

Effective Anti-Corruption Practices and the Future of Democracy in South Africa: An Analytical Framework

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1. Introduction

The idea of 'effective anti-corruption practices' comes from political science and public administration. It is a concept that researchers have found hard to handle because there are few analytical tools available. Those responsible for anti-corruption interventions in South Africa want to learn from the few that exist, and that can be applied in our political, economic, and cultural setting. This is a sensible but risky approach because systemic and cultural variations are likely to make it difficult to transfer an effective program directly into a different culture.

This paper is an exploration of the use of effective practices for more effective corruption reduction. It is also a tool to develop a more systematic approach of what constitutes effective anti-corruption strategies in South Africa. In other words, it attempts to develop a methodology for understanding and utilising effective practices. Effective practices are presented in specific ways, identifying the criteria by which they are judged successful. They are also 'lessons from another place or another time,' something worthy of being used in South Africa currently. They also present a technical challenge: can 'effective anti-corruption practices' in any part of the world currently be assembled in a database and offered as a manual or handbook to interested parties? While the analytical framework suggested here may give impetus to new ideas, it can also be counter-productive if potential users ignore the peculiar political, economic, and social forces surrounding it in South Africa.

This paper, I hope, will serve as a guide to the development and implementation of an effective anti-corruption practice. Careful consideration must be given to those specific circumstances that will make a practice viable and sustainable in the current setting in South Africa.

2. Historical Context

Few investigations can be more urgent than the search for effective anti-corruption practices in South Africa. Disproportionate emphasis has been put in recent years on the technological, scientific, and economic dimension of national development and social cohesion, with insufficient treatment of the public integrity issues inseparable from the processes involved (Dobel, 1999). Not the least of

these neglected aspects is corruption, a complex and pervasive phenomenon to be differentiated from criminality. It is important to spell out the definitional distinctions and the kinds of historical and contemporary data that must be brought into the analysis before credence can be given to the analytical framework.

This paper is to serve as a prologue, in South Africa, to scientific, scholarly, and policy-oriented studies to bring our understanding of corruption in South Africa to the level that has been attained in the study, for example, of democratic governance and service-delivery. The investigation is contextual, for corruption can best be grasped when it is explicitly related to the political, economic, and social setting where it appears and with which it continually interacts.

Nothing could be more off the mark than the idea that the 'corrupt', like the 'poor', will always be with us, and that nothing can be gained by exploring the form and magnitude of corruption within our borders. On the contrary, much can be revealed by identifying the particular constellation of factors present in South Africa in our time, and to ascertain their relative weight in stimulating or inhibiting corruption. This paper hopes to prompt a fresh start in comprehending and contributing to the eventual control of one of the most recalcitrant features of public and private life in South Africa and everywhere in the world.

3. A Methodological Approach to Anti-Corruption Interventions in South Africa

The attempt to eliminate corruption must be based on taking into account human behaviour in South Africa in its totality. Legal, policy, and administrative measures are not sufficient in themselves. Behind this, there must be a strong political culture nurturing the sense of public and private integrity of such a strength that the policy makers and the key policy implementers become imbued by it (Dobel, 1999; Kohn, 2008). The absence of such a culture creates a situation prevailing in both developed and developing economies, poignantly described in the following works: John Girling, *Corruption Capitalism and Democracy*; Richard Sennett, *The Corrosion of Character: The Personal Consequences of Work in the New Capitalism*; Noam Chomsky, *Profit Over*

People: Neoliberalism and Global Order; Jerome Seabrook, *Consuming Culture: Globalization and Local Lives*; David Marquand, *Decline of the Public*, and Sloterdijk, *The Age of Cynical Reason*. Touching on the tragic aspect of the prevailing political culture, these authors regret that people have adopted false standards of distinction. Profit over people and ill-gotten wealth have become the criterion of status and respectability. Policy, legislation, rules and regulations are not responding effectively to the sense of anguish of human beings battered by such a system.

There is a growing impression that life in South Africa is invaded by corruption, that both public and private life is dominated by corruption. From top to bottom, government machinery and the private sector are seriously infected by corruption. This is not a case of pockets of corruption here and there, but the entire system of public and private sector administration, corruption entirely into all levels of the decision-making process seriously affecting people's lives. It is this kind of corruption, total corruption that, it is alleged, is gripping the entire political, economic, and social order that is the theme of this paper.

Corruption in South Africa is a highly complex phenomenon. No single study, let alone a conference paper, can treat adequately its major features. Each investigation will have to make the selection the author considers urgent and significant continuous research is necessary. My purpose is not so much to document cases of corruption in South Africa. It is to understand the phenomenon as broadly and as deeply as possible. The basic constituents of the phenomenon seem to abide throughout history. The cruelty and rapacity of cruelty, in colonial times, exhibit the same evil manifestations as that of the present time.

The evil motive to exploit the poor and the marginalised in the most defenceless and vulnerable position is the same, but the historical circumstances, as well as the type of activity involved, are different (Alatas, 1999). In the phenomenology of corruption new types of activities emerged, but not the underlying motivation, scheming, enticing, extorting, and controlling.

