

**RECEPTION OF A CODE OF CONDUCT AT THE CAPRICORN DISTRICT
MUNICIPALITY IN THE LIMPOPO PROVINCE**

by

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DECLARATION

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I declare that RECEPTION OF A CODE OF CONDUCT AT THE CAPRICORN DISTRICT MUNICIPALITY IN THE LIMPOPO PROVINCE is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

SIGNATURE

DATE

MRS. VICTORIA PHOLOSO DISOLOANE

DEDICATION

This thesis is dedicated to my mother Theresa Seemela (1956-1991)

Mother, you are one person who used to be genuinely happy at my achievements. I remember in 1989 how you ran with excitement waving my Standard 2 report to all our neighbours because I had passed with As. This is now a PhD thesis; you must be singing the loudest in heaven. Thank you for the face I saw that day, it pushed me to be where I am now.

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Our Greatest Fear —Marianne Williamson

"Our deepest fear is not that we are inadequate. Our deepest fear is that we are powerful beyond measure.

It is our light, not our darkness that most frightens us.

We ask ourselves, Who am I to be brilliant, gorgeous, talented, fabulous?

Actually, who are you not to be?

You are a child of God.

Your playing small does not serve the world. There is nothing enlightened about shrinking so that other people won't feel insecure around you.

We are all meant to shine, as children do.

We were born to make manifest the glory of God that is within us. It's not just in some of us; it's in everyone.

And as we let our own light shine, we unconsciously give other people permission to do the same.

As we are liberated from our own fear, our presence automatically liberates others."

SUMMARY

This study was encouraged by the fact that the theoretical terrain of ethics in public administration and management posits that, despite the existence of a code of conduct that regulates the conduct of municipal functionaries and councillors at local government sphere, the ethics in practice in general are still illusive. All this revolves around the main guiding research objective for this study which was to examine the reception of a code of conduct by municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province.

In exploring the main question of this study, the researcher developed an understanding of the concept ethics in Public Administration by selecting ethics theories namely: consequentialism, deontology and virtue theories. From the lesson learnt, it is evident that throwing around charges about which theory is truly ethical and which one should be followed or should guide municipal functionaries and councillors in making policy decisions is pointless. There is no ethical system which appeals to all people, or even to the same person in different situations. It is undoubtedly the case that consequentialists, deontologists and those who stand by virtue theories can each be sincere in believing their system embodies goodness and morality.

The formulation of the Code of Conduct for the South African local government indicates the commitment of the South African government to enhancing ethical conduct. This Code contains a uniform set of ethical guidelines and applications for use throughout local government. It is also clear that the Code of Conduct has been drafted so as to be as clear as possible, but a detailed standard of conduct and disciplinary measures are not provided. This is a great challenge as it poses concerns about the accountability of municipal functionaries and councillors, and about how disciplinary measures on unethical conduct of politicians and officials should be handled.

Chapter 3 forms an understanding of how culture, religion and language have ethical significance for community and tradition particularly when municipal functionaries and councillors make decisions. The promotion of an appropriate local government culture posits that, in order for a municipal manager and a mayor to make better decisions, they must take the need to understand the diversity of the local government into consideration.

The most important point to be drawn from chapter 4 is that, besides legal instructions, the nature and influence of human behaviour through leadership and ethics infrastructure such as appointing an ethics officer and using whistle blowing as a system to enhance ethical conduct is important. In outlining the statutory and regulatory framework that directs public officials and politicians' ethical conduct in South Africa, it was identified that South Africa is highly conscious of differences between individuals; therefore it is unlikely that legislation and current initiatives will suffice to enforce ethical behaviour among public officials, councillors and municipal functionaries.

Another finding of this study is that the only official document available as the Code of Conduct for local government can be found in the *Local Government Municipal Systems Act 32 of 2000 in Schedule 1 and 2, and also in the Local Government Municipal Structures Act 117 of 1998 in Schedule 5*. This finding is an indicative that South African local government does not have an official Code of Conduct as a separate document for ethical conduct. Following this finding, the recommendation is therefore that a **separate** document should be designed, formulated and emphasised.

Key words: ethics, code of conduct, ethical conduct, unethical behaviour, ethical dilemma, consequentialism, deontology, virtue, culture, religion, values, accountability, Capricorn District Municipality, Limpopo Province

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CHAPTER ONE

GENERAL INTRODUCTION

1.1 INTRODUCTION

Ethics seems to be a concept undergoing revival and is surrounded by much controversy and speculation. There seems to be a genuine concern that the world at large is becoming less aware of the importance of ethical considerations. In (1997:240) Rushworth M. Kidder, authority on ethics and President of the Institute of Global Ethics, expressed his concern that ‘we are raising an entire generation of people without their own built-in sense of ethics’ (Lloyd & Kidder 1997:145). South African society has not escaped this moral decadence. The gravity of moral decline in South Africa is evident from news reports on crime, violence and unethical conduct by, not only ordinary citizens, but also community opinion makers such as political leaders and educators.

The concept of *ethics* has a number of different meanings and applications. Without resorting to an in-depth analysis of the concept here, it is perhaps appropriate simply to point out that ethics is used in this context as referring to moral standards and/or ethical conduct. The *Constitution of the Republic of South Africa, 1996* provides formal guidelines for public employees, in this study referred to as ‘*municipal functionaries and councillors*’. The Constitution indicates which direction or course of action municipal functionaries and councillors should follow in performing their work. Legislation may also contain loopholes; a person’s conscience is then the only check upon which he or she can rely. This is the reason why moral ambiguities arise and why people are often uncertain about which way to turn, or what to do next. Moral ambiguity and double standards surface because people have not been sufficiently schooled or educated in those matters that are regarded as morally upright (Mafunisa 1999:14). This educational task cannot be achieved simply by formulating and

then enforcing a Code of Conduct¹. The latter mandatory aspect of moral rectitude is often branded as legalism. Unfortunately, legalism does not emanate from the internalised predisposition of people (Hilliard & Ferreira 2001:99), but is usually an externalised form of imposed control that is not always successful. Therefore, education and training in the philosophical aspects of morality should start at an early age and should become a lifelong learning process so that it can be ingrained into all inhabitants.

This chapter provides a general introduction to the entire study and a justification for the choice of theoretical framework adopted in this thesis. It concludes the background, the statement of the problem; rationale and significance of the study; research problems/questions; the approach to the study and the research objectives. The research method and literature information gathering are also provided, as well as the terminology used for the purpose of the thesis. Finally, the chapter concludes with an overview of each chapter of the thesis.

1.2 BACKGROUND AND RATIONALE OF THE STUDY

The *Local Government Municipal Systems Act 32 of 2000* stipulates that councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities. In order to prioritise needs of the communities, municipal functionaries and councillors must provide services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role councillors must be accountable to local communities and report at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities, and support the achievement by the municipality

¹ The Code of Conduct in this study refers to the one in the Local Government Municipal Systems Act 32 of 2000 in Schedule 1(municipal councillors) and Schedule 2 (municipal functionaries), see also in the Local Government Municipal Structures Act 117 of 1998 in Schedule 5 (municipal councillors).

of its objectives set out in section 19 of the *Local Government Municipal Structures Act 117 of 1998*, the Code of Conduct for councillors was established.

The object of the Code is primarily to promote exemplary conduct among municipal functionaries and councillors but also to address the increasing incidence of unethical conduct such as corruption in local government. An important aim in the promotion of a professional service ethos is to establish a uniform understanding between municipal functionaries and councillors of what is expected of them.

In order to promote a positive ethos in the South African local government, it is important to facilitate a process of behavioural change that would ideally result in a situation where values articulated, particularly in the local government environment, are synonymous with the values espoused in that environment (Muthien 1997:5). It is therefore, not sufficient to only refer to a code of conduct as an ideal constitutional mechanism and *ubuntu* principles as evidence that the South African local government value system is not improving (Clapper, De Jager & Fourie 2002:27). What is needed is definite evidence of the conduct of the municipal functionaries in their capacity as service providers and enablers of the public of ethical behaviour.

1.3 PROBLEM STATEMENT

Municipal functionaries and councillors do not deliver effective and efficient services to the members of the society as promulgated by the *Local Government Municipal Systems Act 32 of 2000*. The reason behind this is partly the lack of commitment by and lack of skills of municipal functionaries and councillors. This makes them not care about service delivery as they do not understand how important it is to adhere to their public tasks (Mafunisa 1999:15). Instead, municipal functionaries and councillors tend to involve themselves in unethical conduct and in corruption as is prevalent in Limpopo Province and includes

among others the theft of assets, the mismanagement of funds, unauthorised deductions, irregular appointments/promotions, the irregular awarding of tenders, maladministration, the misuse of state vehicles and petrol cards, the non-submission of leave forms, illegal occupation of RDP houses, unauthorised private business, cheque fraud, false claims/irregular payments, unfair dismissals, and non-compliance with service delivery standards (Limpopo Provincial Government 2005, 2010).

The above is evident in that seventeen senior directors employed in municipalities across the Limpopo Province are trained teachers with no management-related qualifications. At least 4 of the 17 directors hold positions as municipal managers, while the rest occupy key positions as directors of finance, integrated development planning (IDP), corporate services, local economic development (LED), accounting and human resource management. One municipality within the Capricorn district hired an IDP/LED director with only a secretarial diploma, another appointed a chief finance officer with only administrative qualifications, while yet another appointed an employee with only a matriculation certificate. The leader of the Democratic Party (DA) in Limpopo, Michael Holford, states that this is affecting service delivery. He further states that the advice these employees give to politicians is poor, since they make decisions about things they do not understand. This is seriously affecting service delivery. The spokesperson of the Limpopo Department of Local Government and Housing has confirmed that municipal functionaries are unable to perform because they lack relevant qualifications (*City Press* 1 October 2006:3).

The previous Premier of the Northern Province, Mr Ngoako Ramathlodi (*Sowetan* 4 April 1997:3 in Mafunisa 1999) also acknowledges that there are corrupt and inefficient public officials in the public service. The spokesperson for the Northern Province Premier's Office, Kenny Mathivha (*Mirror* 24 April 1998:4) acknowledges the existence of some public officials who are earning salaries each month without doing any work. He points out that these public officials go

to work late and knock off early almost every day, and those who use government vehicles simply drive to their places of interest. They are often noticed parking state vehicles at places where they are not supposed to be. Municipal officials and councillors also breach the Code of Conduct, in the matter of appointing service providers without proper authority and the issuing of tenders without due observance of the municipal process (*Mirror* 24 April 1998:4-5).

