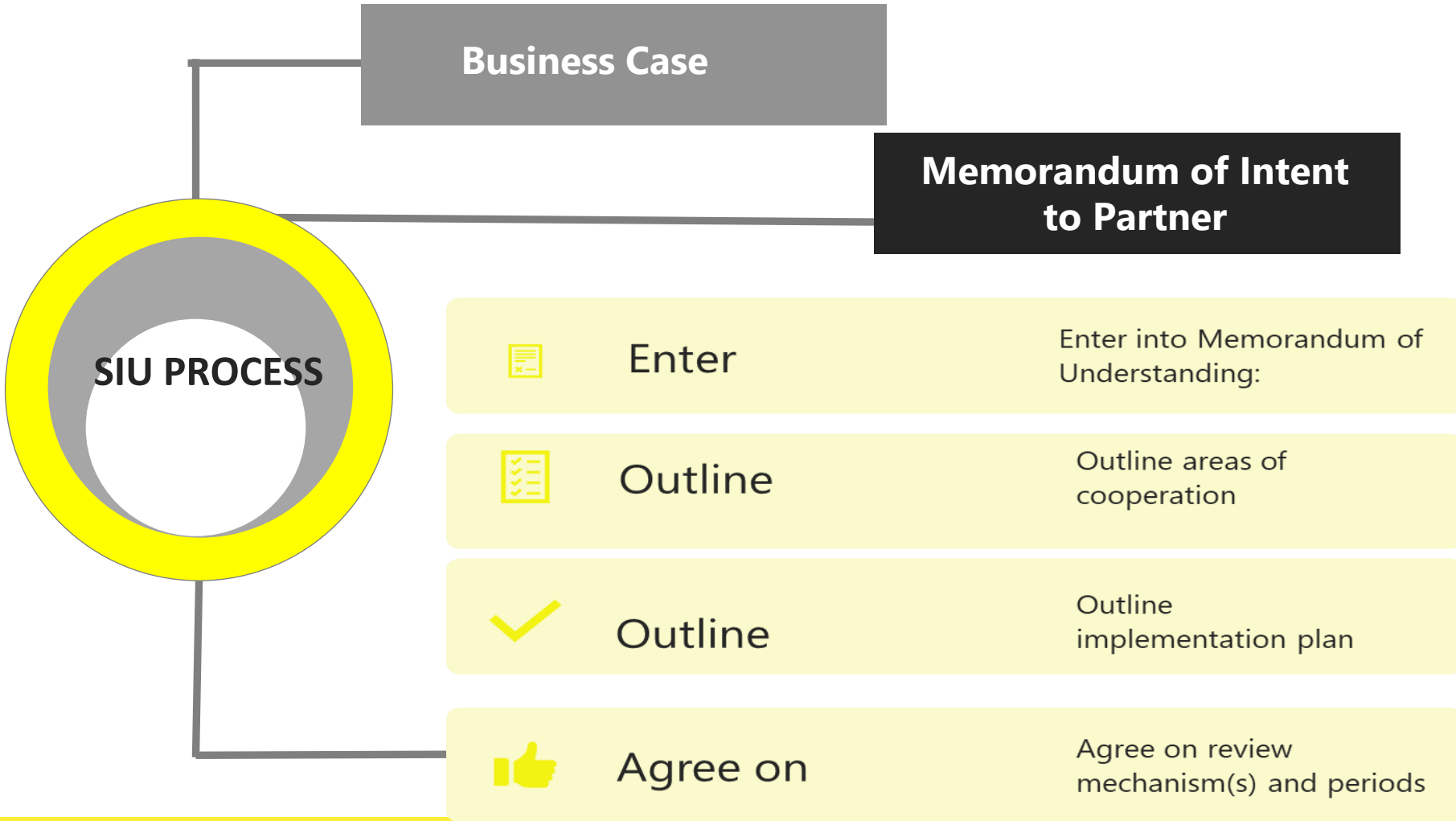
## Partnerships





# SIU PROCESS OF STRENGTHENING THE PARTNERSHIPS

*Engage in partnering:*



**Analyse implementation and impact of the partnering against set measurable targets**

# INTERNATIONAL COLLABORATION: SIGNING OF COOPERATION PROTOCOL BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE FRENCH REPUBLIC ON THE ESTABLISHMENT OF THE SIU ANTI-CORRUPTION ACADEMY



