A critical need for ethical leadership to curb corruption and promote good governance in the public sector of South Africa

G Naidoo

Department of Public Administration and Management
University of South Africa

ABSTRACT

Corruption is recognised as a major hindrance to good governance in the South African (SA) public sector. The government has prompted the public sector to focus on anti-corruption measures as part of their mechanisms to prevent and curb corruption. Some departments have considered these controls. However, it is evident that these mechanisms are insufficient to prevent and curb corruption, due to poor governance practices, such as weakness and gaps in legislation. Furthermore, the public sector has seen that there are unethical and even toxic leaders, who exploit the loopholes in the systems and processes and seek to fulfil their personal desires at the expense of their departments. It is therefore argued that there is increasingly a need for ethical leadership in the public sector. This article therefore suggests the need for ethical leadership to prevent and curb corruption and to promote good governance in the SA public sector. Ethical leadership is associated with leader effectiveness and good governance. Leaders need to demonstrate ethical leadership in their daily behaviour, decisions and actions. By sending out strong messages about ethics and establishing clear reward and sanction systems to hold the employees accountable for their actions, leaders can promote good governance in the public sector.

INTRODUCTION

SA ranked low according to Transparency International's 2010 Corruption perceptions index, ranking 54 out of the 178 countries listed. For the 2010/2011 financial year, the Auditor-General uncovered R26,4bn in unauthorised, irregular and fruitless expenditure in reviewing the activities of the SA government departments. (De Lange 2011). Despite

legislation on tenders in government, 34% of all government departments awarded contracts to officials and their close family members. Although there are a number of initiatives to curb corrupt practices in the public sector, it is evident that corruption is on the rise.

It is obvious that there is a gap in previous research on the link between ethical leadership, corruption and governance (Naidoo 2011; Pillay 2004). Moreover, although some research has been done on corruption and leadership and its effects on governance, it is evident that more still needs to be done. The purpose of the article is to broadly identify corrupt practices in the SA public sector and to recognise the critical need for ethical leadership to promote good governance. Pillay (2004:590) states that success in eradicating corruption depends on the promotion of good governance. However, success in promoting good governance requires effective leadership (Naidoo 2011). Leadership in this regard can be in the form of exemplary moral and ethical leadership. Ethical leadership is needed to resist the abuse of entrusted power for private gain, as well as potential interference and to protect the anti-corruption agencies' operational independence, thus enabling good governance.

The article provided an overview of a framework to prevent and combat corruption and focuses on manifestations of corruption in the SA public sector. It also demonstrates corruption in the SA public sector; explores the challenges to curbing corruption; and suggests the critical need for ethical leadership to curb corruption and promote good governance in the SA public sector.

Table 1 Corruption in the SA public sector for 2004–2010 as at 31 June 2010

Categories of Corruption	Number of Occurrences	Percentages
Fraud and bribery	1 511	19%
Mismanagement of government funds	870	11%
Abuse of government resources	985	13%
Procurement irregularities	720	9%
RDP housing	450	6%
Appointment irregularities	627	8%
Social grant fraud	420	5%
Identity document fraud	781	10%
Unethical behaviour	580	8%
Criminal conduct	512	7%
Other	310	4%
Total	7 766	100%

Adapted from the Public Service Commission (PSC) Report 2011

FRAMEWORK TO PREVENT AND COMBAT CORRUPTION IN THE SA PUBLIC SECTOR

Various mechanisms have been put in place to prevent and combat corruption in SA. However, it is also critical to determine the effectiveness of these mechanisms and initiatives in the prevention and combating of corruption in the SA public sector.

Constitution of the Republic of South Africa, 1996

Section 195 of the Constitution of the Republic of South Africa 1996 requires that public administration must be governed by democratic values and principles, such as:
- the promotion of a high standard of professional ethics;
- the promotion of efficient, economic, and effective use of resources;
- transparency must be fostered by providing the public with timely, accessible and accurate information; and
- public administration must be accountable.