Public service, particularly the local government sphere in South Africa is characterised by widespread allegations of unethical conduct and municipalities within the Capricorn District in Polokwane at Limpopo Province are no exception. Allegations of unethical conduct practices in Capricorn District municipalities are relatively high and have generated widespread concern by municipal functionaries and councillors, and consequently, a search for remedies. It is therefore important that ethical conduct be promoted at South African local government. This study examines the reception of a code of conduct at the Capricorn District Municipality in the Limpopo Province.

The point of argument that will be presented in this study is that despite South African local government having the Code of Conduct, the ethical conduct of municipal functionaries and councillors is not improving. This is evident in the high prevalence of cases of unethical conduct such as corruption in Limpopo Province committed by municipal functionaries and councillors (Mafunisa 2001). Does the challenge lie in the preventive system or is the poor implementation of the Code of Conduct in local government responsible? With this background, the key research question/problem is: 'what is the reception of a code of conduct by municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province?' This statement and question is based on a theoretical assumption that the effect of the Code of Conduct can improve ethical behaviour of the people bound by the codes (Brien 1998; Zikhali 2005:163).

The following secondary research questions can then be asked:

- What is the nature of the interaction of ethics and a code of conduct as variables influencing accountability of municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province?
- What is the role of cultural aspects such as religion and language, among others, in enhancing ethical conduct of municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province?
- What is the role of education and training in ethics for municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province?
- What are the mechanisms that underpin ethical conduct in South African local government?

1.4. SIGNIFICANCE OF THE STUDY

A primary reason for concern regarding unethical conduct in local government is that it reduces public trust and confidence in the integrity and impartiality of both elected representatives and municipal officials. In this respect, the presence of unethical conduct can be as damaging as actual unethical conduct. Once, in discussing his code of conduct, President J.F. Kennedy (in Frier 1969:3-4) remarked that even though a technical conflict of interest may not exist, it is desirable to avoid the appearance of such a conflict from a public confidence point of view. By the same token, even though unethical conduct may not exist, its presence should be avoided from a public trust point of view.

The above view is also supported by Williams (1985:6) who remarks that even if no financial gain accrues to the elected representative involved, other aspects of the conflict of interest dilemma do create problems and attract criticism, for example the problem of competition for an elected representative's time has been recognised. There is also the criticism that a multiplicity of outside interests may result in an unduly large amount of time and energy of elected

representatives being subtracted from what they should have available to think about and perform their duties. Media coverage of incidents and allegations of unethical conduct such as conflict of interest have stimulated this public concern (Mafunisa 1998), which in turn has prompted many politicians to seek out cases of actual or apparent conflicts of interest involving their political opponents with a view to using adverse media coverage for political advantage.

Increased concern in contemporary society about unethical conduct has come about in large part from the realisation that public functionaries such as elected representatives have various opportunities to put private benefit before public duty. These opportunities arise from the increased scale and complexity of government and the expansion of bureaucratic power in the policy process. The slow growth in government functions means that municipal functionaries have fewer opportunities for promotion and that their jobs are likely to be less permanent. The detrimental effect of these developments on morale is aggravated by the relatively low public image of public institutions. That is one of the reasons why some elected representatives may feel less committed to their jobs and become increasingly engaged in activities for remuneration outside government as a hedge against losing or quitting their jobs. In some cases, elected representatives may experience the financial and psychical rewards from serving the public as so inadequate that they are justified in using their public office for private gain (Kernaghan & Langford 1990:139-140).

The community expects ethical behaviour from municipal functionaries and councillors in the fulfilment of their duties in order to create good governance and increased service delivery. The responsibility of public institutions is to serve the community at large under specific codes of conduct. Unethical behaviour could lead to ineffective administration, poor governance and unsatisfactory service delivery (Kernaghan & Langford 1990:140). It is also important that attention be paid to ethical problems, which occur as a result of tensions that exist between politicians and the public service hierarchy. Undue pressures placed on

municipal functionaries and councillors could result in unethical conduct on the part of the municipal officials and could lead to a search for moral justification of their actions. As soon as the municipal functionary or councillor is faced with a moral dilemma, it emphasizes 'the lack of ethical subtlety that he/she was permitted in making a decision' (Henry 1989:34). Furthermore, it is important to remember that the municipal functionary and councillor are also citizens, with the ethical identity of a public official being that of a citizen who is employed by the community to work for the community.

The behaviour of municipal functionaries and councillors is always of interest to the community at large as the promotion of their general welfare depends to a large extent on the use or abuse of their administrative discretion; this is so, because municipalities use taxpayer's money and the public votes for municipal councillors. Therefore, an obligation of accountability must always exist between councillors and municipal functionaries. Any community expects their officials to be honest, just, fair and professional in the fulfilment of their duties. Furthermore, public administration takes place in an environment in which values - that is political values, ideological values, social values, cultural values and historical values – shape public administration (Hanekom 1989:3-6).

In view of the above, the significance of the study can be stated as follows:

Firstly, the study attempts to provide full insight into investigations on the reception of a code of conduct by municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province. This is significant because Mafunisa (1998) investigated the development of a positive work ethic and found that it is essential for the effective and efficient work performance by public officials. Furthermore, he indicated that the South African local government needs public officials who are loyal to their work. Ratjomana (2005) shows that the promotion of ethical conduct in Limpopo Province by public officials must be strengthened by introducing measures that enhance good

governance and administration. Such measures include institutions such as ‘the Public Protector’. Zikhali (2005) shows that citizens tend to mistrust government if little or no information on government activities and policies are available.

It is evident from the studies conducted on ‘ethical conduct’ and ethics that it is important that municipal functionaries and councillors should be accountable for their actions. The research has been undertaken to discover effective measures in this regard, especially when viewed against the ongoing presence of corruption in the public sector in South Africa. The process by which a politician or public official can clarify what activity is right or wrong must be highlighted to act as a code of conduct for municipal functionaries and councillors.

The researcher’s argument is that municipal functionaries and councillors are reported to have been involved in and been exposed by the media and investigative agencies for, unethical conduct such as corruption and mismanagement of funds and using the municipality’s name for their own purposes. This research attempts to investigate these issues, so the researcher will be able to provide possible solutions and further debates for government departments and the local government in particular.

It is therefore important to establish whether the Code of Conduct that is generally applied in the local government for municipal functionaries and councillors, could be applied to diminish corruption in local government. This will then be investigated by identifying how municipal functionaries receive a code of conduct. The author is of the opinion that this study is better in its own right and will contribute to riveting debate among academics, politicians and public officials in local government. The study will no doubt add to the existing literature, which is insufficient.

Secondly, the study has academic significance as it is of interest to scholars and researchers whose areas are in ethics, policy and local government. It may

serve to point to additional further research and theorising on Public Administration and Management. The Higher Education and Training Sector could therefore benefit as well with a view to usefully developing theories and suggesting policies, and the local government can use the information to prevent corruption and unethical conduct within their structures.

Thirdly, the study has the potential to generate interest in the phenomenon. Research projects will benefit South African local government and the African continent in strengthening ethical leadership and good governance.

1.5 OBJECTIVES OF THE STUDY

The aim of the study is to examine the reception of a code of conduct by municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province. This can be achieved by:

- Analysing and defining ethics and a code of conduct as variables influencing accountability of municipal functionaries and councillors at the Capricorn District Municipality;
- Investigating the role of cultural aspects such as religion and language, among others, in enhancing the ethical conduct of municipal functionaries and councillors at the Capricorn District Municipality;
- Analysing the role of education and training in ethics for municipal functionaries and councillors at the Capricorn District Municipality;
- Evaluating the mechanisms that underpin ethical conduct in the South African public service; and
- Recommending possible solutions that Capricorn District Municipality can use to enhance the use and reception of a code of conduct.

1.6 RESEARCH METHODS

The purpose of this section is to present a brief introductory discussion of the research methods used in the thesis. Qualitative research focuses on meaning, experience and understanding to ensure a clear in-depth understanding of a research topic. Qualitative data can allow for a greater degree of non-sequential data that results in a cyclical and open-ended research process. This thesis made use of a qualitative design to study the ‘properties, values, needs or characteristics that distinguish individuals, groups, communities, organisations, events, settings or messages’ (Du Plooy 2001:83).

Deciding to follow either a quantitative or qualitative approach during research design, determines which research methods will be chosen (Mouton in Webb & Auriacombe 2006:599). When a social scientist decides to follow a qualitative approach, he or she is most likely to make use of methods and techniques associated with it, including ethnographic studies, grounded theory and case studies. The qualitative research method that was chosen for this thesis is grounded theory, which will be explained in the following paragraph.

Grounded theory is a qualitative research method that uses a systematic set of procedures to develop an inductively grounded theory about a phenomenon. Only after data concerning a particular phenomenon has been collected and analysed does a theory materialise. However, not all data collection and analysis exercises develop into a theory; some eventually only describe phenomena (Strauss & Corbin in Webb & Auriacombe 2006:599). Hence the analysis of the interviews will not be in terms of the grounded theory method but through the quantitative research design.

The aim of grounded theory is to build theory that is faithful to and illuminates the area under study. Grounded theory should accurately represent the everyday reality of a particular substantive area, be understood by those who are

subjected to the study and those who practise it and be abstract enough to be applicable to a variety of different contexts related to that phenomenon.

As mentioned before, the self-defined purpose of grounded theory is to develop theory about phenomena of interest. The researcher attempts to derive a theory by pursuing multiply stages of data collection and the refinement and interrelationship of categories of information.

The grounded theory research starts with the raising of generative questions which help to guide the research, but are not intended to be either static or confining. As the researcher began to collect data, core theoretical concepts were identified. Provisional linkages were developed between theoretical core concepts and the data. The effort tends to evolve toward one core category that is central. Eventually, one approaches conceptually dense theory as new observation leads to new linkages which lead to revisions in the theory and more data collection. The core concept was identified and fleshed out in detail for this research. This process continues and does not end. Grounded theory does not have a clearly defined demarcated ending point. The research ends when the researcher decides to end it (Webb & Auriacombe 2006:600).

1.6.1 Literature study

In the literature study and search, the researcher specifically concentrated on the conceptualisation, as well as theories and models applicable to ethics, ethics theories and a code of conduct. Documentary sources from which secondary data was obtained for this thesis include:

- The catalogue of dissertations and theses of South Africa Universities (GKPV);
- Relevant published textbooks and other literature;

- The *Constitution of the Republic of South Africa*, 1996 and other relevant laws and statutes;
- University Info-Auditorium and South African indices
- Internet sources
- Articles from scientific journals, reference works and newspapers, as well as magazine reports
- Speeches and papers where appropriate
- Official and unofficial government publications
- Published and unpublished research reports; and
- Unpublished lectures, documented interviews, periodic reports and documentation of cases.