SIGNING OF THE COOPERATION PROTOCOL BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF THE FRENCH REPUBLIC



Date: 19 JUNE 2023  
Venne: GCIS

Master of Ceremony:  
Adv. D Mashabane,  
DG: DEPT of Justice and Constitutional Development

1. Welcome Address:  
Minister. Naledi Pandor,  
Minister of International Relations and Cooperation

2. Signing of the Protocol & Inputs:  
Minister Catherine Colonna,  
Minister for Europe and Foreign Affairs &  
Minister Ronald Lamola,  
Minister of Justice and Correctional Services

3. Vote of Thanks  
Adv. J.L. Mothibi,  
Head of the Special Investigating Unit

Snack.... Engagements.... Snack



# INTERNATIONAL ASSOCIATIONS AND ENGAGEMENTS



## Association of African Anti-Corruption Authorities (AAACA)

- The SIU is an active Member of the **AAACA**
- The Association seeks to strengthen international cooperation to combat corruption, in line with the African Union Convention on Preventing and Combating Corruption (**AU Convention**) and the United Nations Convention on Corruption (**UNCAC**).
- The creation of the Association intended to be a continental platform to fight corruption as well as the strengthening and consolidation of good governance on the continent.

### Highlights

- ❑ The **SIU hosted the 6<sup>th</sup> Annual General Meeting of AAACA** held in Johannesburg, on **31 July-1 August 2023**.
- ❑ At AGM- SIU facilitated the **meeting of IAACA, AAACA EXCO** and South African National Anti-Corruption Advisory Council (**NACAC**)



# AAACA 6TH AGM HOSTED IN SOUTH AFRICA- 31 JULY TO 01 AUGUST 2023

**Seated from the left:** *Head of the SIU, South African Minister of Justice and Correctional Services, AAACA President; Erstwhile IAACA President*





# OFFICIAL PHOTO OF THE AFRICAN ASSOCIATION OF ANTI-CORRUPTION AUTHORITIES (AAACA) 6th AGM ( HELD AT JHB,SOUTH AFRICA 31 JULY –01 AUGUST 2023)





# INTERNATIONAL ASSOCIATIONS AND ENGAGEMENTS



## International Association of Anti-Corruption Authorities (IAACA)

- ❑ The SIU is serving as **Vice President of the IAACA for the term (2022-2024)** and is the coordinator of the African Region and coordinates the region.
- ❑ Part of the role of the Vice President is to devise and implement initiatives to promote networking and collaboration among members through regional training capacity building activities and regular meetings inter alia.

## Highlights

- ❑ The African Region has adopted :
  - ❑ an **African Work-Plan for the 2022-24** period of the current ExCo
  - ❑ A **sub-regional coordination mechanism** in accordance with the five African Economic Blocs.
- ❑ The SIU is further responsible as a sub-regional coordinator for the **Central African sub-region**.
- ❑ The African Regional Coordination delegation attended the **International Association of Anti-Corruption Authorities (IAACA) EXCO, the launch of the IAACA Offices and other benchmarking engagements** April 2023.
- ❑ The African Region has conducted its capacity needs analysis as well as for the various sub-regions. It is also in the process of identifying the capacity building solutions which it can offer to its members.

# IAACA – AFRICAN REGIONAL COORDINATION MEETING HELD 20 MARCH 2024

IAACA African Regional Coordination Meeting 1 of 2024

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Mothibi, Andy

Nandita SUNECHUR (Unverified)

Ntsobe Fatlane

Francis Makori-EACC Coordin...

Twalib Mbarak-Secretary/Chief Executive Officer EACC-Kenya (Unve...

INPPLC Morocco (Unverified)

International Cooperation Branch International Cooperation Branch (Ext...

Thabang Letsietsa

Thenjiwe Dlamini

Mulingoni Lambani

Jackson Mue, OGW (Unverifi...

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9-12 JULY 2023: AUCPCC IN ARUSHA TANZANIA



**AUABC**  
African Union Advisory  
Board on Corruption



# MANDATE AND VISION OF AU ADISORY BOARD ON CORRUPTION

## Mandate of the Board

The main mandate of the Board is to promote and encourage the adoption of measures and actions by State Parties to prevent, detect, punish and eradicate corruption and related offences in Africa as well as to follow-up on the application of those measures and submit a report to the Executive Council on a regular basis on the progress made by each State Party in complying with the provisions of the Convention.

