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Countering public corruption in South Africa

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Introduction

Though South African levels of public venality are probably lower than in most sub-Saharan African countries,¹ the incidence of corruption is sufficiently serious to constitute a serious barrier to government achieving its goals. Once the wastage caused by corruption begins to total even a few percentage points of the government's annual budget then the loss represents a substantial proportion of the sums available for public sector capital investment. This has been the case in South Africa for a long time, since well before the advent of democracy in 1994. Indeed, with election of a popular government political conditions favouring anti-corruption action have strengthened. Modern South African elections are organised through a system – closed-list proportional representation – which discourages the kinds of personalised patronage that may result from individual competition between political notables. South African arrangements for parliamentary representation with their ban on floor-crossing also favour the strengthening of party discipline. This makes individual favour seeking less productive and renders the political system less susceptible to rent-seeking.

Since 1994 South Africa's political leadership has consistently adopted anti-inflationary policies, including public deficit reduction, whilst at the same time it has attempted to extend services and broaden access to them. In this context, national politicians at least in theory acknowledge the importance of reducing corruption even if they are not always willing to undertake the political risks attendant on punishing prominent offenders. The virtual abolition of press censorship in the early 1990s and, with the achievement of universal citizenship, generally higher popular expectations about government performance have helped to create a more receptive public environment in which to launch anti-corruption campaigns. A final general condition favouring public-sector reform in South Africa is that, in contrast to most African countries and many developing countries elsewhere,

though the public sector is an important employer it accounts for only a minority share of the formal labour force. This characteristic makes public sector reform much less politically challenging than when the state is the main employer and ensures the existence of powerful reformist pressures outside the state (Rose-Ackerman 1999:199-223). There are good reasons, then, to believe there now exists a more favourable climate for attacking corruption in South Africa than historically. How effectively have the authorities exploited these better conditions?

Experience and analysis of a range of international efforts to combat corruption suggests that an effective anti-corruption programme should incorporate most, if not all, of the following six elements:

- Measuring corruption through surveys of citizen perceptions as well as interviews with possible participants to discover relative costs and returns from bribery (Anon 1998). If such exercises are repeated at regular intervals and correlated with other indicators of institutional efficiency, a fairly revealing picture of trends can emerge;
- Raising public awareness of the existence and consequences of corruption through, for example, the ready provision of information about corruption to the media. Allied to this measure would be the promotion of values which are hostile to corruption through, for example, the adoption of ethical codes by public servants and politicians. Effective anti-corruption strategies attempt to mobilise public interest through the encouragement of non-government monitoring, the provision of telephone 'hot-lines' and other inducements favouring civic participation;
- Removing or reducing incentives for corrupt behaviour. This might include improving salaries for politicians and public servants, adopting uniform and precise tendering criteria and simplifying other procedures which govern interaction between officials, and cutting-back on certain kinds of state regulation;
- Strengthening penalties and disincentives for corrupt behaviour by criminalising actions which may currently be dealt with through internal departmental disciplinary procedures, over and beyond criminal sanctions, punishing corrupt officials with dismissal and loss of pension rights, creating independent adequately funded anti-corruption agencies (Doig 1991:152-65), and protecting and institutionalising 'whistle blowing' practices. The scope of punishment needs to be given public emphasis through the conviction of politically prominent offenders, preferably from the ruling party;²

- Political support for action against corruption. This must include endorsement of agency and judicial action against corruption, refusal to tolerate or sanction corrupt behaviour by political colleagues, limiting political appointments within the civil service and curbing other forms of political patronage, public disclosure of political party finance and politicians' assets, and acceptance of ministerial responsibility for major instances of departmental corruption. Politicians who are proved to be corrupt should be prevented from re-assuming any elected or appointed public office;
- Bureaucratic reforms such as the adoption of standardised and meritocratic methods of staff recruitment, the streamlining of official procedures to reduce delays, the rotation of public servants between different jobs, and the strengthening of supervision, financial control and reporting (Quah 1989).