1.6.2 Gathering of information

According to McMillan and Schumacher (2001) and (Crowther, Smit & Herbst 1994), in survey research, researchers select samples of respondents before administering a questionnaire or conducting interviews to collect information about people's attitudes, values, habits, ideas, demographics, feelings, opinions, perceptions, plans and beliefs. McMillan and Schumacher (2001:602) define a survey research as 'the assessment of the current status, opinions, beliefs and attitudes by questionnaires or interviews from a known population'. Cohen, Manion & Morrison (2001:169) assert that surveys 'set out to describe and to interpret *what is*'. The major survey technique that was used for this research project for data collection was the administration of a questionnaire through structured interviewing. When using this method, a self-report data collection instrument, to be filled out by the research participants, is constructed with do's and don'ts, for example, determining whether an open ended or closed ended question is needed, and avoiding double ambiguities to name but a few.

Maree and Pietersen (2010:157) argue that the questionnaire is designed to collect data from large, diverse, and widely scattered groups of people. It is used

in gathering quantitative data as well as in securing the development of data of a qualitative nature where appropriate. Sometimes, it is the only research tool utilised but it is often used in conjunction with other methods of investigation, hence in administering the questionnaire, the use of structured interviewing was applied. When using this method for collecting data, the researcher established a rapport and asked the interviewee a series of questions. In this situation, the interviewer must always remain non-judgemental of the responses provided by the interviewee (Tashakkori & Teddlie 2003:303-305). Bless and Higson-Smith (1995:104) state that an interview involves direct personal contact with the respondents who are asked to answer questions relating to the research problems.

According to Bless and Higson-Smith (1995:105), one of the methods of getting people to express their views is non-scheduled interviews, commonly referred to as unstructured interviews, which consist of asking respondents to comment on broadly defined issues, and to freely relate their own experiences. In contrast, the most structured way of accessing data directly from the respondents is by means of a scheduled interview commonly known as a structured interview. (Delport & Roestenburg 2011:171) states that the structured interview involves use of an interview schedule, an explicit set of instructions, whereby people are asked to respond to as nearly identical a set of stimuli as possible.

There are two major types of sampling methods namely probability and non-probability sampling (Trochim 2006:1). In probability sampling, the researcher can specify in advance that each element of the population will be represented in the sample. This is the distinguishing characteristic that sets it apart from non-probability sampling. The composition of the probability sample is derived by selecting units from those of a much larger population. In survey studies, the components of the probability sample are selected from the large population by a process known as randomisation. Such a sample is known as a random sample. Randomisation refers to selecting a sample from the entire population in such a

way that the characteristics of each unit of the sample approximate the characteristics of the total population (Leedy 1989:153). For a probability research, drawing a simple random sampling, it is necessary to have a complete and up-to-date sample frame available. On this list, each population element has to be numbered sequentially such that each element can uniquely be identified (Maree & Pietersen 2010:172). With the non-probability sampling method one cannot guarantee that the sample size observed is a representative sample (Babbie 2001:178-182). For the purposes of this research project, non-probability methods that were used were snowballing and purposive sampling. These methods were applied during the facilitation of the interviews and in piloting of the research data collection. Snowballing was used for this research project because it is normally used when there is no knowledge of the sampling frame and limited access to appropriate participation for the intended study (Alston & Bowles 2003:90).

1.6.3 Choice of research method

The principal purpose of this study, then, is to begin with the analysis of existing data with the particular support of official documents which, among others, are: *Explanatory Manual on the Code of Conduct for the Public Service 2002*, *Municipal Structures Act 117 of 1998*, *Local Government Municipal Systems Act 32 of 2000*, *White Paper on the Transformation of the Public Service 1997*, *Special Investigating Units and Special Tribunals Act, 74 of 1996*, *The Anti-Corruption Strategy of Limpopo Provincial Government* compiled by the *Integrity Management Unit (IMU)*, *Republic of South African Constitution, 1996*; and the *Prevention and Combating of Corrupt Activities Act 12 of 2004*.

The researcher then interprets data and clarifies discussions with municipal functionaries and councillors from the chosen municipalities at the Capricorn District in the Limpopo Province. The political ruling party and the official opposition party were visited and interviewed through questionnaires. The

researcher's interest was to interview the present Mayoral Committee, to see if there has been a change in unethical conduct cases; what kind of cases they are; and what disciplinary measures have been taken.

Given the background of questionnaires, unstructured and structured interviews and probability and non-probability sampling referred to earlier, structured interviewing and questionnaires will be used. Structured interview questionnaires will be used as a research method to conduct this research. The structured interview schedule which is also referred to as the questionnaire is the data collection technique most commonly used by social surveys (O'Leary & Miller 2003:252). It is traditionally in the form of a printed document and is essentially a list of questions. The defining features of the questionnaire/structured interview schedule are that the design itself is highly structured and that the same instrument is administered to all the participants in the survey. When respondents participate in the instrument on their own without the help of an interviewer, as is the case in a postal survey or email posting, the research instrument is called a questionnaire. When the interviewer or in this case a researcher is present, asking the questions and helping the respondent, as in face-to-face-interviews or a telephone survey, the research instrument is known as a structured interview schedule (O'Leary & Miller 2003:253). The design and a way a questionnaire is administered depend on the type of survey. Structured interviews questionnaires give the respondents an opportunity to relate their own experiences and frustrations.

1.7 SCOPE OF THE STUDY

The government of South Africa consists of nine provinces, each with its own provincial government. These nine provinces govern inhabitants of a particular territory; they are not sovereign because they are subject to the legislation of the national government. For this study one of the nine provinces, the Limpopo Province, will be used for this research. The public service of Limpopo Province

consists of the public officials from the former public service of the self governed territories and independent state i.e. Lebowa, Gazankulu and Venda respectively. All public officials from the independent or self government territories created by the former government were incorporated into different departments of the public service of Limpopo Province.

Limpopo Province is also administered by eleven government departments and five district municipalities subdivided into 24 local municipalities. The following are the departments: Education and Culture; Environment and Tourism; Agriculture and Forestry; Office of the Premier; Office of the Provincial Service Commission; Finance and Expenditure; Economic Affairs; Commerce and Industry; and Housing and Local Government; Health and Welfare; and Public Works and Public Transport. The above mentioned departments have inherited 120 000 public officials from the former public service (Ratjomana 2005:25).

The five districts municipalities are Capricorn; Mopani; Sekhukhune; Vhembe and Waterberg. The researcher has chosen to use for this study one district municipality from Category B which consists of five municipalities of the Category C of which three participated in this research project. The seat of Capricorn is Polokwane. The majority of its 1 154 673 people speak Northern Sotho (Census 2001). Section 3 of the *Local Government Municipal Systems Act 117 of 1998* requires areas that do not comply with Section 2 to have municipalities of both Categories B and C as described in the *Constitution of the Republic of South Africa, 1996*. Category B municipalities of which there are 231 are primary or urban areas; district municipalities and Category C municipalities of which there are 47 are district councils (South Africa, 2000a).

1.8 LIMITATIONS OF THE STUDY

No study or investigation exists without limitations. At the outset, a decision was taken to focus the research attention on investigating the reception of code of

conduct by municipal functionaries and councillors at the Capricorn District municipalities in the Limpopo Province. Time constraints dictate the in-depth discussion of the subject on ethical conduct and the Code of Conduct.

Ethics is a very sensitive subject to describe and discuss. Precautions and caution must be exercised in the discussion and interpretation. Given the sensitivity of the issue in question, one could not pre-empt and guarantee the amount of data that will be collected during the fieldwork at this stage. However, with the right persuasive tact and tactics, enough reliable, consistent and valid data will be collected.

As a precaution ethical restrictions in academic research require that the names of individuals allegedly involved in unethical conduct be removed and replaced by office designations. The reason for using office designation is to provide and protect the rights of individuals to privacy.

Lastly, the researcher is aware of the use of the nomenclature of 'public servant or public official' in the amended *Public Service Act 147 of 1999* but in this study, the nomenclature, '*municipal functionary(s) and councillor(s)*' will be used throughout the thesis to maintain consistency in approach. The Code of Conduct that is outlined in the *Local Government Municipal Systems Act 32 of 2000* and *Local Government Municipal Structures Act 117 of 1998* is compiled for both these entities.

1.9 DEFINITION OF CONCEPTS

In the social sciences concepts are used intermittently such that their true meaning is always susceptible to distortions. This often results in terminological /conceptual ambiguities and obscurities vitiate development of knowledge. The terminological/conceptual lucidity is therefore sacrosanct. It should be maintained at all times in the social sciences discourses to ensure efficacy in the

dissemination of scientific knowledge. Against this background, key terms/concepts used in this thesis are briefly demystified at the outset to maintain the lucidity of the thesis. A more detailed explanation of these terms and concepts will be provided in Chapter 2.

1.9.1 Ethics

According to Mbatha (2005:16), ethics can be seen as a system of moral principles that is based on values relating to human conduct, with respect to the rightness or wrongness of certain actions and to the goodness and badness of the motives and ends of such actions. Ethics concerns obedience to the unenforceable moral principles that determine what is honest and fair, and the distinction between right and wrong (Lloyd & Kidder 1997:145).

Ethics is a set of rules or standards governing the moral conduct of employees in an institution. Ethics deals with values relating to human conduct, with respect to rightness or wrongness of particular actions and to the goodness or badness of the motives and ends of such actions. Rightness refers to what ought to be or what is approved and wrongness to what ought not to be or what is disapproved of by society (Mafunisa 2001:335).

Public service ethics refers to the ‘determination of what is ‘right’ and ‘proper’ and ‘just’ in the decisions and actions that affect people’. Thus concern with ethics in the public service focuses on what is considered the right and proper behaviour of public officials. The words ‘right’, ‘acceptable’ and ‘just’ are ethical terms which express a value judgement towards other people that is considered to be ‘just’. Public officials are expected to act in a proper and ‘just’ manner in the performance of their official duties.

The above definitions provide insight into the complexity of what makes up ethics. In order to understand ethics, one must accept the responsibility and accountability for one's actions. Further, people must have a concept of 'right and wrong' and a 'moral code'. Religions have a moral code of conduct, and different cultures have a minimum code of conduct also, but in the case of society's code of conduct, its laws are usually a reflection of the moral values of a super majority of its population. Moral codes define rights and wrongs, and are usually cultural specific. This combination of determining right and wrong and being responsible for actions creates the standards for ethical conduct.

1.9.2 Code of conduct

A code of conduct is a statement of principles and standards about the right conduct of public officials (Chapman 1993:18). It normally contains only a portion of a government's rules on public service ethics. It is therefore, a more narrow term than ethical rules which include statutes, regulations and guidelines. Rosenow and Rosenthal (1993:360) define a code of conduct as a set of principles that is adopted by associations or institutions to define specific principles for which the institution stands.

A code of conduct makes a policy selection of the basic ethics present in general society and seeks to use them to influence a particular institution's definition of its actions and what kind of institution-oriented behaviour is acceptable.