## Vision of a board

To be an efficient organization that provides pertinent support to Member States in the sustainable implementation of the AU Convention and the fight against corruption in Africa”.

# AFRICAN UNION CONVENTION ON PREVENTING AND COMBATING CORRUPTION

The AUCPCC is a shared roadmap for the member states to implement good governance and anti-corruption policies and systems.

South Africa signed the convention in March 2004 and ratified it in November 2005.

One immediate outcome of the signing AUCPCC was the enactment of the prevention and combating of corrupt activities Act (PRECCA) in 2004.

The Act strengthens measures to prevent and combat corruption and it is considered the centrepiece on anti-corruption legislation in South Africa.

South Africa participates in the AU Anti-corruption working group for Southern Africa. The 20th Anniversary of the AUCPCC were held in Arusha, Tanzania and some of the focus areas included strong collaboration, financial independence of ACAs and political will.

ACAs should strive to influence the policy making and participate actively in the regional and continental spheres. This will drive towards the strengthening of international strategic partnering.

# AUCPCC, 20 YEARS AFTER – ACHIEVEMENTS & PROSPECTS - ARUSHA

## OUTCOMES

- **Research & Comparative study on Anti-corruption strategies,**
  - **Strong collaboration**
    - **Financial independence & Political will**
    - **Active citizenry & Technical support to youth organisations**
- **Declaration of assets & Corruption prevention**
  - Look into Measurement for anti-corruption.
    - Increase civil society involvement.
    - countries to share best practices

## OBJECTIVES

commemoration of the African Anti-corruption day and 20<sup>th</sup> anniversary of the African Union Convention on Preventing and Combating Corruption (AUCPCC)









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**ESTABLISHED INTERNATIONAL BILATERAL PARTNERSHIPS WITH AFRICAN COUNTRIES AND SADC MEMBER STATES ACAs**



# OTHER ASSOCIATIONS



## ▪ Other association includes:

### ❑ SADC Anti-Corruption Committee

**(SACC)**–The SACC is established under Article 11 of the SADC Protocol against Corruption (amended in 2015) to oversee implementation of the Protocol and report to the Ministerial Committee of the Organ

❑ Being under the Organ on Politics, Defence and Security Affairs, whose highest structure is the Troika, the chair-ship of SACC has therefore been assumed by the Heads of the agencies from Member States who are chairing the Troika

❑ The SIU was the **Chairperson in 2021-22.**

## SACC Achievements under the SIU Chair-ship

- The reports on five (5) assignments aimed at giving effect to the SADC Strategic Anti-Corruption plan 2018-2022 were developed and validated by the SADC Anti-Corruption Sub Committee and further adopted by the Ministerial Committee of the Organ on 13th June and from 16-18th July respectively. These include:
  - *the revised Strategic Anti-Corruption action plan (2023-2027)*
  - *The Regional Anti-Corruption Monitoring Evaluation Framework*
  - *The Regional Anti-Corruption Information Sharing Platform*
  - *The Best Practice Paper on lessons learned from Covid 19 Anti-Corruption*
  - *The Standardized Regional Anti-Corruption Curriculum implementation Model.*
- The **Regional Anti-Corruption Effort Index Framework** was adopted during the meeting chaired by the SIU, in July 2022.
- The **SIU hosted the meeting** of the Heads of Anti-Corruption Authorities of the **SACC** in **November 2022**

# SADC ANTI-CORRUPTION PROTOCOL

The Protocol was adopted by the SADC in 2001 amidst concerns of the adverse and destabilizing effects of corruption throughout the world on the culture, economic, social and political foundations of society.

As a signatory to the SADC Protocol Against Corruption, South Africa is making a serious progress in promoting and strengthening mechanisms to prevent, detect, punish corruption, as well as in cooperating with other states in the region.

The SADC Anti-Corruption Committee was established in terms of the Protocol and has, *in alia*, adopted a 5-year strategic plan, which is revised periodically.