What differentiates corruption from other gainful activities is that it is never an end in itself. People are not corrupt for the sake of corruption. It is always a means to an end: wealth, power, influence, favours or control. The corrupt does not engage in acts of corruption for psychological relief compelled by an uncontrollable will to do such as compel drug addicts. It is instead a force which depends on sober planning and calculation with increasing sophistication, judged from its effect in all societies throughout history. National development and social cohesion plans that exclude the decisive influence of corruption make serious mistakes which, in South Africa, is gaining corrective admission.

As I indicated earlier, anyone attempting a sociological analysis of corruption in South Africa will eventually run into methodological challenges. Standard methods of social research such as the interview, the questionnaire, and statistical analysis cannot be applied here as long as corruption is considered essentially a shady transaction. The most that we can do is to observe the phenomenon and its effects and to gather as much confidential information as possible. Even whistle-blowing accounts and public disclosures of corruption do not reveal as much as there is to be revealed.

Any investigator of the phenomenon has to be fully conversant with the history, the culture, and the circumstances of at least one instance from which he or she can derive data and test certain theories. Without social background knowledge, it is hardly possible to offer illuminating insight beyond that which is obvious. Similarly, without a continuous sustained observation of the phenomenon over time it is almost impossible to test the validity of certain generalisations on the nature and function of corruption in South Africa.

There have been a few studies on corruption in South Africa in recent years, but there has been no detailed watch on the phenomenon. The full cycle of corruption requires time to develop before its manifest ramifications are observed and defined. Such an investigation will remain incomplete unless it focuses on the following dimensions of the phenomenon: the nature of corruption, the causes of corruption, the functions of corruption, the financial and human cost of corruption, the struggle against corruption, the pursuit of integrity in public and

private office, the role of the media, the ideological factor, and the historical context. Finally, it has to deal with the prospects for the reduction, if not the elimination of corruption.

4. Challenges of Evaluation

The type of evaluation recommended here, given the inclusive nature of the target group, is one appropriate for reaching out to a vast and heterogeneous group of people with a multiple set of well-defined effects to be developed over a long period. There are certain basic criteria that can improve the quality and credibility of an effective anti-corruption practice. There are at least five elements to be taken into account in the process of identifying and describing the evolution of an effective practice. (Oyen, et al. 2002).

At the outset, it will be necessary to establish a starting point for the anti-corruption plan of action. Because of the diffuse and pervasive nature of corruption, it will be difficult to identify the target group. What was the situation for various sections of the heterogeneous group before the application of the anti-corruption plan, both in general and in terms of those specific circumstances that the anti-corruption plan is designed to change? What is the nature and scope of corruption, and how can the working and living conditions of the target group be described? Can certain indicators of corruption be identified and can they be monitored and followed throughout the anti-corruption action plan? Without a baseline at the outset, it will be difficult to establish a convincing case of progress. This part of the methodology can be seen in the original rationale and justification of the anti-corruption plan.

A second element in this process is to describe, as concretely as possible, the objectives of the anti-corruption plan and the expected results. This is not going to be a straightforward procedure because different parts of the political and bureaucratic system may define different goals or criteria for effectiveness.

A third element will be to make visible the kind of anti-corruption instruments to be used. What kind of principles and ethical considerations does the anti-corruption plan build on? What kind of expertise is needed to fulfil the goals of the

anti-corruption programme? How will the anti-corruption plan be organised and financed? Who will be responsible for the implementation? What will be the role of policy implementers and victims of corruption? What kind of resources will be allocated and what guarantees will be given that the financing will be sustained until the anti-corruption campaign has achieved its goals? Built into the organisation of the plan will be features that will increase or decrease the probability of the plan ending up as effective. There will be a need for the campaign to be predictable for the policy implementers as well as the victims of corruption. The policy implementers will have to establish their credibility before the victims can trust them and their intentions. The campaign must be stable over time, in both content and procedures. Victims must be given a formal right to benefits delivered through the anti-corruption program. These requirements are to the effectiveness of the anti-corruption program.

A fourth element of importance for the evaluation is the political, economic, and social climate in which the anti-corruption plan is launched. Is the climate positive or is there opposition to the campaign? From where does the support for the campaign come and who are hostile towards it? Corruption reduction or elimination is more than anything else a question of streamlining of the distribution of resources whether it be land, water, minerals, energy, transport, sanitation, education, and so on. In essence, it means that some individuals and groups have to relinquish their power and influence and turn them over to the general public to whom they may not have loyalty, allegiance, or obligation.

A fifth element is consideration of the implications of different time horizons. At what point should the anti-corruption campaign be judged and defined? Why is a certain timing chosen to declare the campaign effective? Is it for reasons of a political, financial, or social nature? Do policy implementers need to show a success story? Have the original goals been achieved? What might have happened had a different time zone been chosen? Is there an optimum time at which to judge the progress of anti-corruption practices? Can something be termed an effective practice only when it has attained all its goals and therefore rendered itself superfluous?

The latter question points to two aspects of an evaluation. One is that any campaign for change goes through different phases and the point in time at which the performance is judged reflects a stage rather than a final performance. Hence the idea of the progressive realisation of goals (Sen, 2009). The other is the extreme difficulty of guaranteeing that it will actually grow into an effective plan?