1.9.3 Values

Values are views about what is desirable; they are general standards by which persons live. Values refer to ethical standards. Values involve deep emotional commitment to certain cognitive views of the value of objects and normally relate to human activity (Hilliard & Ferreira 2001:93).

Values are the conscious, affective desires or wants of people that guide their behaviour. They are, for the purpose of this study, preferences and decisions which provide the standards by which municipal functionaries live.

1.9.4 Ethical conduct

Ethical conduct refers to a strong desire to do the right thing, especially when behaving ethically imposes financial, social or emotional costs (Website: <http://www.josephsoninstitute.org>). Surveys taken by the Josephson Institute reveal that, regardless of profession, almost all people believe that they are, or should be, ethical. While most are not satisfied with the ethical quality of society as a whole, they believe that their profession is more ethical than others and that they are at least as ethical as those in their profession.

Unfortunately, behaviour does not consistently conform to self-image and moral ambitions. As a result, a substantial number of decent people, committed to ethical values, regularly compromise these values - often because they lack the fortitude to follow their conscience. People need to understand that ethical principles are ground rules of decision making - not just factors to consider.

1.9.5 Unethical behaviour

Unethical behaviour may be defined as deliberate or negligent conduct constituting a deviation from or breach of the guidelines designed to inform an expected pattern of behaviour in a given situation (Maluleke, in Mafunisa 2000:53). Unethical behaviour, although it is an indication of a decline in morality, can be regarded as an indication of a negative work ethic only in so far as it relates to work performance. In other words unethical behaviour can include theft and misuse of public property and accepting outside employment during one's tenure in government without approval.

From the above it can be deduced that ethics is a set of principles that encapsulates the values a government sphere believes should inform its work.

1.10 SEQUENCE OF THE STUDY

The following chapters are presented in their systematic and logical arrangements:

Chapter 1 of the thesis provides a general introduction to the entire study and a justification for the choice of theoretical framework adopted in this thesis. It includes the background and rationale for the study; the statement of the problem; significance of the study; research problems/questions; the approach to the study and the research objectives. The research and literature information gathering methods are also provided, as well as the terminology used for the purposes of the thesis. Finally, the chapter concludes with an overview of each chapter of the thesis.

Chapter 2 provides a literature review of different scholars who have written about ethics to develop an understanding of the concept “ethics” in Public Administration and further addresses the different concepts of ethics such as values and norms, morality, ethical conduct, ethical dilemma and accountability. These concepts are discussed in order to reach an understanding of the field in which this research is located. Debates from deontologicalism and non-consequentialism, among other theories on ethics, will be another point of view in this chapter. The researcher investigates this in order to identify whether theories on ethics can build a conceptual framework that answers and questions the present corruption in local government. Furthermore this chapter contextualises and conceptualises the Code of Conduct as a legal manual for municipal functionaries and councillors. The point of focus is to discuss the confusion that exists between a code of conduct and a code of ethics.

Chapter 3 will focus mainly on aspects such as culture, religion and language. The emphasis is on how these aspects contribute to determining ethical conduct and to determine how these elements affect decisions taken by municipal functionaries and councillors. This chapter further evaluates ethics education and training that are in line with training of ethical governance and that strengthens ethical conduct of municipal functionaries and councillors at local government.

Chapter 4 provides an evaluation of the mechanisms and statutory guidelines that influence the ethical milieu in the South African local government.

Chapter 5 provides a detailed research methodology for this thesis.

Chapter 6 provides the interpretation of the results obtained in the literature and structured interview questionnaires that will be administered. Inferences are drawn which empirically answer the research questions posed in Chapter 1. In a nutshell, the chapter attempts to verify to what extent the inferences drawn respond to the research questions and the objectives of the study and apply to the municipalities at Capricorn District in the Limpopo Province.

Chapter 7 provides a synthesis of the study through a summary of its research objectives. Certain observations are made in terms of the study objectives. Finally, proposals are made for possible future research arising from this thesis. In so doing, it is hoped that a contribution will have been made to theories of Public Administration and Management and to South African local government.

1.11 SUMMARY

Chapter 1 gives a broad introductory perspective of the thesis. It outlines the background, the problem statement, the objectives and the research methodology. The research methodology outlines the approach to research as

well as the instruments to be used in the collection and analysis of the relevant information. This chapter gives the definitions of concepts that will be used throughout the thesis, including ethics, code of conduct and values and their relevance.

The following chapter will determine a conceptual framework for ethics and a code of conduct in South African public administration. The rationale of Chapter 2 is to do a literature review and understand ethical theories that can be used by municipal functionaries and councillors to solve dilemmas and in particular to deliver effective services and enhance ethical conduct.

CHAPTER TWO

A CONCEPTUAL FRAMEWORK FOR ETHICS AND A CODE OF CONDUCT IN PUBLIC ADMINISTRATION

2.1 INTRODUCTION

The perception of politics is that it is usually a "dirty business". However, be that as it may, there is something deeper and more permanent in the understanding of the relationship between ethics and politics. As various authors have written, it is an enduring experience or belief that, of all the spheres of human life, perhaps the hardest in which to play one's role with true moral dignity is the sphere of public action (Parrish 2007:1). There are a variety of reasons why human beings find it difficult to be moral – one may not know what action is morally best and, even when one does know, one may lack the power or the will to do what one ought. But there is also another, more intriguing, set of circumstances – those where there seems to be no right thing to do, where anything one might do seems to be wrong in some important respect. The last set of circumstances constitutes what philosophers refer to as "moral dilemmas", that is: ethical conflicts in which, in order to do the right thing, one has to do the wrong thing; in which, in order to be or do good, one must also be or do evil (Parrish 2007:1–2). Ethics in public service is crucial to the success of democratic institutions such as those in South Africa. The *Constitution of the Republic of South Africa, 1996*, makes various calls for ethical behaviour by municipal functionaries and councillors. Section 96(1) states that public officials must act in accordance with a code of ethics prescribed by national legislation. Section 195 of the Constitution states that public administration must be conducted with the democratic values and principles enshrined in the Constitution, as expressed in the following statements:

- A high standard of professional ethics must be promoted.
- Efficient, economic and effective use of resources must be promoted.

- Public administration must be development-oriented.
- Services must be provided impartially, fairly, equitably and without bias.
- People's needs must be responded to, and the public must be encouraged to participate in policymaking.
- Public administration must be accountable.
- Transparency must be fostered by providing the public with timely, accessible and accurate information.
- Sound human resource management and career development practices designed to maximise human potential must be cultivated.
- Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past in order to achieve broad representation.

This study examines the effect on municipal functionaries and councillors of the reception of a code of conduct at the Capricorn District municipalities in the Limpopo Province. It has been conducted against the background that no similar research has as yet been carried out in this regard in South Africa. It is a practical contribution to issues in regard to preventive systems, such as how the Code of Conduct is perceived at local government level in particular. This chapter develops an understanding of the concept of "ethics" in public administration and further addresses the different concepts of ethics such as values and norms, morality, ethical conduct, ethical dilemma and accountability. These concepts are discussed in order to reach an understanding of the field in which this research is located. Each of these concepts will have to be considered separately before being assimilated into the specific focus that the research topic defines. The chapter further investigates several theories of ethics, by pointing out different philosophical views and how they can be understood in the context of the moral mind at work when municipal functionaries and councillors make decisions. It further investigates what the South African Local Government Code

of Conduct for councillors' entails, and how this affects their ethical conduct in the performance of their daily duties.

2.2 MORAL LEADERSHIP THROUGHOUT HISTORY

The study of ethics has been at the heart of intellectual thought since ancient times. Its ongoing contribution to the advancement of knowledge and science makes it a vital aspect of management theory. Ethics can be regarded as a set of moral principles (Carrol & Buchholtz 2008:242). Without explaining the concept of ethics here (to be explained in the next section), it is a discipline that deals with what is good and bad and with moral duty and obligation (Caroll & Buchholtz 2008:242). The need for high ethical standards and moral conduct has had many advocates throughout history. Confucius talked about the ethical path that one should follow here on earth, which he called 'the way' (Hansen, 2007:2). When asked if there was any single work that could guide a person's entire life, he replied that perhaps it was '*shu*'; a word that means compassion and open-heartedness (Freedman 2002:30). The first task of a true statesman, an elected politician, is to face the truth and to use words honestly, that is to call things by their right names. Above all, an exemplary person must endeavour to practise '*ren*', which can be understood as 'a compassionate love for humanity'. *Ren* is an all-embracing term that combines qualities such as kindness, benevolence and virtue (Swearer 1998:71). It means treating people decently, beginning with members of one's own family, since it is in the family that an individual learns respect and cooperation, and gains experience in dealing with others (Maguad & Krone 2006).

Socrates believed that one should do nothing at all unless it is just. According to the Socratic paradox, 'all virtue is one, and virtue is knowledge' (Weiss 2007:240). He was thought to have made the famous remark 'the unexamined life is not worth living' (Goldberg 1989:15). Like his teacher Socrates, Plato was also primarily concerned with the question 'What is the good or virtuous life?'

Plato's overriding concern in *The Republic* was with the nature of justice (Goldberg 1989:16). Because human beings are social by nature, the just or right way to live can be defined only in terms of their relations with others. Plato's vision of a just government is one in which the members of each class do what they know best, for the good of all (Taylor 1997). As individual justice is the harmony among parts of the soul, so social justice consists in this special cooperation among classes of government or state.

Aristotle supports Plato by stressing that humankind is by nature social and active, and that human virtue or excellence should reflect this. The secret to happiness is to live a virtuous life. Like Plato, Aristotle also focused on justice, which consists of two things: distributive and rectificatory justice (Smith 2004:3). Distributive justice involves establishing principles for fairness in the distribution of good among citizens. Corrective justice focuses on setting right or equalising harms for injuries done. As teacher, preacher and reformer, Jesus of Nazareth is without equal. It is remarkable that he remains a figure of towering significance, two millennia since he lived. He used parables to explain the kingdom of heaven. Jesus claimed that this authority came from a spiritual source, from his Father who sent him into this ministry. His message of hope of a new day of mercy and truth attracted people from all classes, even from the poor and the marginalised. He treated everyone as having worth (Palmer 2004: 24-33). Mohammed taught that those who hold property, while entitled to receive profits from the property, are admonished to use it in a righteous, socially beneficial and prudent manner. Muslims view themselves as part of a collective in which the wealthy and the successful have obligations to help the disadvantaged. They also believe that every human endeavour is within the purview of the faith, and this includes political activity because the only purpose of any activity is to do God's will (Lippman 1995:8). Islam stresses the importance of living up to contractual obligations, of keeping one's word and of abstaining from deception.