This Strategic Plan is spearheading the Strategic Anti-Corruption Action Plan, Regional Anti-Corruption Monitoring & Evaluation Framework, Information Sharing Platform to name a few.

# MoUs SIGNED WITH SADC MEMBER STATES ACAs

MoUs signed with African countries and 5 SADC Member States Anti-Corruption Agencies

## Purpose

1. To strengthen co-operation in building the forensic investigator, cyber forensic investigator, forensic data analyst, forensic accountant, legal, corruption prevention and public education officer in the areas of cyber forensics investigations, DARWIN TOOL, Open Source Intelligence, Mobile Investigations, Asset Forfeiture, Asset Tracing, Procurement Investigations, Corruption Prevention, Public Education Transnational Organized Crime, Money Laundering, Financial Investigations, law, amongst others.
2. To promote South-South collaboration and the exchange of expertise where some have a comparative advantage.



Zambia



Madagascar



Zimbabwe



BE PART OF THE FIGHT!



Malawi



Mali



## NEW INTERNATIONAL BILATERAL AND STRATEGIC PARTNERSHIPS TO BE ESTABLISHED

To fight corruption SIU is intending to sign more MoUs with the following countries/organisations:

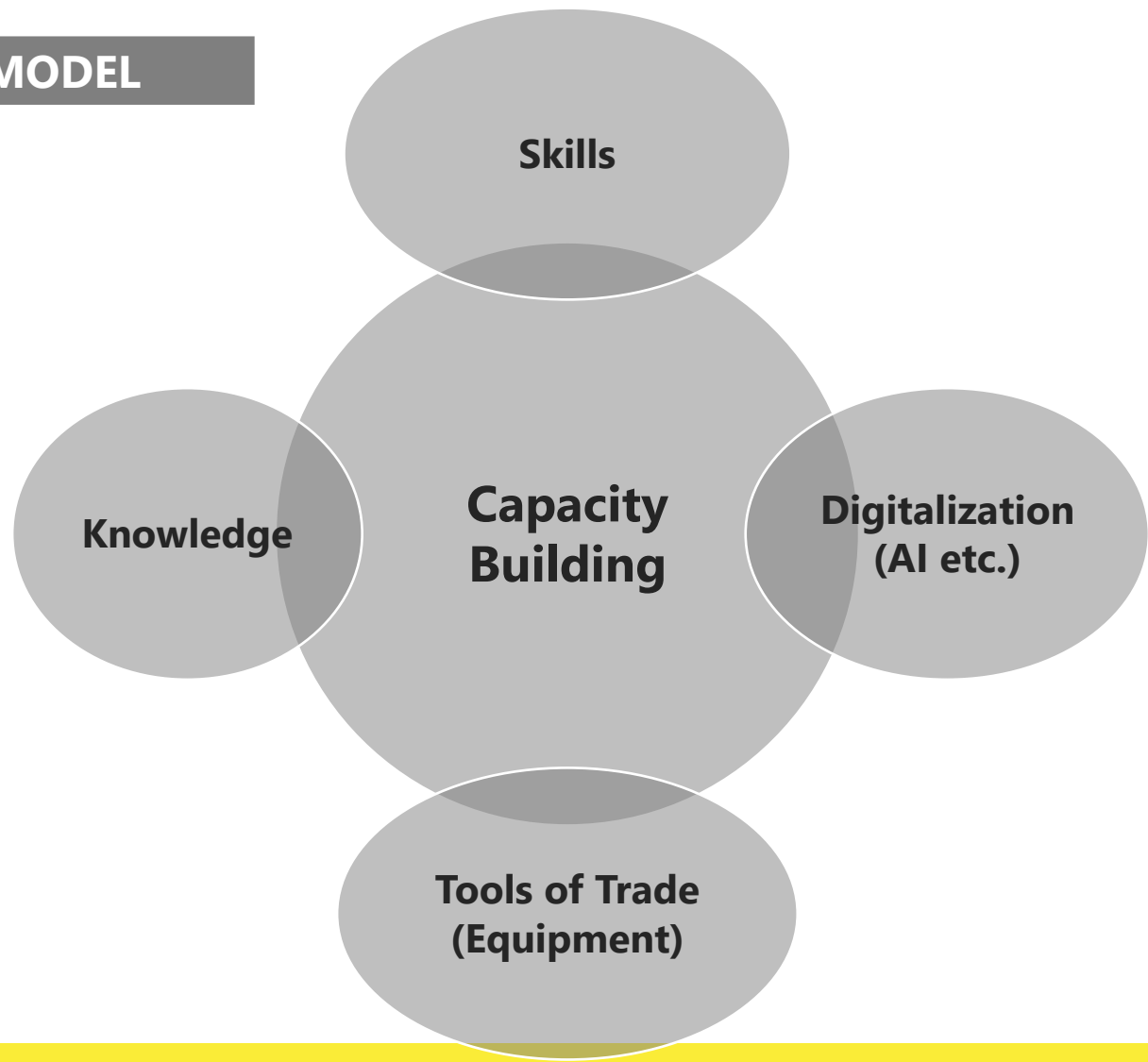
- Republic of South Korea (Anti-Corruption and Civil Rights Commission)
- United States of America (FBI)
- Kenya Revenue Authority



