Leadership Recruitment and Corruption: South Africa in Focus

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Dedication

For Faith, thoughts of your spurred me on.

In loving memory of Jacob George Shaba. It has been 11 years, but fragments of memories from the short time we spent together, of the blessings your brought still lingers on.

List of Acronyms

ANC – African National Congress

CLPR – Closed List Proportional Representation

DA – Democratic Alliance

DPSA – Department of Public Service and Administration

HSRC – Human Science Research Council

MAAC – Minimum Anti-Corruption Capacity

NDDP – National Director of Public Prosecutions

NLM – National Liberation Movement

PR – Proportional Representation

PSC – Public Service Commission

SCOPA – Parliament's Standing Committee on Public Accounts

SUI – Special Investigation Unit

UDM – United Democratic Front

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Abstract

Corruption as a social malaise is not only multifaceted but variety of definitions tendered to describe this phenomenon tends to ascribe a relativist stance to it. In the sense that corruption is an outcome of a system and different systems breed different ills. These ills are ills nonetheless. An umbrella definition tends to understand corruption as a breach of trust which arises from the misuse or abuse of public power for personal interest. This is qualitative desktop study that employs a fusion of Neo-patrimonialism and the Economic Theory of political corruption in order to investigate the link between the process of recruiting political candidates and the growth of corruption in South Africa. Both theories argue that most politicians are driven by personal and or factional interests. A major proposition of this research is that there is correlation between the quality of political leadership and the rate of corruption. A second proposition is that competent political candidates should improve the quality of governance. The word competence here is employed as an umbrella term as it encases social history, educational background, *inter alia,* of prospective political candidates. As a way of proffering solution, this study intends to make a break from convention by arguing that the exploration and application of employee selection criteria in the selection of political candidates can help a great deal in the fight against political corruption in South Africa.

Chapter 1: Introduction

1.1 General Introduction

Most studies on corruption in Africa (Hyslop 2005; Owoye & Bisseser, 2013; Kpundeh, 2000) draw a correlation between the quality of leadership and the rate of corruption. In South Africa for instance, the rate of corruption amongst top government officials and leaders is wide spread and common (Pillay, 2004; Transparency International, 2011; Moloi, 2012). In other words, political corruption is evident and cases of it are increasingly occupying media headlines. In 2013, if awards were to be bestowed for political corruption the over two hundred million rand security upgrade of President Jacob Zuma's private Nkandla residence would steal the show. The cancerous metastasis of corruption and its flagrant perpetration by high profile political and government figures are a growing cause for concern. Undoubtedly, it can be said that inept leadership plays a seminal role in the growth of corruption in a country. A key reason for such a claim hinges on the fact that as a way of dealing with corruption, scholars like Triesman (2000); Dike (2008); Shah & Shacter (2004); El Shakawy, Jarvis and Petkoski (2006), would suggest that the leadership structure or the leaders of a country have a pivotal role to play in the fight against corruption. A spontaneous question that one is forced to ask is: what if corruption is more prevalent amongst these leaders? In South Africa, this can be said to be the case, as the impudent display of corruption amongst top government and political echelons is becoming a growing menace and an order of the day.

If the profiles of the leaders who are supposed to help in the fight against corruption are tainted by the mire they are supposed to fight, the implication here is that addressing the issue of corruption through the help of such leaders is less likely to yield productive results. In view of this, a more pragmatic and a possibly effective way to deal with the issue would be to address the mechanisms that put these leaders in the positions of power in the first place. A starting point therefore would be a refinement of the different mechanisms, criteria and standards used to recruit prospective leaders. Such refinement should be able to weigh and filter prospective leaders based on certain factors not excluding their personal and political profile amongst which can include standards that fit into a country's goals and general trajectory.

1.2 Outline of the Research Problem

Political corruption in South Africa is prevalent and eating deep into the South African society at a rapid and alarming pace. It has however not gotten to a point of no return. Studies on corruption in South Africa (Gauteng Anti-Corruption Strategic Framework, 2009; Moloi, 2012) suggest that the problem of corruption in South Africa is not as a result of a lack of legal mechanisms or institutions to deal with the issue, but a failure of adequate or stringent implementation and the enforcing of these mechanisms and a lot of inefficiencies within and between these institutions.

Hence, as a way of proffering solution to this malaise, most analyses (Tanzi, 1989; Klitgard 1988; Bing-Pappoe, 2010; Kpundeh) would argue for firm government policies and more transparency and accountability in the public sector amongst other things. Whilst the truths of such analyses are overt, there is a tacit assumption that the onus rests on the people in power, and appeal should be made to them in the fight against corruption. The number of high cases of corruption associated with people in power in South Africa could be an indication that the calibre of political figures and people in power in South Africa tend to be susceptible to corruption.

Jo Silveter (2012) makes a strong claim that the success of a democracy hinges on the ability of political parties to "attract and select the best possible candidates". The necessity of such is essential because the quality of candidates selected by parties has a lot to bear on the quality of government delivered. There is the assumption that good candidates should necessarily lead to a meritorious government and bad candidates equal inept government. From such a position, corruption is viewed as an offspring of a dysfunctional system; as the presence of corruption in a government comes into play in assessing the quality of the government.

This study is an attempt to analyse the issue of corruption in South Africa from a comprehensive viewpoint. This analysis will try to understand how the process of leadership recruitment in South Africa is a vital causal factor to the growth of corruption in the country. In addition to that, solutions on how to stem its further metastasis will be proffered.

1.3 Research problems and objectives: Key questions to be asked

1.3.1 Research Objectives:

There are growing explorations on the issue of corruption in South Africa. This study is motivated by an intention to contribute to these scholastic works. The dimension this study intends to take will explore how the process of leadership recruitment in the country can be

viewed as a contributory factor to the growth of political corruption in the country. Consequentially, this study intends to:

➢ Explore eligibility criteria for electoral or political position in South Africa
➢ investigate the link between the quality of candidates and the quality of government
➢ Examine the possibility of using employee selection criteria as a way of improving how candidates are recruited for political offices. The rationale here is that the use of employee selection criteria in the field of political recruitment would improve the quality of candidates selected, and by extension, the quality of government and stem the growth of political corruption.

1.3.2 Key Questions

What criteria are required for one to become eligible for an electoral or political position in South Africa?

What is the connection between the quality of candidate and the quality of government?

How can the use of employee selection criteria in the recruitment of political candidates' aid in the fight against political corruption?

1.4 Research Methodology

The research aims to explore how the existence of factors like inept leaders could aid in understanding the quality of government and the role ineptitude plays in the growth of corruption. Accordingly, the research is primarily a qualitative one. The research's goal, to reiterate, is to understand the role different set of social factors play in encouraging corruption. Mills (1997); Kalof *et al* (2008) point out that like all researches, a primary aim of the qualitative paradigm is to explore the "whys" and "hows" of the existence of a phenomenon. Despite the possibility of using facts and figures that are particular to the quantitative paradigm, the research finds the use of a qualitative method more fitting because qualitative method places a lot of emphasis on "meaning and motivation" that provokes the functioning and understandings of processes in the social world (Kalof *et al* 2008). Mills (1997) describes the qualitative method as one which is concerned with the subjective assessment of occurrences, opinions and behaviour. As a subjective analysis, it aims to describe how South Africa's historical, social and political "variation" (Bernard, 1995) and how the existence of some of these variations can help in understanding the issue of corruption in the country.

In order to contextualize and make the research more specific, and practical, this study will engage in a case study analysis. Ying (1994:13) describes a case study analysis as an "empirical enquiry that investigates a contemporary phenomenon within its real-life context. Especially when the boundary between phenomenon and context are not clearly evident and it relies on multiple sources of evidence". In concurrence, Caveye's (1996) notion that the value of using case study analysis hinges on the fact that the researcher investigates predefined phenomena and has no power to manipulate variables. The main objective of Case study analysis is the focus in places on investigating phenomena within its context. Accordingly, this study will engage in the use of the economic theory of political corruption and the Neopatrimonial theory, in in order to succinctly explore the correlating variables with reference to the subject matter of the study – corruption – and in order to avoid generalization. The perks of engaging in such a thorough analysis as noted in Benjamin Maiangwa (2012) is such that "the findings of a case study research such as this one, can also lead to the specialization of the area under investigation". In addition, the use of case study would ensure that the subject of analysis remain within scope (Baxter & Jack, 2008:547).

As its case study, this research will give an exploratory analysis of the correlation between the process used to recruit prospective leaders in South Africa and the growth of political corruption in the country. Making use of books, journal articles, newspaper articles and internet sources, this study interprets these data in order to map out pre-existing irregularities that can be discovered within the South African socio-political milieu and to objectively characterize and understand why these irregularities can be regarded as the causes of other socio-political abnormality like corruption. Admittedly, as a qualitative research, interpretation of data is subjectively done; this however does not deny the fact that the use of a case study analysis should lead to an avoidance of such. Employing exploratory data analysis is a precautionary measure to ensure that however "in-context" or subjective an analysis take, the conclusion should be objective. According to Lee (1989) and Yin (1994) the creativity and the thorough nature of exploratory analysis that is associated with a case study approach should provide for a generizeability of case study research findings

1.5 Significance and Limitations of the study

This study intends to establish the nexus between the process of leadership recruitment in South Africa and its correlation with the growth of political corruption in the country. The research findings will then be analysed in order to develop practical and working solutions

for policy makers and to contribute to the efforts in ridding the country of political corruption. As a case study, the research will focus on the South African political dynamics, with particular emphasis on the process of recruiting political candidates. A major limitation this study will be faced with will be the inability to gather some required quantitative data because of time and funds. Hence the study will engage in desktop analysis of other qualitative information and some quantitative data that are of value to the subject matter of the study.

Chapter 2: Conceptualization and Review of Literature

2.1 Introduction

Starting with examining the different concepts of corruption, this chapter intends examine how corruption (particularly political corruption) is primarily a governance issue. In that, inference can be made from theoretical analysis and practical examples as to the direct relationship that exists betwixt governance and corruption. Whilst most literature on corruption highlight corruption as being responsible for underdevelopment, inequitable and inefficient allocation of natural and economic resources, weakening of institutions and to re-emphasize – undermining confidence in public institutions or governments; this study would argue that corruption is a direct result of bad governance and weak institutions. Making inference from some out of the interminable literature of what governance is, this chapter purports that bad governance, leadership or institution is complicit in the parturition and the metastasis of corruption. Firstly, using the Social Contract Theory, what a state is will be examined. Secondly, in order to adopt a comprehensive definition of what corruption, the chapter will look at what governance is, and how assessing the QoG can aid with insights on understanding corruption. Another section deals with political corruption, its drivers and effects. Lastly, a brief discussion and conclusion will bring the chapter to a close.

2.2.1 Perceptions of Corruption

Bamidele (2013) and Sen (2009) argue that corruption can be easily defined by examining the presence of overt variables like misappropriation of funds, abuse of power, and breach of trust. Philps' (1997:437) suggest that "the investigation, prevention and prosecution of corruption is profoundly influenced not simply by how corruption is defined but, more deeply, by how we are to understand the character of politics". A similar claim is made by Amusden *et al* (2008:7) when he argues that in order to understand the different kinds of corruption and to suggest remedies for them, it is required that a combination of country specific knowledge and a thematic knowledge on corruption should be done. There are evidences that combining "country specific knowledge and thematic knowledge on corruption when tracing the causes of corruption, to understand the variety of corruption(s), and to suggest remedies and cures for fighting corruption".

Extrapolating from Philps (1997) and *Amusden et al's* (2008) positions, it would be difficult to establish a universal definition of corruption in that the character of politics differ from one

country to another. Due to the divergent and in some situations conflicting notions of corruption, most analyses would agree on the fact that a definition of the phenomenon is difficult to arrive at. There is a position that corruption is difficult to define and more difficult to measure because it is a concept that is "culturally determined and it varies from one culture to another" (USIP, 2010:4). For instance, whilst the embezzlement of money from state coffers by a government official is clearly a case of corruption, does the action of a parent who makes a huge donation to a school in order to make a leeway for their child's acceptance equal to corruption? Due to this divergence in notion and occurrence, Williams (1976) argues that corruption can be likened to beauty, such phenomenon is in "the eyes of the beholder". Such a simile in its subtlety tends to suggest that there is no "objective entity called corruption, which is always and everywhere identical and equivalent in some ways" (Schaffer, 1986:359). This however does not make corruption a relative occurrence, there may be a lack of an "objective entity called corruption" this however does not deny the fact that an act or action labelled as corrupt in any part of the word fits into a description that portrays a "universal anomaly or wrong". There is therefore a necessary standard with which the actions or activities are evaluated. Tanzi (1998) maintains that it is not possible to measure corruption, but perceptions of corruption becomes the yardstick for evaluating the existence and the extent of "activities" that get delineated as corrupt in a country.

The Corruption Perception Index used by Transparency International has been adopted as one of such universal yardstick of analysis. The CPI ranks countries and territories "based on how corrupt their public sector is perceived to be" (Transparency International, 2014). The reason for measuring corruption based on perception is because "corruption generally comprises illegal activities, which are deliberately hidden and only come to light through scandals, investigations or prosecutions" (*ibid*). The CPI makes use of data gathered from "from independent institutions specialising in governance and business climate analysis". Although Transparency International admits that data gathered from such sources have limited applicability, it further employs the use of:

a) Global Corruption Barometer: this measures people's perception and experiences of corruption in their day to day activities. The GCB gathers data from surveying 114,000 households in 107 countries.

b) Bribe Payers Index: here, the supply side of corruption in international business transactions is measured. "The BPI is a ranking of leading exporting countries according to the perceived likelihood of their firms to bribe abroad. It is based on a

survey of business executives capturing perceptions of the business practices of foreign firms in their country" (Transparency International, 2014).

c) Global Corruption Report: corruption issues are explored in details for specific issue or sector. It then makes a thematic report by drawing from a variety of expert research an analysis and case studies.

d) National Integrity Assessment: makes use of an "extensive qualitative assessment of the strengths and weaknesses of the institutions that enable good governance and prevent corruption in a country" (*ibid*).

e) Transparency in Corporate Reporting: analysis the extent of "transparency in the reporting on a series of anti-corruption measures by the world's largest companies" (*ibid*).

Again, Oskar Kurer (2005:222) contends that "any research effort dealing with corruption is heavily influenced by how it defines its subject". In order to arrive at a definition of corruption, most analyses take different routes in understanding the concept. One common perception of corruption is the construing of the phenomenon as a malaise that is caused primarily by a breach of trust. In the sense that it is a "behaviour which strays from the formal duties of a public role because of private regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private regarding influence" (*ibid*). Vito Tanzi (1995), defines corruption as "non-compliance with the arm's-length principle" aimed at gaining some advantage for oneself or for related individuals from this behaviour". A similar and supporting claim is made by Kirsten Storry (2008) when she emphatically argues that any act or action that bears traces of "either moral deviation or self-interest alone might be considered sufficient to constitute corruption". In Loree's (2005:3-4) extensive survey of literature, it was established that the following factors: breach of public trust, personal profit and/or group or organizational gain, an inappropriate relationship between at least two positions and acts forbidden by law, rule, regulation or ethical standards; existing individually or collectively should be regarded as constitutive elements of corruption.

Further still, Mark Philp (1997:445) describes corruption as a departure from a "naturally sound condition' into a condition that is 'unsound, impure, debased, infected, tainted, adulterated, depraved, and perverted". Philps definition is indicative of the fact that corruption is an aberration from morality. An ill that should not be condoned. Such a claim

would be supported by Rose-Ackerman (1999) who views corruption as those exchanges that are illegal. The limitation of such a stance is that, there are those exchanges that happen and that go through due legal and social process; does that absolve them from being labelled as corrupt? In this regard, Jonathan Hopkin (1997:256) adopts the view that corruption is any exchange that "violates public, legal and ethical norms and sacrifices the common good to private – personal, corporate, partisan, etc. – interests". From Tanzi (1995); Storry (2008); Philp (1997); and Warren (2004), corruption is basically understood as an act that one (usually one in a position of power) engages in, in order to gain self/private interests. From the above understanding of corruption, two elements stand out, public position and selfish interest. The above elements tacitly imply that people in position of power should be driven by public, rather than personal interests.

Hellman *et al's* describe corruption primarily in terms of governance. Since they view corruption as a problem of governance, they try to examine the key characteristics of a government and its policies, with a special focus on the "the extent of state intervention in the economy and the degree of discretionary power of bureaucrats" (Hellman *et al*, 2000:1). Similarly, Inge Amundsen's (1999:3) proposes that one cannot define corruption without highlighting the decisive role of the state. According to her, corruption "is conventionally understood, and referred to, as the private wealth seeking behaviour of someone who represents the state and the public authority, or as the misuse of public goods by public officials for private ends". In accord, Warren (2004:330) outlines corruption as 'individual departures from rules and norms of public office for reasons of private gain". In Warren (2004); Amundsen (1999), the role of "public" office is overtly stated. There is therefore the underlying assumption that corruption happens when one in a position of power violates the rules and regulations biding them to their position. One would generally regard such violation as illegal; hence, whatever is illegal constitutes a corrupt act in this context.

In accordance with the preceding positions, Tanzi (1998:3) also examines corruption from a governance perspective. He argues that certain roles of government inevitably create a fertile ground for the growth of corruption. In their historical analysis of corruption in Africa Owoye and Bissessar (2012) conclude that corruption in Africa increased alarmingly post-independence. Consequently, these scholars posit that "Africa's corruption is a manifestation of its weak or bad governance" (Owoye and Bissessar, 2012:3). Whilst there may be a deficit of transparency under the colonial government, corruption however grew in proportion, became more endemic and chronic post-independence (Owoye and Bissessar, 2012:3). This position however is not a proof that corruption or any form of maladministration was lacking

under colonial rule. For instance Palagashvili (2012) notes that colonialism created a deficit in the accountability role of political leaders. In her examination of colonial leadership in West Africa, she tellingly states that due to the high level of political competition, a stimulation of loyalty amongst their subjects and other residual incentives that comes from 'good governance", leadership in precolonial West Africa aligned the incentives of the chiefs and kings such that they were responsiveness to their people" (Palagashvili, 2012:1). This was however disrupted by the establishment of an indirect system of government that came with colonialism. She contends that a negative consequence of the indirect rule was a reduction of political competition. The outcome of such "was a breakdown of incentives for 'good governance', which resulted in widespread corruption of leaders and poorer governance services" (Palagashvili, 2012:1).

In the same vein, Agigboa (2013) suggests that the colonial administrative language had a different morality from existing African discourses, which translated into different normative and cognitive standards of behaviour. For instance, the colonial government mandated the Native Authorities to coerce a certain number of their denizens to work as labourers on road clearing and railway construction. This system of forced labour to the British colonial mindset was a moral and an effective way to have inhabitants contribute to the development of the colony. However, this evinced an abuse of authority on the local level where it significantly diverged from people's expectations, both in terms of the role of authority and the processes by which it was imposed. It can therefore be inferred that the antecedent for bad governance – and consequently corruption – was colonialism.

With reference to the preceding argument, scholars accordingly find a correlation between the quality of government and the spread of corruption in a country. For instance, Shwenke (2000:140) notes that "in some cases, the word "corruption" is replaced with by the proxy term "good governance". Concluding that corruption is primarily a governance issue, Shwenke states that "good governance is a positive and larger category that certainly embraces the notion of corruption avoidance and prevention" (Shwenke, 2000:140). If this be the case, corruption is a reflection of a type of government and some forms of corruption, like political corruption, reflect a system of governance in particular as the culprits here is the "government". As Bamidele (2013:43) astutely concludes "corruption is principally a governance issue".

A more concise and straightforward link between governance (political institutions) and corruption is found in the World Bank's description, which states that corruption is "one

critical factor that both contributes to and results from weak institutions" (1997:1). Rose-Ackerman further establishes a direct connection between the state and corruption in her analysis when she points out that "corruption is a symptom that something has gone wrong with the management of the state" (1999:9). The description of corruption by the World Bank (1997), Bamidele (20013) and Rose-Ackerman (1999), traces the issue of governance as a fundamental causal factor of corruption. The above positions highlight the fact that corruption and governance have more than just a tangential nexus but a direct one.