Thomas Aquinas stressed the importance of the law, which in general is a dictate or rule of reason that commands or forbids (Goldberg 1989:17) in (Maguad and Krone 2009:221). There are three kinds of law: eternal, natural and human. The eternal divine law determines the proper function of all things and directs them to the proper attainment of their proper ends. Tsanoff (1968:256) claimed that a person is ethical only when all life is sacred to him or her, as much as that of plants and animals as that of his fellows, and when he devotes himself helpfully to all life that is in need of help. Greenleaf (1996:299) further taught that a great leader must first serve others. He exists to serve those who have elected him. True leadership emerges from those whose primary motivation is a desire to help others (Spears 1995). Servant leadership transcends self-interest to serve the needs of others, by helping them grow and develop. The best way to see whether servant-leadership is being practised is by observing those who are being served. Do they become healthier, wiser, freer and more likely to become servants themselves (Spears 1995). Perhaps it was Drucker (1985:368) who gave the most concise ethical principle for which leadership is responsible '*primum non nocere*'; in other words servant leaders should inflict no harm. This is a basic rule of professional ethics, the basic rule of ethics of public responsibility (Mafunisa 2000:10). It is the job of managers to scrutinise their deeds, words and behaviour to make sure that they do not knowingly do harm. A full understanding of the above discussion requires an exploration of the word 'ethics'.

2.3 CONTEXTUALISING AND CONCEPTUALISING THE WORD 'ETHICS'

Ethics deals with what is wrong or right, generally and universally, as defined by various institutions for various purposes (Mafunisa 2000:24). To be ethical is to carry out socio-professional acts in a manner defined as acceptable (Mafunisa 2000:25). Andrews (1988:35) defines ethics as standards that guide the behaviour and actions of public officials in public institutions and which may be referred to as moral laws. Olanipekun (2006:186-7) defines ethics as a practical,

normative, philosophical science that studies and evaluates the rights and wrongs of voluntary actions of human beings. Ethics can also be defined as that branch of philosophy dealing with values that relate to human conduct (Gebler 2010:1-2), especially with respect to the rightness or wrongness of specific actions and to the goodness or badness of the motives for and ends of, such actions (Chandler & Plano 1988:17). Rightness refers to what ought to be, or what is acceptable, to a particular society or group in that society (Kirkpatrick 1987:588–589). Chapman (1993:16) argues that ethics is concerned not only with distinguishing right from wrong and good from bad, but also with the commitment to do what is right or acceptable. According to Hosmer (1987), public administration ethics refers to the determination of what is right and just in the decisions and actions that affect members of the public. Thus the concern with ethics in the public service focuses on what is considered the right and just behaviour of public officials. Public officials are expected to act in a proper and “just” manner in performing their official duties. This position is based on the belief that there are “right” and “wrong” ways of acting in a given situation, which, in turn, constitute a society’s moral standards (Mafunisa 2000:79).

This distinction between “ought” and “is” signals the need to distinguish ethical claims from factual ones. It might be a fact that people lie, but that does not falsify the moral principle of honesty. Facts describe and can usually be tested so as to determine their falsity or truthfulness (Popper 2009:6). Ethical claims prescribe rather than describe. They are concerned with how people ought to behave and suggest how social and individual behaviour can be improved. As such, ethical claims are debatable and contestable. In ethical discourse, one encounters conflicts of value, interest or sentiment, as well as choices among principles, decisions and actions. The word “ethics”, like many in one’s language has its origins in ancient Greece. The word *ethos*, meaning “character”, “custom” or “inner character” (Manning & Curtis 1987:6) could be the source of the English word “ethics”. *Ethos* deals with the deeper matters of conscience. Ethics encourages public officials to do what they ought to do at work, whereas *ethos*

requires the individual to do (from within) what is ethical or right in an outstanding way. Ethos requires public officials to go beyond ethics and to possess an internalised drive and willingness to do what is right or ethical (Mafunisa 2000:80). In the public service, this would entail having a positive attitude towards one's duties.

To understand ethics and ethos, Howe (2006:434) argues that one must first understand the difference between compliance (ethics) and commitment (ethos). One can obtain compliance from personnel even if they do not identify with the work they are doing. Compliance is achieved through external forms of compulsion or sanction. Compulsion will often achieve compliance, but compliance seldom results in people giving of their best. Therefore this means in order to comply, public officials will only do as much as they need to in order to achieve specified results. While some improvements in efficiency might result, creativity will not be released in an atmosphere where the public official is complying with an imposed standard or norm. If subordinate public officials were able to elicit in subordinates a sense of identification with their work and their employer, there would be the possibility of unleashing a sense of commitment rather than compliance. Unlike compliance, commitment implies that the public official produces more than that which is expected (Mafunisa 2000:80). The most urgent tasks facing the public service are not only those relating to legislation or administrative law, but also those that involve transforming the compliant workforce into a committed workforce that aims at achieving effective and efficient performance.

In explaining compliance and commitment, it is important to bear in mind that the term "morality" has a connection with this discussion. "Morality" refers to the habits or customary traditions of people (Wassman & Stockhaus 2007:36). The terms "morality" and "ethics" are often used interchangeably. Ethics has a double meaning. It may refer to the study of values and their justification (Yeager 2001:61-80). In this sense, it is often called "moral philosophy". Ethics may also

mean the actual values and rules of conduct by which people live, or, in short, people's morality. The study of ethics includes the study of morality, which generally refers to a particular ethic or to the moral tradition of a given religion or society (Preston 2007:6-13). Nonetheless, the adjectives "moral" and "ethical" may be accurately interchanged. Another important distinction is that between meta-ethics and normative ethics. Normative ethics provide theories which aim to guide conduct and to help in deciding what should be done and how people ought to live. Preston (2007:17-32) argues that moral philosophy has raised questions about why there is a concern about morality at all and about what ought to be done when one refers to ethics. For instance, in what sense can moral judgements be true and false? Are they merely the expression of feelings? These considerations involve looking at the meaning of ethical terms, the nature of ethics and the grounds for pursuing it.

When one gives ethical sanction or endorsement to certain attitudes or actions, the following question can be asked: "On what basis or by what authority or for what reason does a person decide what should be on any list of moral prohibitions or ethical imperatives?" For instance, why should politicians always tell the truth? The answer is that, when they lie to the public, they contribute to the erosion of public trust on which democracy rests. Such an explanation suggests that consequences are the primary consideration in reasoning ethically about this issue. Considering the arguments of Mafunisa (2000:25), Gebler (2010:6), Manning and Curtis (1987:6) and Preston (2007:17-32) in differentiating ethics and ethos and relating it to compliance and morality, it can be deduced that *ethics* has something to do with compliance to a set of ethical principles while *ethos* relates to the commitment in adhering to the ethical principles. Compliance is, therefore, achieved through external forms of compulsion or sanction while commitment includes internal willingness to do some tasks. From what has been argued, thus far, it can be stated that the basic task facing public officials, municipal functionaries as well as councillors is not only to get them to comply with a code of conduct and other official legislation, but also to transform

that compliant work force into a committed leadership and human resources aimed at effective service delivery.

It can further be deduced that *ethos* is applied within a culture and presupposes community, whereas *ethics* operates on the basis of principles (Masiapata 2007:18) and is rooted in systems of thought. The following section will describe and conceptualise the terminology relevant to ethics. Defining these ethical concepts enables the author to identify the rooted means of ethical significance within communities and their leadership.

2.4 CONCEPTUALISATION OF TERMINOLOGY RELEVANT TO ETHICS

In this section concepts of ethics such as values and norms, morality, ethical conduct, ethical dilemma and accountability are explained. These concepts are discussed in order to reach an understanding of the field in which this research is located. Each of these concepts will have to be considered separately before being assimilated into the specific focus that the research topic defines.

2.4.1 Values and norms

There is a widely recognised and rapidly growing body of empirical research on organisational core values for public sector organisations and employees (see, for example, Schmidt & Posner 1986; Kernaghan 1994, 2003; Goss 2003; Vrangbak 2006; Beck Jorgensen 2006; Beck Jorgensen & Bozeman 2007). Values are general standards by which people live, views about what is desirable. Values refer to ethical standards, and entail deep emotional dedication to certain cognitive views of the value of objects normally relating to human activity (Hilliard & Ferreira 2001:93). Individuals' views of public managers within local government have an important influence on the formulation of organisational goals. Values and ethics play a role in determining organisational goals and what the organisation is willing to devote to social

responsibility and the development of employees. Managerial values influence and set the culture of the organisation (Smit & Cronje 2001:103).

Values are enduring beliefs that influence the choices people make from among available means and ends. Clearly, not all values are ethical values, that is, not all values relate to questions of right and wrong, good or evil. It is helpful, therefore, to distinguish ethical values from other types of values. Canada (1996) has classified public service values in various ways. This chapter utilises a three-fold classification in which *ethical* values (for example integrity and fairness) constitute a separate category; the other two categories are *democratic* values (for example impartiality and rule of law), and *professional* values (for example effectiveness and service). This classification provides a basis for taking account of the enduring importance of democratic and ethical values in public administration and of the emergence of new professional values. Accountability, ethical and democratic values and excellence as both ethical and professional value, fall into more than one category of ethical values. A broad classification of public service values that cuts across all other classifications is a division into traditional or 'old' values and 'new' or 'emerging' values. For example, values such as integrity, efficiency, effectiveness, neutrality, responsiveness and accountability have in many countries been traditionally associated with the notion of public service (Gilbert, 1959; Kernaghan, 1978; Kernaghan 2003:712).

As part of the scope of this study, according to Chapter 10 of the *Constitution of the Republic of South Africa 1996* (hereafter referred to as 'the Constitution'), public administration is governed by certain principles and values such as the following:

- A high standard of professional ethics must be promoted.
- Efficient, economic and effective use of resources must be promoted.
- Public administration must be development-oriented.
- Services must be provided impartially, fairly, equitably and without bias.

- People's needs must be responded to, and the public must be encouraged to participate in policymaking.
- Public administration must be accountable.
- Transparency must be fostered by providing the public with timely, accessible and accurate information.
- Sound human resource management and career development practices designed to maximise human potential must be cultivated.
- Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past in order to achieve broad representation.

The above values as stipulated in the Constitution should form the basis of, for example, the decision-making process of municipal functionaries and councillors. A high standard of professional ethics must be maintained at all times.

Values, for municipal functionaries and councillors must be the basis of preferences and decisions. These values provide the standards by which the municipal functionary and councillor lives, and may even give direction and meaning to everything that the public official believes in and undertakes (Hanekom 1989:120).

