Navigating through the political/administrative corruption conundrum

South African case studies

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ABSTRACT

Corruption in the public and private spheres and entities in both South Africa and the rest of the world has generated much research and debate, eliciting many perspectives, ideas and beliefs and resulting in a number of theories. Although there is some disagreement about whether corruption threatens societies' welfare, there is some agreement on the fundamentals, regarding issues such as integrity, ethics and the dichotomy between collective and individual corruption. There is also a common thread on the direct connection between the political and administrative aspects of the phenomenon.

Especially in the public sphere, the link between political and administrative leadership has direct and indirect repercussions on all aspects of public management. This implies that such relationships are an integral part of a process that, on many occasions, leads to corruption.

A collaborative, cooperative and deeply moral relationship between political and administrative leadership can act as a shield against corruption at all levels of public administration. This can only occur when such a relationship is based on an ethical foundation and integrity, and on solid knowledge management, innovative and comprehensive initiatives and multi-dimensional initiatives.

This article focuses on key issues in South Africa's public administration arena and the sometimes antagonistic or colluding relationships amongst political and administrative leaderships in the country in relation to corrupt practices and their processes, presenting specific cases studies of relations and involvement in corruption in municipalities as examples of the conundrum.

INTRODUCTION

The conundrum of the relationship between political and administrative leadership in public service has attracted the interest of many of academic and research practitioners in a wide spectrum of disciplines. However, thus far, the research on this relationship in the terrain of corruption has been limited, despite the fact that corruption is not only a national and international threat, but also a political, economic and social phenomenon that is multi-layered and multi-faceted. There is an urgent need for political and administrative leaders throughout the world, to build integrity in a co-ordinated and synergetic war room against corruption, based on innovative thinking, knowledge, new strategies, and comprehensive initiatives. If this is achieved, there is a strong possibility that corruption can be arrested and reversed.

In this context, this article examines the fundamental tenets of the political system in South Africa and its role in impeding or promoting corruption related to decision-making and the actions of civil servants at all levels. In this regard the relationship between political and administrative leadership can be either complementary or antagonistic to corrupt actions. The article examines specific examples of political and administrative relations and involvement in corruption as case studies to scrutinise the involvement of politicians and administrators in leading South African municipalities.

THE CONTEXT OF THE RELATIONSHIPS BETWEEN POLITICS AND ADMINISTRATION

The *State of Local Government in South Africa: Overview Report* released by the Department of Cooperative Governance and Traditional Affairs (2009) is a seminal and honest examination of the achievements, weaknesses and challenges facing South Africa's local government at that point. It was stated clearly that a number of service delivery and governance problems that were previously identified in municipalities over a number of years have persisted. These include large service backlog challenges, poor communication and accountability relationships with communities, problems with the political administrative interface, corruption and fraud, poor financial management, a number of (violent) service delivery protests, weak civil society formations, intra- and inter-political party issues negatively affecting governance and delivery, and insufficient municipal capacity due to a lack of scarce skills (Department of Cooperative Governance and Traditional Affairs 2009).

However, this well researched and thorough document neglects to mention the close, indeed intertwined, relationships underlying these challenges. It may be argued, amongst other things, that if relationships between political and administrative leaders were not strained, and if there were no inter-political rivalries, which in many cases fall in the political administrative arena (when newly elected political leadership is obligated to work with opposition-backing management), then there would be no poor communication and accountability relationships in communities; if fraud and corruption were not rife, service delivery would improve, which would eliminate violent protests; and if there were no political or administrative/managerial interference, there would be no lack of skills capacity.

The reality is that, according to the law, the political head of a municipality, the mayor, is accountable for the overall performance of a particular municipality. Hence, the political

head is often caught in the middle of many of the challenges highlighted in the *State of Local Government* report, such as tensions between the political and administrative interface, the poor ability of many councillors to deal with the demands of local government, insufficient separation of powers between political parties and municipal councils, the lack of a clear separation between the legislative and executive, inadequate accountability measures and support systems and resources for local democracy, and poor compliance with the legislative and regulatory frameworks for municipalities (Department of Cooperative Governance and Traditional Affairs 2009).