Again, there is now a broad consensus amongst some scholars (Rose-Ackerman, 1999; Bamidele, 2013; Tanzi, 1998; Hellman *et al*, 2000) that the quality of governance plays a pivotal role in positive shaping the fortunes of an economy. It is reasoned that "bad quality governance fosters corruption" (Blackburn & Forgues-Puccio, 2009). Other ills associated with such a government would be a decline in development, misappropriation of resources and impeding economic or political growth. In accord, this study reasons that there is a direct correlation betwixt governance and corruption, as in most cases, corruption is viewed as originating from bad governance or corruption mars good governance. The role of institutions in corruption is quite prominent in most corruption related literature. In order to examine the roles of institutions in the incipience and growth of corruption in a country, the nexus between governance and corruption will be examined. This is motivated by the assumption that in critically construing what governance is purported to be, a comprehensive definition of what corruption is can be adopted.

2.2.2 Governance and Corruption

By looking at the different perceptions of corruption in the preceding section, one variable stands out: the role of actors. The emphasis on the role of actors is not a facile one. It is rather motivated by the view that if corruption is understood as fundamentally a governance/ institution problem, government or institution is constituted of individuals. As such, rather than analysing an abstract entity, the role of individuals who make up these institutions will be more appropriate and profitable to the analysis. Colin Nye (1967) points out that corruption is a "behaviour that deviates from the formal duties of a public role (elective or appointive) because of private-regarding (personal, close family, private clique) wealth or status gains" (1967:416). "Behaviour" here is a human attribute and not the action of an institution. Alternatively, another way of understanding the problem posed by corruption is to

examine the relationships that exists betwixt the members of an institution. In effect there is a linear relationship between governance and corruption as it can postulated that bad governance is an unequivocal factor in the parturition of corruption. The reason for inculpating governance or leaders is highlighted in Bruno Speck's (2005) analysis when he points out that in most cases, donor agencies and governments in the West ask the question whether countries with extremely poor governance tract should be cut off from receiving aids.

2.3 Assessing Governance

It suffices to say that at this juncture, an examination of what governance is, is pertinent. Making recourse to a broad definition of what governance is does not fit into the trajectory of this study. This is because governance as a concept espouses a lot and is not limited to the running of a country. Hence, governance for the purposes of this study will be narrowed down to political institutions (political parties, parliament etc.), processes (elections, policies etc.), and people (elected or appointed) that are tasked with the day to day duty of managing a country. Fukuyama (2013) describes governance as "a government's ability to make and enforce rules and to deliver services". In Mary Grindle's typification, "governments are able to design and implement appropriate public policies, administer resources equitably, transparently and efficiently, and respond efficaciously to the social welfare and economic claims of citizens' (1997: 5).

 In view of that, governance is broadly described as the process of decision making and decision implementation or non/poor implementation as the case may be and the provision of services (Annan, 1999; IDEA, 2000; Fukuyama, 2013). It is no coincidence that the above description of what governance is espouses the idea of decision implementation or non/poor implementation (Huther and Shah, 2005 Kaufmann, Kraay, and Mastruzzi 2004;); because quite often than not, most descriptions of the concept "governance" are always preceded by the adjective "good", because axiomatically, the essence of government is to promote the wellbeing and development of her denizens. As a consequence of that, "good governance, came to be seen as the necessary preconditions for social and economic development" (Beeker and Van Gool). Beeker and Van Gool (2012) tellingly note that good governance is a normative term that is "almost always described by what it is not". That is to say that good governance is the realm of "impartial, rule-driven and goal oriented bureaucratic action,

while it's opposite, bad governance encompasses political and governmental activities marked by private and limited group interests as well as favouritism" (Beeker and Van Gool, 2012:3. In the international consensus on good governance, factors like operational institutions and processes, the protection of human rights, transparent and effective democratic process; prevention of conflict and provision of security, civil society participation, combating corruption and the achievement of equitable economic and social results are regarded as the main constituents ((Fearon and Laitin 2003; Öberg and Melander 2005; Anderson and Tverdova 2003; Frey and Stutzer 2000; Helliwell 2003).

 Francis Fukuyama (2013) proposes, that the issue of governance can only be explored by measuring the different perceptions or manifestations of it. According to Fukuyama (2013), effective management of state resources, merit based selection and promotions, freedom of speech and similar fundamental human rights are usually used as proxy terms when examining the Weberian understanding of a state's quality. By extension the quality of government. Bo Rothstein and Jan Teorell (2008) would therefore view impartiality as a substantial tool in measuring the quality of government. These authors' argument derives from the notion that "impartiality implies the existence of sufficient capacity" (Rothstein and Teorell, 2008).

Impartiality is the ability of public servants to act objectively, to be unmoved by certain sorts of concerns like special relationships and or personal preferences. It is to treat people alike irrespective of personal relationships and personal likes and dislikes. In other words, people holding public offices should be able to implement laws and policies, without taking into regard anything about the citizen/case that is not beforehand specified in the policy or the law. Public policies and laws should be implemented objectively, according to a stipulated standard (Cupit, 2000; Stomberg, 2000). Whilst the truth of Rothstein and Teorell's analysis due to its procedural nature may in some cases require empirical validation, their project however is of merit to this study because in their analysis, it is argued that the quality of government can be measured by "a specific normative and behavioural criterion" (Rothstein and Teorell, 2008:167). They suggest *impartiality* in the exercise of public authority as this "specific normative and behavioural criterion.

This can be practically portrayed in a situation whereby accesses to employment, public amenities (school, health care etc.) and political participation are based on equality and merits. Rothstein and Teorell further try to explicate what they mean by impartiality as substantive variable in the measurement of the quality of government. They suggest that a democratic state's relationship with her citizens is regulated in two dimensions: the input

dimension "which relates to the access to public authority". The other dimension is the output dimension; this refers to the manner of exercising this authority. On the input side is where the access to power and consequently the content of policies are determined, "the most widely accepted basic regulatory principle is political equality… Political equality certainly implies impartial treatment on the input side of the system…. democracy in the form of political equality on the input side must be complemented with impartiality on the output side of the political system, that is, in the *exercise* of public authority" (Rothstein and Teorell, 2012:170). As Kurer (2005:223) affirmatively states that impartiality requires that "a state ought to treat equally those who deserve equally".

The reason for employing Rothstein and Teorell's impartiality principle to this study is because a widely established, accepted and commonly used definition of corruption states that corruption is the abuse or misuse of public power for private gain. Such a concise definition has two dimensions which are of substance to this study. Firstly, one has to hold a position of power (usually a public position, elected or employed), and secondly, an abuse of this power arises when one partially benefits from such a position. Kurer (2005:230) affirms that "corruption involves a holder of public office violating the impartiality principle in order to achieve private gain".

A supporting claim is made in a Policy document by the United Nations Economic Commission for Europe. Here, it is argued that the QoG or good governance can be assessed by the presence of some of these six core key principles:

1. Participation: the degree of stakeholders involvement;
2. Decency: the degree to which the formation and stewardship of the rules is undertaken without harming or causing grievance to people;
3. Transparency: the degree of clarity and openness with which decisions are made;
4. Accountability: the extent to which political actors are responsible to society for what they say and do;
5. Fairness: the degree to which rules apply equally to everyone in society; and
6. Efficiency: the extent to which limited human and financial resources are applied without waste, delay or corruption or without prejudicing future generations (UNECFE, 2008:13-14).

From the above reference, it can be suggested that the quality of governance in a country can be assessed by how its public sector functions based on a respect for principles like objectivity, transparency, participation and is accountability (ADC, 2011). Accordingly, most measures put in place to assess the quality of governance examine factors like the existence

of the rule of law rather than rule by law. The difference between the two is that with regards to "rule by law", "the executive uses law and bureaucracy as an instrument of power". Such a situation was wittily described by George Orwell when he notes that "all animals are equal, but some animals are more equal than others" (Orwell, 1989). Conversely, pertaining to the "rule of law", the executive and the power wielded by them is constrained by the same laws that apply to everyone else. "In many respects rule by law overlaps with state quality, since we want states to operate by general, transparent, impartial, and predictable rules" (Fukuyama, 2013:3).

Another approach used to measure the quality of governance is what Fukuyama calls the *Procedural Measures*. Here, in order to measure the quality of governance, the procedures used in the selection of public servants are examined. An assessment of the quality of government is achieved by examining factors like how public servants are "recruited and promoted on the basis of merit or political patronage, what level of technical expertise they are required to possess, and the overall level of formality in bureaucratic procedure" (Fukuyama, 2013:5).

 Another approach as delineated by Fukuyama is the *Capacity Measures*. Simply put, the extractive capacity of a government becomes the yardstick of measuring the QoG. This extractive capacity is measured in terms of a government's ability or capacity to successfully and resourcefully extract tax and this tax should provide the government with enough resources which will enable it to operate in other domains. The inclusion of taxation as a measure of QoG is due to the fact that taxation "is a necessary function of all states, and one for which considerable data exists" (Fukuyama, 2013:7). Another essential dimension of the Capacity Measures is the "level of education and professionalization of government officials". Fukuyama (2013) in elucidating the importance of the level of education and the professionalization of government officials traces the history of Central banks in the early 21st century across the developing world. He argues that Central Banks in the 21st century are unbeatably better run than they were prior to the debt crises of the 1980s in Latin America and sub-Saharan Africa. He attributed this partly to "the significantly higher degree of professionalism in their staffing. A key aspect of state-building in the United States during the Progressive Era was the replacement of incompetent political patronage appointees with university-trained agronomists, engineers, and economists" (Fukuyama, 2013:9).

The preceding argument is in tandem with the objective of this study and in itself reiterates the general importance of researching how the educational capabilities of political candidates affects the quality of government and how that in turn can be linked to the growth or lack of

corruption in a country. Other factors considered by Fukuyama in the assessment of the QoG are *Output Measures* – here, the ability of a government to deliver basic social services like schools, public health services, public security, national defense*, inter alia* are evaluated (Fukuyama, 2013:8). The better and the more efficient a government can do this, the high its quality. The last factor is *Bureaucratic Autonomy* – here it is argued that an autonomous bureaucratic institution, free of interference and not guided by any partisan consideration or interests, bodes well for a country. An autonomous bureaucracy is one that shows discretion or independent judgment, one that is insulated from certain influences of social actors, but also subservient to the society with regard to larger goals (Fukuyama, 2013:10).

Fukuyama points out that the importance of including Bureaucratic Autonomy in the assessing the QoG is because a bureaucracy that is subordinate to the whims and wills of those in power always led to a low performance level. "One of the worst forms is when bureaucracies lose control over internal recruitment and promotion to the political authorities and are staffed entirely by political appointees. This is in effect what happens in clientelistic political systems" (Fukuyama, 2013:10). The last point is quite fitting to the South African situation in that, recently, news of irregularities in bureaucratic appointments has filled the airwaves. For instance, President Jacob Zuma's 25 year old daughter Thuthukile Zuma was appointed as a chief of staff in the telecommunications department, despite being a greenhorn in the department. A position many argue requires a senior managerial experience/portfolio (eNCA, 2014). The President has been accused of nepotism because it is purported that "the role was reportedly not advertised and Thuthukile now occupies a similar position to Lakela Kaunda, President Zuma's chief of staff, who is considered to be one of the most powerful senior managers in the government" (Riley, 2014).

2.4 Adopting a Definition of Corruption

To reiterate, the purview of this study is to understand corruption from a government-society relationship perspective, that is, how the roles of a government can be inculpated in the spread and growth of corruption. Corruption happens when a government fails in this primary duty. In Lambsdorff's (2007) opinion, "corruption is about government failures". In accord, Jain (2001:4) plainly argues that corruption "would not exist if political institutions (government/state) were able to exert necessary influence and control". Accordingly, we see that in most definitions or conceptualizations of corruption, the state is always fingered as an important component and as playing a decisive role. The most popular and commonly used of

these conceptualizations is that which terms corruption as the abuse of public power for private benefit.

Jain's (2001), definition of corruption can be regarded as a somewhat updated version of the above conceptualization. He describes corruption as an act in which the power of public office is used for personal gain in a way that breaches the rules of the game. Similarly, Colin Nye (1967) describes corruption as a behaviour that "deviates from the formal duties of a public role because of private regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence" (Nye 1967:417). For Mushtaq Khan (1996), corruption come into being when the actions and decisions of someone in a position of power, deviates from "the formal rules of conduct because of private-regarding motives such as wealth, power, or status". Other similar conceptualizations view corruption as an act that "violates public, legal and ethical norms and sacrifices the common good to private – personal, corporate, partisan, etc. – interests" (Della Porta & M'eny, 1997:4). Rogow and Lasswell (1963:2) describe it as "behaviour in office that is motivated by a desire for personal material gain". It can be stated that two conditions are required for the existence and spread of corruption.

Firstly, one has to be in a position of power (political or administrative). Such public positions of power are usually bestowed on trust and people in such positions have discretionary powers. This discretionary power is usually the "authority to design or administer regulations and policies in a discretionary manner" (Aidt, 2003:633). This discretionary power is exercised in everyday life in different public spheres, "such as the judiciary, public procurement, business regulations and granting of permits, privatization, foreign exchange (including customs, trade permits, and international financial transactions), taxes (including the granting of tax exemptions), police, subsidies, public utility (water, electricity, telephone, garbage collection, health care), and government services (health, education)" (Lambsdorff, 2007:16). An important component of "discretionary power" is that there are certain rules and regulations, codes of conducts etc with regards to how or how not to act. Discretionary power is not a social, political or economic prerogative, but is rather a task of promoting the common good – a task of ensuring that we do not regress to the state of nature.

Secondly, there should be rents associated with the discretionary power. For instance, Rose-Ackerman notes that one duty of a state is the "control and the distribution of valuable benefits and the imposition of onerous cost… Private individuals and firms who want favourable treatment may be willing to pay to obtain it" (Rose-Ackerman, 1999:9). Since

government (in effect bureaucrats), control the supply of a commodity like credit and the rate of interest, bribes may be demanded or paid for access. Hence, corruption arises when there is a misuse or a use of this discretionary power in a way that deviates or contravenes set rules and regulations – by accepting or demanding some form of remuneration to grant favourable treatment to one party over the other – a way that is not beneficial to the common good.

2.5 Political Corruption

Political corruption in some conceptualizations is also referred to as Grand/Bureaucratic corruption. This is a situation whereby the discretionary powers of the state are used inappropriately for private regarding (Heidenheimer et. al. 1993, Triesman, 2000). It is usually described as the sort of corruption that happens at the high level of the political system. From Amudsen's (1999) conceptualization, political corruption takes place "when the politicians and state agents, who are entitled to make and enforce the laws in the name of the people, are themselves corrupt. Political corruption is when political decision-makers use the political power they are armed with, to sustain their power, status and wealth" (Amudsen, 1999:3). The advantage of using the above conceptualization is that a lot of other forms of corruption can be subsumed into it. Corruption as an abuse of office for private gain is quite broad in its scope. Bicchieri and Duffy (2007) suggest that actions ranging "from public officers' use of their position to maximize personal gain by dispensing public benefits to the implementation of policies that violate the common interest in favour of special interests" (1997:61). Implicitly, the scope of the word "abuse" with regards to its usage here is broad. For instance, a public official taking advantage (sexual harassment) of one of his employees qualifies as abuse. Actions like asking for bribes or some form of remuneration are, elicit the notion of abuse of power.

The distinction between political corruption and most other forms of corruption is quite haphazard in the sense that some typologies (Amudsen, 1999; Rose-Ackerman, 2001; Bicchieri and Duffy, 2007; Neild, 2002) are of the notion that in examining the different types of corruption, the actors, the initiators, the profiteers, the realm in which it is practiced have to come under the spotlight of analyses. Neild's (2002:5) uses the word public corruption to refer to "corruption by politicians and public officials of all kinds, including the judiciary". Additionally, Neild (2002) also suggests that private corruption is also closely linked public corruption: "corrupt acts by public officials usually deals with private citizens; and in societies where there is much public corruption, there will usually be much private corruption; they tend to go together" (*ibid*). Again, with the public sector being very large, it

is arguable that any indiscreet use of public power/resources for private regarding qualifies as political corruption.

Agbiboa (2013) claims that most social science evaluation and description of the different types of corruption adopt three major premises or perspectives. The first is the evaluation of corruption from a public-office perspective: here, evaluations and analyses focus on how public office holders derogatively use their position of authority for private regarding. Werlin (1973) and Wilson (1968) view corruption as the diversion of public assets for private purposes. An act is also regarded as corrupt when a public personnel acts in a manner that subverts the set rules of his/her official duties. The second perspective examines corruption from the market-centred purview; here corruption is "identified with personal rent-seeking by officials in derogation of their duties to their principals (higher officials) as established by law" (Rose-Ackerman, 1999:3). The third premise adopts the position of public interests as the crux of its analyses. This is as a response to what some pundits consider as the narrow purview of the public-office centred perspective and the broad nature of the market-centred analysis (Agbiboa, 2013). Examinations here suggest that there "is a public which has distinct interests, and that those interests are compromised by private-regarding (corrupt) conduct. In other words, public interest exponents give pride of place to the concept of "public interest" in the analysis of corruption by explicitly and simply asserting the nexus between corruption and the subversion of the public interest" (Williams, 1999:505). Agbiboa (2013:276) emphatically states that "it is important to note that these three definitions are loosely linked since they all assume the separation of the public and private spheres, and view corruption as the inappropriate mix of the two. Nevertheless, these definitions emphasize three significant and interrelated aspects of corruption, namely public office, market and public interest". Morris (2011) in an attempt to offer a loose but comprehensive definition notes that:

> "Beyond these acts commonly associated with corruption, corruption also encompasses such diverse activities as *nepotism, favouritism* and *conflict of interest*, where public-sector jobs or benefits are illegally channelled to family, friends or to the benefit of the decision-makers own interests. Even within the partisan and electoral realms, corruption encompasses a range of activities such as *illegal campaign contributions, illegal expenditures, electoral fraud and vote buying.*"

Again, in suggesting remedies to corruption, some typologies and theories (Johnson, 2004; Uslaner, 2008; Rubin, 2011; Kroukamp, 2012;) would formulate preventive measures that includes but not limited to factors like democratic reforms; the promotion of the rule of law; creating or encouraging a government (usually encasing the public and private sector) that is transparent and accountable (Agbiboa, 2013). To this end, Neil (2002:6) concedes that there was a reduction in corruption with a great improvement in the quality of government in the

latter part of the 19th century Britain. A statement that attests to the notion that reforming government is vital in the fight against corruption.

Further still, a cumulative observation of the socio-political milieu in most African states exposes the reality that there is a little distinction between what is considered as private or public. It is often argued that the assumed line separating the public from the private sphere, implied in most corruption definitions, seems unintelligible in an African context. The reason is that "the practices that come under the complex of corruption, while being legally culpable and widely reproved, are none the less considered by their perpetrators as being legitimate, and often as not being corruption at all" (De Sardan, 1994:34). As a consequence of that, the motivation (taking what is rightfully ours) underpinning the "abuse of office" offers legitimacy to the abuse. There is therefore a situation of embedded corruption in socio-political life in Africa, and this is largely "reinforced by a powerful moral economy in which the spoils of the state are expected to be distributed via networks of patronage" (Agbiboa, 2013:278). Paul Heywood (1997) also argues that "it would be impossible to develop one generalizable and uncontested definition of political corruption" (:3). While his position does not endorse incommensurable relativism, it seeks to highlight the fact that the nature of politics, political systems vary from one country to another. Politics cannot be understood by universalizing a normative standard for it proper nature and its potential distortion. (*ibid*) In Heywood's opinion, we therefore "need to be aware of how our definition of politics itself will affect our understanding of what political corruption entails. On that basis, it is possible to argue that the meaning of political corruption might vary with the nature of the political system in question". As such, one can fully describe political corruption by making recourse to the particular political system in view.

Despite the above mentioned difficulties facing the conceptualization of what can solely qualify as political corruption without ambiguity, there are some common and often used standards that scholars have employed in their conceptualization of political corruption. Broadly speaking, when the concept political corruption is described, it usually refers to

> "bribery, nepotism, the sale of offices and jobbery in the appointment of public officials; we mean offences by politicians and public officials in such matters as the collection of taxation, the granting of contracts and the granting of cash benefits; and we mean fraud, bribery and other types of malpractices connected with elections, which benefit an individual or his [sic] party. In short, we mean the breaking of the rule, be they written laws or implicit codes of conduct, which we expect public officials and politicians" to observe in the conduct of public affairs" (Neild, 2002:5).

