

Corruption and Public Service Delivery: Enforcement of Ethics to Curb Transgression in the Public Sector

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Abstract

The purpose of this paper is to illustrate corrupt practices in South African public sector and to recognize the critical need for ethical control to promote good governance. Since the advent of democracy in 1994, there has been a myriad of incidents of corruption involving public servants in South Africa. Corruption is now recognized as one of the South African government's greatest challenge with numerous consequences for public service delivery in that the resources that are meant to assist the poor are diverted to benefit few corrupt officials. Corruption undermines democracy and social justice, thus, deepening poverty, increasing organized crime and stunting efforts to stimulate human security. The incidents of corruption characterized by colossal theft, embezzlements and rampant bribery are the basis of knowledge around the ability of the African National Congress (ANC) led government to deal effectively with dishonesty. The paper will use literature review to argue and demonstrate that despite the devotion by the ANC-led government to combat unethical conduct of public servants by formulating various pieces of legislation and policies as an attempt to address the problem of unethical behaviour; the tribulations of corruption and problems of immoral conduct by public servants continue to escalate, thus, perpetuating poor provision of public service. The paper concludes that continued unethical practices by public servants cannot go unpunished; ethics must be enforced to enhance public service delivery.

Keywords: Corruption, Service Delivery, South Africa, Ethics, Public Sector

Introduction

Public services in South Africa is characterised by widespread allegations of unethical conduct, and it has generated rampant concern among politicians and public officials and consequently, there is a search for remedies (Disoloane, 2010; Manyaka & Sebola, 2013). The arguments on unethical and corrupt manner in which public servants

conduct themselves have captured attention of South Africans who are devoted to promoting good governance in public sector (Pillay, 2004). Corruption undermines democracy and social justice, thereby deepening poverty, fuelling organised misconduct and stunting efforts to promote human security by government. The media in democratic South Africa publish almost daily new instances of the abuse of entrusted power for private benefit. These abuses range from bribes involving political leaders, corporations and wealthy private individuals. Corruption undermines the delivery of basic services in housing, education and policing. It is a system of influence peddling that has its roots in the way that the security forces, civil service and business operated under apartheid (Faull, 2007). Without doubt corruption impacts on service delivery and the impact is very real and damaging (Tooley & Mahaai, 2007).

Corruption is not only limited to the actions and attitudes of public servant and politicians (Soma, 2004). Rather, the problem is widespread; and it is acknowledged that corruption in the public sector was adopted from the past apartheid (Mafunisa, 2007). Nonetheless, the problems and challenges in the public sector cannot be ignored by the government. South African government committed itself to promote democratic values and principles as it is enshrined in Section 195 of the Constitution of the Republic of South Africa 1996, which aims at promoting effective and efficient service delivery and promoting good governance. Therefore, all employees and professional in the public sector are required to behave in an ethical and accountable manner in order to perform their duties meticulously (Manyaka & Sebola, 2013; Theletsane, 2014).

Post 1994, the government of the ANC brought with them a focus on both policy formulation and the creation of institutions in an attempt to stem corruption. Still, anti-corruption conferences in the late 1990s argued that the policies were failing due to poor implementation (Pillay & Subban, 2007). Building on these criticisms, the state has taken steps to counter the weaknesses in the implementation of anti-corruption policy, particularly with regards to the public sector. Despite these measures, key pieces of anti-corruption legislation such as the Prevention and Combating of Corrupt Activities Act, the Protection of Access to Information Act and the Protected Disclosures Act, remain poorly applied in many instances. Therefore, challenge remains to move the word from the page to action in the workplace.

Conceptualising Corruption

Corruption appears in permutations and in degrees of intensity, varying from the occasional acceptance of bribes to systematic dishonesty where bribery is the accepted way of doing business and large-scale sucking of a country's resources. The socio-economic conditions, the political-institutional infrastructure, cultural heritage and other factors influence the way in which corruption is perceived and addressed (Molekane & Mothae, 2009). Whilst corruption seems easily identifiable, the varying perspectives make it particularly difficult to define corruption and develop

appropriate remedies. The Corruption Act (94 of 1992) defined corruption as the “abuse of public power for illegitimate or illegal gain or profit”. According to the definition contained in this Act there are four criteria which have to be met: There must be an offer and/or receipt of a benefit; the benefit must not be legally due; it must be for a person holding office; and lastly, the purpose for which the benefit is given and/or received, must be to influence a person in the exercise of his/her power to do something or not to do something.