The Auditor General's report (Auditor-General 2009/10, cited in Department of Cooperative Governance and Traditional Affairs 2009) also highlights mayors' failure to meet some of their legislative responsibilities. The Auditor-General's report shows that the political leadership faces scrutiny when after departmental failures occur, but there are many issues which are beyond their control and which need to be weighed and compared with their line of accountability. Sections 154 (1) and 155 (6) and (7) of the *Constitution of the Republic of South Africa,* 108 of 1996 (RSA 2006) mandate and obligate the provincial government to supervise, monitor and support local government. The *State of Local Government* report (Department of Cooperative Governance and Traditional Affairs 2009) shows that the last decade of local government has been marred by poor performance, and that about 30 municipalities were subject to intervention from their respective provinces. The report stated that "the mechanisms in place were not well-supported by national government or sufficiently institutionalised, due to the absence of post-intervention measurement of improvement, and the weak application of intergovernmental checks and balances, i.e. the oversight and review process by the Minister, the NCOP and the Provincial Legislatures" (Department of Cooperative Governance and Traditional Affairs 2009:9).

The report (Department of Cooperative Governance and Traditional Affairs 2009:24) identifies problems such as political infighting, conflict between senior management and councillors and human resource management issues, together with inadequate revenue collection, ineffective financial systems, fraud, and misuse of municipal assets and funds.

THE LITERATURE – A BRIEF EXPOSITION

The political/administration conundrum has been a matter of serious debate amongst a wide variety of academics and researchers because of its significance in public governance. In the international arena, Peters and Pierre's (2004) book *Politicization of the civil service in comparative perspective* tackles issues related to the convergence of political interference in the implementation of the New Public Management (NPM) model, political responsiveness in a merit bureaucracy and its ramifications, and the weaknesses and lacunae created by the "mixing" of political and administrative actions.

On the same topic, but with an emphasis on corruption and integrity, Huberts, Maesschalck and Jurkiewicz's (2008) book *Ethics and integrity of governance across frontiers* posits that the key ingredients of a mismatch between governance and governing in an international terrain are corruption, avarice, intertwined relations, theory and empirical realities, and the contradictions between rationality and effectiveness, compliance and value prepositions.

A study by Matheson, Weber, Manning and Arnould (2007) shows political involvement in senior staffing and the delineation of responsibilities between managers and senior civil servants. Throughout the world, political systems tend to be based on the principle that legislation and the State rules, and that regulations assign policy-making to politicians, while the administration section of all layers of government is tasked with effective and efficient implementation. In this nexus, it is assumed that political actors will not manipulate the administrative offices in government. However, it is clear from the 2009 report (Department of Cooperative Governance and Traditional Affairs 2009) that in practice, the line between policy and administration is not that clear. It may then be assumed that policy and administration are intimately linked. This implies that political interference can be instrumental in scuppering honest and efficient administration.

In South Africa, the important work by Cameron (2003:51-66, 2007:345-371, 2009:910-942) looks at the politics/administration interface empirically, as well as historically and theoretically, in a study of the City of Cape Town that investigates issues of formal re-organisation and New Public Management reforms in the South African public service. Mafunisa (2003) advocates the complete separation of politics from the South African public service as the panacea of reform at all levels. Maserumule (2007:147-164) has empirically shown the effects of conflicts between directors-general and ministers in South Africa, while Sangweni and Mxakato-Diseko (2008:39) after exploring a number of such issues conclude that "a strong, coherent and astute public service is critical in the quest for a 'developmental state'".

The most comprehensive work on the issue is that by Cameron (2010:676-701), who describes the shifting political/administrative relationships in South Africa, with particular reference to growing politicisation, or what he calls the "partisan control of the bureaucracy" (Cameron 2010:689). Cameron's hypothesis that studies of politicisation of public services are important, because political involvement in management has often led to negative effects on service delivery, has been confirmed time and again in South Africa and elsewhere. Cameron's theoretical articulation of political/administrative relationships is based on his examination of the growing politicisation of public services, the impact of New Public Management and political/administrative relationships in developing countries.