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# CAPACITY BUILDING

# CAPACITY BUILDING MODEL





## THE UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC) CAPACITY BUILDING

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- UNDOC provides Capacity Building for Countries to Improve Data and Research on Drugs and Crime.
- UNODC makes continuous efforts to develop Member States' capacities to collect data on drugs and crime with improved granularity for better evidence-based policies according to international standards and crime classifications.
- Several methodological tools and guidelines have been developed by UNODC and training activities conducted by UNODC and its two Centers of Excellence in Mexico and the Republic of Korea are ongoing.
- UNODC's capacity-building work involves the development of hands-on training activities, such as workshops, mentoring and exchanges of good practices.
- UNODC has also supported the development of specialized cyber-investigation teams in law enforcement institutions, including police and prosecution.

# INTERNAL ANTI-CORRUPTION ACADEMY

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1. The sophistication and difficulties of investigating economic crime.
2. The need to build digital and financial investigations capabilities.
3. The importance of establishing a knowledge hub that will promote :
  - ✓ South-South collaboration and good practice
  - ✓ The sharing of expertise in areas where some have a comparative advantage
4. The importance of an international approach to capacity building
5. The importance of coordinating and combating cybercrime and corruption at an international level.



# SIU and French Embassy Benchmarking : Senegal 2019



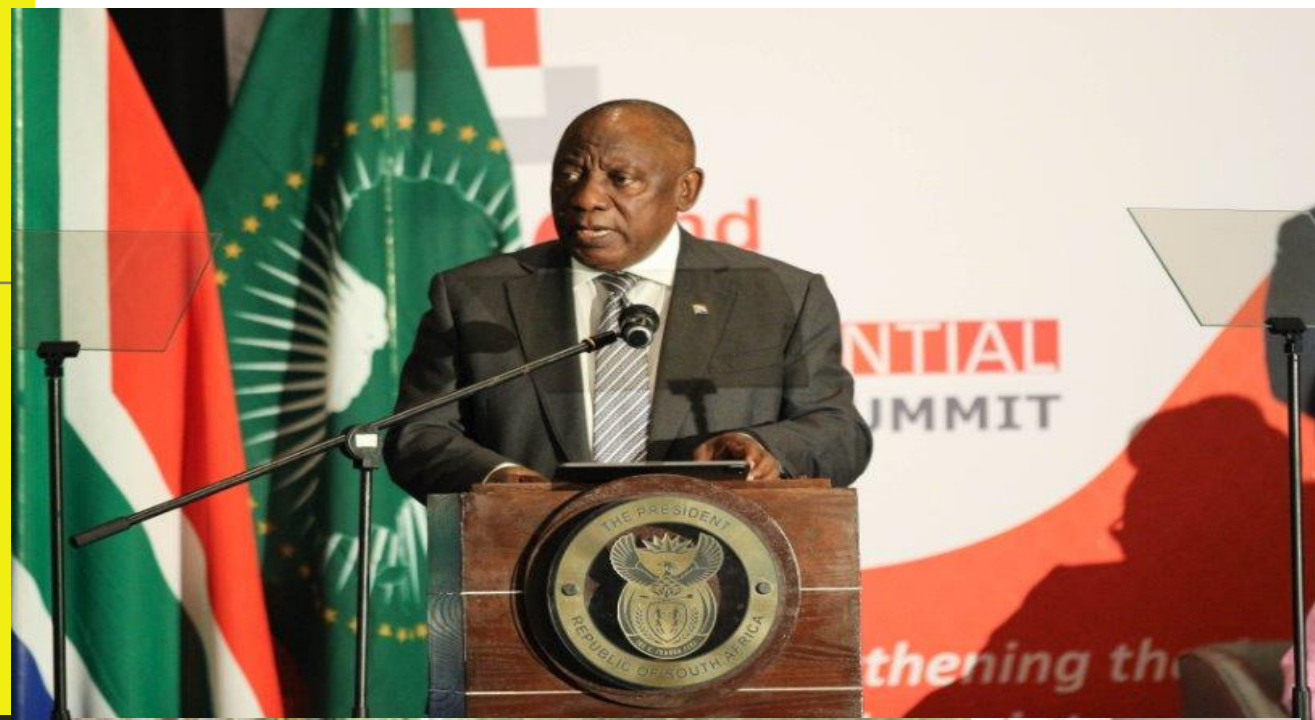


# COMMONWEALTH AFRICA ANTI-CORRUPTION CENTRE - CAPACITY-BUILDING



Over the years the Special Investigating Unit of South Africa took part in a training sessions for its investigators ,in collaboration with Commonwealth Anti-Corruption Association

# COUNTRY SUPPORT





# COUNTRY SUPPORT FOR SUSTAINABLE INTERNATIONAL ANTI-CORRUPTION

(Deputy President of the Republic of South Africa and the Head of SIU)

As Anti-Corruption Agencies globally, though independent, we are part of the state and governments in our respective countries.

## Country Support :

- It is vital because international engagements are approved by political heads
- It is vital for the sustainable international anti-corruption cooperation due to foreign policy
- Must have clear boundaries that should not blur the lines and turn into political independence