Over and beyond these specific measures, political democratisation and state privatisation are widely perceived as processes which are likely to create environments in which administrative corruption becomes less likely (Klitgaard 1998:3-6). There is debate, though, about the implications of both these processes with respect to their effects on corruption. Democratisation might make corruption easier to detect but it can also increase incentives for corruption, especially during elections. Privatisation, by reducing the scope of state economic activity and regulation, can restrict opportunities for certain forms of public corruption but, with the adoption of market values in place of older professional codes of conduct, it can also weaken ethical restraints on corruption (Della Porta and Meny 1997). Certainly, in and of themselves, democratisation and privatisation cannot be expected to eliminate corruption.

The six kinds of activity listed above supply a useful set of indicators of the extent to which the authorities are committed to effective action against corruption. They supply a framework of reference through which we can assess South Africa's performance in attempting to reduce the scope of venal government. The rest of this essay will consider the effectiveness of South African initiatives with respect to these six activities: measurement, publicity, removing incentives, increasing penalties, political support, and bureaucratic reform.

South African progress

Measurement. Good strategies depend on knowledge. How much do we

know about corruption in South Africa? Academic study of South African corruption is relatively underdeveloped. Up until recently specialists of South African public administration paid little attention to corruption, and implicit in this neglect was the assumption that it was not a normal feature of official life. There is enough evidence from judicial commissions of inquiry into various departmental scandals during the late 1980s and early 1990s to suggest that such assumptions were wrong. It was, though, until 1994, quite difficult to undertake systematic research on corruption. Large proportions of state expenditure were allocated to secret votes to the military, and certain areas of bureaucratic activity – the prisons service, for example – were protected by reporting restrictions from public scrutiny. Even so, more scholarly diagnosis could have been undertaken than was. This academic neglect was primarily attributable to the major locations of corruption: those who were its main victims were poor and disenfranchised, often the subjects of homeland administrations. Relatively privileged white citizens were much less likely to have encountered dishonest officials for their lives were less affected by bureaucratic controls and restrictions. On the whole, before 1994, the study of South African public administration was undertaken from the perspective of white citizens (and white managers), not black subjects. Since 1994, the scope of bureaucratic public accountability has widened; even so, many bodies which spend public money escape public scrutiny. In 1998, of 648 bodies financed through public funds, 34 reported to parliament and 200 had to submit their records to the Auditor-General (*Mail and Guardian*, November 13, 1987).

Since 1994, much more information has become available, largely as a consequence of official investigations into historical instances of corruption but also as a result of the removal of restrictions on public knowledge about government business. Opposition parties demonstrate considerably more commitment to opposing and exposing corruption in official quarters than was the case before 1994³ and newspapers accord the topic much more editorial emphasis. Several agencies have organised surveys which tell us about public perceptions of corruption. For example, IDASA's annual *Public Opinion Surveys* indicate that perceptions that government corruption is widespread have increased among all race groups (though, most dramatically among Indians) and that roughly one-third of Africans and two-thirds of whites believe that there is more corruption since 1994 than under apartheid (though agreement with this view decreased among whites between 1995 and 1998).⁴ HSRC annual public-opinion polls have included

corruption perception questions for the last three years with broadly similar results. More reassuringly, the Institute for Security Studies expert panel consultations (154 telephone conversations during August-October 2000) suggested that levels of corruption have remained unchanged since the advent of an ANC government.

Other quantitative research has tried to establish the extent to which citizens have encountered corrupt officials. For example, from the 1997 official *SSA Victims of Crime Survey* we learn that two per cent of its respondents experienced one form or another of official corruption (Orkin 1998). Another survey, sponsored by the Greater Johannesburg Metropolitan Council, conducted in 1999 among 500 business leaders, indicated a comparatively low incidence of official extortion: only one per cent of the firms surveyed had been asked to pay bribes for licenses and permits (*The Star*, August 8, 2000).⁵ Once such surveys which document experience of corruption (as opposed to merely perceptions) become routine and longitudinal data sets become available, it will become possible to evaluate the performance of government efforts to counter corruption.

It is also possible today, given the extent of information available about particular instances of corruption, to make some informed guesses about its severity. We know from official admissions that within the public service there has been an increase in the incidence of misbehaviour by public servants (though this may be the consequence of improvements in record keeping). We know that bribery and extortion is especially concentrated in the police and the Department of Justice and that while this may be an historically inherited trend from the apartheid era, there have been few signs of effective reform. We know that fraudulent entitlement claims were responsible for the wastage of huge sums administered by the Department of Social Welfare and here it seems that there have been energetic efforts to eliminate false claimants. In fact, curbing welfare entitlement fraud has inflicted considerable social hardship as the reorganisation and verification of records inevitably causes lengthy delays in payments. In the Eastern Cape during this process between nearly 100,000 grants were cancelled or suspended, to the dismay of disability-rights advocates (*Sunday Independent Reconstruct*, November 5, 2000). In the same province, the authorities identified 985 civil servants who had awarded themselves grants totalling R462,950 a month; another R1.27 million a month had been paid to 'deceased beneficiaries' (*Daily Dispatch*, March 25, 1999).