Cameron's (2003, 2007, 2009) analysis of the political/administrative relationships in South Africa is based on a solid understanding of the development of a new framework in the democratic South Africa and the politicisation of the staffing of the public service in relation to the decentralisation of powers, contract appointments and performance management. His analysis on the effects of this changing framework for service delivery is illuminating – his conclusions suggest that growing politicisation of the public service has contributed to poor service delivery, and that the South African government needs to place a greater emphasis on merit as the basis for appointments and promotions, resurrecting an old debate on the issue.

THE CORRUPTION TERRAIN IN SOUTH AFRICA – A BRIEF OUTLINE

On 19 October 2012, *The Economist*, highly influential British magazine that shapes European and international opinion in its Editorial, wrote the following:

Worse, Mr. Zuma has failed to tackle the scourge of corruption. The ANC under his aegis has sought to undermine the independence of the courts, the police, the prosecuting authorities and the press. It has conflated the interests of party and state, dishing out contracts for public works as rewards for loyalty – hence the bitter jest that the government is in hock to 'tenderpreneurs'. This has reduced economic competitiveness and bolstered a fabulously rich black elite. As a result, too little wealth trickles down.

In the main article, in a devastating critique on corruption and avarice, *The Economist* mentions the following:

Because the stakes are so high, competition for power is bitter and sometimes bloody, particularly at the local level. In the past five years over 40 politicians have been killed in KwaZulu-Natal, a province with a history of political violence, and at least five more in Mpumalanga, a province in the north-east of the country. The killing is often about money. Sometimes whistle-blowers are murdered to stop them revealing corruption; sometimes rivals are disposed of. In 2009 Moss Phakoe, a municipal councillor in North West province, was shot in Rustenburg after handing over a file detailing corruption in the municipality to a high-ranking ANC official. Phakoe had been trying to get senior ANC members to investigate the matter. The former mayor of Rustenburg and his bodyguard were jailed for the murder.

The ANC has been accused of creating a class of 'tenderpreneurs', in business to get state contracts using their connections in government. Outright bribery of low-level officials is common. No one knows how much money corruption costs the country but the effect on its democracy is devastating. Whether people are prosecuted for graft seems to depend on whom they know. Few think Julius Malema, a populist former leader of the ANC Youth League now excommunicated from the party, would be facing charges for money laundering had he not turned against Mr Zuma.

That lack of accountability is partly to be put down to the country's system of party lists at general and provincial elections; individual MPs are not answerable directly to voters, but solely to the party managers who determine their ranking on the list. Only at the lowest level – the municipalities – is there a system of constituencies (or 'wards') and then only for half the seats. This means politicians have little incentive to provide for their voters.

This exposé (albeit overly dramatic) is in line with comments in a series of books and articles, for example, by Basson (2012), Chipkin (2012), Feinstein (2007), Holden (2008), Holden and Van Vuuren (2011), Madonsela (2012), Mantzaris and Pillay (2013), Matshiqi (2012), and Plaut and Holden (2012).

Given these realities, there is general agreement amongst the country's population that the fight of the government against corruption should be a priority. A comprehensive survey of citizens' attitudes and perceptions toward corruption (Mantzaris 2012b) shows that from 1995 until 2012 corruption was perceived as the Number One priority for government and as the greatest threat to democracy.

Mantzaris and Pillay (2013) have explored South Africa's very comprehensive anti-corruption legislation, including the government's Anti-corruption Strategy. The country's President and senior officials of the ruling party have committed the government to the fight against corruption. State institutions such as the Public Protector, the National Prosecuting

Authority, the Special Investigating Unit (SIU), the Hawks and the South African Police Services (SAPS) have done their best, but the problem continues. The National Anti-corruption Forum where Public Servants are to report acts of corruption is operational, but in a dysfunctional mould. The Auditor-General's reports for the last few years have shown that the malaise affects the vast majority of the municipalities throughout the country.

