

ber of Commerce leads to four conclusions:

- the approach has to be evolutionary: you simply cannot change the way the world is presently operating by the stroke of a pen;
- there needs to be a coalition of interests: governments by themselves, and the private sector by itself, cannot achieve meaningful change;
- the rules of any particular market place need to change for everyone and at the same time; and
- there are a number of leaders in developing countries who genuinely want to reform, but they cannot do this without the assistance of their trading partners, and this had not been forthcoming.

TI does not purport to be a global policeman and to catch those who break existing rules. That is for the police and for investigative journalists. Rather, TI aims to tighten rules and procedures to increase the likelihood of detection and so raise the level of deterrence. To this end, TI will work with all governments, in rich countries and in poor, that demonstrate their resolve to attack corruption and who have the demonstrable

credibility to ensure that programmes of action can be implemented effectively.

Already TI is well advanced in Ecuador, with a committed Vice-President Alberto Dahik and a lively and highly-active National Chapter led by a woman lawyer, Valeria Merino Darani. In-country work has already begun in the African states of Benin and Mali, and a preparatory mission, funded by the European Union, has visited Russia.

Within the Commonwealth, a mission led by former Nigerian head of state, General Olusegun Obasanjo, has met with leading figures in South Africa and plans are afoot there for the formation of a National Chapter. In Uganda, Tanzania, Kenya and Zimbabwe too, TI supporters are mobilising for action on the domestic front. In the UK there is an energetic National Chapter - busy lobbying ministers and MPs, consciousness-raising in the UK at large, fund raising and providing support for missions in other countries and in Australia and New Zealand concerned individuals are forming local chapters. Moves in Canada are expected shortly. In all,

National Chapters are either formed or in formation in over 20 countries, and this in an organisation that is barely one year old.

On the international scene, TI has made sure that corruption, and what to do about it, will feature on the agenda of the forthcoming Summit of the Americas, being organised by Vice-President Al Gore in Miami at the year's end (*1994, ed*). It is supporting moves within the OECD to outlaw the payment of bribes by industrialised countries and it is talking with ACP member states to see if the review of the Lomé Convention currently in train could be used as a vehicle for bringing the countries of the North on side.

The coming Commonwealth Law Conference in Vancouver in August 1996 will also be an excellent setting for an informed discussion to take place, bringing together as it will opinion-leaders and law makers from such a wide range of countries, most of whom are to some extent victims of this process.

The task ahead may be a daunting one, but as the maxim has it: evil thrives while the good do nothing. []

South African endeavours to counter corruption

Commentary by the Department of Justice

THE Minister of Justice, Mr A M Omar, indicated in parliament recently that the incidence of corruption as well as allegations of corruption are matters of great concern to the Government of National Unity. From recent and current investigations it would appear that widespread corruption has continued to plague our society. Furthermore, allegations of irregularities in the administration and collection of taxation, customs and excise and exchange control have been brought to our attention.

This cannot, must not and will not be tolerated. It is of the utmost importance that corruption at every level should be publicly identified as soon as possible and eradicated swiftly and efficiently.

Fortunately, corruption of various kinds have been the target of determined action by government. In this regard the following steps should be noted:

- The Office for Serious Economic Crime (OSEO) has continued its

sterling work in investigating white collar crimes and several prosecutions have followed as a result.

- Obviously the funding of investigative means to combat corruption is of critical importance and cognisance has been taken of requests by, inter alia, OSEO for the strengthening of their office as well as requests from the respective attorney-generals with regard to manpower. These matters are receiving attention. Negotiations pertaining to a proposed new sal- ➤

ary grading system for the public service are, in addition, currently being conducted in the central bargaining chamber of the public service. The grading system proposed entails a structural adjustment and not only a general salary increase which offers various possibilities. Provision for improved remuneration for state advocates and other legal personnel are included in the proposed system. Final details are, however, at present being awaited.

- Several anti-corruption units have been established in the South African Police Services.
- On an international level the government has been actively co-operating with other countries and agencies, on a bilateral, regional and international basis. For example, as a result of the International Ministerial Forum and Conference on Drug Control in November 1994, specific recommendations, which are receiving attention, were made regarding a programme of sub-regional action against corruption.
- Corruption, however, also exists in the private sector, and in view of the serious threat that money laundering

and other forms of organised crime - with resultant corruption - pose, special attention is being given thereto. Regulations have, for example, been promulgated to provide for more effective measures in regard to the proceeds of crime in drug trafficking cases, and more measures are in the pipeline, such as:

- The Extradition Amendment Bill;
- The proceeds of Crime Bill; and
- The International Co-operation in Criminal Matters Bill.

A number of commissions of inquiry were also appointed in an attempt to investigate corruption, to bring culprits to justice and to effect restitution, where necessary and possible. These commissions are, inter alia -

- a) The Skweyiya Commission of Inquiry into corrupt practices by various government officials and misuse of state funds in the erstwhile Bophuthatswana;
- b) The Budlender Commission of Inquiry into irregularities in relation to assets in the former TBVC states; and
- c) The Heath Commission of Inquiry into matters relating to state prop-

erty and other property in the Province of the Eastern Cape.

However, these commissions are or were limited to specific incidents or specific subject matters or to specific geographical areas. The result is that there is no comprehensive investigation into corruption covering the whole of the territory the RSA; the terms of reference are unduly limited; and an overlapping of investigation occurs.

In view of the above, it was deemed imperative by the government that investigations be rationalised and an effective national strategy to fight corruption, be developed. It is with this object in mind that plans to set up a national commission against corruption are well advanced. The Department of Justice in consultation with the relevant players are at present urgently giving attention to the finalisation of the terms of reference of such a commission, which will possibly include the power to make binding orders. The commission will be appointed once the terms of reference have been finalised. It is impossible at this stage to give any precise indication as to when such a commission is expected to commence with its work, but hopefully it will be very soon. 

International Association of Lawyers: 40th Congress

THE 40th congress of the Union Internationale des Avocats (International Association of Lawyers) will take place in Madrid from 4-8 September 1996. The congress will bring together more than 1 000 delegates.

Three main themes will be analysed in depth during the event:

- Justice and the media
- Protection and use of Intellectual Property in a changing Global Economy
- Rights of the Defence, Confidentiality and Professional Secrecy

In addition, the various specialised UIA commissions will hold meetings that deal with current issues relevant to their fields.

A social programme, as well as quality pre- and post-congress tours, are also on offer for delegates and accompanying persons. Information is obtainable from the UIA at its Paris (France) office: Tel: (33) (1) 45.08.82.34 or fax: (33) (1) 45.08.82.31

World Congress on Medical Laws

THE World Association for Medical Law will hold its 11th World Congress on Medical Law at Sun City, from 28 July to 1 August 1996.

The Sun City event will be the first WAML world congress to be held on the African continent. It will be co-sponsored by the World Health Organization (WHO) and the Council for International Organizations of Medical Sciences (CIOMS).

Topics such as the legality of euthanasia, abortion, surrogate motherhood, the legal aspects of AIDS, the financing of health services and the role of traditional healers are expected to be debated at the congress.

Prof S A Strauss of UNISA was a founding member in 1967 and Professor Ferdinand van Oosten of the University of Pretoria is at present the vice-president.

Premier Popo Molefe of the Northwest will be chief patron of the Sun City Congress.

Details may be obtained from Mrs D M Friedman at Mmabatho by telephoning 0140-842470/1; Fax: +27 140 24894.