It appears that the administration of housing subsidies has also been

badly affected by fraudulent contracting. In KwaZulu-Natal alone, in 1998, 53,000 queries concerning housing subsidies were under official scrutiny (*The Star*, October 5, 1998). Throughout the public sector there has been an epidemic of abuse of subsistence and travel allowances by public servants – over two years, in just one provincial government, KwaZulu-Natal, abuse of such allowances by officials exceeded R14 million (*Sunday Independent*, March 3, 2000). This seemed to have been a form of corruption which has increased since 1994. Several high-level scandals over tendering suggest that this is yet another area in which public resources are being misused. If the National Party's claims which arise from its *Corruption Barometer* are accurate, that between 1994 and 1998 the government lost up to R20 billion as a consequence of corrupt behaviour by its employees, than we are referring to costs which more or less match the savings generated by 'right-sizing' the bureaucracy. Such calculations do not appear excessive. Judge Heath's special unit claimed in 1998 that the R10 billion's worth of fraud it was currently investigating represented about five per cent of the total. 'It was as bad or even worse, before the election, but it was not so transparent', Heath conceded (*The Star*, August 22, 1998). However, due partly to the efforts of Judge Heath and his colleagues, while levels of corruption have not receded, since 1994 the authorities have made significant progress in identifying its location and extent.

Raising awareness. Though the Mbeki administration with its calls for 'zero tolerance', 'total war' and 'moral summits' has certainly placed more rhetorical emphasis of the problem of public corruption than its predecessor, and though newspapers certainly pay more attention to corruption than was the case before 1994, there is no systematic official campaign to educate the public about the nature and consequences of bureaucratic venality. This is despite an undertaking in 1998 by the Public Service Commission to mount public campaigns 'to reinforce the fear of detection and punishment' (*The Star*, November 10, 1998). In 1999 the government-sponsored *National Anti-Corruption Summit* resolved to establish a National Anti-Corruption Forum. Two years later, the preparations for the launch of this body have just been completed. The Forum's proposed activities do include public education initiatives but its resources for such undertakings may be rather modest. Though the Forum's secretariat will be based in the Public Service Commission, as a non-statutory body, its programme will be depend on support from three 'sectors' – business, civil society and the public domain. There are no plans for any state funding.

Codes of conduct for both public servants and parliamentarians have been planned and one for local councillors is actually legislated but these have yet to influence public perceptions and public expectations. The publication of an MPs' register of their financial interests attracted plenty of press coverage, though a special provision which allows parliamentarians to list certain assets in a confidential section limits its utility. To be fair, MPs' financial disclosure rules are amongst the most comprehensive in the British Commonwealth and much more demanding than any other such requirements in Africa. No such registers have been instituted for members of provincial legislatures, though the Executive Ethics Act requires declaration of assets by provincial premiers and members of their executives. Government departments tend to prefer to keep their disciplinary procedures secret and anonymous, even in the case of quite serious offences by public servants. Nor do they always welcome civil-society initiatives to counter public corruption. For example, in November 2000, Minister Steve Tshwete angrily repudiated a proposed private sector agency to monitor police corruption; the police had its own unit, he observed, and business would perform a more useful public service if it tried instead to fight corporate dishonesty. On the other hand, toll-free anti-corruption telephone hot-lines have been maintained since 1998 by the South African Police and the Gauteng government. In 1998 and 1999, the government hosted two major anti-corruption conferences and all parties, including the ruling party, have focused on the issue in their recent electoral campaigning.