Conclusively, the designation political corruption is determined by the calibre of the perpetrators and the realm of its manifestation. In other words, political corruption is described in terms of "the category of the person who breaks the rules and the kind of rule they break: the persons are public officials and politicians; the rules are those relating to the conduct of public affairs" (Neild, 2002:214). In order to understand the manifestation of political corruption therefore, one only needs to examine any 'amoral' transaction that exists in "the relations between public servants and 'civil society', between administrations and the subjects of administration and between public services and their users" (Blundo & de Sardan, 2006:13).

2.5.1 Drivers of Political Corruption

One of the hypotheses of this study is that the causation of political corruption in South Africa can be hinged on inept governance, and the latter is as a result of the calibre of political candidates. José Sison (2004) notes that a good leader is one that has "professional competence", it therefore follows that the selection of political candidates with no professional competence either by a conscious act or an act of omission is a manifestation of corruption. More to the point, on the 11th of August 2014, newspaper headlines bore the news of the resignation of an African National Congress member of parliament – Pallo Jordan – over the falsification of qualification. Such a situation attests to the reality of political nonchalance. Hyslop (2005) contends that since the ascension of the African National Congress into power, there has been a "qualitative decline in the functioning of the bureaucracy and a disregard for the public institutions and procedures by the ANC". In Pillay's (2004) opinion, the fight against corruption in South Africa should starts with addressing the issue of governance. "Any focus on corruption must be coupled with an equivalent focus on the positive aspects of good governance" (Pillay, 2004:588).

It is a depressing reality to highlight the fact that the ANC is no stranger to such unconscionable scandals. In 2014 also, the Public Protector Thuli Mandosela found out that Motsoeneng Hlaudi's appointment as the South African Broadcasting commission was fraught with irregularities. She said that "Motsoeneng had committed fraud by claiming he had a matric certificate on an application form" (Mail and Guardian, 2014). In a similar case, the South African Broadcasting Corporation (SABC) chairperson Ellen Tshabalala's qualifications was also said to be under investigation by the Parliament's Portfolio

Committee on Communications. The decision to launch the probe came about after "Tshabalala failed to provide proof of the BCom she claims she holds from the University of South Africa" (BDlive, 2014). While Ellen Tshabalala has since quit her position (Timeslive, 2014), but the saga shows that the ANC's system of appointment is in some situations bereft of merit.

A one hundred and fifty pages report by the Public Protector in February of 2014, titled "When Governance and Ethics Fails" gives in details list of irregular appointments and abuse of power by some political appointees *inter alia*. A necessary and spontaneous question that follows is: how do such people get into the position of power? One explanation could be that the selection of candidates with such inadequate or falsified portfolio is an expression of political insouciance. Alternatively, it could be that the ANC selection of bureaucrats is not an activity dictated by candidate merits. Whatever the case maybe, such actions of insouciance constitutes an abuse and in effect that is a semiology of corruption. One explanation to the above malaise in South Africa is what Jonathan Hyslop (2005) refers to as a question of "representation". In his analysis he highlights the fact that

> "The public debate in South Africa also involves clashes over meaning. At first impression what the antagonists in the South African debate appear to say is that they agree what corruption is, and declare themselves against it, but disagree on its extent and origins. Yet once one subjects these discourses to closer scrutiny, it is clear that both between and within political camps, there are great contestations as to what behaviours are held to constitute corruption and about the values that underpin such behaviours (Hyslop, 2005:774).

In concurrence, Naidoo and Jackson (2009:3) suggest that one of the difficulties of anti-corruption strategies in South Africa is that "the legal definition of corruption insufficiently captures the scope administrative malfeasance when analysed in the wider functional context of the public bureaucracy". Whilst the political culture of administrative and bureaucratic selection in South Africa may shun the application of particular kinds of merits (academic qualifications) in its assessments and acceptance of candidates. Other measures employed in the appointments of bureaucrats (what I refer to as the "struggle credentials") may prove insufficient in the long run; this is quite true because the number of political scandal post-apartheid seems to be increasing at an alarming rate. Hyslop (2005) regards such scandals as a tool that "exposes the hidden geological strata of politics and hidden linkages and connections of which we would otherwise be unaware" (2005:774). Inferring from the nature of scandals in South Africa, one can conclusively state that the seeming nonchalant nature of bureaucratic appointments in South Africa, exhibits a lack of political will to fight corruption. Dintwe (2012:7) describes "specific actions of the ANC led government which may seem to contradict its will to counter corruption in South Africa".

Daniel Triesman (2000) adds a twist to his analysis on what may be blamed for the growth of political corruption. He submits that a cost and benefit analysis usually comes to play to deter or encourage corrupt actions. In his opinion, a public official "can be construed as balancing the expected cost of a corrupt act—including psychological and social as well as financial costs—against the expected benefit" (2005:5). The risk of getting caught and persecuted is one of such costs. This claim is supported by Williams (2003) who suggests "the causes of corruption in any political system are broadly similar and depend on the structure of incentives, the range and number of opportunities and the risk and consequences of detection" (Williams, 2003:69). Williams' (2003) position is motivated by the notion that "any assessment of the causes of corruption has to take note of the political culture and the institutional framework of the government" (Williams, 2003:66).

In the South African Constitution, the separation of powers is inherent. Implicitly, such a system encourages "the dispersal and fragmentation of political authority and, in so doing, they multiply the number of potential decision and access points" (Williams, 2003:67). By implication, the more discretionary power a public servant has (power to recruit, power to procure etc) the greater the chances of them being corrupt. Vito Tanzi (1998:10) states that "corruption is generally connected to the activities of the state and especially with the monopoly and discretionary power of the state". That is to say, by vesting a lot of discretionary power on public servants, and by entrusting them with the power to use state resources, there is a dispersion of opportunities for corruption (Williams, 2003; Mackay, 2003).

The state as an entity charged with the just distribution of resources *inter alia*, delegates various people and instruments in its exercise of authority (Tanzi, 1998). Accordingly, the scope of 'discretionary power' as a driver of corruption is quite wide. To illustrate, a traffic cop has the "discretionary" power to assess a learner driver for their suitability to get a license. Whilst there are rules and regulations in place for one to be assessed as a qualified driver, there is also room due to the power placed on this traffic cop to bend these rules. In the same way, a head of department charged with the procurement of arms for the security parastatals of a country undoubtedly has a lot of discretionary power and a lot of state resources at his disposal. There are rules guiding how he/she should use these resources. Concurrently, there is also room for the bending of such rules. A former Prime minster of Greece when speaking about the Greek Electric Power Authority Scandal indirectly highlights the dilemma of discretionary power: "it might be expected that an official would offer himself a present, but not one as big as 500 million drachmas" (Cited in Koutsoukis,

2003). In other words, despite the trust placed on public servants to make legal use of discretionary powers, there are dangers of them subverting it. Such a conundrum led Gary Becker to conclusively suggest that the only way to abolish corruption is to abolish the state. Martin Bull and James Newell (2003) give a comprehensive but concise list of how the use of discretionary power could lead to corruption.

Firstly, corrupt acts may be driven by the discretionary power (to take decisions concerning the allocation of public money and resources) of politicians. Such corruption is a direct result of politicians having a role "in making decisions with direct impact on certain business or other interests" (Bull and Newell, 2003:235).

Again, the nature of democratic politics is one that pities one political party against the other and as Heywood notes that politics is a profession and it is the desire of every politician / political party to succeed. Such desire is usually hampered by funding. Money is required for campaigns. This pressure of party competition therefore "create the conditions that encourage a dependency on business and wealthy individuals" (Collins and O'Shea, 2003:167). And opportunities for intrusion by external actors such as huge corporations excessively abounds (Williams, 2003:68).

One major disadvantage of that is that politicians in away become the representatives of particular interests groups. Political activities are no longer guided by political principles or ideological convictions, but by what Williams (2003) refer to as 'Pragmatism and reciprocity'. Heywood (1997) also suggests that the sense of public ethos which used to be established and practiced amongst politicians has been "dissipated by the rise of a class of more self-interested (and therefore less ideologically motivated) 'career politicians'. Venality is hardly a recent phenomenon in politics, but the emergence of so-called 'business politicians', as described above, reflects a perceived tendency for a growing number to enter politics primarily for PERSONAL or PARTISAN (my emphasis) gains". This in turn creates a situation where politics becomes "a market place in which deals are struck and favours are exchanged" (Williams, 2003:68). Just as most politicians from this crop have only profit in their minds, so do most contributors to political parties expect special privileges and special concessions (Cheung, 1996; Williams, 2003).

For instance, the ANC led government of President Jacob Zuma was accused of such, when the Gupta family (friends and close associates of the president) landed a chartered private jet on the Waterkloof Air force base. According to reports in the Mail and Guardian, it was reported that "the government owed South Africans a full explanation about the alleged

misuse of state property and personnel for the Gupta family wedding.... We cannot afford to gain the reputation of being a country where it is who you know that counts, and where wealth can buy privileged treatment from the authorities" (South African Catholic Bishops' Conference, cited in M&G, 2014). In addition to that, there is a creation of a clientistic relationship. The politicians depend on patrons for support and sponsorship and they repay the goodwill by granting special privileges to these patrons. Moreover, the abuse of discretionary power may arise due to the fact that public servants have the power to "supply public services, permits and resources, the power of public officials to investigate private conduct and impose penalties, the power to bestow patronage or honours, and to determine the post retirement employment of public officials" (Bull and Newell, 2003:236). Such powers can be manipulated for personal or partisan interest.

Again, it is suggested that the "low levels of financial reward for many in the public sector provides an impetus to engage in corruption: it follows that political corruption should be lower where financial rewards and incentives are highest" (Heywood, 1997). In each of the above situation, a public servant has been vested with powers to use at his or her own discretion with the assumption that they will be used under the dictates of the law and morality. Conclusively, discretionary power which has rents associated with them and a low probability of detection or punishment can be described as the required recipe for the existence of political corruption. Put in another way, political corruption occurs "when higher rents are associated with the misuse of discretionary powers, net of any illegal payments and penalties associated with such misuse" (Jain, 2001:77).

2.5.2 Proportional Representation and Inordinate Endowment of Discretionary Power

In the course of evaluation in this chapter, it came to the fore that a major difficulty with most corruption related analyses is the complex nature of the subject, the actors and the context in which it is perpetuated. The unique socio-political and historical dynamics of South Africa further enhance this above mentioned difficulty. Most studies (Neild, 2002; Anderson & Tverdova, 2003; Pillay, 2004) would credit a democratic system of government with a low level of corruption. Democracy, it is believed has some built in processes and procedures that help keep corruption in check. It is widely assumed that in a democratic system, the power is in the hand of the people, and these people in turn elect those who are to rule them. That is to

say, through free and fair elections, the people grant legitimacy to their government, and as a reciprocal transaction, these rulers are mandated to be accountable and responsive to the people (Anderson & Tverdova, 2003).

The veracity of such a position comes under raises a lot of questions when a democratic system adversely erodes accountability and transparency. To particularize, the South African political system of Closed List Proportional representation bestows discretionary powers on political parties, who are in turn headed by individuals. So much so is this power that Sibalukhulu (2012), concedes that "Under current arrangements, MPs fear members of the executive more than the will of the people. Ministers are more powerful than voters". By implication, party deployees are accountable to the executive arms of the party and not to the people. It is argued that under South Africa's political system, "there are no direct lines of political accountability between voters and parliamentarians. This is inherent in the design of the country's electoral system" (Sibalukhulu, 2012).

With the ANC in wielding political power since 1994, and with little or no significant opposition, the party has been accused of "denial and spindoctoring of corrupt activities... It is often argued that the ANC is not corrupt but that it is individuals within the party and the government who are committing acts of corruption" (Dintwe, 2012:11). Dintwe (2012) in further highlighting the inability of the ANC led government to hamstring corruption, points out that due to the power wielded by the ANC, corruption "has elevated itself to a level of a normal feature of official business" (Dintwe, 2012:12). Rubin (2011) to this end articulates that pre and post-apartheid "the bedrock of most South Africans' experience of the state has been one of intense, predatory interactions".

In addressing the adverse effect of the Closed List Proportional Representational System (which South Africa uses), Rose-Ackerman and Kunicova (2001), start by express that the function of elections in every democracy is to "provide both *incentives* for politicians to enact a certain kind of policies and *constraints* on politicians' malfeasance". They conclusively state that under the closed list proportional representational systems, transparency and accountability is difficult. In the sense under the CLPR systems, it is "more difficult for voters to monitor politicians' malfeasance in large (often national) districts. In addition, because voters cast their votes for parties, the link between individual politicians' re-election and their performance in office is weakened" (Rose-Ackerman & Kunicova, 2001:2).

2.6 Governance Matters

This study in its analysis has tried to find the nexus between governance and corruption. There is a temptation to simplistically assume that the link between governance and corruption is direct. In that the better the government, the lesser the rate of corruption, and *vice versa.* Neild (2002) suggests that the emergence of 'clean government' translates into positive changes. Such that the introduction of new rules forbade practices that were previously permitted and there was also a significant improvement in the enforcement of rules. By implication, the level of corruption in a society can be determined by the "number of decisions made by public persons and the extent to which those decisions are made dishonestly" (Neild, 2002:6). It goes without saying that the extent and the scope of 'discretionary' powers matters, as corruption in a society may increase "because public and private moral standards have fallen following, perhaps, the accession to power of a bad ruler; or, conversely, corruption may decline following the accession of a good ruler" (Nield, 2002:8).

Rose-Ackerman (1999), also suggests that one effective way of yielding positive results in combating corruption is not to hinge efforts on the total elimination of corruption "but an improvement in the overall efficiency, fairness and legitimacy of the state" (1999:4). This would be in response to the fact that a primary duty of the state includes the right to "control the distribution of valuable benefits and the imposition of onerous costs. The distribution of these benefits and costs is generally under the control of public officials who possess discretionary power" (Rose-Ackerman, 1999:9). Rose-Ackerman (an economist's) position paints a picture of a market place, in which the resources of the state can be regarded as commodities for sale, with the public officials/politicians assuming the position of the sellers and private individuals and firms as willing buyers. In such a situation, private individuals and firms all scour for favourable treatments and in most cases, they are willing to pay to obtain it. Corruption ensues and can be regarded as a governance problem when these payments are made illegally to the public agents whose objective judgement is swayed and uses his/her discretionary powers to favour a private individual or a firm over another with the hope of obtaining a benefit or avoiding a cost (Rose-Ackerman, 1999).

It is a common saying that 'power corrupts, and absolute power corrupts absolutely". As a derivation from that, this chapter in its examination of the drivers of political corruption, aligned itself to the position that firstly, political corruption is greatly enhanced or diminished by the extent and scope of discretionary power. So much so that Jeremy Pope (1999) purports

that it would be unrealistic to push for the abolition of public corruption. What is rather realistic and feasible is to contain corruption in the public realm. His reason stems from the argument that the greatest obstacle to this end is rooted at the very heart of government – with the politicians and political interests in power, who would consider moves towards "greater transparency and greater accountability as an erosion of their power" (Pope, 1999:105). Conclusively, corruption directly results from a desire to hold on to discretionary power.

Secondly, it was argued that the South African system of proportional representation bestows and inordinate amount of discretionary power on political/party leaders. Again, Pope (1999) would argue that corruption increases when there is a scarcity or a lack of public service work ethic or a comprehension of the notions of public accountability and responsibility. "This is particularly evident in societies where public servants owe their posts not to the public they serve but to the relatives who appointed them. Nepotism results in apathy toward the public as 'customers' and a disinclination to accord them service" (Pope, 1999:109).

The above position simple zooms in on how systems: political and social[1] are culpable for the growth and spread of political corruption. Additionally, in a country like South Africa, where the socio-political history due to the perpetuation of apartheid left a majority of the people with a grand Canyon of disadvantages, corruption would materialize because politicians and public servants would view it as a way of recovering "one's due and thus being compensated for an injustice, to which the perpetrator believes himself or herself to have fallen victim" (Blundo & De Sardan, 2006:112). Corruption can therefore be expounded to include the notion that is it a form of compensation – a compensation for apartheid. In other words, we are just taking back what is rightfully ours. Like in war and love, all seems fair in the South African political milieu as long as you or a member of your family was in the struggle[2].

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[1] The economic driver of political corruption was intentionally left out of this analysis. This will be properly addressed in the third chapter of the study.

[2] Margot Rubin (2011:481) in her examination of corruption practices in the South African housing allocation discovers that most respondents accuse government officials of "nepotism and of bias favouring comrades and companions who fought alongside each other in the anti-apartheid struggle. People in positions of power apparently use their standing to enrich themselves and to get their friends official appointments, for which they may not be qualified."

2.6.1 Effects of Political Corruption

It is no doubt that the moral, material and the social consequence of political corruption are reprehensive. As Tanzi (1998) records that "corruption is unquantifiably bad". The multifarious nature of its definition and drivers however poses a lot of obstacle to assessing its effects. "There is far less agreement over its practical consequences - in either political or economic terms" (Heywood, 1997). Broadly speaking, if political corruption is understood as primarily a breach of trust between a public office holder and a citizen, it necessarily follows that erosion of trust in government would be a direct social effect of political corruption. Some political economist would argue that corruption has positive effects on developing countries. In their opinion, corruption could provide an incentive to investment, promote competence, and help cut through bureaucratic red tape and delays. Corruption is sometimes represented as a lubricant, aiding social integration as well as economic development by providing a 'hidden incentive' which substitutes for the inadequacy of official procedures (Cheung, 1996; Heywood, 1997; Tanzi, 1998; Jain, 2001).

Despite the supposed positive effect of corruption, corruption as a reprehensible phenomenon "affects the patterns of resource allocation as well as the distribution of income in a society" (Jain, 2001:91). This is because individuals who are well positioned in a country are able and allowed to take advantage of government activities at the cost of the rest of the other denizens (Tanzi, 1998). It was earlier noted that the role of the state is that of provision of goods and services *inter alia* or as Della Porta and Vannucci (1997), describe it, as a duty of identifying and interpreting the needs and desires of the population. Corruption not only alters and distorts this primary role or function; it also weakens "the institutional structures set up as restraints and a protection of the common (Della Porta and Vannucci, 1997; Tanzi, 1998). In a manner of speaking, corruption subverts the resources of all to a selected few. A direct effect of this would be underdevelopment. Since it was earlier established that politics have become a market place, where most politicians are out to represent their interests and enrich themselves. The aim of most politicians therefore becomes how to amass wealth by attracting as much resources as possible to the areas where they have power to divert some gains to themselves. Overtime, little or no attention is paid to whether the needs of the collectivity are served (Della Porta and Vannucci, 1997; Morris, 2011). The negative effects of political corruption speaking in terms of the social repercussions are the erosion of trust in government, underdevelopment, failing institutions, and by extension; this can lead to the weakening of a state.

2.7 Discussion and Conclusion

The emphasis of this study is political corruption. Consequently, the trajectory of the study in its conceptualization and description of corruption has been to examine it from the standpoint of governance or the public sphere. Although corruption was looked at generally, this however was done in such a way that analyses were restricted to the public sphere in which political actors and public servants operate.

Starting with an exploration of the different perceptions of corruption, the study was able to accentuate the view that political corruption ensues when someone in a position of power uses state resources for personal purposes. By highlighting the different perceptions of corruption, the chapter established that in most cases of corruption, government is always fingered. The reason for this as examined by the chapter is that the quality of government has a direct connection with the growth and spread of corruption. The critical emphasis here is on how role played by political actors, public servants, bureaucrats directly affect the growth or spread of corruption. It was also argued that the higher the quality of government, the lower the rate of political corruption; and vice versa. Accordingly, the description of corruption as the abuse of discretionary power or the illegitimate use of state resources for private regarding was adopted. As Joana Mackay briefly notes that corruption (emphasis on political corruption) "essentially amounts to breaking the rules or cheating in the game of politics" (Mackay, 2003:62). The chapter went on to examine political corruption at length.

So far, the intention of this chapter was not to be exhaustive but to give a feel of relevant literature and to lay the foundation to subsequent chapters. Accordingly, its analyses of subjects (like political corruption, causes and impacts of political corruption) were more general than particular. In Chapter four, a more comprehensive examination of the issues viewed here will be done contextually to describe the South African political dynamics.