MANIFESTATIONS AND CASE STUDIES

The argument in this article so far indicates clearly that the roles of politicians and administration have blurred in South Africa, particularly at the local government level. It then becomes important to analyse how the interface between politics and administration affects service delivery. The belief and expectation that politicians would not manipulate the administrative offices in government imply that it is important to clarify the roles of policy-makers and administrators separately to ensure that political influence does not interfere in, and that policy-making functions remain separate from, the administrative functions of officials.

In this context, political patronage or partisanship is equal to corruption (Mantzaris 2012a). The roots of the malaise lie primarily, but not exclusively, in the ANC Polokwane Elective Conference of 2007, where it was resolved that there shall be only one centre of power in the ANC. The situation that followed, especially in the municipalities, exacerbated corruption and incompetence in local municipalities.

In this regard, research by Ngamlana (2011) revealed a number of telling cases. For example, in a municipal district in the Eastern Cape, a Municipal Manager queried the academic qualifications of another Municipal Manager in another local municipality in the same district, but who happened to be the Regional Chairperson of the ANC. The Regional Chairperson used his political position to influence a decision by the District Council to remove the district Municipal Manager who dared to question his qualifications long before the person's contract expired (Ngamlana 2011).

When the Democratic Alliance (DA) came to power in Cape Town, it implemented a controversial policy decision to terminate employment contracts with senior officials of the previous ANC administration, and introduced an interim policy for senior managers that stated that such positions should be filled by people who are politically suitable and acceptable to the ruling party (Ngamlana 2011).

In another district municipality in the Eastern Cape, the panel tasked by the District Council to appoint a Municipal Manager was told by the ANC Regional Executive whom to appoint. The candidate who was appointed was far less qualified and experienced than any of the other candidates the panel had shortlisted (Ngamlana 2011).

Still in the Eastern Cape, in yet another district municipality, all senior managerial posts were advertised, but the regional ANC branch was responsible for short-listing candidates and instructed the panel on whom to appoint. The candidates imposed on the panel by the Regional Executive were ill-equipped for the job and, as a result, the calibre of work expected from the position was not achieved (Ngamlana 2011).

In another case, Siphiwo Sohena was seconded as the acting Municipal Manager for the ailing Mbhashe Local Municipality of the Amathole District, despite the fact that he had

allegedly left a trail of corruption and maladministration in the two municipalities where he had worked previously, namely the Nelson Mandela Metro and the Sundays River municipality. In the latter, he was fired after he had been found guilty on 11 charges of corruption and mismanagement (Kimemia 2011).

Ten eThekwini (Durban) municipal councillors – including ANC chief whip and Executive Committee member Stanley Xulu – "earned" more than R19 million from doing business with the eThekwini municipality, according to the Manase Report as announced by the MEC (Dube 2013). They openly contravened the Code of Conduct for Councillors and the *Municipal Systems Act,* 32 of 2000 (RSA 2000).

The former eThekwini mayor, Obed Mlaba, unlawfully influenced an R3,5 billion tender for the waste volume reduction plant at the Bisasar Road Landfill site. He was a part of the bidding consortium, but because he is no longer the mayor, he cannot be criminally charged. Of the R532,576 million irregular expenditure referred to by the Auditor-General for the financial year ending on 30 June 2010 in the same municipality, R428 million Payment Vouchers were not signed as "Authorized" for payment; dates "Authorized/Certified" for payment are post facto to the date for "Approved" for payment; and there is no reflection of the date of "Works Actually Completed", or "Checked for Payment" (Dube 2013:10).

eThekwini's Deputy City manager responsible for infrastructure and the head of housing did not comply with Supply Chain Management (SCM) policies and failed to exercise due care, and 161 municipal employees were found doing business with the municipality (Dube 2013:12).

In the same municipality, a construction company with powerful political and administrative connections were awarded a massive housing project with no specified budget cap. Tender procedures were ignored when the contract was awarded under the instruction of city management that the contract valued at around R78 million be given to the company. The city's head of housing extended the contract with no specified contract sum. The failure to cap the contract and the linking of the final bill to the number of subsidies available to build houses in the area resulted in a massive number of variations in the contract, with costs escalating to about R200 million (Dube 2013) .