Removing incentives. If paying MPs and senior civil servants salaries which emulate the private sector helps to limit the temptations posed by rent-seeking opportunities, then the South African government has performed fairly impressively. Almost immediately after their election in 1994, MPs adopted recommendations for a quite generous overhaul of their salary structure; subsequent rises have been in excess of inflation and any pay-hikes in the public sector. Very senior civil servants have continued to be well paid, a trend initiated during the early 1970s. If public-sector salary reviews are to constitute a serious contribution to fighting corruption then concentrating salary incentives at the top may be counterproductive. In 1999, magistrates and prosecutors had to threaten industrial action before the authorities took their pay claims seriously and yet court officials were known to be one group of public-sector employees that were especially susceptible to venal misconduct. Municipal governments are especially hampered by their inability to retain skilled technical staff and financial

managers because of uncompetitive salaries; such skills shortages are a certain recipe for maladministration. At a lower level, police reform has yet to address the miserable rates of remuneration which persist amongst junior officers.

Another way of removing incentives for corruption is to simplify official procedures which govern interaction between officials and the public, ensuring that the formalities which remain are controlled by honest officials. In fact, with an expansion of entitlements in certain areas – housing for example – the scope and complexities of interaction may have increased. A proliferation of agencies administering particular aspects of certain government programmes – housing again is a case in point – has also complicated procedures and expanded opportunities for corruption. Nominally independent regulatory authorities seem to be especially susceptible to political pressures and financial misbehaviour to judge from a succession of scandals and disputes which have affected the functioning of the Independent Broadcasting Authority and South African Telecommunication Regulatory Authority. More intricate immigration laws (administered by a notoriously weak and relatively unreconstructed apartheid-era bureaucracy, the Department of Home Affairs) represent another instance of how new areas of regulation can open up fresh fields for rent-seeking, particularly when they are governed by bureaucracies with historically weak administrative capacity. Though government tendering has been centralised and subjected to a standardised set of criteria, this does not affect procedures adopted by provincial administrations or para-statal agencies. For example, the Strategic Fuel Fund, a facility originally set up to circumvent sanctions and now a key agency in black business empowerment, recently sold off South Africa's strategic oil reserves without putting out the transaction to tender (*Mail and Guardian*, November 3, 2000; *Sunday Independent*, November 12, 2000). In general, with the government's retreat from the *dirigiste* models of public administration favoured under apartheid, and with the proliferation of privatisation and contracting out of what were exclusively government functions (examples include the provision of low-cost housing, public-interest broadcasting, the provision of basic services such as water reticulation, the administration of social-welfare entitlements), the government's regulatory functions have expanded very rapidly – well beyond its administrative capacity.

Strengthening penalties and increasing disincentives. Much here still needs to be accomplished. Police officers can only be dismissed after

conviction for a crime in which a prison sentence is mandatory. The incidence of police corruption is especially alarming given the central role that police agencies should play in any anti-corruption offensive. Reports suggest that corruption within the police remains extensive. In the first two months of 2000, 129 officers were arrested for corruption. The number of police charged with such offences between January 1996 and December 1998 totalled 1,153 (*The Star*, April 17, 2000). The nature of such charges indicates that policemen are involved in rather more sinister undertakings than simply the acceptance of petty bribes. Drug trafficking, car hijacking, and violent competition by taxi proprietors over commuter routes are each fields in which there have been instances of high-level police complicity with major criminal syndicates.

Both internal departmental and judicial procedures against public corruption can be protracted exercises, lasting several years while the officials concerned remain on the payroll, sometimes even continuing to perform their duties. Under such conditions, even after their public exposure, corrupt practices can remain the routine in certain departments. A good example of this was the continuing saga of driving licences for cash in Mpumalanga, reported last year, three years after a major political scandal involving the same testing centres and officials. However, the official who exposed the original fraud, John Muller, was removed from his post (*The Star*, September 17, 1999). Public-sector trade unions, including those allied to the ruling party, frequently seek to protect their members against accusations of dishonesty; municipal workers unions, post office workers and POPCRU have on several occasions served as accomplices in the perpetuation of corrupt bureaucracy. The prison warders' union is an especially unapologetic champion of venal officials. POPCRU's national representative reacted to the dismissal of Correctional Services Commissioner Khulekani Sithole after an investigation by the parliamentary public accounts committee by noting that 'the whole public service and administration has lost one of its most committed and dedicated civil servants'. Sithole's forced resignation was accompanied by allegations of cooperation between the Commissioner and senior POPCRU officials in running a 'jobs-for-pals' scheme throughout the prison bureaucracy (*Evening Post*, February 25, 1999). On the credit side, though, is the passage of the Protected Disclosures Act to discourage employer victimisation of 'whistle blowers', that is employees who make disclosures about wrongdoing by their colleagues in good faith.