Chapter 3: Understanding Corruption from an Economic and Neopatrimonial Perspective

3.1 Introduction

This chapter will firstly discuss two theoretical frameworks that will guide this study, namely, The Economic Theory of Political Corruption and the Neopatrimonial Theory. The chapter will begin by establishing a theory of a state from the Social Contract perspective. Drawing from the Economic Theory of Political Corruption, the study intends to explore how self-interest and monetary motivations can be a direct or indirect cause of corruption amongst public office holders. While classical liberal theorists assumed a state that is neutral, objective and serve everybody's interest, the reality is that Africa's post-colonial state only serve sectional interests. Neopatrimonial theory will provide two concepts, that is, patronage and rent-seeking, that will put further light on Africa's post-colonial state. The motivation behind the employment of the two theories is to enable the study to be varied in scope and penetrating in detail.

3.2 The State of Nature and the Origin of Government

Self-interest plays a pivotal role in social contract theories. Self-interest is not limited to the interests of an individual person, it includes "interests in the well-being of one's family and peer group. Critics call it greed. Economists call it utility maximization. Whatever the label, societies differ in the way they channel self-interest" (Rose-Ackerman, 1999:2). For Voltaire "the policy of man [sic] consists of… how to procure for himself subsistence and accommodation, and protect himself [sic] from evil, comprises the whole object and business of man [sic]" (in Blaisdell, 2003:37).

Most social contract theorists assume that the existence of the state can be described as a result of people coming together to promote mutual advantage. This provenance of the preceding supposition is espoused in the notion that a common characteristic of natural condition of humankind is a mutual unprofitable state of war of "every person against every other person". Since such a situation is unprofitable, there is thus a departure from such to a convergence of all for mutuality as "parties depart from the state of nature in order to gain a mutual benefit" (Nussbaum, 2007). While such supposition rests on the idea that humans are first and foremost individualistic and only hold their personal interests (this would naturally

include close kin) at heart, as they value self-preservation above all else, Locke would make provisions for benevolent interests. By benevolent interests, Locke simply makes a case for understanding this mutual advantage to go beyond a desire for self-preservation to include a benevolent interest of others as part of the reason for social cooperation (Nussbaum, 2007). To this end, Alubabari (2012) submits that "it is expedient and logical to construe the modern state as the product of a covenant, a compact or Social Contract".

With regards to the creation of a government, or a 'sovereign', the Hobbesian version of the social contract theory makes a case for the existence of such by suggesting that under the state of nature – which was a state of perpetual conflict –life was precarious and people driven by the fear of death and a need for cooperation for mutual advantage entered into a contract in order to achieve the above said end. There is a consequent ceding or transference of rights or will as Hobbes calls it, to a sovereign (Evers, 1976:187), who then makes use of these transferred will to promote the good of those bound by the contract.A sovereign or government in effect serves as a representative of the will of the people (*ibid*).

In the Lockean version of the social contract theory, a basis for the existence of a government is also implied. As Alubabari (2012:270) records it, "Locke's "contract of government" presupposes that the people had earlier given their mutual consent to the formation of society. And, then, as members of society, they later chose their rulers to form their government, each party having specific duties and obligations. The rulers hold power on fiduciary grounds and are accountable to the people". The fact that Locke makes a case for both the contract that brings a state and government to bear is quite relevant for this study. Arguably, both Hobbes and Locke's construction make a case for the legitimization of a sovereign (government). Despite some fundamental differences between the Hobbesean and Lockean social contract account, they both converge on the issue of tacit consent. "So while the social contract sets up an absolute sovereign in Hobbes' theory, in Locke the social contract brings together the citizens so that they can delegate enforcement of the natural law to a trustee for the sake of convenience" (in Evers, 1976:189). Of relevance to this study is the way the Lockean version construes consent. "Consent is signified by the receipt or acceptance of benefits, whether this be travelling on the roads enjoying the government's protection or, more importantly, holding real estate under the government's protection. In fact, Locke makes the social contract for landholders a covenant which runs with the land so that the inheritor of a piece of real estate inherits the obligation to the government" (Evers, 1976:189).

The necessity of using the state of nature analysis as a part of this study is justifiable by Rawls views that the evolution of society/state is as a direct result of a search for a "system of cooperation for mutual advantage between individuals" (cited in Lacewig). Despite the underlying reality that conflict between divergent individual interests and an identity of collective interests is an indication of such a construct, a consistent search for a just or moral way of satisfying these divergent and often conflicting personal and collective interests is a political necessity. Rawls thus suggests that society should be a venture that cooperates to promote mutual advantage or gains. As such, the primary role of a social institution like the government are supposed to ensure just distribution of resources. Such a government in Rawls view should be able to see to it that the social and economic benefits of society should be distributed in a way that enables the have not's of society to be as well off as they can be provided that they are granted equal opportunity in terms of education and employment.

Implicit in Rawls position is the advancement of a welfare government that promotes equality in terms of resources and opportunity for its citizens. This would necessitate a government's intervention in the economic activities of a country so as to ensure the said end (Rawls, 2001). As such, Rawls (1971) describes a principle of justice as the proper distribution of the benefits and burdens of social co-operation. A situation whereby an individual or a group of individuals inappropriately try to gain more benefits than others is a travesty of justice. Corruption by no little means is a depiction of such. Whilst Rawls advancement of a welfare government could ensure that resources are distributed equally and equitably, there is also a possibility of too much government intervention in the economy creating a ground for corruption to grow. In Rose-Ackerman's (1999:85) view one of the ways to curb corruption is to reduce or eliminate government's activities with regards to economic transactions to the barest minimum.

Arguably, it can be advanced that any action that breach the social contract is immoral and a regression to the state of nature. A possible result of that would be the creation of some sort of chaos. Individuals in the state of nature are in a "state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit, within the bounds of the laws of nature, without asking leave or dependency upon the will of any other man [sic]" (cited in Simmons, 1999:999). Morris points out that "the powers and privileges of our rulers… are conditional on their performance of their responsibilities. Rulers need to serve the interests of the governed" (1999:ix). A failure on the part of the government to serve the interests of the governed should be regarded as a breach of the social contract.

3.2.1 Government, the Economy and Economic Theory of Corruption

Thus, theories of welfare state assign an economic role for the government. This role aims to aid in the just and equitable distribution or redistribution (whatever the case may) of resources to the citizens, and to promote socio-economic welfare and development (Tanzi, 1997; Turok, 1999; Hirsch, 2005). Krueger (1993) uses the term "benevolent guardian" to describe an ideal relationship that exists betwixt politicians and the populace – "politicians are supposed to make resources allocation decision based solely upon the interests of their principals – the populace" (Jain, 2003:73). Consequently, in the pursuit of its economic role, a state's government makes recourse to "many policy instruments, and by so doing, it allocates resources, redistributes income, and influences the level of activity" (Tanzi, 1997:4). Using Musgrave's (1959) classification, Tanzi (1998:4) derives that the above mentioned role of government can be described as a normative one. Such a normative role "determines the guidelines, principles, or norms for welfare-enhancing sector intervention in the economy… It attempts to define what the government should do to correct market imperfections and to complement the market in other ways to promote and maximize social welfare". Such a role also necessitates that the government's economic role should lead to socio-economic development.

Government fulfils its economic role in one of the two ways: by allowing free market operations or by regulating free market operations. More to the point, "instead of enabling the free market to regulate relations and transactions among economic agents on the market, the government, whatever the motives may be, steps in and regulates these relations in a hands-on manner" (Begovic, 2005:5). By implication, the role of government as an arm of the state should be like a bridge between a free market economy and a regulated economy. It is usually argued that government has to find a way to marry the economic concept that "markets left in themselves have desirable outcomes" (Azfar *et al*, 2001:43) and those who hold the view that government extensive intervention in the market can lead to development (Mauro, 1995; Olson, 1996). Azfar *et al* (2001:46) astutely state that economic development needs to be supported by a credible government. In concurrence, Azfar *et al* (2001:46) describe economic development as a necessary function of a government. This includes but is not limited to "the formulation and enforcement of sensible laws to underpin the functioning of markets and other social institutions".

Recently, there has been an upsurge in the economic role of government. This was in part due to the proliferation of Marxist and Socialist ideas in the early 20th century which saw the role

of the government in the redistribution of income and resources as pertinent (Tanzi, 1997). Further still, Tanzi (2002:22) opines that "the environment that prevailed in these years brought about (1) a large increase in the level of taxation in many countries; (2) a large increase in the level of public spending; (3) probably, though not statistically ascertainable, a large increase in regulations and controls of economic activities on the part of government". By implication, bureaucrats overtime have been ordained with certain amounts of power to carry out monetary transactions on behalf of the state. While such a practice is necessary for the running of a state, an adverse effect of such a practice may be the inadvertent anointing of bureaucrats with an inordinate amount of discretionary power. Rose-Ackerman (1999:9) suggests that, "all states, whether benevolent or repressive, control the distribution of valuable benefits… the distribution of these benefits and costs is generally under the control of public officials who possess discretionary power". Due to such, many economic operations or activities usually require various kinds of "permits or authorizations on the part of, often, several public offices. This gives the bureaucrats charged with giving the authorizations the opportunity to request bribes or to accept offered bribes" (Tanzi, 2002:22). This also implies that, private individuals and firms who want to be treated with favourable preference may be willing to pay to obtain such permits or authorizations (Rose-Ackerman, 1999:9).

The economic role of the state carried out by a legitimate government necessitates the allocation of scarce resources (equating demand with supply); thus, like in a game of soccer, there are usually rules and regulations put in place to guide the conducting of such businesses in order to ensure 'fair play' (Myint, 2000; Tanzi, 1998). The common man or woman may not be extremely familiar with such rules and regulations, the bureaucrats are usually regarded as the custodians of such sacred rules of the state. Put in another way, the economic duties of a government is a directive left to the discretion of its bureaucrats. The allocation of these scarce resources are done through the use of different kinds of regulations, permits, authorizations, and this in most cases creates a situation where payoffs can be made or demanded (Rose-Ackerman, 1999; Tanzi, 2002; Aidt, 2003). To concretize, if the supply of a commodity like "credit and the rate of interests are controlled by the state, bribes may be paid for access… the allocation of scarce import and export incentives is a frequent source of payoffs and patronage with bribes linked to the value of the benefits conferred" (Rose-Ackerman, 1999:10-11). The existence of regulations and authorizations bestows a monopoly of power on officials who must authorize or see such economic activities to its right end. Conclusively, Aidt (2003) purports that whenever authority is delegated; the potential for

corruption is born. "The greater the discretionary power, *ceteris paribus,* the stronger the incentive for the agent to succumb to temptation" (Jain, 2001:78).

Like Classical Liberal theories, the Economic Theory of corruption assumes that individuals are motivated by self-interests. Classical liberal theory assumes that, individuals, out of a social contract, create a state that will serve everybody's interests. The state is charged with a responsibility of providing goods and services. The conditions for corruption arise where "dual prices exist – a low state price and a higher free-market price" (Rose-Ackerman, 1999:10). Driven by their own self-interests, private citizens will "pay off officials for access to below-market state supplies" (Rose-Ackerman, 1999:10). Rose-Ackerman argues that "Corruption is a symptom that something has gone wrong in the management of the state. Institutions designed to govern the interrelationships between citizen and the state are used instead for personal enrichment and provision of benefits for the corruption" (1999:9).

The assumption by the economic theory of corruption that pecuniary gain is a motivating factor for gaining office is quite important to this analysis. It however robs the political scene of people who actually have a desire to make a change. It can be assumed that not all politicians are solely motivated by a desire for selfish maximization of utility. It is not every politician's will to be corrupt. There will always be money involved in politics in the sense that there are certain duties that come with holding a political office that requires one to make transactions on behalf of the state. If one is therefore to make suggestions as to how to curb corruption from the lens of the economic theory, one requirement would be that all politicians be stripped off of any transactional responsibilities. This is not only impossible but undesirable. The reason for view corruption from an economic perspective is to examine the issue from an individual perspective. As it can be demonstrated that personal and pecuniary reasons are primary motivating factors for public servants to engage in corruption. Whilst the economic theory offers us insights are to the personal motivation for corruption, examining corruption from the Neopatrimonial perspective offers insights into what other factors – mostly institutional factor – that could be responsible for the growth of corruption.

3.3 Neopatrimonialism

As a concept, neopatrimonialism is difficult to define. This is in part due to the employment of the word as a "blanket" term which covers and subsumes a lot of other diverse sub-concepts like nepotism, rent-seeking, clientism, cronyism, tribalism amongst others

(Mkandawire, 2013; Bratton & Van De Walle, 1997). In reference to Africa, the concept is often employed to invidiously and pejoratively describe the system and the challenges of leadership (Bratton & van de Walle 1994, 1997, Chabal & Daloz 1999); the low pace of development and the economic woes in Africa (Englebert 2000, Van de Walle 2001). According to Erdmann and Engel (2006:8), neopatrimonialism is "regarded as a functional threat to the peaceful political development of African states and the development of societies in general". Mkandawire (2013:7) describe the use of the term as being "tethered to a new problem: Africa's poor economic performance and its internal causes". In order to rectify the conceptual ambiguities that the use of the term Neopatrimonialism encounters, Pitcher *et al* (2009) submit that in most cases, the use of the term is often a "misreading" of Weber's patrimonialism. On this basis, Tam O'Neil (2007:2) submits that the term is derived from the writing of Max Weber, who employed it to describe traditional systems of "political authority, domination and legitimacy from modern ones. In particular, he distinguished between legal and patrimonial (traditional and charismatic) authority and described the characteristics of the corresponding forms of political administration: bureaucratic (legal-rational) and patrimonial". Max Weber as stated above intends to describe a Patrimonial based system of authority, whereby power is "concentrated in an individual, who rules by prestige and influence" (Weber, 1978:1031). In his opinion, in such a system, "obedience is owed not to enacted rules but to the person who occupies a position of authority by tradition or who has been chosen for it by the traditional master" (Weber, 1978: 227).

As a way of expounding the Weberian delineation, Eisentadt (1973) was the first to coin the term neopatrimonialism which he used to extricate traditional patrimonialism from the modern manifestation of patrimonialism (cited in O'Neil, 2007). Mkandawire (2013:7) suggests that, in "its earlier incarnation, it was not about corruption or weakness of the state. Rather, it was simply one form of exercising power which incorporated Weberian forms of patrimonialism and rational-legal authority". Clapham (1985) concisely construes neopatrimonialism to describe a system of organization, "in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational legal lines. Officials hold positions in bureaucratic organisations with powers which are formally defined, but exercise those powers . . . as a form . . . of private property." (Clapham, 1985:48). For Bratton and Van De Walle (1997) neopatrimonialism describes a situation where the foundation of leadership is patronage. Here,

> an individual rules by dint of personal prestige and power; ordinary folks are treated as extensions of the 'big man's' household, with no rights or privileges other than those bestowed by the ruler.

> Authority is entirely personalized, shaped by the ruler's preferences rather than any other codified system of laws. The ruler ensures the political stability of regime and personal political survival by providing a zone of security in an uncertain environment and by selectively distributing favours and material benefits to loyal followers (Bratton & Van De Walle, 1997:61).

Bratton and Van de Walle (1994) go further to assert that "the distinctive hallmark of African regimes is neopatrimonialism" (:458). The position of these authors stems from their construing of the nature of regime change in Africa. In their opinion, regimes in Africa generally evolve within neopatrimonialism. It obtains that the authority of African leaders is derived from personal patronage rather than from set bureaucratic norms or political ideologies (*ibid*). Political legitimacy or the right to rule is not found in a particular office, it is rather ascribed to a particular individual or group of individuals (Theobald, 1982). It can be assumed that the reason for the ascription of political legitimacy to an individual rather than to a particular office is a result of the evolution of administrative and political authority in Africa. To this end, David Nyaluke (2014) posits that the application of the neopatrimonial approach to understanding African politics emerged from the theories of modernization. The purpose of the modernization discourse was to observe "how newly independent countries in Africa and Asia developed into modern states, building on the foundations of modern state institutions (parliament, courts, system of government, and bureaucracy) that had been established by departing colonial powers" (:141).

The Modernization perspective purported that these newly independent states in Africa and Asia would evolve into modernity by acquiring or replicating features that are atypical of Western states, and by merging and operating based on institutions of rational-legal authority, rather than making recourse to patrimonial authority, that were present in their largely traditional societies (Mkandawire, 2013; Nyaluke, 2014). The reality of African states however departed from this initial political prognosis. In post-colonial Africa, the reality was an evolution of a hybrid system (Theobald, 1982; Clapham, 1985; Bratton & Van de Walle, 1994; Chabal & Deloz, 1999; Erdmann & Engel, 2006; O'Niel, 2007). African political and administrative authorities combined the traditional patrimonial system (all power relations between ruler and ruled, political as well as administrative relations, are personal relations; there is no differentiation between the private and the public realm) and the modern state system (legal rational bureaucracy: things are to be done in a particular way, following a set of rules, codes of conducts etc) (Eisenstadt, 1973; Bratton & Van de Walle, 1994). These two systems are combined in such a way that, ideally there is an existence of formal structures and rules.

In practice however, there is no dichotomy of the private and public sphere. The two systems intertwine, "the patrimonial of the personal relations, and the legal rational of the bureaucracy. Naturally these spheres are not isolated from each other; quite to the contrary, they permeate each other; or more precisely, the patrimonial penetrates the legal-rational system and twists its logic, functions, and effects" (Erdmann & Engel, 2006:18). By implication, formal structures, set norms, rules and regulations are invaded by personal and informal relations. For instance, administrative selection will be carried out based on the personal discretion of someone in power and not by particular bureaucratic or objective criteria (ibid). Chabal & Deloz (1999) further offer elucidation, by explaining that the addition of the prefix "neo" is to assert that African political systems have made a shift from being completely traditional. Patrons hold position in state institutions that are rational-legal and use state resources to buy patronage and consolidate power. This is particularly possible because the position of power not only bestows people with power; it also leaves the resources of the state at the disposal of their discretion. In Nyaluke's (2014) opinion, "positions of power give access to monopolistic resources through which personal interests can be promoted". The use of state resources by political actors to promote patronage by purchasing loyalty as a way of consolidating support and power is a defining feature of a neopatrimonial state.

Further still, in Bratton and van de Walle (1997) it is pointed out that understanding the structure of political systems and the nature of regime change in Africa can aid in construing how neopatrimonialism operates. They argue that the prevalent political system in Africa is the presidential system. Again, during the fight for independence ethnicity was used as a tool for interest mobilization and aggregation (Bratton and Van de Walle, 1994). In other words ethnic groups have a profound significance in the African political setup. Consequently, neopatrimonialism runs smoothly as a system because of the in ordinate bestowment of discretionary power or what Nyaluke (2014) refers to as the disproportionate centralization of administrative power in the president. The effect of an individual having such inordinate amount of power is the tenacity for most African regimes to denigrate into personal rule (Bratton & Van de Walle, 1994). There are also situations when political accountability becomes weak, this is due to the susceptibility of the abuse of discretionary power and resources by political figures who use these power and resources at their disposal to purchase loyalty, appease and control ethnic or political groups and build political hegemony (Bratton & Van de Walle, 1997). In sum, central to the Neopatrimonial perspective is the claim that personal relationships forms the core and permeates all political and administrative

parastatals in Africa and political patrons use state resources to buy loyalty and consolidate political hegemony. (Chabal & Deloz, 1999; Bratton & Van de Walle, 1997, Mkandawire, 2013).

Earlier in this chapter, it was stated that a basic assumption of the social contract theory is that government came into being as a result of need for social order. There is the tacit assumption that a government irrespective of whatever cleavage they represent should be neutral in their dealings with the denizens of a country. Economic theory of corruption postulates that the involvement of the state in economic sphere creates opportunities for corruption. However, neopatrimonial perspective suggests that opportunities for corruption are available only to certain factions or ethnic interests. Aubrey Matshiqi (2012) suggests that the blurring of the public sphere and the private sphere can create a situation whereby political power becomes predatory, parasitic and kleptocratic. Such a situation as the study maintains creates a fertile ground for corruption to fester.

The subsequent chapter will examine how a particular practice (Cadre Deployment) a practice within the South Africa socio-political milieu is redolent of Neopatrimonial practices. In most cases, an adverse result of this particular practice is the creation of an avenue for politicians to consolidate power through the use of state resources to buy loyalty. The intention of the study is to emphasize that once there is no separation of the public sphere from the private sphere, the consequence is the "private appropriation of the public sphere and the use of public resources for, *inter alia*, political legitimation. It is also intimately related to other relationships and practices, including clientelism, nepotism, horizontal exchange relationships and corruption" (O'Neil, 2007:3). In sum, this section intends to show that neopatrimonialism can be used to explain the existence of political corruption. In contextualizing the above theory, O'Neil (2007) suggests that in explaining the causes of corruption, a lot of divergent factors converge and should be examined. In making a case for South Africa thus, through assessing the administrative and political structure, the existence of variables like: weaker application of the legislation, political deployments, and an absence of a meritocracy in the system *inter alia*, should take prominence.

