



From Fragmentation to Accountability: Institutional Reform and the International Anti-Corruption Court in South Africa

By Melanie Sinder Alves da Silva

September 2026

From Fragmentation to Accountability: Institutional Reform and the International Anti-Corruption Court in South Africa

By **Melanie Sinder Alves da Silva**

September 2026

Note: This policy brief draws on findings from the master's thesis "Closing the Impunity Gap: South Africa and the International Anti-Corruption Court", completed at Nova School of Business and Economics (Portugal) by Melanie Sinder Alves da Silva, Delinda Obeng Nketia, and Oliver Degn Mortensen, and incorporates insights from expert interviews conducted as part of the research. The analysis reflects perspectives from practitioners across South Africa's anti-corruption landscape, including a retired senior jurist, civil society and NGO leaders, a governance researcher, a senior legal practitioner, and a senior official from a national investigative body.

Executive summary

South Africa faces a persistent accountability gap in addressing grand corruption. Despite a comprehensive legal framework and multiple oversight institutions, enforcement remains fragmented, politically exposed, and inconsistently applied. Exposure has not translated into accountability, with limited asset recovery and few successful prosecutions of senior officials.

The central weakness lies in enforcement rather than the absence of legal architecture. Weak coordination, political interference, and limited capacity to address transnational corruption flows continue to undermine outcomes. International frameworks like the United Nations Convention against Corruption (UNCAC) and Financial Action Task Force (FATF) standards provide important benchmarks, but their effectiveness ultimately depends on consistent domestic implementation and enforcement.

This policy briefing proposes a practical, phased reform pathway that strengthens existing institutions. Priority actions include formalising inter-agency coordination, introducing digital case-tracking systems, strengthening whistleblower protection,

and scaling effective enforcement models within the current system. In parallel, the Department of Justice and Constitutional Development and the Department of International Relations and Cooperation (DIRCO), in consultation with relevant enforcement agencies, should assess South Africa's strategic engagement with the proposed International Anti-Corruption Court (IACCourt), particularly its potential contribution to cross-border investigations and asset recovery.

The objective is clear. South Africa should shift from episodic exposure to consistent enforcement, strengthening institutional credibility and the rule of law, while improving the country's broader governance and investment environment.

Policy recommendations

South Africa can strengthen enforcement within existing institutional and political constraints through the following actions:

1. Formalise coordination across anti-corruption institutions

Establish shared investigative frameworks, joint tasking arrangements, and integrated case management systems across the National Prosecuting Authority (NPA), Directorate for Priority Crime Investigation (DPCI), and Special Investigating Unit (SIU) before pursuing structural consolidation.

2. Introduce a centralised digital case-tracking system

Implement a cross-agency platform to monitor case progression, reduce attrition, and strengthen accountability for investigation and prosecution outcomes.

3. Strengthen whistleblower protection within existing frameworks

Expand secure reporting channels, strengthen legal safeguards against retaliation, and ensure structured follow-up and case management of disclosures.

4. Scale integrated enforcement models within existing structures

Build on demonstrated areas of effectiveness, including the Special Investigating Unit's investigative, civil recovery and asset-recovery work, while strengthening its operational coordination with the NPA, DPCI and other relevant agencies. These arrangements can provide a basis for more integrated approaches to complex corruption cases without requiring immediate institutional consolidation.

5. Position the International Anti-Corruption Court as a targeted, complementary mechanism

Focus engagement on cross-border asset recovery and complex transnational cases where domestic capacity is constrained.

Introduction

South Africa's anti-corruption framework is institutionally dense but operationally fragmented. Multiple agencies share responsibility for investigation, prosecution, and asset recovery, yet coordination failures and overlapping mandates have weakened enforcement outcomes. As a result, complex corruption cases frequently stall or fail to progress from investigation to prosecution.

This fragmentation is particularly consequential in cases of grand corruption. Unlike petty corruption, which typically involves smaller-scale abuses of entrusted power in routine administrative or service-delivery transactions, grand corruption involves the abuse of high-level public power for private gain on a scale that causes serious harm, entrenches impunity, or distorts public institutions and decision-making.¹ The findings of the 2018 Judicial Commission of Inquiry into Allegations of State Capture (Zondo Commission) highlighted the scale of systemic corruption in South Africa, linking at least R57 billion in public funds to irregular contracts.²

Yet exposure has not translated into accountability. Only a fraction of losses has been recovered, and few high-level actors have faced meaningful consequences.³ This limited asset recovery and weak enforcement has created a persistent impunity gap, undermining institutional credibility and public trust. The enforcement deficit also carries broader macroeconomic consequences, including weakened state capacity, suppressed foreign direct investment, increased sovereign risk perceptions, and diversion of public expenditure away from essential services.⁴ Grand corruption is therefore both a governance failure and a structural constraint on development.⁵