The operation of the constitutionally-protected Auditor-General's and the Public Protector's offices as well as the establishment of several anti-corruption units in different departments (including the police,⁶ customs,⁷ the Directorate of Public Prosecutions,⁸ and the Public Service Commission), represent expressions of the administration's support for dedicated action against corruption. With its 55 investigators and nine lawyers, the (Heath Commission) Special Investigations Unit is the most formidable of the various agencies. Originally established by the Eastern Cape provincial administration, its mandate was extended nationally by parliament to which it became accountable through special legislation in 1996. It enjoys extensive powers of investigation, seizure, interdict, and subpoena, as well as the authority to administer civil proceedings for repayment through its own tribunal. It must refer recommendations for criminal prosecutions to the police, though. Each investigation, however, needs presidential sanction, a requirement which can cause delays and alert the targets of any proposed inquiry. Judge Heath himself has been an often acerbic critic of government, complaining in early 1999 that of the 80,000 cases undergoing probes by the Unit, just 'two or three' had been presented by government (*Business Day* March 12, 1999). Since a Constitutional Court ruling that the Judge Heath's role within the Unit may be unconstitutional, its future status has become uncertain, though current (June 2001) proposals that it should be attached to the Auditor-General's office may enhance its autonomy from the executive. If this adoption was to be adopted, though, the Unit's resources, powers and functions would still fall well short of the competencies characteristic of the most successful anti-corruption agencies, such as those of Hong Kong or New South Wales. The Hong Kong agency has powers of arrest and the Hong Kong Prevention of Bribery Ordinance reverses traditional presumptions of innocence. Whether such powers are desirable in a new democracy with a history of authoritarian government is rather questionable, though.

Political support. Here the picture is mixed. Detracting from the government's proclaimed commitment to fighting corruption are attacks by senior politicians on the work of anti-corruption agencies and the courts – Penuell Maduna's untrue and unretracted allegations against the Auditor-General before the 1999 election and the criticisms from the ANC of the Allan Boesak conviction are two cases in point. Maduna, then the Minister for Energy, accused the Auditor-General of concealing what he took to be misrepresentations in the accounts of the Strategic Fuel Fund. In fact,

Maduna had accepted at face value a misinterpretation of the books by an accounting firm specially appointed by the minister. The Auditor-General's office was later vindicated by the public accounts committee and the Public Protector. Subsequently, Maduna, by background a constitutional lawyer, was given the Justice portfolio in Thabo Mbeki's post-1999 election cabinet. Shortly after his appointment, the Minister hinted that he might move to shut down Heath's unit. With respect to the former Western Cape ANC leader, Allan Boesak, convicted for stealing money from the charity he headed, in the view of ANC spokesperson Smuts Ngonyama, Boesak's 'only sin has been the lack of his accounting skills' and his conviction raised 'many questions about the integrity of the courts and whether they have been transformed or not' (*The Star*, March 25, 1999). Ngonyama responded to the subsequent confirmation of Boesak's conviction by the Appeal Court by accusing the judiciary of being 'totally biased' (*The Star*, May 20, 2000). Ngonyama's sentiments probably reflected a view widespread within the ANC; at Boesak's first appearance after his release in May 2001, he presided over an evangelical church service flanked by senior members of the ANC's provincial hierarchy. The reappointment to public office of politicians and officials implicated in earlier corruption scandals is also unhelpful – this was especially evident with respect to the constitution of the Mpumalanga executive council after the 1999 elections which included the appointments of three formerly disgraced MECs and which were accompanied by an extraordinary statement by Premier Ndaweni Mahlangu in which he defended lying by politicians. The people he had chosen, he said, represented 'the best team' (*Mpumalanga News*, June 24, 1999).

Political appointments within the upper echelons of the public service undermine civil service professionalism and may, therefore, facilitate corruption. Such appointments were excusable in 1994 when the ANC was confronted with a civil service which had for decades been an exclusive field of National Party patronage. They were less easy to justify in 1999 when a post-election cabinet reshuffle was accompanied by the movement of key bureaucrats from one department to another in the wake of 'their' minister. Related to this kind of behaviour is the general refusal to acknowledge an ethic of ministerial responsibility – since the *Sarafina* affair it has become conventional for Ministers to blame scandals or maladministration on their Director-Generals.