From the economic analysis of political corruption, it came to the fore that the transactional duty of bureaucrats, the discretionary power they possess creates a situation where they are susceptible to the selfish maximization of utility. So from the economic theory of corruption, the desire for pecuniary gains was described as a primary motivation for corruption. By employing the Neopatrimonial theory, further insights will be offered as to how personal

relationships shape the bureaucratic structure of most African states and how this can be understood as an institutional factor for the growth of corruption.

Neopatrimonialism has become an invariable, common and ubiquitous moniker deployed to describe the style of leadership in Africa states. The justification for such an attribution hinges on the notion that *prima facie*, the exercise of authority in Africa is effectuated in a rational-legal style. Beneath this however, power relations and exercise of authority in Africa is deeply personalized and characterized by a "primordial sense of selective interest" (Nkadawire, 2013). So more than just pecuniary interests, Neopatrimonialism gave insights as to what other factors contribute to public venality in South Africa. It came to the fore that the political configuration of most African states is broadly shaped by relations of patronage. As rational legal authority is executed in a personalized manner, which blurs the line between the public and private sphere. In a manner of speaking, leaders serve as proxies for sectional interests and public resources are used to gratify such selective interests. The problem with such a hybridity is that since personal relationships forms the core of core of bureaucracy, there is a tendency for such a configuration to lent normalcy to incidences of nepotism, corruption and public venality.

3.4 Conclusion

The argument in this chapter rests on the premises: economic gains and the selfish maximization of utility can lend us with insights into why political corruption persists. In the sense that pecuniary motivation, the economic rents associated with political offices creates discretionary power and an avenue for political corruption. Secondly, by employing the Neopatrimonial theory to the corruption discourse, it was gathered that due to a lack of dichotomy between the public and private sphere in Africa, formal sectors like the state and government become entangled in private relationship. The underpinning rationale is that when the lines between the public and private sphere becomes blurred, an environment in which abuse of power is possible is created and the effectually can further corrupt transactions. It is the aim of this study that through its examination of the economic and political system obtainable in South Africa, it will underscore how the inadvertent effect of some practices unique to the country creates a fertile ground for malfeasance and corruption through its inordinate bestowment of the power to act with discretion on politicians.

Chapter 4: Corruption: A Contextual Analysis

4.1 Introduction

Most literature (Roes-Ackerman, 1999; 2004; Rose & Shin, 2001; Rubin, 2011; Bruce, 2014) on corruption in Africa purport that the issue of corruption can be subsumed under the issue of governance. Concepts like "neopatrimonialism, kleptocracy, prebendalism, authoritarian regimes" are often employed to describe the style of African leadership (Elis, 1996; Carbone, 2007; Cameron, 2010; Lodge, 2014). The issue of corruption, perpetrated by people in power has been gaining a lot of attention. Hennie van Vuuren (2014) notes that "a fact often lost on politicians who are not in power is that corruption is a phenomenon that was, is, and possibly always will make its presence felt" (:4). In South Africa, the issue of political corruption is glaring and reports of such are very frequent in the mass media. An opinion piece posted on the News24 website records an A-Z list of frauds and corruption scandals. From the Arms deal to the Zuma-Nkandla scandal, every letter of the alphabet bears the name of a political scandal (News24, 2014).

The Public Service Commission Report of 2011/2012, records a long list of financial misconduct by public officials. It is recorded that "over a ten year period the number of reported cases of financial misconduct has almost doubled from 434 in 2001-02 to 1,035 in 2010-2011. The amount of money involved hit a high point of almost R1 billion in 2010-11. The previous highest figure was approximately one third of that amount, R331.2 million, and recorded nearly ten years ago" (cited in Van Vuuren, 2014:5). There is one problem however, "while the cost of financial misconduct has spiraled up, the government's performance at holding its officials accountable has become worse" (Levin, 2012). More than just detection, calling perpetrators to justice is the caveat for fighting corruption (Ngobeni, 2007). By implication, a lack of such is pointing to a failure of institutions and political mechanisms to foster accountability and control (Baqwa, 2001). Susan Rose-Ackerman (1999) suggests that in democracies, the distinctive motivations for corruption depend on the legislative process *inter alia* and the electoral processes. In her opinion, "these factors may be intertwined. Some electoral systems encourage the development of strong political parties while some other encourages politicians to develop personal followings. Corrupt possibilities are related to the relationship between political structure and private wealth" (Rose-Ackerman, 1999:127).

From the foregoing, this chapter will commence by examining other factors that may be hindering or discouraging political accountability and adversely encouraging bureaucratic

malfeasance and political corruption. The chapter will also stress that there is a pertinent need for political accountability, transparency and strong political will to fight corruption in South Africa. Reason being that as an axiom derived from cumulative evidence, corruption sands the wheel of development and its effects are largely negative. Consequently, the effects of political corruption in South Africa will also be assessed.

4.2 Closed List Proportional Representation, Party Autocracy, Erosion of Accountability and Corruption.

Elections are an essential part of every democratic process. It is broadly described as the process through which citizens in a democracy chose leaders to represent their interests or effectuate a positive change by selecting better alternatives and the same process (when executed free and fairly) lends legitimacy to a regime (Reynolds, 1999; Kunicova & Rose-Ackerman, 2001; Harrison, 2002; Matlosa, 2002). Through elections, citizens choose representatives and hold these representatives accountable for the decisions they make in office (Amtaika, 2014:1). More than just a process of selection or replacement, the electoral process and system has a lot to bear on the character and nature of a democratic regime (Reynolds, 1999). With regards to this, Susan Rose-Ackerman (1999) suggests that "in a democracy, electoral voting rules and legislative processes interact with underlying political cleavages to affect opportunities for corruption" (1999:127). Rose-Ackerman's analysis is premised on the notion that under particular political systems, "narrow interests" may spur the establishment of a national political party with considerable amount of support and pivotal influence. In addition to that, if government is observed to be a source of private benefit, a system of patronage and illegal favors subsists and the probability of corruption increases (Rose-Ackerman, 1999:128). Rose-Ackerman's position is suggestive of the fact that the growth of corruption is endogenous to a political system. A case in point is the CLPR (closed list proportional representation system) as practiced in South Africa's national and regional legislatures.

In the CLPR system, a political party's representation in a country's legislature correlates directly with the percentage of votes received in an election. That is to say, a vote is cast for a party and the vote total determines the number of seats a party wins in the legislature (Matlosa, 2002). In the South African system, the threshold for qualification into parliament is to have 0.5 % votes. "In terms of proportional representation, for every 0.5% of votes that a party gets, it is allocated one seat. The National Parliament in South Africa has 400 seats and

each of the nine provincial legislatures has between 30 and 90 seats, depending on the number of people who live in the province" (Amtaika, 2014:4). The underpinning rationale of the PR system is that political representation in a country's legislature should include all interest groups and not simply be a rule of the majority. A prime merit of the proportional representation system is that it makes provision for the maximization of as many interests groups as possible the accommodation of opposing political cleavages. Here, voters' choice is not determined by the confines of geographic electoral areas, it is rather driven by their views on the ideologies and manifestos of the different contesting political parties (Reynolds, 1999; Matlosa, 2002). In Amtaika's (2014) view, the plural heterogeneous society that South Africa is, led it to adopt the CLPR system so as to allow a wider participation of citizens from all races and walks of life in the decision-making processes of the country. Sibalukhulu (2012) submits that "the decision to adopt the proportional representation system for South Africa was informed by the quest for representivity in the new, post-apartheid political dispensation. The system was also advanced on the basis that it favored inclusiveness. It was believed then that this system would be sensitive to and would help to unify the political interests that took shape before 1994".

In the CLPR system, votes are cast for parties and not for individuals. In the CLPR system the list of candidates is ranked by the party leaders and the citizens only need to concern themselves with voting for a party of their choice (Kunicova & Rose-Ackerman, 2001). Implicit in this system is the fact that the opinions of the citizens about whoever is on the party list have little or no effect. Amtaika, (2014) suggests that the process of the appointments of candidates by political parties bear a mark of autocracy because the citizens are divorced from it. In concurrence, Nompumelelo Sibalukhulu (2012) spell out that "voters do not have the power to determine party lists, but instead vote for political parties, regardless of their dislike of certain individuals on the lists. In this arrangement, a party can put forward a criminal side by side with good men and women—knowing that voters have no choice" (Sibalukhulu, 2012). Arguably, it can be advanced that an unintended outcome of the CLPR is that politicians' malfeasance becomes difficult to monitor in large (often national) districts. This is because as "voters cast their votes for parties; the link between individual politicians' re-election and their performance in office is weakened" (Kunicova & Rose-Ackerman, 2001:2).

The South African system is so designed that the will of the people is not given a full expression. So much so that the structure of the system does not "make it difficult for the will

of the people to be usurped or subverted. Even if voters feel betrayed by the conduct of a parliamentarian, they are unable to remove such a person: he or she would stay on for as long as party bosses so dictate" (Sibalukhulu, 2012). In effect, people in power can get away with almost anything as long as it pleases the party bosses. For instance, over the past couple of years, the name Jacob Zuma has become quite synonymous with corruption or some sort of scandal (arms deal, Shaik scandal, rape allegations, etc). This notwithstanding, Ranjani Munusamy (2012) underscores that prior to the 2014 elections, President Jacob Zuma stood as number one on the ANC national list. "His re-election as ANC president at Mangaung in December 2012 guaranteed that. He is the most popular leader in the ANC, democratically elected by its structures. So how the rest of South Africa might feel about him and his leadership of the country does not affect the well-insulated ANC processes". David Bruce (2014) also highlights that "Zuma, as President of South Africa, is himself allegedly implicated in corruption… Of equal significance… is that the allegations against him have not ultimately served as an obstacle to his achieving and retaining the status of ANC leader or dramatically affected the popularity of the ANC" (2014:49). As an affirmation to the preceding point, Amtaika (2013) accentuates some of the disadvantages of the CLPR by submitting that *inter alia,* the CLPR system overemphasizes the role of the political party, especially in the compilation of the party's list of candidates. Also, through the compilation of candidate lists, the CLPR "entrenches and encourages the formation of oligarchies within political parties" as it is the party leadership that decides who tops the party list during elections" (Amtaika, 2014:8).

Again, Kunicova and Rose-Ackerman (2001:5) are of the opinion that "elections serve as a monitoring device to hold politicians accountable. Different electoral rules vary in their monitoring capacity and hence create stronger or weaker constraints on politicians". In the CLPR system, where in a manner of speaking, the politicians owe their positions to the party; the politicians are not directly accountable to the voters. Due to this severance of relationship between voters and representatives, the principles of accountability and transparency becomes undermined (Amtaika, 2013:104). This lack of accountability is quite evident in the South African system as Nompumelelo Sibalukhulu (2012) assert that in South Africa, "at the level of provincial and national government, there are no direct lines of political accountability between voters and parliamentarians. This is inherent in the design of the country's electoral system". One adverse effect of that is that there are situations when the agenda of a political party does not reflect the will of the people. However, since the

members of a legislature are answerable to their parties, the will of the party becomes supreme. A case in point was the disciplinary action faced by two ANC parliamentarians – Ben Turok and Gloria Borman. Both parliamentarians abstained from voting for the Protection of State Information Bill (a bill that was pushed through the National Assembly by the ANC) and this did not sit well with the ANC, as they were threatened to face a disciplinary action, and their sin in Sibalukhulu's opinion "was to express their feelings honestly, to vote—or not vote—with their consciences (Sibalukhulu, 2012).

The above example in Amtaika's (2014:9) view, points to a reality – that in South Africa, most political parties "employ some form of disguised autocracy". Where a lot of power is vested in party leaders, who in turn have the power to select certain members in key positions. From the Turok and Borman saga, it appears that people who vote with their consciences are charged to face disciplinary actions, whilst people who are perceived as loyal are usually rewarded with another position irrespective of their venality. One case amongst myriads of such is that of Bheki Cele, a former police commissioner who was fired from his post for allegations of corruption in a procurement scandal in 2012 (Hlongwane, 2012). Prior to the 2014 election, he made it to the top of the KwaZulu-Natal provincial list, "Cele also made a strong showing on the national-to-national list of leaders elected to go to Parliament, where he came third after ANC president Jacob Zuma and deputy president Cyril Ramaphosa" (*ibid*). Cele is currently the deputy minister of Agriculture, Forestry and Fisheries.

Whilst the connection between an electoral system and the growth of corruption may not be directly correlated. It is however evident that a demerit of an electoral system like the CLPR is the creation of a fertile ground on which corruption can bloom. In the sense that the disconnection between politicians and voters which – to reemphasize is an adverse result of the CLPR system – creates a situation where accountability becomes eroded and reason for performance are weakend (*Persson et al*, 2001; Amtaika, 2014). The very possibility of an electoral system to create an erosion of accountability or what Amtaika describes as "party autocracy", lends credence to this deduction. More to the point, in his analysis of the causes of political corruption in South Africa, Gaston Kalombo (2002) aptly notes that in South Africa, it is broadly assumed that the incidence of corruption is as a result of the legacy of an authoritarian past. In his opinion, under apartheid, a political system grounded on the predominance of one race over another persisted, such an autocratic system "was susceptible

to bureaucratic venality as is the case with most authoritarian and secretive governments" (Kalombo, 2005:115).

Of equal significance is Amtaika's (2014) view that the nature of party leadership in South Africa takes a form of "disguised autocracy". According to Amtaika, "party leadership in South Africa naturally assumes oligarchic form" (Amtaika, 2014:11). A reason for such delineation by Amtaika can be explained by the fact that the election of party leaders is secretive and lacks transparency. "In South Africa, party leaders are not elected by the general public directly but by delegates who are themselves elected" (*ibid*). The problem here is that the election of party leaders provides ample room for the manipulation of the elections due to the restricted numbers of voters. "Most importantly, small groups of party members appoint delegates to the party conferences and congresses at which leaders are elected. These congresses are usually turned into meetings of employees facing their employers, in which the former tend to keep in office the latter in exchange for votes[3]" (Amtaika, 2014:10). As a consequence, in South Africa, power relations within South African parties lie decisively and absolutely with party leaders at the expense of other "regular" party members and the electorate (Sibalukhulu, 2012; Amtaika, 2014). When absolute power resides in an individual or a group of individuals, it becomes susceptible to abuse, and when a system operates "in a way that allows for the abuse of power for the benefit of the few at the expense of the rest… that system needs to be cited as corrupt as well" (cited in Kalombo, 2005:116).

In examining the CLPR system, the intention of this section was to highlight how a political system may be inadvertently promoting political malfeasance. Tom Lodge (2014) further supplies us with insights into how relationships of a patrimonial kind are quite rife in the ANC led government. According to Lodge (2014:2), "Neo-patrimonial indicators include the acquisition of business interests by leading politicians and their families, most notably the proliferation of the presidential family's business concerns since Jacob Zuma's accession to the presidency". To this end, Mbaku (1996:1) for instance will affirm that the problem of corruption in Africa relates to the "scope and extent of government regulation of economic activities". While the scope and extent of government regulation of economic activities was explored in the previous chapter, the implication here however is that by being very involved in the economic activities of a country, people in power are able to wield their discretionary

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[3] "In 2012, Tokyo Sexwale, for example, was reported to be selling his stakeholding in the ABSA group to finance his 'war chest' for contesting the leadership elections at the ANC's national conference" (Lodge, 2014:11).

power for the promotion of selective interests which as this study maintains is a major semiology of corruption.

Further still, the relevance employing the neopatrimonial theory to understanding the problem of corruption is because "the behaviour of ANC leaders and their followers is beginning to correspond to conventions associated with clientelistic organizations, in which specific public services and resources are offered to particular groups in exchange for political support" (Lodge, 2014:3). It can thus be argued that a political system like the CLPR as practiced in South Africa creates ample room for a lot of power to be vested in political leaders who in turn are able to manipulate such powers and use such to parlay for support. As Soest (2006:7) sees it, "in a neopatrimonial system, patrons typically are office holders in state institutions who misuse public funds or office in order to stay in power". It can also be said that under the CLPR system, there is a promotion of undue influence by political patrons, and this usually takes the shape of political deployment.

There is also a socio-cultural aspect to the problem. This was basically as a result of how the ANC was formed. A historical analysis of the ANC lends credence to this notion. According to Lodge, "networks constituted through family, kinship, and childhood friendship certainly played an important role in the formation of the ANC's founding elite. More arguably, such personalized networks continued thereafter to exercise profound influence" (2014:6). The problem with such a network of relationship was that it initiated the entrenchment of patrimonial politics in the ANC as there was an intertwining of personal and public concerns between these founding members and comrades. The result is that relationships of a patrimonial kind rather than merit became the requisite qualification for political appointment.

It is tenable to suggest that through the practice of CLPR, relationships of a patrimonial kind imbues the ANC leadership configuration and style of governance. Over the past two decades, the ANC led government have been associated with corruption, clientism, autocracy and all forms of malfeasance (Tsheola, 2014:947). It has been suggested that under the Presidency of Jacob Zuma, political power has become personalised and the top party leaders have become untouchables. The institutional dimension to such personalization of power is further enhanced by a political system and structure that further insulates these top party members as they are linked and held in place by networks of patronage nobody dares undo (Paton, 2015). It has also been suggested that "the ANC has through its self-selection of

public administration demonstrated deep reverence for patronage and political manipulation" (cited in Tsheola, 2014:951).

Another way to emphasize the link between CLPR as practiced in South Africa and the fostering of Neopatrimonial politics is to examine how the distribution of benefits to a select group of individuals or any other such groupings in exchange for political support manifest itself. Paton (2015) submits that since assuming office some six year ago, President Jacob Zuma has placed "an array of acolytes in key positions, ranging from the cabinet and state-owned enterprises to the police and the national broadcaster, the SABC. Key individuals with a close relationship to Zuma are deployed as ministerial advisers in government departments. Their distinguishing feature is that they owe their loyalty to Zuma alone and use it to override government decisions and bypass the ANC (Paton, 2015). From Paton's position, it can be inferred that the ANC's neopatrimonial execution of power, expresses itself in the guise of the policy of cadre deployment. As a subsequent section in this chapter will demonstrate, the practice of cadre deployment does not operate based on merit, loyalty rather is a key defining feature of most deployed cadres. In describing how the logic of neopatrimonialism plays out in the ANC led government, there is the observation by Southall (2007:11) that "The ANC leadership has accepted that political connections, as business and economic prize, reign supreme over principles of "impartiality, fairness, public accountability, transparency, empowerment and effective use of resources".

There is also the supposition by Brinkerhoff and Goldsmith (2002) that a common feature of governments that operate with the neopatrimonial logic is the fact that personal enrichment and aggrandizement is held as a core value. Such a supposition lends credence to the view espoused in the economic theory of which suggests that selfish maximization of utility is a motivating factor for public malfeasance. There is thus the suggestion that clientistic relationships in most cases "rests on a rational economic calculus" (*Ibid*). In asserting how the economic calculus worked in the ANC led government, Hyslop (2005:786) suggests that government polices post-apartheid worked based on a form of reward system. In his words, "government policy encouraged rent-seeking activity by black entrepreneurs through the economic preferences they were given through a whole gamut of policies, especially those relating to the awarding of state contracting and corporate ownership". The Arms deal saga was one of such system of economic rewards that operated based on the logic of neopatrimonialism. According to Hyslop, "Senior ANC figures became increasingly comfortable with seeking material rewards for their past political contributions and old 'struggle' networks provided political connections that could be parlayed into economic

leverage" (*ibid*). The outcome of such policies and practices of rewards in Hyslop's view was the creation of a climate "in which the line between legal forms of rent-seeking and outright corruption and cronyism became increasingly blurred" (*ibid*).