In organizational context, corruption is defined as it is generally accepted that for any act to be corrupt it must involve an abuse of entrusted power for personal gain, entrusted power being something police members have plenty of (Faull, 2007). Nye (1970:566), defined corruption as “behaviour which deviates from the formal duties of a public role because of private pecuniary or status gains, or violates rules against the exercise of certain types of private influence”. This includes such behaviour as bribery - use of a reward to distort the judgement of a person in a position of trust; nepotism - delivery of patronage by reasons of ascriptive relationship rather than merit; and misappropriation - illegal misuse of public resources for private use. Although, there are multiple definitions of corruption from various authors or scholars, most illustrates that corruption is generally accepted as the abuse of power, misconducts and criminal acts by public servants for their own benefit.

Reported Cases of Corruption in South Africa

Concerns about corruption in South Africa have intensified in recent years. There have been calls for better public administration including calls for greater efficiency, transparency, and integrity in public institutions. The literature on organisational and managerial factors that produce corruption in South Africa is extensive. However, non-managerial explanations have been explored less. Currently, there is propagation of informal markets in South Africa, probably due to the high volumes of low skilled labour and makes individuals more prone to be involved in some form of corruption, owing to their vulnerable position (Mafunisa, 2002). For instance lower ranked of police and traffic officers are also in a vulnerable position poorly paid, lacking training and frequently experience and they need to supplement their incomes to meet their ends needs (Manyaka & Sebola, 2013). The interaction between these two domains of vulnerability reinforces and perpetuates their survival. Sometimes, police will be bribed to ignore illegality, traffic officers will be bribed by vehicles owners when caught speeding or drinking while driving, thus having access to a source of additional income.

Poor administration that verges on corruption seems to occur within all spheres of services where vulnerability is not necessarily the source (Mafunisa, 2001). For example due to poor payment of public servants which emanates from corruption and personal gain by politician, former National Commissioner of South Police Services, presently Minister of Arts and Culture was forced to allow the police officers to shoot the strikers at Marikina Mines in North West Province who were protesting for

increment of their salaries, this led to the killing of some miners of which some of them were breadwinners to their families, and due to that some of the families do not have adequate food and money for their survival (Disolaone, 2010). Another incident is the issue of tax evasion by the former ANC Youth League President, presently the Economic Freedom Fighters (EFF) Commander in Chief who did not pay tax worth 16 million which government could have used to provide services to the needy rural people. Another intriguing issue was observed in Limpopo Province where tenders that were allocated to provide infrastructure to the community as part of service delivery, were secured and allocated to people with the aim of benefiting from them. Furthermore, it's the Nkandla saga where President of the State benefited from the state money for security upgrades in Nkandla village where by approximately R246 million has been used from the state money (Vos, 2013). All this incidences illustrates that public servants misuse their power for self-interest. Another alleged corrupt activity is the looting of VBS (Venda Burial Society) Bank where in a 148 report titled "The Great Bank Heist" by Advocate Terry Motau shows that "the large bulk of the funds stolen was for the benefit of individuals and entities related to VBS executives, including its largest purported shareholder, Vele Investments, which benefited to the tune of R936m (TimeLives, 2018). The perpetrators of the heist made away with almost R2bn. It emerges from the forensic accountants report that an amount of R1.894m was gratuitously received from VBS by some 53 persons of interest, both natural and juristic, over the period 1 March 2015 to 17 June 2018" (TimeLives, 2018). Lastly but not the least is the Back in 2016, civil society body OUTA exposed SAA (South African Airways) and Myeni for failing to follow correct procurement procedures when selecting a company called BnP Capital to source R15bn in debt funding for the airline. SAA planned to pay BnP R256m in the deal, but OUTA revealed that the airline could have sourced these services for between R42m and R85m. Furthermore, BnP had its licence revoked by the FSB (BizNews, 2018).