A number of acts have been passed to translate the principles of the Constitution into practice to promote good governance in the public sector.

Prevention and Combating of Corrupt Activities Act, 12 of 2004

The Prevention and Combating of Corrupt Activities Act, 12 of 2004 outlines a framework for the strengthening of measures to prevent and combat corruption; provides investigative measures in respect of corruption; places certain restrictions on persons and departments convicted of corrupt activities relating to tenders and contracts; and provides for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities. Departments are required to periodically conduct procurement audits of selected projects to identify weaknesses and malpractices in procurement processes. The implementation and enforcement of this Act has, however, been ineffective, as corruption still persists in the SA public sector.

Protected Disclosures Act, 2000

The Protected Disclosures Act, 26 of 2000 provides protection against occupational detriment to those who disclose information about unlawful or corrupt conduct. The Protected Disclosures Act, 2000 declares that criminal and other irregular conduct in organs of state are detrimental to good governance. Despite efforts made to prevent and curb corruption in the public sector, it is evident that a number of loopholes are obvious. Diale and Holtzhausen (2005:17) state that in its current form the Act "falls short of the practicality of its provisions and (lacks protection for) current and future whistleblowers". More attention should be devoted to the prevention of corruption and to identifying and eliminating systemic regulative and organisational gaps that create a corruption-prone SA public sector. Preventive actions should focus on reforming regulatory frameworks to reduce discretionary powers of public officials and increase transparency of decision-making procedures. More importantly, all citizens need to be more informed about these acts and its guidelines, as well as all other

legislation to curb and prevent corruption. Nonetheless, although these interventions are in place, corruption continues to manifest itself.

MANIFESTATIONS OF CORRUPTION

Langseth (2000) states that a number of cases of corruption were reported that affect the integrity of the SA public sector as reflected in table 1.

The National Anti-corruption Review Report (2003/2004) concluded that SA has made great strides in combating corruption, but noted that serious challenges still remain in the public sector. The report highlighted that corruption in national government had decreased markedly, while corruption increased in the local government sphere (Humphreys & Weinstein 2009:370).

Statistics SA's 2011 Victims of Crime Survey reported that bribery is the most common form of corruption in organs of state. The Statistics SA's Victims of Crime Survey (2011:34) inter alia states:

> Households were asked if any public official asked for money, favours or a present for a service that he or she was legally required to perform. Of the sample 5,6% of households were asked for money by government officials for a service. The results show that paying a bribe to the traffic police to avoid traffic fines was the most common form of corruption. More than half (52,8%) of those who were victims of corruption were asked to pay a bribe to the traffic officer. This was most common in Gauteng (62,2%), followed by Western Cape (57,6%) and Eastern Cape (55,8%). The second highest service was policing (21,4%), where 33,0% of corruption victims in Western Cape paid bribes to the police. This was common in Free State (28,9%) and Northern Cape (26,1%). Other services where some bribes were solicited include those involving driver's licences (15,9%); employment (13,8%) or identity document or passport matter (13,3%). Since 2007, the proportion of clients asked to pay bribes has increased significantly in relation to traffic fines. Comparisons with the previous survey indicated that the bribes when visiting a prison and bribes involving pension or social welfare grants have however decreased.

In closely examining corruption in the provincial sphere, it is important to note the number of cases referred to in provinces and to cases that have been resolved and closed.

Table 2 shows that Mpumalanga with 25%, North West with 21%, Northern Cape with 23% and Gauteng with 23% have the highest number of closed cases respectively. The Eastern Cape with 4%, KwaZulu-Natal with 11%, Western Cape with 12% and Free State with 13% have the lowest number of cases that had been closed. This shows the progress of each province in combating corruption. It is also important to note that in 2002, government adopted the Public Service Anti-Corruption Strategy as the result of a process of implementing the resolutions of the National Anti-Corruption Summit. A National Anti-Corruption Hotline was set up in 2004. By 2008, 4202 cases of alleged corruption in national and provincial government had been reported to the Public Service Commission (PSC). According to government, R86m was recovered through successful investigation and disciplinary procedures. This is a significant achievement in an effort to combat corruption in the national and provincial spheres of government.