Implicitly, clientistic relationships are of a reciprocal nature and are based on an exchange of mutual but not necessary equal benefits. Such an exchange usually takes the form of a gift from the patron in exchange for loyalty from the client as a way of ensuring the incumbency of an old patron or the ascendency of a new one. Tom Lodge's (2014) analysis of the manifestation of neopatrimonail logic within the ANC brings this to light. According to Lodge, factionalism and power scuffles over the years have become a feature of the ANC, so much so that there have been reports of top members of the ANC using proceeds gathered from tenders to bolster their reserves in a bid to fund their leadership campaigns. Consequently, Lodge suggests that "when candidates for internal offices need to mobilize support through such investments, clearly they are functioning in a milieu in which candidates are expected to reward their followers, in effect operating as patrons looking after their clients" (Lodge, 2014:13). It was also reported that the deputy President Kgalema Motlanthe during the 2007 Polokwane conference confirmed that buying the votes of branch delegates was 'rampant and pronounced' (*ibid*) Essentially, it can also be emphasised that there is an economic dimension to the logic of neopatrimonialism.

4.3 Party Dominance, Security of Tenure and Corruption

Aside from the susceptibility of South African parties to be autocratic (Kalombo, 2005; Amtaika, 2014). There is also a concern that South Africa is leaning towards a one party state. One of the reasons put forward is that since the end of apartheid in 1994, the ANC has been at the reins of power. Winning a resounding majority in most of the elections since 1994. It stands to reason therefore that the ANC is a dominant party in South Africa as it has retained more than 60% of the votes since the first inclusive democratic election in 1994. ANC's successively election victories and whose future defeat cannot be envisaged or is unlikely for the foreseeable future, has earned it the label of a dominant party (Suttner, 2006:277). The ANC vote statistics stand at: 62.65% in 1994; 66.35% in 1999; 69.68% in 2004; 65.9% in 2009 and 62.15% in 2014 (Southall, 2005; Bruce, 2014). Aubrey Matshiqi (2012) submits that there is no strong history of political opposition in South Africa. He attributes ANC's dominance to "a function of both overwhelming electoral support and an electoral system that privileges the interests of political parties over those of the ordinary

citizen" (Matshiqi, 2012:8). Mandy Russouw is of the opinion that elections in South Africa are events that happen every five years when the ANC blows the "we won liberation for our people" horn to parley on the emotions of, to placate and attract voters (Rossouw 2009). Robert Wieczorek supports this claim when he notes that "since the ANC's rise to dominance in South Africa at the end of apartheid, elections have entirely been predictable" (Wieczorek, 2012:29).

At this juncture it is pertinent to state that this study will not concern itself with the reason or reasons for ANC's dominance in the South African political sphere. However, the study intends to show that a consequence of a party dominating the political sphere can be seen as a factor contributing to the growth of corruption. To be precise, the concern here is that if a party is "so electorally powerful as to render it unlikely to be defeated in the foreseeable future" (Suttner, 2006:278), it can create what Rose-Ackerman (1999) describes as "security of tenure" and "too much security of tenure can further corrupt arrangement" (Rose-Ackerman, 1999:127), here, it is implied that political competition encourages accountability and reduces the possibility of public venality. If politicians know that they will face the wrath of the public (during elections) if they do not deliver their promises, they will be jolted into action, and they will be more accountable and responsive to the interests of the voters (Reynolds, 1999; Ngobeni 2007). Due to the CLPR system which grants ANC its dominance, sometimes, performance does not determine whether a party will get re-elected or not, as is the case with South Africa. Since the electorate vote for a political party, the chances of the politicians' on the list getting re-elected primarily depends on "their ranking in the list, not on their performance. If lists – as is commonly the case – are drawn up by party leaders, the ranking will likely reflect criteria unrelated to competence in providing benefits to voters, such as party loyalty, or effort within the party (rather than in office). Then, the incentives to perform well are much weaker" (Persson *et al*, 2001:5).

It can therefore be argued that due to the dominant nature of the ANC in the South African political milieu, the incentives to perform can be said to be weaker and corruption becomes common place. Buttler opines that *inter alia*, looting the economy is one major demerit of having a dominant party in a country. In his opinion, the negative impacts of a dominant party increases the longer they stay in power (cited in Wieczorek, 2012:30). The absence of competition "ultimately eliminates the threat of losing power which affects the accountability of the government" (*ibid*).

The Travel Gate Scandal of 2004 supports the preceding argument. Basically, MPs abused travel vouchers. These vouchers were given to them to visit their constituencies. They however used it for holiday trips or for trips unconnected to their official duties or work. The total cost accrued from this was about R18million (in 2004). In some instances, these MPs were complicit, in that they overlooked inflated claims by middle men who pocketed these excesses. "There are 30 people facing charges in the Travelgate affair, seven of whom are travel agents and 21 of whom are MPs. An additional five MPs charged have already plea-bargained" (Mail and Guardian, 2006). Some of these MPs threatened to let the cat out of the bag because they were certain that more senior members of the ANC were also involved in the scandal (*ibid*). Of the implicated MPs, a bulk came from the ANC. Despite the proposed disciplinary action promised by the ANC, some of these MPs found culpable are still active members of the ANC and serving in different portfolios. Ruth Bhengu was one of those charged in the scandal. She pleaded guilty to one charge of fraud of about R43000. She was fined R45 000 or two years' imprisonment and given a three-year suspended sentence. She currently serves as the chairperson of the ANC Portfolio Committee on Transport. Bathabile Dlamini also pleaded guilty to one count of fraud of R254 000. She got a fine sentence of R120 000 or 5 years imprisonment and a further 5 years imprisonment suspended conditionally for 5 years. She is currently the minister of Social Development (Maclennan, 2006). Ndebele (2012), succinctly states the contagion which corruption is becoming from his analysis of the Travelgate scandal due to the power vested in political party and party leaders. According to him, "the party consigns its own members to the purgatory of ethical anguish. The party then goes on to get Parliament, in which it is the majority, to write off R12 million in outstanding debt owed to it by members of Parliament who were implicated in the scandal, allowing them to steal from the public with impunity".

Top of the list of political scandals and more recently is the Zuma-Nkandla saga. The Public Protector found that the president unduly benefited from the R246 million 'security upgrade' of his Nkandla homestead. The Public Protector asked that he pay back some of the money. Recently however, a report in *The Mercury* 29th May carried the caption "More: Upgrades at Nkandla in Pipeline: Police Minister[4] clears Zuma". It is reported that President Jacob Zuma will not be required to pay back the money. Instead he may get more upgrades in Nkandla at the expense of the public purse. "Nhleko's 50-page report contradicts Public Protector Thuli Madonsela's finding that Zuma must pay for non-security upgrades at Nkandal. Nhleko

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[4] Nathi Nhleko was appointed by President Jacob Zuma in May 2014

deemed Zuma's kraal, chicken run, visitors' centre swimming pool and amphitheater security measures" (Mkhwanazi, 2015:2).

The report by the police minister tends to make mockery of the entire situation as it suggested that the pool is critical for security reasons. "The swimming pool at Nkandla was needed to ensure the security of the president as it served a critical fire-fighting purpose…."During the demonstration, the chief fire officer for Umhlathuze established that the suction pump could draw sufficient water from the pool at the required speed, whereas the fire hydrant's lack of necessary water pressure was evident." (Mail and Guardian, 2015). Whilst the report has sparked outrage amongst opposition parties and members of the public, the "ANC chief whip, Stone Sizani, welcomed the report" (*ibid*). The number of cases and the tendency of the ruling party to explain away corruption abounds in plenty, but the examples above bears testimony to the impunity with which the ANC member tend to operate and the immunity enjoyed by the top party brass. The above reality is redolent of what Thomas Hobbes once stated that men and women:

> "having observed how in all places and in all ages unjust actions have been authorised by the force and victories of those who have committed them; and that, potent men breaking through the cobweb laws of their country, the weaker sort and those that have failed in their enterprises have been esteemed the only criminals; have thereupon taken for principles and grounds of their reasoning that justice is but a vain word: that whatsoever a man can get by his own industry and hazard is his own: that the practice of all nations cannot be unjust: that examples of former times are good arguments of doing the like again; and many more of that kind: which being granted, no act in itself can be a crime, but must be made so, not by the law, but by the success of them that commit it" (1909:227)

Rose-Ackerman (1999) proposes that "the strength of the competitive political environment raises the stakes and reduces the likelihood of corruption. A competitive political system can be a check on corruption" (Rose-Ackerman, 1999:127). In a similar way, Brooks (2004) argues that there is a need for a competitive political arena. A competitive political arena will ensure that political malfeasance is reduced, healthy political competition will also promote people based polices, provide the electorate with better alternatives and ensure that government is accountable and transparent. As Rose-Ackerman sees it, "operating against the possibility of high levels of malfeasance, however, is the likelihood that the public will favor a tough stance against corruption and money in politics generally. They will be better able to make their beliefs effective if the political scene is highly competitive – so that representatives have little freedom to act against the wisheds of the electorate" (Rose-Ackerman, 1999:129).

With regards to ensuring a healthy political competition and as a way of promoting transparency and political accountability, Adrian Leftwich, believes that the democratic process should be "a process of institutionalizing uncertainty," (Leftwich, 2002:198). In the sense that the democratic process should not allow room for any form of Rose-Ackerman's "too much security of tenure". In other words, democratic politics should entail open competition for power, no group should be certain of winning. In essence, in a competitive political environment, if disclosure of a corrupt transaction by a politician spells political death, it can be deduced that the incidence to engage in such will be greatly reduced. If the reverse is the case, if politicians get rewarded despite their actions, *ceteris paribus*, corruption is bound to increase (Rose-Ackerman, 1999; *Persson et al* 2001). In Matshiqi's view, "the scourge of corruption in this country is an indication of how the interests of citizens may come under threat as a result of the distortions that come with single party dominance, which the dishonest among us deliberately confuse with a one party state" (Matshiqi, 2012:8). It can be said that if a party system makes it possible for a single party or parties to be able to dominate in government, a fertile ground for corruption may have been set in place. This is so because "there would appear to be a correlation between corruption and longevity in power" (Bull & Newell, 2003:238).

4.5 Cadre Deployment, Promotion of Patronage and Corruption

Since political parties are considered as rational actors, there is the assumption that there is a set standard used in the selection of candidates. The ANC plays a dominant role in the South African political sphere, consequently, it will be used a case study for this section.

The ANC system of candidate selection takes the form of Cadre Deployment. A necessary question with regards to the South African political milieu can therefore be framed like this: what are the criteria used by the ANC to select and deploy cadres? How has the ANC government fared so far using its system of cadre deployment?

Of the available stream of literature on ANC and by the ANC, there are no detailed or extensively set down criteria for cadre deployment. It is however argued that, the practice of cadre deployment by the ANC falls under its general goal of state capture (Chipkin, 2012). At the 1985 National Consultative Conference of the ANC, it was articulated that the intention of the National Liberation Movement is what motivates the practice of Cadre Deployment. For the ANC, total control of the different instruments of the state has been deemed necessary

in order for it to actualize thr developmental plans and the social and economic transformation it promised (Turok, 1999). The only way therefore to make this possible is to deploy party loyalist to "all centres of power" (Netshitendzhe, 1996). Netshitendzhe further suggested that a database in which all ANC members and their different skills and specialization should be set up, in order for competent cadres to be deployed suitably. While in principle, the policy of cadre deployment as articulated by Netshitendzhe intends to promote competence and merits ahead of any other criterion. Consequently, a common theme that runs in media and scholarly corpus is as the Human Sciences Research Council (HSRC, 2012) frames it that "ANC's deployment strategy systematically places loyalty ahead of merit and even of competence".

It can therefore be assumed that rather than setting criteria or standards for which cadres are to be selected and deployed, the ANC is rather more concerned with achieving its said aim of controlling the "different centres of power" (Twala, 2014). With regards to how cadre deployment can be seen as a tool for ANC transformation, Ivor Chipkin (2012) argues that the ANC does not have a liberal conceptualization of politics or of the State. In his position, Chipkin ascertain the fact his claim is more than just a normative one, it is an analytical one. Part of the ANC's plans of overcoming the legacy of apartheid necessitates that the structure of the state needed to be transformed. The underlying argument put forward by the ANC in this regard is that a common future of the apartheid government was more than just the implementation of racist laws and polices "but that the very structure of the state itself worked in tandem with white interests. The Apartheid State was, if you like, a 'White State'. On these terms, democratising the State has been associated with numerous efforts to Blacken it, where Blacken in this context has referred not only to a project of demographic change, but also to one of structural change" (Chipkin, 2012:13).

Mandy De Waal (2012) is of the opinion that party loyalty is one commonly employed standard in the selection of cadres. As Booysen (2011) construes it, through the policy of cadre deployment, the ANC is presented with the opportunity to place loyal party members at important state parastatals. This view is not an attempt to cast aspersion on the ANC's policy of cadre deployment. However, supporters of the policy fail to fully justify it. For instance, supporters of the policy claim that the intention of the policy is to enable the ANC centralize its control of power so that it can achieve its aim of transformation with relative ease (Netshitendzhe, 19996; Turok, 1999). The problem with such centralization of power would

be that certain individuals are able to control it for the wrong ends like the fostering of patronage and corruption (SAIIA, 2011; De Waal, 2012; Hyslop, 2005).

Other objections have also been raised with regards to this practice of cadre deployment in terms of its effectiveness and its overall success. Devnish (2014:2) for instance posits that "under the ANC administration, where cadre deployment is widespread, and resulted in large numbers of incompetent people being appointed to positions for which they have neither the experience nor qualifications. This has resulted in very serious problems". Problems which include a failure of administrative capacities at both local and provincial levels, wide spread and intensive service delivery protests, financial mismanagement and corruption at massive scales all attributed to ineptitude and incompetence of deployed ANC cadres (De Waal, 2012Dintwe, 2012; Bruce, 2014; Twala, 2014; Van Vuuren, 2014).

4.7 Conclusion

Inferring from the ever growing number, abrasiveness and magnitude of political corruption scandals in South Africa, and the seeming inability of the ruling government to call offenders to book; one can contend that there are structures that support the perpetration of such. Stated more appropriately, there is political corruption in South Africa, the perpetrators go scot free. A logical explanation would be that the South African system is either disinterested in or lacks the will to correct such an ill. The chapter suggested that the system of CLPR which bequeaths a lot of power to political party cum party leaders, creates a disconnect between the citizens and their leaders; the political system further erodes accountability and transparency as a lot of power is vested in political leaders who in turn use their position to foster patronage and loyalty by deploying loyal cadres. While the chapter accentuated some of the demerits of the CLPR system, an alternate system would be the adoption of a Plurality/ majoritarian systems with single member districts. According to Kunicova and Rose-Ackerman (2001:2), "Plurality systems provide the most stringent constraints for politicians' rent-seeking due to their direct accountability to the voters". This is because in a system where "voters in districts that have a single representative and that are geographically relatively small are more capable of observing their representatives performance in office as well as his or her lifestyle that may indicate self-dealing" (*ibid*). Effectually, adopting a plurality/majoritarian system as opposed to the CPLR would create a direct link between voters and politician and consequently encourage and or demand for accountability and transparency (Harrison, 2002).

Again, the dominance of the ANC in South African political sphere was indicted as a reason for the growth of political malfeasance and the growth of corruption. Reason put forward in this regard is that, a dominant party system creates a security of tenure and further enhances corrupt arrangements.

Chapter 5: An Examination of Corruption Control Architecture in South Africa

5.1 Introduction

So far, an attempt has been made to establish that the problem of corruption in South Africa is tethered to the problem of governance. Inferences made from the neopatrimonial perspective was used to support the claim that a major effect of a system built on patronage is that people in power need to continuously grease the wheels of louche loyalty (Lodge, 2014). If corruption is construed to mean the use of public power (influence, and resources) for personal endowment (personal enrichment, purchasing loyalty), the existence of a patronage based relationship in a government as seen in the South African ANC led government attests to the presence of corruption. With this being the case therefore, one spontaneous suggestion as to how to curb corruption would be that government needs to be reviewed or improved. With regards to that, in South Africa, political rhetoric tends to be the order of the day. Bruce (2014) states that the manifestos of most political parties in South Africa bears a stand against the undesirable nature of corruption and a commitment to root it out. Of equal importance is the fact that "South Africa has an elaborate framework of policies, laws and mechanisms intended to ensure the 'integrity' of public servants and politicians" (Bruce, 2014:50). In addition to that, South Africa has 13 government agencies[5] tasked directly or indirectly with the duty of dealing with the issue of corruption. In spite of this, corruption perpetuated with impunity by people in power is still rampant and wide spread at all levels of government.

Using the above as a point of departure, this chapter intends to briefly examine systems that have been put in place to deal with the issue of corruption, their effectiveness or lack thereof and make suggestions as to what can be done to improve these structures by improving the quality of government. It has been put forward that the success of a country's democracy hinges on the ability of political parties to "attract and select the best possible candidates". The necessity of such is essential because the quality of candidates selected by parties has a lot to bear on the quality of government delivered (Silvester, 2012:21). Inherent in the preceding proposition is the assumption that good candidates should necessarily lead to a meritorious government and bad candidates equal inept government. It is also posited that "factors contributing to the vulnerability of the public service to corruption have included the

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[5] Some of these agencies are: The Special Investigation Unit (SUI); the National Prosecuting Authority (NPA); The office of the Auditor General; the office of the Public Protector; The South African Police Services (SAPS); The Directorate for Priority Crimes Investigation (DPCI).

widespread appointments of inexperienced managers and personnel, and high staff turnover" (Bruce, 2014:53). In concurrence with Hennie van Vuuren's (2014:7) view that the provenance of corruption is the "outcome of a weak unaccountable government", this study will draw a chain of reverse causalities[6]. The study suggests that an inept government births bureaucratic malfeasance and the growth of corruption is a by-product of bureaucratic malfeasance. Thus, in assessing ways to improve government, the study will suggest that a practice like the policy of cadre deployment which is widely practiced by the ANC led government in South Africa needs to be reviewed. The study will suggest that the use of employee selection criteria in the assessment and acceptance of political aspirants/bureaucrats can serve as a way of promoting a merit based bureaucracy and an improved government and consequently serve as an efficient tool mitigating the spread of corruption. In effect, the aim of this chapter is to argue that in controlling corruption, focusing on prevention through improving government can yield productive results. This position is in line with the view espoused in the Department of Public Service and Administration's (DPSA) Report (2006:22) that on the long run, the costs of preventing corruption will be lower than the costs of investigating it, holding disciplinary inquiries, and taking cases to court. Put simply, on the long run; prevention will be better than cure.

5.2 Corruption Control

The reality of corruption is such that complete eradicative measures are infeasible; rather, controlling or curbing its growth is assumed to be more efficacious (Pope, 1996). Van Vuuren (2014:4) points out that "it is impossible to imagine that corruption will ever be fully eradicated. At very best, attempts can be made to control its pervasiveness". Tanzi (1998:28) also posit that at best, corruption can be reduced, though not to zero. In Tanzi's (1998) view, "trying to bring corruption to zero would be too costly in terms of resources and in other ways. For example, it may require excessively high public sector wages; or major legal or organizational changes; or excessive limitations of civil right; or very harsh effective penalties" (*ibid*). From an economic perspective, Rose-Ackerman (1996) views, the costs of eliminating corruption as prohibitive and simply not worthwhile. More than just the financial cost of eradicative measures, Camerer (2009:47) suggests that in some cases, "the

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[6] Causality is reverse because it goes counter to the view that corruption results in the creation of a weak and unaccountable government. Corruption is rather understood to be an outcome of a weak and unaccountable government.

mechanisms needed to eradicate corruption would be incompatible with the liberal traditions that influence democracies. Also, the control of corruption may be just one of a number of policy agendas that a reform minded government is pursuing, and in certain instances may clash with other agendas". For instance, a "iron-handed" approach (this in most cases would require impeding on state agencies in order to effectively tackle corruption) might be one way of dealing with the issue of corruption, the existence of such measures however are incompatible with values of democracy (Van Vuuren, 2014:13).

Marianne Camerer (2009:51) goes on to identify the following trends that subsist from the 90s in the efforts to control corruption:

a. *Building systems of well-performing government* i.e. a professional civil service, sound financial management including state tender procedures, effective service delivery and a balance of responsibilities amongst the executive and parliament;

b. *Strengthening the legislative framework* including the rule of law, effective enforcement capacity, statutory oversight agencies such as independent anticorruption institutions and mechanisms, and an independent judiciary;

c. *Increasing transparency* through the introduction of procedures or measures that bequeaths power to civil society and the media to demanding better government;

d. *Promoting international co-operation* on issues such as the criminalization of bribery and corruption, and the promotion of institutional reforms and capacity building (Camerer, 2009:49-50)

Another theme that is quite pronounced in literature pertaining to the fight against corruption is the need for accountability and transparency within government (Pope, 1996; Camerer, 2009; Bruce, 2014; Majila, Taylor & Raga, 2014; van Vuuren, 2014). In other words, any mechanism/mechanisms that are supposed to aid in the fight against corruption should address the issue, by promoting and encouraging transparency and accountability amongst public servants and politicians (Majila, Taylor & Raga, 2014; Bruce, 2014).