Such case studies indicate a blurring of the political/administrative interface and raise serious questions on the nature of dominance in the power relations and authority in the political/administrative nexus in the fight against corruption. Such power relations not only disturb the peace within the organisation, but have negative consequences for smooth and efficient functionality at almost all levels of operation.

Clear blurring of boundaries is thus evident. Indeed, political interference and corruption have become almost synonymous, because these are clearly illegal acts based on intimidation, fear, and illegal behaviour by both parties – both the politicians who dictate the action and the administrators that follow instructions. On a number of occasions, there has been a reversal of roles.

The excessive politicisation of municipal administration because of nepotism, cronyism and cadre deployment by the ANC has been described as the root of the current malaise and indifferent service delivery. On the basis of past experience, there is good reason to believe that those who engage in corruption and blatant abuse of power will rarely be punished, provided they are "good comrades" who are politically connected (Kimemia 2011).

In a high-powered gathering of senior government officials and politicians, inter- and intra-party political struggles at municipal level lead to the relegation of community needs to the back burner. Political interference has been described as a critical problem, and the final report produced by the Department of Cooperative Governance and Traditional Affairs (2009) identified a "congested political-/administrative interface" in local government as a cause of instability and dysfunction. The report identified party deployment issues and political interference, a lack of distinction between municipal councils and administration as well as poor political management as some of the root causes of the problem (Department of Cooperative Governance and Traditional Affairs 2009, cited in *Witness* 2009).

This analysis does not mean to imply that the phenomenon examined is the only root of corruption. The behaviour of individuals isolated from such relations is also vital to a holistic understanding of and research on the phenomenon. The human factor thus has similar repercussions in terms of its manifestations at the political, economic and social levels underlying effective and efficient service delivery to citizens.

INSTEAD OF A CONCLUSION, A QUESTION – WHAT IS TO BE DONE?

Operating on the noble assumption that all governments are committed to the welfare of their people, and bearing in mind the heroic struggle of the African people against colonialism and neo-colonialism, we would like to present a few thoughts for a considered way forward in assessing the conundrum and stream-lining a solution to the vexed issue of the conflation between political and administrative leaderships.

It is a critical issue that demands systematic scientific research and policy analysis. These first elementary steps will eliminate secrecy, negation, loopholes and mysteries. It needs to be said that it is imperative that a number of decisive steps be undertaken such as completely eliminating role ambiguity and ambivalence; removing conflicting expectations amongst elected leaders and administrators at all levels; realising that the transformation of the state and society necessitates an effective and efficient administration; reaching an agreement on the acceptance, planning and implementation of common and shared ideals; accepting new equal and shared relation that will ultimately eliminate the colonial and neo-colonial legacy; adoption political neutrality and people-centred, developmental initiatives that guarantee administrative efficiency, effectiveness and excellence; and reaching an agreement on an administration model of excellence and efficiency, free of corruption, that does not necessarily mean emulation of a Westminster, neo-liberal or Eurocentric paradigm.

Within an Ubuntu-driven context, the commitment of both parts of the whole to the development and growth of all people is non-negotiable. It should be based on the principles of African Awareness, African Unity, and African Humanism. It will ultimately lead to a uniquely African political/administrative model which will essentially be based on the historical development and lessons, culture, traditions and realities of a particular country on this continent. This is with the understanding that the civil service is based on the principle of professionalism, commitment and determination to fight corruption, greed and avarice.

All these initiatives need to be guaranteed by regulatory frameworks that are based on transparency, accountability and fairness and do not allow room for abuse, nepotism,

corruption and maladministration. Such frameworks guarantee administration based on the well-defined spheres of competence (clearly defined duties) of each office, a hierarchy of offices and delegated duties and responsibilities, and selection based on objective qualifications.

Politicians and civil servants need to agree that the quality and standards of public services is imperative, including training and education, citizen satisfaction, technical and other skills such as financial management and budgeting, ethical standards, and fundamental human resource development and management skills, without which organisations cannot function.

It is well known that one of the founding fathers of the Pan-African liberation, K. Nkrumah, penned and implemented the New Charter for the Civil Service, which envisaged a civil service that is non-political in character and in which individual civil servants should avoid identification with a political ideology or party (Birmingham 1998).

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