Table 2 Cases of alleged corruption in provinces: 1 September 2004 to 31 June 2010

Province	Number of cases referred	Feedback received	Percentage of feedback received	Cases closed	Percentage of cases closed
KwaZulu- Natal	409	191	47%	43	11%
Free State	203	49	24%	26	13%
Mpumalanga	791	300	38%	196	25%
Western Cape	251	185	73%	30	12%
North West	307	133	43%	65	21%
Eastern Cape	424	83	20%	19	4%
Limpopo	300	96	32%	36	12%
Northern Cape	70	17	24%	16	23%
Gauteng	1 188	500	42%	268	23%
Total	3 949	1 522	39%	699	18%

Adapted from Public Service Commission (2011)

A closer look at corruption in 2012 indicates that there have been a number of cases of corruption in some of the provinces. In Limpopo province there has been a distortion in the utilisation of government funds. Five provincial departments have been taken over by national government as they did not have the capacity to deliver services. These five provincial departments, mainly in Limpopo province, and in municipalities in most provinces, are also guilty of widespread corruption and maladministration (Rampedi 2012). Limpopo has a shortfall of more than R2bn, an overdraft of R700m and it recently applied to a commercial bank for a R500m overdraft facility, which was declined (Sowetan, 2012).

Seven people, appeared in the Bloemfontein Magistrate's Court in March 2012. The investigation relates to alleged unlawful practices involving tenders in the Free State education department worth about R30m (News24.com: 2012). The Auditor-General (2012) found that 50% of tenders in the province were allocated either to government workers or their family members. The report also stated that "there was still much to be done to address deficient asset management processes and practices in the province, while the prevalence and magnitude of irregular expenditure incurred by eleven departments and three public entities were unacceptably high" (Sowetan 2012).

Other prominent cases of corruption in national government include the Public Works Department that has spent money on suspect leases that enriched a privileged few. This led to the dismissal of the former Minister of Public Works (Ms Gwen Mahlangu-Nkabinde) (Bryson 2011) and (Witness 2012). It is evident in municipalities that corrupt practices are also on the increase (Smyth, Reddel & Jones 2005). For example, a municipal councillor was arrested when he was found, by the Department of Home Affairs, in possession of

immigration stamps, allegedly being used on documents for travelers at the Beit Bridge border post between Zimbabwe and SA (News24.com 2012).

In view of the above, it is evident that corruption is still prevalent in the SA public sector. More seriously, corruption has had an impact economically, politically and socially.

CHALLENGES IN ADDRESSING CORRUPTION IN THE SA PUBLIC SECTOR

Corruption thrives in SA, as public officials enjoy wide discretionary powers. Gumede (2011:20) argues that "there are still many 'legislative gaps' in SA's corruption fighting infrastructure which include for example the gaps relating to how to deal with dual employment of public servants, how to manage conflicts of interest and how to deal with the 'revolving door' phenomenon, in which senior public servants and politicians, after leaving a job in the public and political sector – join the private sector in the same field, bringing with them all the inside information, contacts and influence". There is limited capacity in the PSC to scrutinise disclosures of conflict of interest as currently it randomly scrutinises disclosures of about 30% of all senior managers in the public sector, and operates only in three provinces. The PSC unfortunately has no powers to take any action against transgressors.

The Auditor-General audits accounts and can identify corruption, but other agencies are required to follow up the cases. However, the integrity committees, for example, cannot investigate cases of corruption, neither can they penalise the guilty. The government thus needs to give serious attention to thousands of public servants implicated in corruption inquiries, who have not faced disciplinary action from their departments.