# COUNTRY SUPPORT FOR: COMMEMORATION OF INTERNATIONAL EVENTS

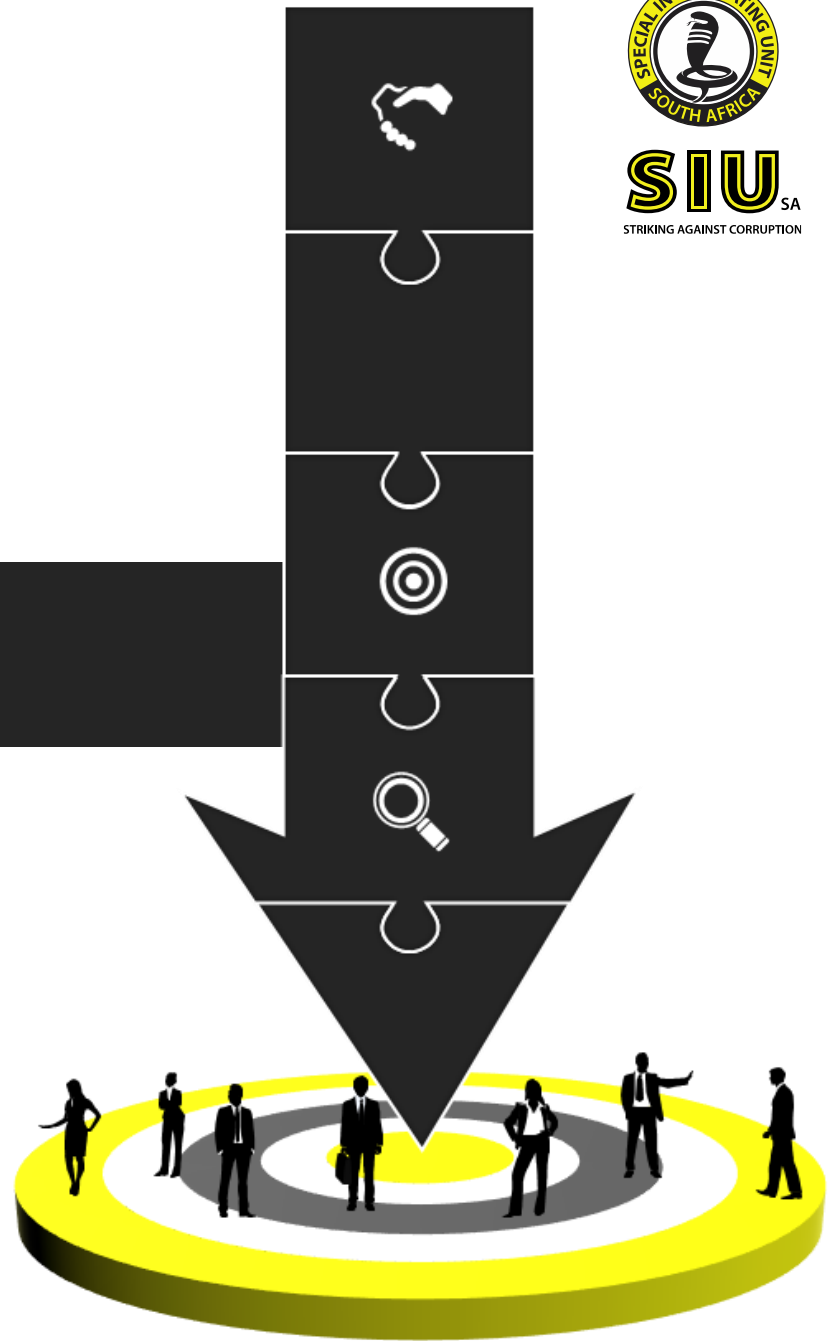


**Example of political will:** On 7 December 2023, the **Head and CEO of the SIU** was part of the **commemoration for the International Anti-Corruption Day**, he was **amongst a number of delegates including The Deputy President of the Republic of South Africa**, Head of the Directorate of Priority Crime Intelligence, National Director of Prosecutions



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# ETHICAL LEADERSHIP IN THE FIGHT AGAINST CORRUPTION





# ETHICAL LEADERSHIP PRINCIPLES



- Integrity** is the core and soul of a leader and the organisation they lead.
- Without integrity, our fight against corruption will be on the brink of collapsing.**
- Integrity **builds governance and governance ensures** that there are **systems in place** to make an **organisation thrive**.
- Ethical leadership** leads to the **successful implementation of preventing and fighting corruption** as very few will attempt to take a chance in bribing you as a leader or people from your organisation.
- This **instils public confidence** in the work of the organization.



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# GLOBAL CHALLENGES FACING CORRUPTION

## GLOBAL CHALLENGES

- Implementation of other partnerships and agreements such as MoUs, MOAs, MLAs.
- Implementation of review mechanisms.
- Implementation of UNCAC and other Regional National Anti-Corruption instruments.
- Implementation of capacity building initiatives.
- Implementation of effective corruption measurement framework.

Implementation of Reviewtion of capacity building initiatives.

Implementation of effective corruption measurement framework.



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# CONCLUSION