The causes of corruption in South Africa are circumstantial and deeply rooted in the country's bureaucratic traditions, political development, and social history (Kanyane, 2010). The empirical evidence from other studies revealed that corruption has flourished as a result of institutional weaknesses (Sindane, 2009b). The normal motivation of public-sector employees to work productively has been undermined by many factors including declining civil service salaries and promotion unconnected to performance (Manyaka & Sebola, 2013). Staff members have also been demoralised by dysfunctional government budgets, inadequate supplies and equipment, delays in the release of budget funds, and a loss of organizational purpose, senior members of the government benefiting from the public's funds, entrepreneurial politics, bureaucratisation defective administrative arrangements and favouritism. The motivation to remain honest has further been weakened as a result of senior officials and political leaders using public office for private gain, as such a widespread of corruption in public sector brought injustice, inefficiency, mistrust of the government by the citizens thus, leading to public protest.

The Importance Of Good Governance In The Public Sector

Governance is a multi-dimensional and complex concept so elusive that scholars from various disciplines inter alia Development Studies, Public Administration and Economics seems cautious to commit themselves to a single definition, though in many instances semblance of similarity of perspectives regarding its meaning do exist among them (Maserumule, 2009). According to Sindane (2009a, 2), governance is referred to as a “process of decision-making and the process by which decisions are implemented or not implemented”. A process includes elements from within society that possess power and authority to influence public policy and decisions concerning public affairs. Governance should be conducted in a manner that people are central to a day-to-day running of the government, being partners in decision making processes, involvement and participation in government programmes (Molekane & Mothae, 2009). Governance is multi-dimensional and shields, for instance, the obligation of managing and observing organisational performance and also touches upon accountability of supervision to stakeholders (Esterhuysen, 2000). Good governance also requires capacity, skills, knowledge, and the resources to fight fraud and corruption. Although, there are multitudes of definitions, good governance in essence addresses the allocation and management of resources to respond to collective challenges, such as, fraud and corruption. National Development Plan, 2030 identifies the following as critical elements of good governance: accountability, transparency, independence, fairness, responsibility and discipline.

Discipline: This means a commitment by the organization’s senior management to standards of correct and proper behaviour.

Transparency: This is where an outsider can meaningfully analyse the actions and performance of the organization.

Accountability: this is where communities’ rights to receive information relating to the stewardship of the organization’s assets and performance are addressed.

Responsibility: This is where all the consequences of the organization’s behaviours and actions in relation to the commitment for improvements are accepted.

Fairness: This is in terms of the acknowledgement of respect for and balances between the rights and interests of the various stakeholders of the organization.

Social responsibility: This is where the organization demonstrates the commitment to ethical standards and its appreciation of the social, environment and economic impact of its activities on the society in which it functions.

Given the discourse on governance, it has become apparent that there is agreement that issues of accountability, ethical behaviour, fairness, transparency and responses to people’s needs form the cornerstone of good governance.

Ethics As Panacea to Corruption in Public Sector

Ethics are a set of principle and norms that monitor or administer the moral conduct of the employees in the institutions (Mafunisa, 2001; Manyaka & Sebola, 2013). Ethics deals with values that relates to human conduct, decorum in a wrongness of rightness of particular actions and to the badness and goodness of the motives (Mafunisa, 2001). Rightness refers to what must be or what is approved and wrongness to what ought not to be or what is disapproved by the society. In the context of public services; leaders and managers must possess a high quality standard of ethics and must lead by examples (Kanyane, 2010). Ethics in this regard must be referred to “Project External Constraints” as called in the field of Project Management, meaning constraints which are non-negotiable because they are enormously detrimental to the government; as such every individual whether from political or public office are expected to conform to them. Ethics is further defined as adhering to moral values and therefore subscribing to ethical standards that indicate the appropriate stance and behaviour of individuals, groups, institutions as well as organizational and social systems (Public Service Commission, 2001). Ethics are important because they help institutions in terms:

Asset Protection

A strong ethical culture within institution is important in safeguarding assets. Employees who abide by workplace ethics would be able to protect and respect institution’s assets. For instance, employees would avoid making personal long distance calls using the institution’s lines. Ethics assists employees to respect company property when they are treated with respect and dignity, which makes them feel proud to be working for the institution. They ensure that workers perform in an environment with integrity and strong ethics. Thus, it increases employee pride and discourages them from stealing supplies or equipment.