5. Corruption and the Future of Democracy in South Africa

The great watersheds in recent history that changed the course of human progress and development in South Africa were the Freedom Charter in 1955 and the political settlement that led to the democratic transition in 1994. The declaration of the Bill of Rights and the Labour Relations Act were a vigorous rebellion against injustice and exploitation that persisted for three centuries. In all those years, corruption figured prominently in the mechanism of injustice and exploitation. Where there is a high degree of injustice and exploitation in the socioeconomic system, there is a high degree of corruption (Alatas, 1999: 127-134; Sen 1981; Marcuse, 1968). There are astonishing numerous instances from the recent history of apartheid where corruption featured together with social injustice arising from the political and social system. The information scandal comes immediately to mind.

There is a definite correlation between the degree of corruption and social cruelty, that is, cruelty arising from the system. During the apartheid period, corruption developed widely in the polity. Its administrative system partly contributed to the abuse of office by officials because no one could dispute their authority. They could not be brought to justice.

As mentioned earlier, corruption has plagued South African history since the seventeenth century, but the attention towards corruption, apart from post-apartheid liberal media rhetoric has not developed in increasing succession throughout that period. From time to time there was a gush of interest but it was not taken up by the powers that prevailed for the simple reason that they were themselves corrupt. In the last twenty one years – thanks to the democratic dispensation – there has been increasing interest in the subject as far as political commentators and newspaper editors are concerned, but the big problem is the

phenomenon of corruption as a political, economic, and social complex. It has led to retardation in the discourse on the impact of corruption and democratic processes and service delivery. There is a belated recognition of the gravity of the problem. There has been a serious intellectual lag. No serious scholarly work has been written, since 1994, for example, on the sociology and the political economy of corruption. Most of the attention has been given to corruption as a symptom of the moral psychology of the political leadership, focusing on character and greed. However, the new perspective is its relation to development and economic growth (Sen, 1981). Equally important is the factor of injustice and cruelty to the poor is interlinked with the issues of development and economic growth (Sen, 1999).

When a society is inflicted by massive system corruption, it cannot develop in the total, integrated and comprehensive sense. Economic growth and modernisation in certain liberal circles are considered as development (Fischer, 2003: 1-20). Increasingly in the last twenty one years, this concept of development has been questioned, but for years the moral concept of development has been by liberal economists and it is still influential now. Most studies of development in South Africa still exclude the factor of corruption. However, some scholars sensitive to corruption from different disciplines, working on topics such as social cohesion and *ubuntu* as public policy, have come to the same conclusion on the devastating effect of corruption on democratic governance and human life (Nkondo, 2007).

Let us consider the goals of development, as reflected in the National Development Plan, that are undermined by corruption. As the National Development Plan indicates, development seeks to improve the condition of living in the most comprehensive way by altering the backward condition holding South African society back, in all areas of living such as the economic, social, political, cultural, and educational. Corruption distorts the political system, debilitates the administration, undermines the interest and welfare of the community, frustrates social bonds and social cohesion, creates inefficiency, and erodes the sense of public good and citizenship (Dauenhauer, 1996; Marquand, 2004).

Corruption has a composite effect spreading through the total life of society. It causes the misdeployment of human resources (with dire consequences on service delivery), increases psychological stress and demoralises the people. It fosters violence and criminal activity; it also erodes the judiciary. In a democratic system such as the one in South Africa, it corrodes respect for authority when the decision processes are distorted by corruption. Hence the end result is political instability as it has begun to appear in recent years.

A portrayal of the debilitating effect of corruption, which is actually growing in South Africa, dramatized recently in '*Operation Fiela*' is particularly helpful. Despite the Batho Pele White Paper (1998), corruption seems to have increased, involving a wide circle of society, including the church. It has assumed such large proportions and various forms that people seem to have come to believe that it is no longer possible to get rid of it from public life. The state as a vigorous engine of growth and development could breakdown with corruption as the decisive factor. The state is gradually becoming unreliable as a facilitator of economic development and social cohesion. Corruption is impeding efforts to solve the development problem. Public resources are said to be siphoned by corrupt officials. But there are people who argue that corruption has not prevented economic growth, that political stability prevails and that the system works.

But this assessment has a serious flaw. Corruption, injustice, and cruelty favour any condition they can thrive in. The cruelty of the Nazi regime in Germany did not prevent its industrial and economic development so much as it could embark on war preparations. Corruption affects the well-being of human individuals in society without necessarily blocking economic growth measured in neoliberal capitalists terms. What it does block is the development of social and economic justice, and severely curtails the freedom of the poor and the marginalised. The answer is a clear political leadership at all levels. Granted, the political economic system creates conditions for corruption. But above all it is the nature of the leadership at all levels that is decisive.

He who ignores the problem of corruption in South Africa ignores the vulnerability of democracy. He who assists in the elimination of corruption is part of the

narrative of fundamental change that goes back three centuries. We should all realise this, by demonstration, not enunciation.

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PS: This is work in progress