- 1 Transparency International, *Tackling Grand Corruption Impunity: Proposals for a Definition and Special Measures*, 2023. <https://www.transparency.org/en/publications/tackling-grand-corruption-impunity-proposals-for-definition-and-special-measures>
 - 2 U4 Anti-Corruption Resource Centre, *Definitions of Grand Corruption*, 2020. <https://www.u4.no/publications/definitions-of-grand-corruption>
 - 3 Pillay, D., *The Zondo Commission: A Bite-Sized Summary*, Public Affairs Research Institute, 2022. <https://pari.org.za/wp-content/uploads/2022/09/PARI-SummaryThe-Zondo-Commission-A-bite-sized-summary-v360.pdf>
 - 4 Open Secrets, *Bad Cops, Bad Lawyers: The Officials at the NPA and Hawks Delaying Justice for State Capture Crimes*, 2022. <https://www.opensecrets.org.za/wp-content/uploads/2022/08/Bad-Cops-Bad-Lawyers.pdf>
 - 5 International Monetary Fund, *Corruption: Costs and Mitigating Strategies*, IMF Staff Discussion Note No. 16/05, 2016. <https://doi.org/10.5089/9781513594330.006>
- 6 United Nations Economic Commission for Africa, *Illicit Financial Flows: Report of the High Level Panel on Illicit Financial Flows from Africa*, 2015. <https://repository.uneca.org/entities/publication/b49325f9-4396-5882-8d56-88117f079086>
- 7 Obonyo, R., "Transnational Organised Crime Threatens Africa's Security," *Africa in Fact*, Issue 64, 2023. <https://africainfact.com/transnational-organised-crime-threatens-africas-security/>

Although South Africa participates in international frameworks like the United Nations Convention against Corruption (UNCAC)⁶ and the Financial Action Task Force (FATF)⁷ these mechanisms depend on domestic enforcement capacity and international cooperation, which can constrain their effectiveness in complex cross-border cases.

Against this backdrop, the International Anti-Corruption Court (IACCourt), first proposed in 2014, has emerged as a potential mechanism to address cross-border enforcement gaps.⁸ The proposed IACCourt would operate as a complementary accountability mechanism where national systems are unwilling or unable to act effectively, rather than as a substitute for domestic institutions.

The central policy question is therefore how South Africa can strengthen domestic enforcement while also engaging with complementary international mechanisms capable of addressing the transnational dimensions of grand corruption. This briefing focuses on reforms that are both technically sound and capable of gaining traction within South Africa's current political and institutional landscape.

Structural constraints on effective anti-corruption enforcement

South Africa's anti-corruption architecture is distributed across bodies including the National Prosecuting Authority (NPA), Directorate for Priority Crime Investigation (DPCI), Special Investigating Unit (SIU) and their specialised units. This fragmentation is particularly visible in asset recovery. The SIU pursues civil recovery and refers evidence of criminal conduct for prosecution, while the NPA's Asset Forfeiture Unit (AFU) seeks restraint and forfeiture orders through the criminal justice system. Without integrated case management, parallel processes can duplicate effort or leave gaps between investigation, civil recovery and criminal accountability. The difficulties

exposed in the Nulane state capture prosecution, where problems in the investigation and presentation of evidence contributed to the collapse of the initial trial, illustrate the consequences when complex cases are not managed coherently across the enforcement chain.

While the Anti-Corruption Task Team (ACTT) was established to improve coordination, its largely non-statutory coordinating role limits its ability to resolve these structural weaknesses.⁹ Political interference has also weakened enforcement. Leadership appointments within key law-enforcement and prosecutorial bodies have at times compromised institutional autonomy and public confidence.

The appointment of Berning Ntlemenza as head of the DPCI provides a prominent example. The courts ultimately set aside his appointment after finding that adverse judicial findings concerning his honesty and integrity had not been properly considered. More broadly, research on the state capture period has identified officials within both the NPA and Hawks who were alleged to have delayed high-profile investigations, pursued cases against anti-corruption actors, or otherwise created bottlenecks in the progression of state capture cases. This interference weakened case selection, continuity, and the credibility of enforcement.¹⁰

Over time, these weaknesses have contributed to uneven enforcement, with complex grand corruption cases particularly difficult to investigate and prosecute successfully. The proposed IACCourt would introduce an additional pathway for accountability in cases falling within its jurisdiction. By providing a framework for international investigation, prosecution and cooperation, it could help address some of the difficulties associated with evidence-sharing, mutual legal assistance and the movement of illicit assets across jurisdictions. However, its effectiveness would depend substantially on state participation and cooperation.

6 United Nations Convention against Corruption (UNCAC), adopted 31 October 2003, entered into force 14 December 2005. South Africa ratified the Convention on 22 November 2004.

7 Financial Action Task Force, *The FATF Recommendations: International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation*, adopted February 2012 (as amended).