## CONCLUSION

- ❑ We are **not only the keyholder** but also the **key makers** that will unlock the doors of opportunity for growth as individual organisations but importantly as a network of Anti-Corruption Authorities that have one common goal and enemy (corruption).
- ❑ Our **unity is the key**. Our **pooling of resources is the weapon** that will close the doors on corruption.
- ❑ We strive to a **shared future that is free from corruption and crime**.
- ❑ But we can only see that future- hopefully in our lifetime- **through cooperation**. It will **not be easy, but it is attainable**, and we have already made inroads.
- ❑ In the words of the former Secretary-General of the United Nations, Dr Kofi A. Annan, in the foreword to the United Nations Convention Against Corruption, 2004 (UNCAC), ***“Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a Government’s ability to provide basic services, feeding inequality and injustice and discouraging foreign aid and investment. Corruption is a key element in economic underperformance and a major obstacle to poverty alleviation and development”***.
- ❑ Increase costs and reducing basic services such as health , education , social programs and even justice
- ❑ It exacerbates inequality and reduce private sector investment and it’s the detriment of markets, job opportunity and economies.
- ❑ I leave you with the words of South African struggle hero Oliver Reginald Tambo:
- ❑ ***“The future is bright. The end is glorious, it is peaceful. But the intervening period is dark, bitter and finds its glory in the act of struggle.”***
- ❑ In our case it is the struggle against corruption and other injustices.





**Thank You**



**SIU** SA  
Special Investigating Unit

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