Anti-corruption bodies should be shielded from undue political interference. To this end, genuine political will to combat corruption is the key prerequisite. Such political will must be embedded in a comprehensive anti-corruption strategy. The level of independence can vary according to specific needs and conditions of each departmernt. Experience suggests that it is the structural and operational autonomy that is important, along with a clear legal basis and mandate for a special corruption body, department or unit. This is particularly important for law enforcement bodies. Transparent procedures for appointment and removal of corrupt leadership together with proper human resource management and internal controls are important elements to prevent undue interference. Independence should not amount to a lack of accountability. The principles of the rule of law and human rights should be adhered to and regular performance reports to executive and legislative bodies should be submitted and public access to information on their work should be allowed. The Constitution 1996 requires that a politician must be responsible for oversight but does not require that the anti-corruption unit must itself function under political oversight. This means that inasmuch as such a body would have to account to politicians it should not be managed by political office bearers because that would affect its independence (Glenister v President of the Republic of SA and Others 2011).

Other aspects of concern are that only 40% of departments have anti-corruption policies of reasonable quality, with evidence of implementation. The remaining 60% either have no policies or have only basic policies of poor quality. Ten percent of departments have clear written objectives which are well integrated with other objectives and with

evidence of planning and monitoring against objectives. Forty-five percent of departments have written objectives dealing with corruption. Only 15% of the departments were found to have advanced investigative capacity, while 25% have a basic capacity. The PSC found that Anti-Corruption Investigative Units established in departments in the provincial sphere are dysfunctional. The remaining departments were found to have no basic investigative capacity (Public Service Commission 2011).

Departmental feedback reports submitted to the PSC show that departments are often lenient in imposing disciplinary sanctions against officials found guilty of corruption. This is due to weak organisational mechanisms in place in public sector departments to curb corruption. It is common to identify written or final written warnings to officials found to be associated with corruption. The PSC also found that disciplinary enquiries are very time-consuming and that departments take too long to finalise enquiries against officials suspected of corruption. As a consequence, officials are suspended from duty with full pay for long periods while the disciplinary processes are being finalised (Public Service Commission 2011).

It is evident that there are challenges concerning the capabilities of the enforcement agencies (such as investigative capibilities), dysfunctional investigative units, abuse of power, lack of transparency and openness. There is, therefore, a critical need to address these challenges to curb or prevent corruption. It should be mandatory for investigative units to be established within departments. Provinces should establish centralised anti-corruption investigative units. The offices of the premiers in the provinces should commit optimum resources for the investigation of corruption. In particular, integrity management units should be created through the appointment of appropriately skilled persons and through the training of officials in the forensic investigation. Failure to do so will impact negatively on successful prevention and curbing of corruption and will erode efforts to build integrity within the public sector. The centralised anti-corruption investigative units should ensure that there is proper co-ordination of cases in provincial departments; should ensure that evidence is not tampered with; and that cases are thoroughly investigated (Public Service Commission 2011:ix).

Currently investigative capacities in the local sphere of government are also fragmented and therefore need co-ordination and integration. The effective utilisation of funds and expertise is an important success factor for the local government framework. Human resource management needs to be implemented parallel with financial management plans. Strict adherence to legislation and the Public Finance Management Act, 1 of 1999 must be ensured by leaders. The prevalence of under spending must be avoided and monitored in relation to the different projects. Poor financial skills, poor financial management, lack of financial controls, non-adherence to labour policies, dysfunctional labour forums and a breakdown in the labour and management interface are features in the majority of municipalities who have qualified audits or disclaimers (De Lange 2011). The importance of investing in people is pointed out, particularly where technical, managerial and leadership skills are required (Cooperative Governance 2009). It is also important to promote ethical leadership to curb corruption and promote good governance in the public sector.

The critical need for ethical leadership to curb corruption and promote good governance in the SA public sector

Recent corruption scandals in the public sector have raised important questions about the role of leadership in shaping ethical conduct. Naidoo (2011) suggests that ethical leadership in the public service should curb corruption and ensure good governance. Leadership should

be participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follow the rule of law. This could ensure that corruption is minimised, the views of communities are taken into account and the voices of the most vulnerable in society are heard in decision-making. Kroukamp (2011:29) substantiates this view by stating that leadership in the departments should involve promoting public sector ethics.