5.3 Current Corruption Prevention and Control Measures in South Africa

The 1996 Constitution of South Africa enshrines the country's commitment to promoting an ethical, accountable, and democratic system of governance. Since the advent of the 1996 Constitution, the South African government has made significant efforts to promote a clean and accountable administration and combat the growing issue of corruption (Ferreira &

Bayat, 2005:16). As a consequence, several measures have been put in place by the government to promote integrity amongst public servants in South Africa. One of such measures, post-apartheid was the introduction of a Code of Conduct for Public Servants and the establishment of an Inter-ministerial Committee on Corruption (Bruce, 2014:50). In the Code of Conduct for Public Servants dossier, an extensive list of what constitutes as ethical or unethical behaviour is documented. The prime purpose of this document is to "to promote and maintain a high standard of professional ethics throughout the Public Service" (PSC, 2002:2).

In affirmation of the above, Bruce suggests that such a framework was "intended to ensure that public servants and politicians adhere to standards of integrity". Over the years, these different "integrity promoting" mechanisms have evolved. For instance, The Public Service Regulation of 2001 embodies a list of codes of conduct that is binding on all public servants. There is also the Executive Members Ethics Act 82 of 1998, binding members of the cabinet, deputy ministers and members of Provincial Executive Councils. "There are also provisions for financial disclosure, and a prohibition against members of the public service doing remunerative work outside of the public service without express authorisation from the executive authority. Provisions also exist to ensure accountability for the management of finances in government departments as well as a legislative and regulatory framework governing public procurement (supply chain management)" (Bruce, 2014:50).

In order to prohibit the possibility of corruption in the public sector and by politicians, a public sector anti-corruption strategy was ratified by the Cabinet in 2002, with a further instruction in 2003, which mandates all departments to have a minimum anti-corruption capacity (MACC). The Department for Cooperative Governance and Traditional Affairs in 2006 issued a complementary initiative by introducing a local government anti-corruption strategy. Again, the Department of Public Service Administration (DPSA) introduced a Public Sector Integrity Management Framework. Several resources and documents for managers and employees of government departments have also been published by the DPSA and Public Service Commission (PSC) (Ferreira & Bayat, 2005; Bruce, 2014).

The above frameworks attest to the desire of the South African government to ensure integrity amongst public servants and politicians. There are also other measures that have been put in place in order to deter, detect and punish public malfeasance. These includes the law enforcements and other accountability promoting mechanisms. For instance, The

Prevention and Combating of Corrupt Activities Act 12 of 2004 is both a mechanism for promoting integrity amongst public servants and it also provides mechanisms/bodies that are charged with the duty of detecting, reporting and prosecuting corruption. Put in another way, The Prevention and Combating of Corrupt Activities Act 12 of 2004 are both an integrity promoting and a legal framework for combating corruption. The Documents intends to:

> "provide for the strengthening of measures to prevent and combat corruption and corrupt activities; to provide for the offence of corruption and offences relating to corrupt activities; to provide for investigative measures in respect of corruption and related corruption activities; to provide for the establishment and endorsement of a register in order to place certain restrictions on persons and enterprises convicted of corrupt activities, relating to tenders and contracts; to place a duty on certain persons holding a position of authority to report certain corruption transactions and offences relating to corrupt activities; and to provide for matters connected therewith" (Prevention and Combating of Corrupt Activities, Act 12 of 2004).

The above document and the Prevention of Organised Crime Act 121 of 1998, provide "for the surveillance of high value financial transactions by a state-run financial intelligence centre. Legislation also exists to promote government transparency in the conduct of its affairs" (Bruce, 2014:51). Of equal importance are other independent bodies charged with the constitutional duty of providing oversight into the issues of corruption by monitoring "state agencies and promoting their compliance with the regulatory and ethics framework" (Ferreira & Bayat 2005; Bruce, 2014).

The offices of the Auditor General and the Public Protector both provide constitutional and oversight duties in the fight against corruption. According to the Public Service Commission (2001:10), "the Office of the Auditor-General has a constitutional mandate to audit and report on the accounts, financial statements and financial management of all public sector agencies. The independence of the Auditor General is guaranteed by the Constitution". In the same document, it is stated that "The Public Protector's mandate is to investigate and make recommendations to state departments on any conduct which may have resulted in prejudice to citizens i.e. acting as a buffer between the citizen and the state. The Office of the Public Protector is independent and accountable to parliament" (PSC, 2001:18). More than just delineating the different duties and parameters of the above named offices, the document also extensively details the process of selection and other roles of both the Public Protector and the Auditor General. There are clear indications that the above offices were created to ensure efficiency, promote independence and to guard against political inference.

The South African government efforts to combat corruption from all angles have oft been lauded. More than just instituting measures to fight corruption within its borders, South

Africa has also signed and ratified six international and regional agreements aimed at preventing corruption:

1. The United Nations Convention against Corruption (UNCAC);
2. The African Union Convention on Preventing and Combating Corruption (AU Convention);
3. The Organization for Economic Co-operation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Convention);
4. The UN Convention against Transnational Organized Crime (UNTOC);
5. The Southern African Development Community Protocol against Corruption (SADC Protocol);
6. The Southern African Development Community Protocol on Combating Illicit Drugs (SADC Drugs Protocol).

In a dossier released by the National Commission (2011), a chapter was dedicated to addressing the issue of corruption. The need for a resilient anti-corruption measure was also highlighted. This recommendation came due to findings by the commission that in order to effectively address the issue of poverty and inequality in South Africa, controlling corruption is necessary. Centre to the Commission's report is the need for a policy that aims to build a clean, transparent and accountable government. In its recommendations, the following areas where highlighted as pertinent in the fight against corruption.

Firstly, a resilient anti-corruption framework must be put in place. The aim here is that all anti-corruption mechanisms and agencies must be resilient and free of political interference. In such a resilient system, agencies tasked with dealing with corruption must be well equipped with both the resources and capabilities to investigate cases of corruption. In addition to that, when any case of corruption is brought forward, leaders are to respond swiftly and diligently to such. Citizens are also encouraged to resist the temptation to pay any sort of bribes. In their opinion, the Commission believes that individual actions play a huge role in contributing to the spread of corruption. The private sector was also encouraged to avoid engaging in corrupt transactions. Both citizens and private sector and the media were tasked with the responsibility of creating awareness about incidences of corruption. This

position is in alignment with Man-Wai's (2006:134)[7] suggestion that an effective corruption deterrence strategy should consist of the following factors:

- An effective public complaint system to encourage reporting of corruption by members of the public and referrals from other institutions. As an example, in Hong Kong, the anti-corruption agency ICAC has a 24 hour report centre, which is a highly publicized telephone hotline used to facilitate public reporting of corruption activities.

- A quick response system to deal with complaints requiring prompt action. For instance, in Hong Kong at any time, there is an investigation team standing by, ready to be called into action.

- The adoption of a zero tolerance policy, insofar as there is reasonable suspicion, all reports of corruption, irrespective of whether it is serious or relatively minor in nature, will be properly investigated.

- A check and balance system that aims to ensure that all investigations are professionally and prompted investigated, and free from political interference.

- The publicizing through publication in the media of any successful enforcement, this is to demonstrate effectiveness and to deter further corruption.

The National Planning Commission's second recommendation is that accountability and responsibility should be strengthened amongst public servants. In that there is a pertinent need for South African public servants to be made accountable legally as individuals for their actions, particularly in matters involving public resources. Again on the issue of accountability, the need for the creation of a transparent, accountable public service should be promoted by making State information, including details of procurement public (cited in Moloi, 2012:9). A common theme that runs through most of the recommendations above is the need for transparency, accountability, competence *inter alia* in government and in public service. Such a theme is quite redolent in most corruption control strategies (Pope, 1996; Rose-Ackerman, 1999; 1999; Tanzi, 1998; Man-wai, 2006; Shah & Schacter, 2004**;** Bruce, 2014; Majila, Taylor & Raga, 2014). In principle, most efforts to control corruption in South Africa have such factors espoused in their mandates.

However, in spite of the existence of these extensive frameworks and legal mechanisms for corruption prohibition, control and punishment in South Africa, corruption is waxing rather than waning. Such a reality creates a cause for concern as to why the existences of such

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[7] Tony Kwok Man-wai was speaking in the context of the success of the Hong Kong Anti-Corruption Strategy. He attributes the success of the Hong Kong system to *inter alia*, effective deterrence strategy, effective prevention strategy and an effective education strategy.

elaborative frameworks are doing little to curb the incidences of corruption. Hennie van Vuuren (2014) suggests that anti-corruption efforts in South Africa should be lauded because the fight against corruption happens with respect to the values of democracy. That is to say, applying and upholding the rule of law is purpose of anti-corruption measures in South Africa. It can thus be proposed that the problem of South Africa is not an absence of the necessary components needed to foster the values of democracy, it is rather a situation where the political elite have what she refers to as "anti-democratic tendencies". In van Vuuren's (2014) view, such tendencies undermine democratic institutions by "ensuring that the rule of law is applied inconsistently, and a climate of uncertainty exists within the management of public institutions" (*ibid*). In the next section, the above stated "anti-democratic tendencies" which results in a situation of political interference will be highlighted as primal factor impeding the effectiveness of measures put in place to control the spread of corruption in South Africa.

5.3.1 Factors Impeding the Effectiveness of Corruption Prevention and Control Measures in South Africa

Majila, Taylor & Raga (2014:224) suggest that the success of mechanisms put in place to curb corruption hinges on factors like prevention, detection, investigation, punishment and prosecution. Additionally, more than just having measures to prevent and control corruption, complementary measures such as: "informed citizens; needs to foster and sustain high levels of professional and ethically imbued civil servants; and legislation that supports the transition towards a corruption-free society" (ibid), are also pertinent. In South Africa, other measures such as: "the freedom of information law, a whistle-blower protection law, conflict of interest laws, procurement laws and party financing laws have been implemented" (*ibid*). The effectiveness of these mechanisms however depends on their enforceability. While South Africa has been lauded for having a relatively sophisticated and comprehensive legal framework which deals with corruption, transparency in procurement and financial management (Majila, Taylor & Raga, 2014:223), there are however shortcomings in terms of enforceability due to political interference of these frameworks (Bruce, 2014; Van Vuuren, 2014). The following *inter alia* have been stated as pertinent for the success of any anti-corruption architecture: a) in law, the anti-corruption agency (agencies) needs to be protected from political interference; b) in practice, the anti-corruption agency (agencies) needs to be protected from political interference (cited in Camerer, 2008:4-5). While there are other

factors named in the list, the above two have been extrapolated particularly for their relevance to this study. Reason being that, one major criticism raised against the anti-corruption architecture in South Africa is Political interference (Camerer, 2008; Camerer, 2009; Bruce, 2014; van Vuuren, 2014). It is within the purview of a failure of enforceability of the mandates of the anti-corruption architecture due to political interference that the subsequent section will examine the factor the ineffectiveness of anticorruption mechanisms in South Africa.

5.3.2 Political Interference

In Ivor Chipkin (2012:7) there is the assertion that corruption in South Africa persists because of the simple fact that "the ANC in government does not have liberal conception of politics and the state". Chipkin explains that: "in pursuit of its political programme of overcoming the legacy of apartheid and hence of working for the interests of "Blacks in general and Africans in particular", the ANC has simultaneously sought to transform the structure of the state itself" (*ibid*). The underlying rationale here is that, under apartheid, state parastatals were created to serve the interests of the whites (Hyslop, 2005; Hirsch, 2005) and liberation in the ANC's view would require a total transformation of such a system – by making it as black as possible. What this implies in practice is the "extending the power of the National Liberation Movement (ANC) over all levers of power: the army, the police, the bureaucracy, intelligence structures, the judiciary, parastatals, and agencies such as regulatory bodies, the public broadcaster, the central bank and so on" (ANC: 1998).

Through a system of cadre deployment, the ANC intends to achieve the above said ends. Through the system of cadre deployment, "members of the African National Congress are given strategic positions in the public service and in the state *qua* members of the African National Congress. In a similar vein, ministers, rather than senior public servants (director-generals, for example) control the appointment of departmental officers" (Chipkin, 2012:8-9). Subtly, the above said system can be viewed as ANC's intention is to strengthen its political control over important state parastatals. Two things are latent here; firstly, the ANC automatically bequeaths itself with immense discretionary powers. Secondly, it has been established in this study and in other studies like (De Waal, 2012; Dintwe, 2012; Devenish, 2014; Lodge, 2014) that an outstanding character of the ANC is neopatrimonalism – a system that favours louche loyalty. In effect, both discretionary power and neopatrimonialism have

been identified as factors contributing to the growth of corruption in South Africa. In the same way, it can be assumed that the above factors also contribute to impeding the effectiveness or anti-corruption measures. More to the point, the only agency charged with the duty of investigating corruption is the Special Investigation Unit (SUI). The SIU however, "can only initiate investigations on the basis of presidential proclamations, and it is oriented towards 'civil' rather than criminal resolution of cases, and its head is appointed by the president" (Bruce, 2014:55). There is a suggestion made in Camerer (2009:189) that the ANC lead government in their corruption "combating efforts" are "wary of including an investigative capacity which they could potentially not control", this position was assumed by Camerer with regards to the so called "Heath-Unit" whom she describes as one of the few individuals that had cultivated the reputation for fearlessness in the face of combating corruption, but whom the ANC considers to have "overstepped the powers of his corruption fighting unit" (*ibid*).

Again, it is noteworthy to highlight that most agencies tasked with the duty of detecting, investigating and prosecuting corruption in South Africa have limited powers (Bruce, 2014). There are indications that the desire of the ruling party to maintain control over corruption prosecuting agencies is in order for them to be shielded from legal liabilities for whatever actions of corruption that is raised against them (De Waal, 2012; Bruce, 2014). A case in point is the Executive Members Ethics Act 82 of 1998. Under this act, there is a failure to take into account that a situation may (as it has) arise when the president or other ANC executives might be implicated for misdeeds in the findings of the Public Protector. Under this Act, "the president is supposed to inform Parliament about action to be taken against members of the executive who are implicated in any report by the Public Protector" (Bruce, 2014:52). In other words, the President is given further discretionary power to decide whatever actions that should be taken against his/her friends, and against him/herself.

Of equal importance is another supposition that political inference is quite visible in the ANC's discretional ability to have control over the key criminal justice agencies – in effect anti-corruption agencies – in South Africa. To concretize: "the appointments of the heads of all of these agencies is effectively controlled by either the President or the Minister of Police" (Bruce, 2014:55). The minister of Police on the other hand is appointed by the president. Cumulative examples have shown that most senior politicians and public servants who have been caught with their hands in the proverbial cookie jar enjoy a high level of impunity. Such

a reality points to the fact that due to political interference, "there are significant constraints on the possibility of the autonomy of the criminal justice system" (*ibid*).

Political interference is also visible in what Van Vuuren (2014:13) regards as "the tendency of those with vested interests to impede state agencies in their attempts to effectively tackle corruption". There is also the issue of partisan interests in some Anti-corruption agencies. Of particular interest is the arms deal Saga. For instance, The Seriti Commission which was set up by President Jacob Zuma in 2011 was given the mandate to conduct a full investigation into the Arms Deal saga. The commission was however mired by a lot of controversy and the objectivity of the commission was said to be compromised. This was brought to the lime light by the resignation of some of the members of the commission. "Former ANC MP Andrew Feinstein, author Paul Holden and Van Vuuren announced last week that they were withdrawing from the commission. All three had been expected to testify. They said they could no longer co-operate with an institution that "is [so] deeply compromised that its primary outcome will be to cover up" (M&G, 2014).

Camerer (2009:188) also state that "parliament's independent investigation into the arms deal would never materialize. Partisan factions within SCOPA would take sides and parliament would find itself "side-lined" from the arms deal investigation as the executive sort to control it. The legislature, dominated largely by ANC loyalists, would prove impotent in exerting its constitutionally mandated parliamentary oversight and scrutiny over public expenditure". Several examples abound with regards to the ANC's constant interference with different independent commissions of inquiry. As Camerer (2009:195) notes that the Arms Deal Saga can be regarded as a litmus test for the effectiveness of the South African anti-corruption architecture, political interference, the defensive attitude and a dearth of political will as exhibited by the ANC led government leaves us with only one conclusion: there is a serious weakness in the South African government's anti-corruption efforts due to consistent political interference.

In support of the preceding is Hamadziripi's (2013:12) position that when the case of the three most important agencies (DPCI, NPA and the SIU) tasked directly with the issue of stemming the tide of corruption is closely scrutinized, a depressing reality "reveals that a fundamental shortcoming has been a failure to entrench their independence". Such is the case because the DPCI which was created by a national legislation, the same legislation was responsible for disbanding the considerably successful head of the organization. In effect, the same legislation

"did not adequately insulate the DPCI from political interference and ordered that Parliament should 'remedy' this situation by enacting rectifying legislation. The ruling made several references to the OECD's work on the vital importance of independence for anti-corruption agencies, for example, that the head of such an entity should be appointed in a transparent manner to ensure that this person is not be beholden to the demands or manipulations of political leaders. However, the amended legislation that was introduced by the Minister of Police (former), Nathi Mthethwa, was deeply flawed and clearly revealed that there was no real intention to protect the Hawks from political interference" (Hamadziripi, 2013:12).

The failure of any legislative measures to protect some of the heads of the South African anti-corruption agencies have oft being cited as tangible evidence of how political interference hampers the efficiency of such institutions. For instance, the suspension and consequent un-ceremonial dismissal of the former boss of the National Director of Public Prosecutions (NDPP) Advocate Vusi Pikoli by former president Thabo Mbeki is a clear example of such. It is speculated that the former NDPP boss was unfairly dismissed by former President Thabo Mbeki in desperate bid in which Mr. Mbeki wanted to protect former SAPS boss the late Jackie Selebi from criminal prosecution. Prior to his removal, advocate Pikoli had started proceedings to investigate the late Jackie Selebi's dealings with Glen Anglioti (Mail and Guardian, 2008). Due to the power wielded by political elites, there is also the fear of victimization on the part of whistle-blowers (Hamadziripi, 2013; Bruce, 2014).

In the sense that reporting and or an intention to investigate a corrupt politician can cost a person his/her job, as portrayed in the above example. A good move was made in the right direction with the passing of the Protected Disclosure Act No 26 of 2000. Under this act, it can be said that enough legal cover was provided for whistle-blowers. As the act in Naidoo's (2012:7) suggestion created "a more conducive environment for reporting corruption in private and public sector institutions in South Africa". The act however fails to factor in the reality that "the consequences of disclosure from below to those higher-up in the hierarchy may be detrimental all actors regardless of the formal roles they are meant to adopt in relation to each other" (Naidoo, 2012:7). Consequently, in spite of the existence of such an Act and the legal protection it is supposed to provide in principle, "the impetus to report on corruption has been frustrated by unwillingness or reluctance amongst public servants to make disclosures… officials cited fear of victimisation for blowing the whistle as a reason for their inaction. This included harassment, dismissal and other forms of what would legally constitute an unfair labour practice" (Naidoo, 2012:7-8).

In light of quite recent scandalous events, with the Nkadla saga at the top of the chart, there is the notion that the need for the current political elite to maintain control over criminal justice agencies, points to the desperate desire on the part of the current president Jacob Zuma and other politicians in his camp to be shielded from legal liability for the several allegations of

corruption levelled against them. To make it possible (through legislations or otherwise) for the criminal justice agencies to independently and thoroughly investigate corruption allegations, will spell doom for not only the president but also for some of the political alliances that have helped to secure power for the current elite (Bruce, 2014). "It has therefore been argued in the media that Zuma's supporters are willing to execute 'a scorched earth strategy on public institutions' to preserve Zuma's power. If this is the case, the implication is that there are significant constraints on the possibility that the autonomy of the criminal justice system will be reinforced" (Bruce, 2014:55).