2.4.2 Morality

Morality in its various forms is a dominant influence on the conduct and evaluation of day-to-day life. The pervasiveness of the moral domain can be detected in every aspect of life. Appeals to rights and responsibilities are found in the discourse occurring in every sphere of social life where moral commitments shape the goals and aspirations that give direction to individuals' lives, and moral judgements are constituent elements in the determination of appropriate courses of action (Killen & Hart 1995:1). The word morality is derived

from the Latin word *mores* and like the Greek work *ethos* refers to customary behaviour (De Beer 1998:292). Morality has to do with personal conduct (Mbatha 2005:38). Morality can therefore refer to human behaviour and to what happens in practice. Morals are described as right or wrong, good or bad human behaviour and therefore have to do with the personal conduct of the individual. Morals refer to habits and behaviour, the correctness or wrongness of actions (Hilliard & Ferreira 2001:93 in Holtzhausen 2007:95).

2.4.3 Ethical conduct

A municipal functionary and councillor needs to comprehend the ethical nature of his or her profession in terms of the promotion of the public good as well as the manner in which he or she fulfils this role. Good governance rests on ethical considerations (Robson 1999:157). Thus, the morality and ethics of the local government rest on the morality and ethics of municipal functionaries and councillors who do not put self-interest first, and who are true to their work and fulfil their duties in accordance with all the necessary resources, as the public has the right to expect. The following aspects comprise acceptable behaviour on the part of municipal functionaries and councillors (Andrews 1988:36-37; Mbatha 2005:45; Holtzhausen 2007:116):

- All dealings must be transparent and open;
- All dealings must be in the public interest;
- There must be no violation of the rights and privileges of individuals;
- There must be strict adherence to all legal prescriptions and regulations;
- Discretionary powers must not be abused;
- No financial resources should be wasted and effective work performance must be maintained at all times;
- The actions of a municipal functionary and councillor may not benefit or injure any individuals; and

- The actions of municipal functionaries and councillors should be such that the effectiveness of local government is absolutely beyond reproach.

2.4.4 Ethical dilemma

Ethical decision-making refers to complex and difficult ethical dilemma situations where people usually perceive it to be very difficult to judge what ethical behaviour is. The second sub-variable, ‘unethical behaviour’, refers to behaviour that most people would reasonably judge to be unethical. Obviously, ‘unethical behaviour’ is a very ambiguous term that leaves much scope for bias (Maesschalck 2004:474). Municipal functionaries and councillors function in accordance with democratic, societal and personal values and ethical dilemmas often come to the fore. Such dilemmas are complex.

Ethical dilemmas exist when municipal functionaries and councillors have to make decisions and choices between alternatives. Baai (1999:371) supports this statement that ethical dilemmas arise where there is conflict between competing obligations or between a sense of duty and self-interest. Kidder (1995:234) is of the opinion that ethical dilemmas are conflicts between right and right, while moral temptations relate to conflicts between right and wrong. Ethical dilemmas are issues such as economic growth versus environmental protection, or discipline versus compassion towards employees. These are conflicts between two or more right values and lie at the heart of ethical decision-making. It is therefore imperative that municipal functionaries and councillors be clear about the content, purpose and basis of their decisions.

2.4.5 Accountability

All governments must provide *inter alia* effective, transparent, accountable and coherent government. Political office bearers and municipal managers in local government should be held accountable for their behaviour, for the reason that they are in the employ of the public (Botes 1994:7). The notion of accountability

has ascribed many and varied forms of interpretations and meaning, most with specific context, to suit the area under consideration (Romzek & Dubnick, 1987; Dwivedi & Jabbra, 1988; Kearns, 1996; Caiden, 1988). Accountability is an important yet elusive concept whose meaning and characteristics differ, depending upon the context, a notion that Kearns (1996) describes as a moving target, a notion that has become a catch-all term referring to everything from cost control to professional ethics. According to Dwivedi and Jabbra (1988), accountability has traditionally been taken to mean answerability for one's action or behaviour, which came to mean that the actions of municipal functionaries and councillors had to be justified, their reasons explained and their deeds and misdeeds accounted for before the court of public opinion. Caiden (1988) further contends that accountability requires that public officials should take responsibility for all that is done in the public's name and be accountable to external bodies and, more so, be held morally and legally liable. The World Bank Institute (no date: on-line) maintains that accountability is one of those terms that has emerged as a universal attribute of good governance. As commonly understood, the word carries a simple meaning: *those with power must answer to those they serve – the people* (Diale, Maserumule & Mello 2007:638). So defined, accountability is a fundamental concept in ethics, rule of law and democracy. This view is further expressed by Behn (2001:6-10) that the accountability environment is a castellation of forces – *legal, political, socio-cultural and economic*, is complex and comprises accountability for finances, fairness, use or abuse of power, and performance.

Accountability cannot exist if responsibility is not included in the discussion. Responsibility, according to Vyas-Doorgapersad and Ababio (2006:391), means the manner in which an individual performs his or her task, the value a person attributes to the task and the manner in which this person attaches value to other people with whom he/she comes into contact in order to perform a task. It is therefore conspicuous in some government officials that this aspect of adding value (respect) is lacking in their everyday functioning and the execution of their

tasks. The responsibility of municipalities depends largely on their capacity and willingness to engage with a specific task since they do not want to be burdened with an unnecessary mandate (McLean 2004:174). In the context of the above discussion, it can be deduced that accountability is an integral part of any government system for all politicians and public officials.

The following section will investigate ethics by looking into the variety of ethical theories. Chapter one, under the problem statement, outlined the problems that municipal functionaries and councillors are faced with namely unethical conduct such as corruption and mismanagement of funds although there is a code of conduct for them to adhere to. The rationale behind this investigation is that ethical theories can offer different approaches to solving dilemmas (McGill 2010:1). These theories each emphasise different aspects of an ethical dilemma and lead to the most ethically correct resolution according to the guidelines within the ethical theory itself.

2.5 ETHICAL THEORIES AND PRINCIPLES IN THE PUBLIC ADMINISTRATION CONTEXT

Ethical theories and principles are the foundations of ethical analysis because they are the viewpoints from which guidance can be obtained along the way to a decision. Each theory emphasises different points such as predicting the outcome and following one's duties in order to reach an ethically correct decision (Ridley 1998; Penslar 1995 in Rainbow 2002:1). However, in order for an ethical theory to be useful, the theory must be directed towards a common set of goals (Rainbow 2002:1). Ethical theories and principles are the common goals that each theory tries to achieve in order to be successful. Three schools of thought include consequentialism, deontology and virtue ethics, which will be discussed next.

2.5.1 Theory of consequentialism

Consequentialist ethics bases decision-making on the best outcome for the largest group and which also results in the least harm (McGill 2010:1). Here the utility principle requires the decision-maker to weigh the possible consequences of his or her actions and to select options that offer the best results for society. Most people agree that the consequences of actions matter morally but some think that only the consequences matter (Mason 2009:19). According to consequentialism, people ought to do what has the best consequences and it doesn't matter if that involves lying, stealing, or even killing an innocent person. Nothing is forbidden for the consequentialist, all that matters is the consequences of what is done. Can this view be right? Perhaps, explaining the two types of consequentialism theory which are: act utilitarianism and rule utilitarianism, will assist. Act utilitarianism adheres to the definition of utilitarianism as an ethical theory that is founded on the ability to predict the consequences of an action (Rainbow 2002:3). To a utilitarian, the choice that yields the greatest benefit to the most people is the choice that is ethically correct. One benefit for this ethical theory is that the utilitarian can compare similar predicted solutions and use a point system to determine which choice is more beneficial for more people. This point system provides a logical and rational argument for each decision and also allows a person to use it in a case by case context (Ridley 1998; Penslar 1995 in Rainbow 2002:2). In acting according to utilitarianism, a municipal functionary or councillor can perform acts that benefit society in terms of delivering services effectively, regardless of personal feelings or the societal constraints such as laws, for example, a code of conduct.

Rule utilitarianism, however, takes into account the law and is concerned with fairness. Therefore added benefits of rule utilitarianism are that it values and includes beneficence at the same time (Penslar 1995:5). Both act and rule utilitarianism contain numerous flaws. Inherent in both are the flaws associated with predicting the future. Although people can use their life experiences to

attempt to predict outcomes, no human being can be certain that his predictions will be true. This uncertainty can lead to unexpected results making the utilitarian look unethical as time passes because his choice did not benefit the people as he had predicted it would.

2.5.2 Theory of deontology

The challenge to consequentialism generally comes from the deontological approach identified in the preceding section. Deontological theory states that people should adhere to their obligations and duties when analysing an ethical dilemma (Rainbow 2002:2). This can mean that a municipal functionary and a councillor have to follow obligations to society because upholding one's duty is what is considered ethically correct (Ridley 1998:6, Penslar 1995). McGill (2010:2) affirms that deontological theory is a duty-based approach, which focuses the individual's ethical decisions on duty to others. The decision-maker uses traditional values such as honesty, fairness and loyalty. This theory is less flexible because it bases actions on established moral imperatives. Choices are more restrictive because of the duty owed to others.

Deontology affirms that duties must be obeyed or rights acknowledged regardless of the consequences hence the term "non-consequentialism" (Rainbow 2002:2). A non-consequentialist ethic enjoins to do the right thing simply because it is intrinsically the right thing – no extrinsic justification is needed as with consequentialism (Preston 2007:40). Although deontology contains positive attributes, it also contains some flaws. One weakness of this theory is that there is no rationale or logical basis for deciding an individual's duties. For example, a municipal councillor as per code of conduct may decide to be on time for his meetings as this is part of his duty. Should the municipal councillor be running late, how should he drive? Does that mean he should speed and then break his obligation to society to uphold the law or is the deontologist supposed to arrive at this meeting late, breaking his obligation to be

on time? This scenario of conflicting obligations does not lead to a clear ethically correct resolution nor does it protect the welfare of others from the deontologist's decision. Since deontology is not based on the context of each situation, it does not provide any guidance when one enters a complex situation in which there are conflicting obligations.

From the theories of consequentialism and deontology the following can be deduced. If municipal functionaries and councillors adopt a system of ethics in order to absolve themselves of moral responsibility, then they are reprehensible on almost every count. It is pointless to throw around charges about which system the public servants should follow. As Smart (1963) notes, it may well be that there is no ethical system which appeals to all people, or even to the same person in different situations. It is undoubtedly the case that consequentialists and deontologists can each be sincere in believing their system to embody goodness and tolerance.

2.5.3 Theory of virtue ethics

The virtue theory judges a person by his character rather than by an action that may deviate from his normal behaviour (Rainbow 2002:4). It takes the person's morals, reputation and motivation into account when rating an unusual and irregular behaviour that is considered ethical. Of the three theories, virtue ethics focuses on the individual's moral stature rather than the morality of the act itself. A moral actor will base his or her decisions on ingrained values rather than consequences or duties (McGill, 2010:2). However, the individual is part of the community and the virtue valued by the community affects the individual's decision-making thought process.