8 Wolf, Mark L., "The Case for an International Anti-Corruption Court," Brookings Institution, July 2014. <https://www.brookings.edu/articles/the-case-for-an-international-anti-corruption-court/>

9 Open Secrets, *Bad Cops, Bad Lawyers: The Officials at the NPA and Hawks Delaying Justice for State Capture Crimes*, 2022. <https://www.opensecrets.org.za/wp-content/uploads/2022/08/Bad-Cops-Bad-Lawyers.pdf>

10 Basel Institute on Governance, *South Africa Anti-Corruption Architecture*, International Centre for Asset Recovery, 2012. https://baselgovernance.org/sites/default/files/2019-01/south_africa_anti-corruption_architecture.pdf Pillay, P., "Anti-Corruption Agencies in South Africa and Brazil and Challenges," *African Journal of Public Affairs*, 9(8), 2017, 1-14. <https://hdl.handle.net/10520/EJCab4f8b4ab>



Photo: Getty Images

Building an implementable reform pathway

Improving enforcement outcomes in South Africa requires stronger coordination, accountability and capacity within existing institutional arrangements. Large-scale institutional redesign may have a role over the longer term, but near-term reforms should build on areas of existing effectiveness, including specialised bodies, which provide a basis for strengthening the investigation and prosecution of complex corruption cases.

The immediate priority is coordination. Fragmentation across agencies has weakened case progression and diluted accountability. Strengthening joint investigative frameworks, shared data systems, and coordinated case management can deliver near-term gains without requiring structural overhaul.

Sequencing matters. Initial reforms should focus on coordination and transparency, including digital case-tracking systems that make case progression

and bottlenecks visible. Comparative experience from specialised anti-corruption bodies like Hong Kong's Independent Commission Against Corruption (ICAC), Romania's National Anticorruption Directorate (DNA), and Indonesia's Corruption Eradication Commission (KPK) shows that specialised capacity can strengthen enforcement but cannot substitute for a wider rule-of-law environment in which rules are applied consistently and impartially.¹¹

Specialised institutions also require safeguards against both political interference and the misuse of concentrated enforcement power. Their effectiveness depends on transparent case-selection processes, due-process protections, judicial oversight, institutional accountability and scrutiny from civil society and independent media. The relevant comparative lesson for South Africa, and for the proposed IACCourt, is that specialised enforcement works best when embedded within a broader system capable of supporting credible and impartial accountability.

11 OECD, *Specialised Anti-Corruption Institutions: Review of Models*, Second Edition, OECD Publishing, 2013. <http://dx.doi.org/10.1787/9789264187207-en>

Within this framework, engagement with the IACCourt should remain targeted and complementary, with particular attention to cross-border enforcement and asset recovery. Its effectiveness will depend partly on cooperation from major international financial centres and jurisdictions through which illicit assets move. Some may have strong existing asset-recovery and mutual legal-assistance frameworks, while others may be reluctant to accept additional jurisdictional obligations. This makes broad participation necessary, although universal participation is unlikely to be needed from the outset. A sufficiently diverse group of participating states could strengthen international cooperation and increase the diplomatic and reputational costs of providing safe havens for illicit assets.

Legitimacy is equally critical. In post-colonial contexts, international courts perceived as selectively targeting African leaders while actors and jurisdictions elsewhere escape scrutiny have struggled to secure durable political support. The IACCourt initiative has therefore sought to build support through a global civil society coalition spanning the Global North and South. As convening partner for Africa, Good Governance Africa (GGA) has contributed to shaping the continental discussion and building political engagement around the proposal, helping ensure that African governance priorities inform its development. Alignment with existing frameworks, including UNCAC and the African Union Convention on Preventing and Combating Corruption (AUCPCC), as well as broader continental commitments like Agenda 2063,¹² can further strengthen its legitimacy within established governance norms.

The proposed pathway prioritises incremental reforms that strengthen coordination between law-enforcement bodies, improve continuity in complex corruption investigations through centralised digital case-tracking, reinforce whistleblower protection, expand specialised enforcement models, and build capacity for cross-border asset recovery.

Conclusion

South Africa's corruption challenge reflects a persistent gap between formal institutional frameworks and effective enforcement. While the country has robust laws and multiple oversight bodies, fragmentation, political interference, and weak coordination continue to limit accountability outcomes.

Closing this gap does not require waiting for wholesale institutional redesign. Immediate priorities include stronger coordination, greater transparency, effective whistleblower protection, and the expansion of enforcement models that are already demonstrating value within existing structures.

Strategic engagement with the IACCourt can complement these domestic reforms, particularly where grand corruption involves transnational networks, cross-border evidence or asset recovery. Effective domestic institutions nevertheless remain the foundation of South Africa's anti-corruption response.

The objective is consistent, credible enforcement that produces visible consequences for grand corruption. Achieving this would strengthen public trust, reinforce the rule of law, improve governance, and support South Africa's long-term economic development.

¹² African Union Commission, *Agenda 2063: The Africa We Want*, adopted by the African Union Assembly in 2015.

Notes

[illegible]



Photo: Getty Images

For bespoke advisory services, contact our
Good Governance Africa advisory services team.

Contact us

Email: info@gga.org

Web: www.gga.org