Secrecy concerning the sources of political party electioneering funding

can be a major cause of corruption and there has been a worrying rise in the incidence of party funding scandals – party funding for the provincial ANC was one factor in the Mpumalanga Parks Board scandal and in KwaZulu-Natal it seems that the IFP and its leaders have been beneficiaries of campaign contributions from both illegal operators and licence bidders in the casino industry. Political parties are a long way from achieving a culture of ‘zero-tolerance’ of corruption within their active membership. Significantly, before the 1999 election, most Free State ANC branches favoured the nomination of Ace Magashule as premier, notwithstanding the former provincial minister’s removal from the provincial government for financial irregularities (*The Star*, February 12, 1999).

More positive indicators have included several high-level dismissals for corrupt practices, notably in Correctional Services and Home Affairs, with in both cases Director-Generals’ resignations following hearings by assertive parliamentary back-benchers, the removal from office as a consequence of venality of a number of elected politicians, mainly in regional governments, and, most importantly, a general respect for the independence of the judiciary, despite occasional rhetorical lapses from ruling party spokesmen. During the Mandela administration, at least nine provincial executive members were removed from their posts after corruption findings against them, though in not one case did these result in any criminal prosecution. As noted above, in Mpumalanga, the three MECs removed from office were brought back either into the executive or into other senior positions after the 1999 election. In the case of the Director-Generals’ resignations, it should be noted that in both cases, the Minister was demonstrably reluctant to comply with the recommendation for dismissal. With respect to Home Affairs, where the Director-General, Albert Mokeana, was discovered to have used official facilities to promote the fortunes of his private basketball team, Minister Buthelezi went out of his way to praise Mokeana for having been ‘a very competent, capable and effective director-general’ (*The Star*, September 10, 1999). Meanwhile, the prison commissioner, Khulekani Sithole, was vigorously defended by his minister, Ben Skosana, who made special representations to Thabo Mbeki to retain the Commissioner in his post. Though Correctional Services was an IFP-led ministry, this did not deter the Public Accounts Committee’s chairperson, IFP MP Gavin Woods, from leading an aggressive investigation into the allegations against Sithole.

Up to the end of last year, the Select Committee on Public Accounts

(SCOPA) was notably nonpartisan. In investigating allegations of kickbacks accompanying defence contracting, initially ANC MP's played an assertive role. The SCOPA inquiry followed the recommendation for a parliamentary investigation by the Auditor-General after he had found deviations from standard practices with respect to one of the main contractors, British Aerospace. The allegations included the acceptance by a former ANC Defence Minister and other ANC notables of R11 million for helping to arrange the purchase of navy corvettes from a German company as well as the exercise of political pressure to influence the choice of local subcontractors (*Mail and Guardian*, November 10, 2000).⁹ If true, the charges would represent the most serious political corruption scandal since 1994. At the time of the final revision of this article, the accusations concerning the arms contracts are still undergoing investigation by the Public Protector, the Auditor-General, and the National Director of Public Prosecutions. Already, however, in their response to the Select Committee's inquiry into the arms procurement contracts, government and ANC leaders have set new precedents for undermining parliamentary authority.

By tradition, SCOPA normally attempts to function as a cross-party body, reaching its decisions through consensus. This convention came under severe test when its recommendation that the Heath Commission be included in the inquiry was rejected by President Mbeki and subsequently criticised by the Speaker, Frene Ginwala. The leader of the ANC 'Study Group' within the Committee, Andrew Feinstein, was demoted in January and later excluded from the ANC's representatives on a drafting group within the committee. Feinstein was reputed to be among the 'most tenacious' committee members 'in establishing the facts about the government's spending' (*Mail and Guardian*, November 3, 2000). He was one of the authors of the report which had advocated the inclusion of the Heath commission in the investigation. Feinstein's treatment was justified by ANC Chief Whip, Tony Yengeni, who told reporters that in future ANC members of SCOPA would operate under party discipline: 'Some people have the notion that public accounts committee members should act in a nonpartisan way. But in our system no ANC member has a free vote' (*Sunday Independent*, February 4, 2001). Feinstein was replaced as leader of the study group by Yengeni's deputy, Geoff Doidge and Yengeni himself announced he would attend study group meetings to supply 'political authority and guidance' (*Mail and Guardian*, February 2, 2001). Just how disinterested such guidance might be became increasingly