Productivity and Teamwork

Workplace ethics is integral in fostering increased productivity and teamwork among employees. It helps in aligning the values of the institution with those of the employees. Achieving this alignment requires consistent encouragement of dialogue regarding the values of the institution, which enhances community, integrity and openness among employees. Ethics enable workers to feel a strong alignment between their values and those of the institution. They show such feelings through increased productivity and motivation.

Public Image

Making ethical choices earns institutions a lot of respect and cultivates a strong image in the public domain. For instance, if institutions fulfil all of their promises, the public would consider the business to be operating with honour and integrity while valuing people over profits. Building a strong public image through ethical conduct also earns

more clients because the customers would develop trust and do business with the organization.

Decision-Making

Ethical conduct in the workplace encourages a culture of making decisions based on ethics. It also enhances accountability and transparency when undertaking any decisions. During turbulent times, a strong ethical culture guides in managing such conflicts by making the right moves. It can help to introduce change successfully in the organization, which can be a challenge. Ethical conduct within the institution sensitizes on how to act consistently even in difficult times.

Legislations on Corruption

The South African constitution, 1996 (Act 108 of 1996)

Constitution of 1996 (Act 108 of 1996) has provides an obligatory mechanism for South African national public servants to address the scourge of corruption. This is reflective of an overall commitment to greater openness and transparency in government as opposed to the secretive and unresponsive culture that characterised public administration during the apartheid regime. Section 195 (1) of Chapter 10 of the constitution sets out the basic values and principles governing public administration. These include accountable public administration and the promotion of a high standard of professional ethics. The relevance of this section of the constitution is underpinned by the fact that the fight against corruption has become of such a magnitude that it requires a different approach. The constitution also encourages citizen participation in issues of governance. Active citizen participation is an essential ingredient in any democratic dispensation because it ensures that the government of the country works as per agreement and that public officials serve the general welfare of society rather than pursuing their own interests.

The White paper on transformation of the public service, 1997 (Batho Pele) (WPTPS)

The White paper on transformation of the public service, also known as the Batho Pele policy, was introduced in 1997 to provide a policy framework and practical implementation strategies for transformation of public-service delivery. The policy strongly signalled the government's intention to adopt a citizen-oriented approach to service delivery, informed by the eight principles of consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money. In line with constitutional principles, the WPTPS provided a framework that enabled government to develop strategies promoting good public administration. Chapter 11 of the WPTPS required government, inter alia, is to improve practices that promoted good governance (Republic of South Africa, 1997).

The Prevention of Corruption Bill (April 2002)

The Prevention of Corruption Bill provides a workable definition of corruption. It reinstates the common law crime of bribery; it creates a presumption that acceptance of a favor is corrupt in order to facilitate prosecution; and it extends the scope of the Act to all public officials, private persons and their agents.

The Criminalization of Corruption

Corruption is a statutory offence in South Africa and bribery will once again be regarded as a common law offence. The Prevention of Corruption Bill creates new offences within the broad category of corruption. It also, reinstates the common law offence of bribery. The Bill criminalizes corrupt actions undertaken outside South Africa by any South African citizen; anyone domiciled in South Africa, or by any foreigner, if: The act is an offence under the law in force in that country; The foreigner is found to be in the RSA; and The foreigner is for one reason or another not extradited.

Conclusion

Corruption affects all sectors of society adversely. It corrodes national cultures and undermines development by distorting the rule of law, the philosophy of democracy and good governance; it endangers stability and security and threatens social, economic and political development. It also drains governments of resources and hinders international investments. In order to achieve its developmental goals, South Africa must develop a society with zero tolerance for corruption, in which citizens are able to hold their leaders to account. Leaders in government, business and civil society should conduct themselves with integrity and be held to high ethical standards. Achieving this requires strengthening the accountability institutions that are already in place and tackling corruption across society. Sanctions must be applied impartially to those who betray public trust or break the law. With political will and consistent application of the right strategies corruption can be significantly reduced and public trust restored. Discipline, ethics and corruption need to be worked into the processes of recruitment and selection from the very beginning.

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