The following example can explain virtue ethics; take for instance, a member of the mayoral committee (MMC) submitting an unedited financial report, and later this is detected by the Mayor. The Mayor, who knows the MMC well, will

understand the councillor's character and will not be able to judge him. If the MMC normally follows the rules and has good standing among his colleagues, the Mayor who encounters the unedited financial report may be able to judge the MMC more leniently. Perhaps the MMC had a late night and simply forgot to edit the report appropriately. Conversely, an MMC who has a reputation for fraud and mismanagement of funds is more likely to be judged harshly for submitting an unedited report because of his past consistent unethical conduct.

One flaw about this theory is that it does not take into consideration a person's change in moral character. For example, an MMC who may have made mistakes in the past may honestly have the same late night story as the MMC in good standing. Neither of these MMCs intentionally submitted an unedited report, but the act was still committed. The MMC who was judged leniently may have a sudden change from moral to immoral character and this may go unnoticed until a significant amount of evidence mounts up against him or her.

2.6 CODES OF ETHICS VERSUS CODES OF CONDUCT IN PUBLIC ADMINISTRATION

The development of a code of ethics can be a tangible sign that an institution is thinking about business ethics and work ethics. Codes of ethics and codes of conduct are found everywhere – in government and the state, within non-governmental organisations (NGOs), in professional associations, and in large conglomerates involved in international business dealings (Wood & Rimmer 2003:181).

One of the main reasons these codes must exist is that they encourage a certain work ethic and encourage politicians and officials within government to behave in an ethical way. According to Brammer and Millington (2005:29-44), attention to ethics in a professional setting guides not only corporate leadership and management on how they should act, but also the entire staff. Even more

importantly, the existence and practice of ethics in a workplace helps to ensure that strong moral principles are retained, even during difficult times and struggles. For many institutions, a code of conduct has become a management discipline, particularly since attention to corporate social responsibility is being required by stakeholders in mission-driven communities. By adopting such a code, this implies that politicians and officials within local government – as the people at the grassroots responsible for delivering services – can be honest. Honesty is one of the core values when one refers to ethical behaviour.

In order to explain this, one has to acknowledge the considerable confusion about the meaning of “code of conduct” and “code of ethics”. According to the National Democratic Institute (NDI), the major difference between codes of conduct and codes of ethics is that the content of codes of conduct is fairly general, while the content of codes of ethics is fairly specific (Stapenhurst & Pelizzo 2004:6). The NDI points out that the objective of codes of conduct is to outline the overall principles of proper conduct. Given their aspirational and general nature, codes of conduct must be accompanied by detailed and specific “codes of ethics”, codes that provide the details necessary to realise the goals set out by codes of conduct. The NDI places great emphasis on the fact that what differentiates a code of conduct from codes of ethics is that the former is general and the latter specific. In fact, it underlines that, unlike codes of ethics that dictate expected behaviour in great detail, codes of conduct are basic documents written in easily understood language that set forth broad goals and objectives that legislators seek to achieve. The content of codes of conduct is general and their nature aspirational, while the content of codes of ethics is specific and their nature prescriptive. For example, South African codes of conduct provide a framework for identifying conduct that is ethical and acceptable for the employee and officials, and the codes of ethics outline that officials and politicians must be aware of the basic values cherished by the national government and the *Constitution of the Republic of South Africa, 1996*.

A different point was made by Brien (1998) in a research paper for the Australian Parliamentary Library (see Stapenhurst & Pelizzo 2004:6). Brien is of the opinion that codes of ethics and codes of conduct are often used interchangeably. There is, however, an important distinction. A code of ethics identifies those ethical principles and values that are regarded as the foundation of an institution – such codes are usually aspirational rather than prescriptive. In contrast to codes of ethics, codes of conduct specify certain rules of behaviour, or standards, with which a person's behaviour must comply. In other words, for the NDI, codes of ethics are prescriptive and codes of conduct are aspirational, while for Brien, codes of conduct are prescriptive and codes of ethics are aspirational.

A possible explanation for this terminological confusion can also be found in the work of Florini (2003: 4-8), who states that institutions create codes of conduct to protect their reputation and that there are two types of codes of conduct. One is aspirational and only states what the institution's ethical standards, objectives and general principles are. This type of code does not require certification that ethical principles are respected and ethical standards are met. The other type of code is prescriptive. Not only is it specific about what constitutes ethical or unethical behaviour, but it also requires certification of whether ethical principles are respected and ethical standards are met. There is, however, a different explanation. According to Bruce (1996:22), there is substantial confusion about the meaning of "codes of conduct" and "codes of ethics". Neither legislators nor the general public understand what a code of ethics really is. Bruce (1996:23) defines ethics codes as legal systems, moral systems, or symbolic means of communicating. It is when codes of ethics include defining components of codes of conduct that the differences between them blur. For example, if codes of ethics contain sanctions for violations of their provisions they are incorrectly labelled and should be called codes of conduct.

Codes of ethics are usually products of professional associations. They serve as a quality assurance statement to society and also provide a set of standards for

appropriate conduct for members of the profession that issues the code. Codes of ethics, challenge employees to identify with shared professional values that describe appropriate actions about acting in the service of the public good (Bruce, 1996:23). The current approach to codes of ethics is one of “confusion”. Because of this confusion, many government entities have passed legislation that they erroneously call codes of ethics. The reason for these ineffective codes is that, often, they are not enforced or implemented. In fact, effective and vigorous enforcement of self-regulatory codes is often considered to be contrary to the primary goals of many government departments in protecting and promoting the interests of their members. It is this absence of enthusiastic enforcement, or, even more seriously, the absence of effective and active enforcement mechanisms that is the major cause of failure.

From the above discussion, it can be deduced that codes of ethics focus on appropriate behaviours and must be responsive to day-to-day conditions. This means that a code of ethics must contain the ethical standard to which an organisation commits itself, both as an organisation and in respect of individuals conditioned by members of that organisation. There are generally accepted characteristics of a successful code of ethics:

- It provides behavioural guidance;
- It is applicable to a variety of occupations within the same profession; and
- It has an effective mechanism to ensure compliance.

On the other side, a code of conduct does not attempt to deal with possible circumstances in which various principles appear. Rather it deals with principles which municipal functionaries and councillors consider warrant specific articulation. Codes of conduct are more concrete and practical than ethics codes for they represent executive orders or legislatively defined and enforceable behavioural standards with sanction for violation. They contain a list of the kinds

of behaviour required in a given set of circumstances and provide direction to those whose conduct they govern. Often called “ethics laws”, they contain minimalistic prohibitions to unquestionably subversive or criminal acts. They are designed to protect the government employee, the client and/or the public.

By this stage it should be apparent that municipal functionaries and councillors are normally expected to be the moral elite of society. If morals continuously decline in the public sector, this unsavoury ethos could filter down and also taint the citizenry. It is a serious matter that municipal functionaries and councillors are seen as the tone-setters of society. The citizen looks to the leaders as the role models, whether such leaders are politicians in the public sector or managers in the private sector. The following session identifies and describes the existing code of conduct for municipal functionaries and councillors in South African local government.

2.7 STATUTORY GUIDELINES AND CODE OF CONDUCT FOR MUNICIPAL FUNCTIONARIES AND COUNCILLORS

The South African public sector functions within various statutory guidelines. The statutory framework is the basis for communicating the bare minimum compulsory standards and principles of behaviour for every public employee and politician (South Africa 1996a:20).

2.7.1 Statutory guidelines

According to Vyas-Doorgapersad and Ababio (2006:393) the following prescribed guidelines apply to ethical governance. These are found in the following sources:

- Fundamental rights which bind all public institutions are listed in Chapter 2 of the Constitution (Van Heerden 2009:46-65).

- Administrative justice includes not only the normative guidelines of public management, but also the guidelines relating to administrative justice as contained in Section 24 of the *Constitution*.
- Legal rules entail that every action of public organisations must be within the limits of enabling regulations and act as binding documents.
- The *Public Service Act 1994* (Proclamation 103 of 1994) sets out rules that govern conduct. These are a reflection of the intention of public officials to serve the public with honesty and integrity.

Laws and regulations could state the fundamental values of the local government and should provide the framework for guidance, exploration, disciplinary action and prosecution. Kuye, Thornhill, Fourie, Brynard, Crous, Mafunisa, Roux, Dijk and Van Rooyen (2002:199) state that codes of conduct and codes of ethics are important for the promotion of public trust and confidence in the ethical performance of municipal functionaries and councillors, reduction of unethical behaviour, creation of awareness of the ethical foundations of Public Administration among serving and aspiring public officials and provision of guidelines on the relationship among fellow public officials, political office bearers and members of the public. Codes of conduct can truly be successful if there are mechanisms in place to enforce these principles, as a code does not in itself guarantee ethical behaviour.

2.7.2 Code of Conduct in South African local government

Chapter 12, Schedule 1 and Schedule 2 of the *Local Government Municipal Systems Act 32 of 2000*, outlines the Code of Conduct for councillors, and this code of conduct applies to every member of a municipal council and municipal functionaries and also *Local Government Municipal Structures Act 117 of 1998*, Schedule 5 outlines the Code of Conduct for municipal councillors.

Ethics and good governance are needed to place the South African local government under greater scrutiny and to induce organisations to become more socially responsible and accountable. In order to obtain social responsibility and accountability, legislators and policy-makers must play a creative role. The creation of a more accountable government includes ways to curb corruption (Holtzhausen 2007: 136). It is not always easy to enforce a code of conduct. It is therefore necessary and prudent to involve employees in developing such an instrument. Rasheed (1995:12-14) states that the ethical debate in African countries has intensified for four basic reasons:

- A growing acceptance that unethical practices have contributed to economic difficulties;
- The stricter adherence of developing countries to specifications by donor agencies of good governance;
- An increase in the incidence of unethical practices and a lack of accountability measures; and
- A wave of political liberation which has led to citizens demanding a more transparent form of government.

A code of conduct should be a starting inquiry into the ethical dilemmas of an organisation. Its aim is therefore to create an environment that is rich in moral and ethical values and behaviour. The following Code of Conduct is part of sections found in Chapter 12, Schedule 1 and 2 of the *Local Government Municipal Systems Act 32 of 2000*, and also *Local Government Municipal Structures Act 117 of 1998*, Schedule 5 and this code of conduct applies to every member of a municipal council. The latter will be discussed.

2.7.2.1 Preamble

Councillors are elected to represent local communities on municipal councils, to ensure that municipalities have structured mechanisms of accountability by local

communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role, councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities, and support the achievement by the municipality of its objectives set out in section 19 of the Act, the following Code of Conduct is established.

2.7.2.2 General conduct of councillors

A councillor must:

- (a) Perform the functions of office in good faith, honestly and in a transparent manner; and
- (b) At all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.