According to Van Aswegen and Engelbrecht (2009:228) ethical leadership "demonstrates the will and ability to strategically position, design, and sustain an organisation successfully, to develop employee competence and to direct human and organisational energy in pursuit of performance and achievement that stand the ethical test of effectiveness and efficiency". Being an ethical leader is about being both a moral person and a moral manager (Van Den Akker, Heres, Lasthuizen & Six 2009). Ethical leaders increase awareness of what is right, good and important, and when they raise followers up into leaders who go beyond their self-interest for the good of the organisation. The moral person part of ethical leadership can be viewed as the personal traits and characteristics of a leader, such as honesty, trustworthiness and integrity and the moral nature of that leader's conduct. Palanski and Yammarino (2007) in Van Aswegen and Engelbrecht (2009) classify the various meanings of integrity into five general categories, namely integrity as wholeness; integrity as consistency between words and actions; integrity as consistency in adversity; integrity as being true to oneself; and integrity as moral or ethical behavior. Integrity means that an individual's behaviour is consistent with espoused moral values, and that the person is honest and trustworthy.

Most scholars consider integrity to be a requirement for ethical and effective leadership. Integrity, in particular, is recognised as a core value of leaders (Van Aswegen and Engelbrecht 2009). To promote good governance, both political and administrative leaders should, therefore, act with integrity at all times and support the ethos of democracy such as crafted in the Constitution of the Republic of South Africa, 1996. Avey, Palanski and Walumbwa (2010), Walumbwa, Mayer, Wang, Wang, Workman and Christensen (2011) and Brown and Treviño (2006) also found evidence that ethical leadership predicts important follower outcomes including satisfaction with the leader, perceived leader effectiveness, willingness to exert extra effort on the job and willingness to report problems to management, while Neubert, Carlson, Kacmar, Roberts and Chonko (2009) argue that ethical leadership fosters individual perceptions in a more ethical climate. Ethical leadership predicts outcomes such as followers' job satisfaction and dedication, and their willingness to report problems to management (Brown & Treviño 2006). The solution to ethical problems, such as corruption in the SA public sector, therefore, ultimately lies in the establishment of moral and competent leadership.

Once the above is in place, mechanisms of curbing corruption will be implemented in a more effective manner thus promoting good governance. It is therefore crucial that management creates an organisational culture of openness and transparency in which unethical conduct will become visible and in which employees and managers call one another to account. In addition, every public sector department needs some form of ethical programme to effectively manage its ethical climate and to create and maintain a culture that promotes ethical behaviour. In order to strengthen the public sector culture, some structural and procedural changes could be implemented by management as a means of institutionalising ethics (Van Aswegen & Engelbrecht 2009:228). These changes include an ethical code promulgation and value statement formulations, management ethical training and corporate ethical education, public sector ethical performance evaluation, disciplinary procedures

in place for breaches of codes, procedures for obtaining advice or reporting violations (for example support of whistleblowers), ethical hotlines, conducting of ethical audits, ethics committees and ethics newsletters. However, the building of an ethical environment in the SA public sector requires more than just leaders who behave ethically. It requires the proactive management of ethics. Such leaders have to be motivated and committed to achieve the vision of an ethical public sector.

CONCLUSION

Despite mechanisms to prevent and curb corruption in the SA public sector it is evident that corruption is on the rise. It is clear that some of the leaders entrusted with state resources enrich themselves instead of acting as custodians of the state. Corruption has therefore had an adverse effect on good governance in the public sector. This article examined corruption and its effects on good governance in the SA public sector. The article identified corrupt practices in the SA public sector and recognised the critical need for ethical leadership to curb corruption and promote good governance in the SA public sector. It is evident that successful eradication of corruption and promotion of good governance depend on ethical leadership. Ethical leadership is needed to prevent the abuse of entrusted power for private gain as well as potential interference and to protect anti-corruption agencies' operational independence, thus enabling good governance.

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