questionable after press revelations that Yengeni had been the recipient of a Mercedes 4-by-4 ordered from the manufacturers as a 'staff car' by one of the subcontractors in the arms deal, Daimler Chrysler Aerospace (*Sunday Times*, March 25, 2001). In receiving the vehicle on what seem to have been extremely favourable terms, Yengeni should have included it in the parliamentary register of gifts and assets. In May, Yengeni was protected by the ANC majority on the parliamentary ethics committee, whose members voted against demanding that Yengeni should explain how he acquired the vehicle and why he had not entered it on the register.

Bureaucratic reform. Given a slight contraction in the size of the civil service, it is possible that recruitment might have in effect become more competitive, though recent reports of the numbers of officials who have made false claims about their qualifications suggest otherwise. The dismissal of a KwaZulu-Natal Education MEC in August 2000 for appointing a poorly-qualified relative to a deputy director-generalship represents an encouraging public endorsement of meritocratic appointment principles by political leadership. Affirmative action criteria can undoubtedly be combined with meritocratic considerations in making appointments but this does not seem to be happening consistently. The exodus of skilled personnel from the public service as well as the appointment to middle-management positions of under-qualified people at a time when civil service tasks have become increasingly complicated (a consequence of expanding entitlements) has increased bureaucratic inefficiency and hence increased the incentives to illegally bypass official procedures. This may be a short-term problem, though: the proliferation of public-sector professional training institutions suggests that the supply of adequately trained job-seekers should soon outstrip demand. Public reporting of public-sector activity has certainly improved but we know from the auditor-general's investigations that the quality of financial supervision in many government departments is appalling, mainly as a consequence of the shortage of accounting skills. In the Eastern Province where the government was constructed around especially degenerate homeland bureaucracies, political will to implement reform has been particularly impressive in the last two years. Evidence of effective political leadership includes the reappointment after the 1999 election to the chair of the Public Accounts Committee in Bisho of a combative opposition MP, Eddie Trent (*Eastern Province Herald*, July 22, 1999), and a centralisation of departmental financial controls under Finance MEC, Enoch Godongwana. As already

noted, in the Eastern Cape Department of Welfare, no less than 985 government employees illegally drawing grants were 'rooted-out' during a major cleanup during 1998/1999. Discouragingly, though, Trent was removed from his chairmanship in early 2001, in a coordinated move across the provinces in which the ANC sought to curb DA influence over parliamentary committees (*Mail and Guardian*, February 16, 2001).

Summary

Let us summarise the most important points. In 2000, diagnosis of South African corruption is much better developed than it was six years ago, partly because of a stronger official predisposition in favour of disclosure as well as the attention it has received in a less censored media, and from various monitoring exercises: this certainly represents a major step forward in any process to combat corruption. There is certainly much greater public awareness of corruption, though government has yet to exploit public interest in a systematic campaign to counter official venality. Some of the preparatory arrangements for such a campaign are already in place: codes of conduct, interest registers and telephone hot-lines. Aside from the politicians awarding themselves pay increases, there is no evidence yet of any serious consideration of a programme to reduce the incentives for public sector rent-seeking. Indeed these may have increased as a consequence of an expansion of the state's regulatory responsibilities.

Much remains to be accomplished in making penalties more effective as deterrents, though a new range of institutional measures including dedicated units, streamlined legal proceedings, and whistle-blower protection has enhanced the likelihood of corruption detection. Political will to punish corruption in high quarters remains inconsistent – and nonexistent in certain provincial governments. Though elected politicians have occasionally lost office as a consequence of corruption accusations, not a single ANC minister¹⁰ or parliamentarian has been charged or convicted for a political corruption-related offence. Moreover, among ANC backbenchers, since the Chief Whip's interference in the SCOPA investigation of arms procurement, there may well be less willingness to challenge the executive over corruption in high places. Finally, any efforts at bureaucratic reform are undermined by the lack of financial controls and the exemption of broad swathes of public life from strict financial accountability. Despite some positive achievements, much needs to be done before the South African government can claim full commitment to the goal of eliminating

corruption; of the elements which are lacking perhaps the most alarming is the absence in top leadership of what the executive has itself called for – 'zero tolerance'.