5.3.3 Coordination and Cooperation: The Problem of South Africa's Multi-Agency Approach

There are certainly a lot of advantages of using a multi-agency approach in the fight against corruption. For instance, Godi (2007:1) suggests that the structural component of the fight against corruption should be grounded on a "set of institutions that provide checks and balances; law enforcement bodies; etc". Godi's (2007) position arises from the supposition and rightfully so that, corruption is caused by a lot of different factors; and the only way to deal with it is "to strengthen vigilance towards corruption-related activity, concentrating on preventing such activity. Preventive measures, including effective control mechanisms, are necessary to counteract in advance as many factors contributing to corruption as possible" (*ibid*). By implication, the fight against corruption should be multi-dimensional. While South Africa has a multi-agency approach, the issue of corruption seems to be increasing rather than decreasing (Naidoo & Jackson, 2009; Hamadziripi, 2013).

A reason put forward for the lack of effectiveness of the multi-agency approach in South Africa is that the general public is confused as to who or where to go to in order to report a case of corruption. Be it an instance of bribery allegation, nepotism, or a case of extortion, conflict of interest, misappropriation of public money or a situation of influence in a tender procedure. There are so many agencies to which these different cases can be reported to. "For the individual complainant the range of possibilities seems endless and confusing. Should he/she go to the police, and then which branch of the police or is the Independent Complaints Directorate the right place to go to? Is the Public Protector able to investigate this complaint or is it something that the Auditor-General should look into?" (Camerer, 2001:2). Such a situation of confusion points to a dearth in the public's knowledge of who handles what when it comes to dealing with corruption. A seemingly easy way out of such a situation of confusion is to adopt a one Agency approach to corruption control like the Hong Kong

model. There are however empirical evidences that the South African situation does not create an appropriate environment for such an approach (Chene, 2012; Camerer, 2008).

In Chene's (2012:2) position, the argument is put forward that institutional arrangement has little to bear on the effectiveness or lack of, of anti-corruption control measures. What matters most are "independence, specialization, integrity, capacity and POLITICAL back-up" (my emphasis). In her conjecture, the multifarious causes of corruption creates a situation whereby irrespective of how centralized corruption control efforts are, there is still a heavy reliance on the cooperation of "other complementary bodies and their impact is strongly conditioned by their ability to interact and cooperate with those other institutions involved in anti-corruption related activities" (Chene, 2012:2). There is also the argument that in order for anti-corruption efforts to succeed, there is a need for specialization. Specialization here refers to the availability of special staff members with specific skills and mandates to fight corruption (OECD, 2007). The South African architecture can boast of such specialization of mandate (as the Table below will show), but as studies have shown, factors like confusion of mandate; the competence of their staff members political interference greatly incapacitates these agencies in their fight against corruption (Naidoo & Jackson, 2009; Chene, 2012; Naidoo, 2012; Hamadziripi, 2013; Bruce, 2014). Bruce (2012) makes the observation that due to a confusion of mandate the findings of one commission can be used to overrule the findings of the other. With reference to the Nkandla saga for instance, the Public Protector found out that the president unduly benefited from the upgrades at his Nkandla homestead. Whilst her report made recommendations that the president should pay back some of the money, an alternate finding by the police minister gave a counter suggestion. In the police minister's findings, it is argued that the upgrades at the president's private residence were necessary, and a recommendation that further upgrades needed to be carried out. The ad hoc committee set up by parliament to investigate the Nkandla issue eventually adopted the police minister's findings over the Public Protectors.

5.4 Why Good Governance is Important

International practitioners, policymakers and reformers have learned often the hard way, that there is a clear nexus between addressing corruption, good governance, transparency and the rule of law. Palmer argues that "there is a powerful correlation between the absence – or minimising – of corruption and the concept of good governance". Tanzi (1998:31) also

suggests that some measures put in place to control corruption go hand in hand with measures to reform the character of government. Put simply, corruption control and reform of government are two sides of the same coin. In a similar vein, Camerer (2009:50) suggests that in fighting corruption, one very useful tool would be to frame corruption reform agenda as one that aims to promote "good governance" and democratic accountability. Reason put forward here is that "democratic systems of governance premised on commitments to accountability, openness and transparency are thought to create conditions that discourage corruption" (*ibid*). Inherent in the preceding notion is the idea that a democracy that operates on the principles of freedom (of press, media and other similar liberties) and fairness (elections *inter alia*), open competition (a healthy political opposition), an independent legislative and judicial arms, can aid in limiting "the scope and frequency of corruption than one that does not have them" (Camerer, 2009:52). This is a possibility because it is generally assumed that in a democratic system, a shift in the balance of power between leaders – those perceived to be corrupt vs those perceived to be free of corruption – is likely going to occur, with the scales tilting in favour of a more open democratic governance. A primary driving force behind this change is an "information-rich" and more transparent environment; leaders are forced to give a fuller public accounting of themselves than ever before (Rose-Ackerman, 1996; Camerer, 2009).

Again, the way corruption is conceptualized provides insight into how attempts can be made to control and prohibit. Shah and Schacter (2004:40) lend their voice to this position by suggesting that often than not, most anti-corruption measure fail because they adopt a "one size fits all approach". "For programmes to work, they must identify the type of corruption they are they are targeting and tackle the underlying, country-specific causes, or 'drivers' of dysfunctional governance" (*ibid,* 2004:40-41). Consequently, if the provenance of corruption is largely construed to be causal effect of institutional failure, a focus on reforming institutions should be efficacious. In this study, the problem of corruption is construed from an institutional perspective, in the sense that corruption in South Africa – political corruption in particular – comes into being because of ineptitude. Thus, a way to prohibit and control corruption would be to improve the "quality" of the cadres appointed to handle the political and bureaucratic apparatus of the state. In support of this claim is Neild's (2002:12-13) suggestion that one effective way of controlling corruption is the "creation of career elites". This mechanism should be viewed as "an important means of achieving high standards in public service".

Again, Shah and Schacter (2004:41) describe a model that divides developing countries into three broad categories namely: ""high," "medium," and "low"— reflecting the incidence of corruption". The underlying assumption here is that countries with "high" corruption have a "low" quality of governance, those with "medium" corruption have "fair" governance, and those with "low" corruption have "good" governance". Effectually, this model suggests that because corruption is construed to reveal a symptom of fundamental failure in governance, "the higher the incidence of corruption, the *less* an anticorruption strategy should include tactics that are narrowly targeted at corrupt behaviour and the *more* it should focus on the broad underlying features of the governance environment" (2004:41).

The exigencies of political transition post-apartheid demanded a shift in the bureaucratic character of the South African public and political apparatuses. These exigencies in Naidoo's (2012:3) view were informed *inter alia* by the need "to promote economic development in a context of high levels of inherited social inequalities and poverty; and to significantly restructure and transform historically discredited political and administration institutions". The ANC came into power as a liberation movement, it can be said that there was the need to make good of their election promises; and in their view, only radical transformation can lead to that. However, the problem of such a drastic transition as adopted by the ANC is proving almost catastrophic. For instance, Tom Lodge (2002) argues that post-apartheid, there was Bureaucratic Inflation, a term which he uses to describe a tripled growth in the size of civil service. He credits this growth to a process of politically motivated and ethnically exclusive recruitment which was a calling card of the post-apartheid regime. He notes that whilst the number of unskilled and under-qualified public servants increased, there was a decrease and a haemorrhaging of the competent ones. This was happening just as public administration duties were becoming increasingly complicated. With a declining professional cadre in public administration came deterioration in the pay scales. The effect of this "erosion of capacity" which is a consequence of the bureaucratic inflation created a fertile ground for rent seeking in the South African public administration. Scholars (Mauro, 1995; Hopkin, 1997; Rose-Ackerman, 1999; Rubin, 2011) have in most cases argued that there is a correlation between the rent seeking behaviour and the growth of corruption. In those corrupt transactions becomes the parameter through which political allegiances are formed and political power is monopolized.

So from Tom Lodge's (2002) position a series of links can be drawn. If an increase in the number of unskilled and under-qualified public servants can be held culpable for the growth of political and administrative malfeasance, the converse – a growth in the level of skilled

and qualified public servants – should translate into administrative competence and political progression. Jo Silvester (2012) submits that promoting the use of employee selection criteria in the process of political recruitment can improve the quality of a country's bureaucracy and this can translate into a government of quality and the process can be used as tool in combating political corruption.

5.5 Adopting the use of Competency based Selection Criteria for Prospective Political Candidates

Recruitment of candidates is broadly accepted to be a core function of every political party in a democracy. In some countries that practice a system of Simple Plural Majority, such a process in quite crucial because the character of a candidate has a lot to bear in whether he or she becomes successful (Bull, 2012). While the South African political system is a Proportional Representational one, here the party reigns supreme and the votes are cast for the political parties qua parties. The party in turn makes a selection of candidates to represent it in parliament, provinces and other state parastatals. This notwithstanding, Lundell (2004:26) proposes that the selection of candidates is "a crucial part of the political process with far reaching consequences". The importance of candidate selection hinges on the notion that the quality of candidates selected by a political party has a direct impact on the quality of the resultant government (Silvester, 2012). While the reasons for the selection of candidates vary across political cultures and systems, Lundell (2004) strongly suggests that "contextual" factors have a lot to bear on the style of candidate selection. Contextual factors are used in this regards with reference to political culture, party characteristics and party power (Lundell, 2004:28).

From the preceding analysis, and from the body of criticism that abound, suggestions and calls have been made for the policy and practice of cadre deployment by the ANC to be either abandoned (Hartley, 2011; De Waal, 2012; Devenish, 2014) or improved (De Jager, 2009; Etheridge, 2013; Twala, 2014). A necessary question becomes: how can the ANC system of Cadre deployment be improved? This study will adopt the suggestion by Jo Silvester (2012) that adopting the use of employee selection criteria in the selection of political candidates (in this regards, cadres) can help improve the quality of political candidates and translate into a government of quality and in effect aid in curbing corruption growth (since it has be

highlighted that political corruption in South Africa can be tethered to the problem of inept leadership).

It is argued that it is through party selection that a political party decides if an individual has the necessary characteristics needed to become and elected representative and to perform the role well (Silvester, 2012:21). Central to Silvester's (2012) proposed model of selection is the basic assumption that by exploring knowledge relevant to employee selection process, parallels can be gathered and usefully applied to the process of political selection. The intention here more specifically, is to consider "whether such knowledge and practice might be used to improve how political parties select candidates and identify those individuals likely to perform well in government" (Silvester, 2012:21). While Silvester's study was carried out with the UK as its case study, it is however possible to make recommendations from her findings, for application to the ANC system of cadre deployment, because the South African political structure is similar to the UK system. It is important that political parties select the best possible candidates through a process of free and fair selection, because they owe that much responsibility to the public they intend to represent (Lovenduski, 2005). Accordingly, applying the methods used in employee selection can be quite useful in this regard. Broadly speaking, in employee selection practices, the intention is to identify "the most suitable individual for a position on the basis of person-job fit. This usually involves selecting individuals who possess the knowledge, skills and abilities [KSAs] that a particular role requires on the basis that a better match between job requirements and individual capabilities will result in higher levels of performance" (Silvester, 2012:25).

Developing a good selection process is said to involve five stages. Firstly, there is a need for job analysis. This is in order to establish the tasks and activities that are expected of a job incumbent. Secondly, a person-needs analysis needs to be carried out in order to determine the necessary Knowledge, Skills and Abilities a person will need in order to perform the job effectively. Thirdly, discrete selection criteria that will be used as a yardstick to guide the decision-making process about applicants need to be identified. Fourthly, recruitment activities should ensure that a wide pool of prospective applicants is attracted. Lastly, a standardised assessment method should be designed (e.g., assessment centres and psychometric tests). This should help to "evaluate reliably whether applicants possess the necessary KSAs and differentiate those likely to perform better or worse in the role" (cited in Silvester, 2012:25). In effect, the goal is that selection procedures should make a distinguish between individuals "on the basis of job-relevant characteristics: selection decisions are

deemed good if they demonstrate high criterion-related validity, that is, they reliably identify those individuals who perform well in the role and reject individuals who would perform poorly" (Silvester, 2012:25). With reference to this method, a decision can be considered as 'fair' is they are guided by 'person fits the job' criteria such as skills, knowledge and ability as opposed to selection based on other factors outside the realm of 'person fits the job' like patronage or membership to a particular group (Arvey & Faley, 1988).

In her analysis, Silvester gives a word of caution as to how difficult it can be to directly apply the above method of employee selection to the field of politics. "In particular, the democratic nature of political roles presents several challenges. Despite the arguable fact that politicians perform political work, "few parallels have been drawn between this and the work undertaken by individuals in other types of employment" (Silvester, 2012:28). For instance, the job description of a lecturer can be well defined, but it is not so easy to define the work of a member of parliament who is elected to wield power on behalf of others for instance. The fact that politicians are elected and not selected is also highlighted as reason for non-equivalence. Again, the idea that politicians can be selected is argued to run counter to democratic values, "because it undermines the belief that political roles should be open to people from all sections of society. Selection based on pre-specified criteria risks perpetuating those powerful elites who are responsible for shaping selection criteria, and cloning individuals who share characteristics with existing MPs or powerful party members" (*ibid*). In spite of the truths of these assumptions, the uniqueness of the South African political sphere makes it challengeable.

As stated in chapter four, the ANC practices a policy of cadre deployment. Through which ANC members are appointed to take up key government positions. By implication most people serving in government positions owe their appointments to being members of the ANC (De Waal, 2012; Devenish, 2014). Deployment takes the form of appointment to key parastatals like administration, municipal managers, chief financial officers, HODs of different ministries like health, and "heads of certain services, such as local economic development, technical services and others" (Twala, 2014:164). It stands to reason that some of these positions need particular knowledge, skills and abilities. However, the ANC has oft been accused of deploying incompetent and unqualified people to key positions, overlooking the available competent and qualified ones (*ibid*; De Waal, 2012). So it can be gathered that the problem of the ANC is not a lack of qualified or competent cadres, but in most cases it is a situation of placing loyalty over merit. Again, as was highlighted in chapter 4 of this study,

under the Closed List Proportional Representation System practiced in South Africa, party leaders are responsible for drafting a list of the members who are to represent them in parliament. With regards to this also, there is no known criteria used to select people on this list. Da Camara (2012:17) for instance suggests that acrimonious factionalism shapes the decision of who gets on the list. As party leaders try to consolidate their hold on power, loyalty and patronage becomes the prime criteria for selection.

How then can the application of the employee selection criteria aid the ANC's policy of cadre deployment? Twala (2014) suggests that in order for the cadre deployment practice to work, the ANC needs to "ensure that in deploying cadres there be a systematic, rational and coherent way in which these cadres are deployed". In practice therefore, a cadre with experience and qualification in the field of social development should be deployed to the relevant ministry, and a comrade with experience and qualification in financial administration should be destroyed to the relevant government position. For instance, The National Planning Commission released a draft plan in November 2011 and made some suggestion on how corruption can be addressed. The draft plan places the need to develop a capable and developmental public service as a major precondition towards building a developmental state in South Africa. The draft plan suggest among others clarifying the political administrative interface in the public service. The plan proposes options for making the public service and local government careers of choice. The proposals include developing graduate recruitment schemes, taking a long term approach to training and capacity development and making local government attractive to aspiring professionals. These proposals talk to the points made about the need to build a professional and performance orientated ethic and culture in the public service. (Moloi, 2012:9).

The preceding is in line with the idea espoused in employee selection criteria that demands knowledge, skills and abilities as the criteria for selection. While the practicality of such a process in possible and has been articulated by the ANC itself, what can be said to be lacking is the political will to see such endeavours to their proper ends. Camerer (2009) cites the need for a political will on the part of the leaders if there is to be any success in the implementation of any form of reforms of policy or practice in the efforts to curb and control corruption.

5.6 Conclusion

In this chapter, it was argued that South Africa has an extensive body of frameworks and mechanisms intended to promote the integrity of public servants and politicians and to deter

any form of malfeasance. Furthermore, different government agencies have been tasked directly or indirectly with the duty of controlling corruption. Put simply, South Africa has all that is needed for corruption to be reduced to a minimum. The notion behind corruption reduction arises from studies that show that corruption cannot be fully eradicated, in that it is infeasible to assume such a position. There are therefore adequate preventive measures. In spite of these measures however, the problem of corruption is waxing rather than waning. Factors like political interference, confusion of mandate, were cited as primal factor mitigating the effective enforcement of these different measures. As a way of proffering solutions to that, the study suggested that improving the quality of government can serve as a productive tool to the said end. It was also suggested that one simple way of improving the quality of government is to improve the quality of public servants and politicians. This can be quite efficacious in South Africa where it has been argued that the relationship between state and government is quite blurred. The ANC's policy of cadre deployment which sees to the political appointment of party members to different administrative and government departments was highlighted as a reason for this. The ineptitude of such a practice was blamed on the fact that factors other than merit and competence have often been used as criteria in the deployment of cadres. The use of employee selection criteria, whereby cadres are deployed to the relevant arms of the state based on their knowledge, ability and skills was suggested as a solution to that. While the suggestions as to how to effectively reform government and control corruption prima facie is doable, the lack of political will was further cited as a major impediments to the application of the recommendations.

Chapter 6: General Discussions and Conclusion

6.1 Introduction

The main objective of this study was to demonstrate that the problem of corruption in South Africa is primarily as a result of factors associated with the style and structure of leadership. The subsequent section will be a concise recapitulation of what the study has engaged in, in its examination of the issue of corruption.

6.3 General Conclusion

The intention of this study was to demonstrate that the problem of Political Corruption in South Africa hinges on the problem of leadership. The major hypothesis put forward in the study was that there is a connection between inept leadership and political corruption. Inept leadership is understood to create a fertile ground for bureaucratic malaise, and corruption is an offspring of such an arraignment in South Africa. At the onset, the study outlined the following as its objective: to explore eligibility criteria for electoral or political position in South Africa; investigate the link between the quality of candidates and the quality of government; examine the possibility of using employee selection criteria as a way of improving how candidates are recruited for political offices. In order to create a frame to guide the analysis of the study, the answers to the following questions were sought: What criteria are required for one to become eligible for an electoral or political position in South Africa? What is the connection between the quality of candidate and the quality of government? How can the use of employee selection criteria in the recruitment of political candidates' aid in the fight against political corruption?

In achieving the above stated objectives and in answering the research questions, the study in its extensively examination of an array of literature construed the problem of corruption as primarily a governance one. In the second chapter which was an examination of literature pertaining to corruption, it was established that there is a link between bad governance and the growth of corruption. From that, the adoption of the definition of corruption as the use of public power for private regarding was highlighted. Of equal importance in this chapter was the deduction that discretionary power and economic gains have to be associated with public power in order for corruption to be possible as the role of a government in the economy may provide a leeway for public malfeasance. In the third chapter, the Neopatrimonial and Economic Theories were deployed in order to examine the issue of corruption. From the Economic Theory, it was gathered that selfish maximization of utility could be understood as

a motivating factor for public office holders to engage in corruption. From the Neopatrimonial theory, it was gathered that a lack of division between the public and private sphere as seen in most African countries could be understood as a contributory factor to the growth of corruption. Rather than promoting the general welfare of its subjects, leaders in most African countries due to this lack of dichotomy between public and private sphere, find themselves promoting selective interests rather than the good of all. In the fourth chapter, a contextual analysis of corruption was done. Here political structures like the policy of cadre deployment, the system of closed list proportional representation as practiced in South Africa were fingered as being among the factors that inadvertently promote corruption. One major criticism raised against the policy and practice of cadre deployment is that loyalty and other factors unrelated to merit has become the requisite credential for the deployment of cadres. Such a practice it was argued bears a mark of the neopatrimonail logic, as political leaders use personal and in most situations state resources to purchase loyalty. This practice is particularly fingered as responsible for the parturition of corruption as it leads to the erosion of accountability and transparency.

The fifth chapter examined the effectiveness and some of the challenges that the South African anti-corruption architecture is faced with. Since it was *established* that bureaucratic ineptitude is culpable for the growth of corruption in South Africa, improving the quality of the country's bureaucracy through the application of Jo Silvester's employee selection criteria in the field of political selection was put forward as one way of fighting corruption. The rationale here is that preventing corruption by selecting the best possible candidates to fill political position will be more effective on the long run. Corruption in South Africa is not yet endemic, as such, there is pertinent need for concerted efforts and a strong political to fight its further parturition.

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