Notes

1. At least this is perceived to be so. Among the 90 countries surveyed in the 2000 Transparency International *Corruption Perception Index* South Africa was ranked 34th in a system in which the top country, Finland, obtained a 10 ('highly clean') rating and the bottom country, Nigeria received a 1.2 rating. South Africa's rating was a middle level 5. In Africa, Botswana, Namibia and Tunisia were rated as less corrupt than South Africa, while Mauritius, Morocco, Malawi, Ghana, Senegal, Zambia, Burkina Faso, Zimbabwe, Tanzania, Uganda, Mozambique, Kenya, Cameroon, Angola and Nigeria received poorer ratings. South Africa's position in the Transparency International Index 1999 was also 34th (Transparency International Press Release, Berlin, September 13, 2000).
2. For useful comments on the public cynicism which results from commissions of inquiries which are principally 'aimed at justifying the legitimacy of new leaders and discrediting those ousted' and that, moreover, reinforce the view that corruption is merely the consequence 'of flawed personalities rather than the outcome of complex social and structural defects' see Sahr John Kpundeh's study (1994:147) of the progress of anti-corruption undertaking in Sierra Leone.
3. See, for example, the National Party's *Corruption Barometer, 1994-1998* (compiled by Shaun Vorster and published by the National Party's Federal Council in Cape Town), a dossier of press coverage and a analysis of the incidence of press reports. A similar project is the press survey for 1997 undertaken for Transparency International South Africa by the Community Agency for Social Enquiry (*Corruption and Good Governance Profile: South Africa 1997*, Transparency International, Johannesburg, September 3, 1998).
4. Mattes and Africa 1999:6.
5. On the other hand, an international survey conducted in 1996 found that 129 South African companies reported that kickbacks, bribes or secret commissions had cost them a total exceeding R5 million (Camerer 1997:365).
6. In 1998, the police anti-corruption unit opened 2,653 dockets involving 926 policemen; of these, 475 were arrested and by the end of the year 128 had been convicted and 268 acquitted (*The Star*, August 31, 2000). At the beginning of 1998, however, the commander of a police anti-corruption unit in Gauteng was under investigation for receiving kickbacks from informers' fees (*The Star*, January 14, 1998).
7. In 1999, the South African Revenue service dismissed 54 customs officials for receiving bribes (*The Star*, September 27, 1999).

8. The Directorate's Division of Special Operations includes the elite 'Scorpion' investigative unit and the Office of Serious Economic Offences. These, together with the Asset Forfeiture Unit which reports separately to the Director of Public Prosecutions, each include the eradication of public-sector-corruption amongst their preoccupations. There were plans within the Directorate to establish a specialised anti-corruption division: these foundered after officials within the Scorpions objected to the appointment of an old associate of the Minister of Justice, Siphon Ndluli, to head corruption investigations: Ndluli was insufficiently experienced, they maintained. For a report on recent Scorpion anti corruption activity directed at Mpumalanga provincial politicians and efforts by Deputy President Jacob Zuma to halt the Scorpion probe in favour of an ANC internal investigation, see Justin Arenstein, 'Jacob Zuma drawn into Mpumalanga scandal probe', *Mail and Guardian*, March 16, 2001.
9. The accusation against Modise originated with a former ANC 'intelligence operative' who supplied them to the *Coalition for Defence Alternatives* (*Mail and Guardian*, November 10, 2000). Suspicions that Modise may have received bribes date back to 1997 when Modise as a member of a black empowerment consortium bought Conlog, an electronic company allegedly with the help of a R40 million loan from an unknown source in Germany. A subsidiary of Conlog, in which Modise did not have a direct interest, later became one of the subcontractors in the arms deal (*Business Report*, April 2, 2001).
10. Though Jacques Modipane, former MEC for Finance in Mpumalanga, was the subject of an inconclusive police investigation in 1999-2000 as a consequence of his involvement in the illegal use of provincial parks as collateral for offshore loans. Allan Boesak, once an MEC in the Western Cape, was charged and convicted for defrauding a charity he ran with the help of his bookkeeper, but this was after his departure from government.

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