2.7.2.3 Attendance at meetings

A councillor:

- (a) Must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when leave of absence is granted in terms of the applicable law; or
- (b) Is required in terms of this Code to withdraw from the meeting.

2.7.2.4 Disclosure of interests

- (a) A councillor must disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that the councillor or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee, and withdraw from the proceedings of the council or

committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.

- (b) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.
- (c) The above points (a) and (b) do not apply to an interest or benefit which a councillor or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

2.7.2.5 Personal gain

- (a) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor for private gain or to improperly benefit another person except with the prior consent of the municipal council.
- (b) A councillor may not be a party to or beneficiary under a contract for:
 - The provision of goods or services to the municipality; or
 - The performance of any work otherwise than as a councillor for the municipality in order to obtain a financial interest in any business of the municipality; or
 - For a fee or other consideration appear on behalf of any other person before the council or a committee.

If more than one quarter of the councillors object to consent being given to a councillor in terms of item (a), such consent may only be given to the councillor

with the approval of the Member of the Executive Council (MEC) for local government in the province.

2.7.2.6 Declaration of interests

(a) When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following interests held by that councillor:

- Shares and securities in any company;
- Membership of any closed corporation;
- Interest in any trust;
- Directorships;
- Partnerships;
- Other financial interest in any business undertaking;
- Employment and remuneration;
- Interest in property;
- Pension; and
- Subsidies, grants and sponsorships by any organisation.

Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually. Gifts received by a councillor above a prescribed amount must also be declared in accordance with sub-item (a).

(b) The municipal council must determine which of the financial interests must be made public having regard to the need for confidentiality and the public interest for disclosure.

2.7.2.7 Full time councillors

- (a) A councillor who is a full-time councillor may not undertake any other paid work, except with the consent of a municipal council which consent shall not unreasonably be withheld.

2.7.2.8 Unauthorised disclosure of information

- (a) A councillor may not, without the permission of the municipal council or a committee, disclose any privileged or confidential information of the council or committee to any unauthorised person. For the purpose of this item 'privileged' or confidential information includes information:
- Determined by the municipal council or committee to be privileged or confidential;
 - Discussed in closed session by the council or committee;
 - Disclosure of which would violate a person's right to privacy; or
 - Declare to be privileged, confidential or secret in terms of law.
- (b) This item does not derogate from the right of any person access to information in terms of national legislation.

2.7.2.9 Intervention in administration

A councillor may not, except as provided by law:

- (a) Interfere in the management or administration of any department of the municipal council unless mandated by council;
- (b) Give or purport to give any instruction to any employee of the council except when authorised to do so;

- (c) Obstruct or attempt to obstruct the implementation of any decision of the council or a committee by an employee of the council; or
- (d) Encourage and participate in any conduct which would cause or contribute to maladministration in the council.

2.7.2.10 Breaches of Code

- (a) A municipal council may investigate and make a finding on any alleged breach of a provision of this Code, or establish a special committee (s):
 - To investigate and make a finding on any alleged breach of this Code; and
 - To make appropriate recommendations to the council.
- (b) If the council or a special committee finds that a councillor has breached a provision of this Code, the council may-
 - Issue a formal warning to the councillor;
 - Reprimand the councillor;
 - Request the MEC for the local government in the Province to suspend the councillor for a certain period;
 - Fine the councillor; and
 - Request the MEC to remove the councillor from office.
- (c) Any councillor, who has been warned, reprimanded or fined may within 14 days of having been notified of the decision of council appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based. The following must apply:
 - A copy of the appeal must be provided to the council;
 - The council may within 14 days of receipt of the appeal referred to in paragraph (b) make any representation pertaining to the appeal to the MEC for local government in writing;

- The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the council and inform the councillor and the council of the outcome of the appeal;
 - The MEC for local government may appoint a person or a committee to investigate any alleged breach of a provision of this Code and to make a recommendation on whether the councillor should be suspended or removed from office;
 - The *Commissions Act 8 of 1947*, may be applied to an investigation, if the MEC is of the opinion that the councillor has breached a provision of this Code, and if such contravention warrants a suspension or removal from office, the MEC may suspend the councillor for a period and on conditions determined by the MEC or remove the councillor from office.
- (d) Any investigation in terms of this item must be in accordance with the rules of natural justice.

2.7.3 The impact of a code of conduct for local government

A Schwartz and Cragg study (2000) cited by Nitsch, Baetz and Hughes (2005:327-341) found that the implementation and enforcement of a code of conduct is a key factor in determining whether a code is effective.

Firstly, a code of conduct increases the probability that municipal functionaries and councillors will behave in certain ways. This is because it focuses on the character of their actions and partly by focusing on sanctions for violations. In addition, reliance on codes can reduce the sacrifice involved in an ethical act. An example might be the case of a councillor whose family member has asked to apply for a government contract. Without a code it would be a moral choice on his or her part. With a code the civil servant is reminded that it violates expectations for civil servants, it could result in losing a job, and it moves the action from not helping a family member to doing the right thing.

Secondly, a good code of conduct can focus public servants on actions that result in doing the right things for the right reasons (Gilman 2005:60). Ethical behaviour should become a habit and effective codes allow elected officials to test their actions against expected standards. Repeated over time this kind of habit becomes inculcated in the individual and ingrained within the municipality. An excellent example is in contracting or procurement. Municipal processes are often too cumbersome to allow for fairness. If efficiency alone were the standard, contracting officials would be easily tempted to ignore the rules to expedite the process. However, if it is clear that the overriding principle is impartiality in carrying out one's public duties, it is very difficult to justify giving the tender contract to a family member's company on efficiency grounds.

Thirdly, a code of conduct does not take away one's own moral autonomy or absolve the municipal functionary or councillor from the obligation to reason. A code of conduct provides at most a strong *prima facie* reason to act in a certain way. However, these can be overridden by strong, reasoned objection. The expectation is that the norm is not to violate the code and such violations can only be justified because of a higher ethical principle.

Fourthly, a code of conduct can function as a professional statement, that is, it expresses the public service's commitments to a specific set of moral standards. This has both cognitive and emotive value (Wilson, 1993 in Gilman 2005:9). It gives people joining a profession – the civil service - a clear set of values to which they are expected to subscribe. Not all individuals are comfortable working as political councillors and the code of conduct can clarify such expectations.

Apart from the impact a code of conduct may have, local government institutions should also take certain challenges into account. These include:

- Managing discipline in local government, especially in the light of reluctance by senior managers to take disciplinary action against employees who have violated ethical standards.
- Lack of encouragement of employees to blow the whistle on unethical conduct in the workplace.
- Financial risks given far more attention than reputational risks.
- Lack of full disclosure of interests both in Parliament and in the public service.
- Exclusion of local government and many organs of the state from the process.
- Poor integration of ethics management practices as an integral part of all processes within the public service. Country Corruption Assessment Report (South Africa, 2005a:15)

Another main challenge from the above outline on the South African local government Code of Conduct is that the document is used with issues of professional ethics and that is antithetical to the very nature of a profession. One of the properties that defines an institution as a profession is the absence of regulatory legislation, and the reliance by the community upon the profession to regulate itself. Using legislation and codes of conduct to regulate ethical behaviour as opposed to using legislation to constitute a vocation as a profession would tend to de-professionalise the profession (Brien 1998:393). Such a move takes control of the profession away from the profession itself and places it in the hands of civil regulatory authorities and institutions such as courts. Nevertheless, there may be a temptation to put such theoretical niceties aside and promulgate legislation to deal with unethical conduct. For this reason, it is more important to identify more literature review in order to understand codes of conduct and the political culture that the municipal functionaries and councillors find themselves in. The rationale is to understand how political culture can influence conduct in the daily activities of municipal functionaries and councillors. Chapter three will further address the different concepts of ethics such as values and norms, morality, ethical conduct, ethical dilemma and accountability.

2.8 SUMMARY

Municipal functionaries and councillors must realise that they occupy a unique position in society and that the promotion of the general welfare of the community must be their first priority. Their unique position must not be used for the furtherance of their ideas and public officials must adhere to ethics which are seen as a system of moral principles and prescribed by the Code of Conduct for the South African local government. The values and morals by which public officials live as individuals in a community have a direct influence on their position as a municipal functionary or councillor, since it should never be forgotten that the public official is first and foremost an individual member of a particular community. Ethics are essential for sound transparent public administration and when viewed in conjunction with morals, serves as the cornerstone of transparent public administration. The chapter addressed the different concepts of ethics such as values and norms, morality, ethical conduct, ethical dilemma and accountability to give a profound understanding of where this research is located.

Furthermore this chapter investigated ethics theories and has indicated that they are part of the values of the public sector organisation. There have been lessons, though, from the discussions on the differences between consequentialists' and deontologists' theories on ethics. Through the discussions, it became evident that throwing around charges about which theory is truly ethical and perfect; and which one should be followed or should guide municipal functionaries and councillors in making policy decisions is pointless. As Smart (1963) states, it may well be that there is no ethical system which appeals to all people, or even to the same person in different situations. It is undoubtedly the case that consequentialists and deontologists can each be sincere in believing their system embodies goodness and morality. The formulation of the code of conduct for the South African local government indicates the commitment of the South African government towards enhancing ethical conduct. This

measure contains a uniform set of ethical guidelines and applications throughout local government. It is also clear that codes of conduct have been drafted to be as comprehensive as possible, but they do not provide a detailed standard of conduct. This is a great challenge as it poses concerns about the accountability of municipal functionaries and councillors, and about how disciplinary measures for unethical conduct of politicians and officials can be handled.

CHAPTER THREE

CULTURAL ASPECTS THAT ENHANCE ETHICAL CONDUCT IN LOCAL GOVERNMENT

3.1 INTRODUCTION

Chapter two provided an understanding of the concept “ethics” in Public Administration and investigated theories of ‘ethics’, namely, the theory of consequentialism, the theory of deontology and virtue ethics. The three theories were explained by pointing out the different philosophical views and how they can be understood in the context of the moral mind at work when municipal functionaries and councillors make decisions. Chapter two further investigated what the South African local government code of conduct for councillors entails, and how it affects their ethical conduct in the running of their daily duties.

Chapter three introduces the reader to the definition of culture. This definition will be identified by looking at the forces that lead to differences in the South African political culture and identifying how these differences in culture influence conduct in the daily activities of municipal functionaries and councillors. The crux of the chapter lies with the investigation of the aspects of culture which in this thesis are community, tradition, traditional leaders, religion, communication and language. The rationale behind identifying these aspects is to explore the influence and ethical significance they have for and on culture and how they can be used to enhance ethical conduct within public administration. Lastly this chapter will address the promotion of an appropriate local government culture.

The following section will look at the empirical question of what culture is. Only after one has a grasp of the controversial findings about culture in the empirical fields, can one begin to appreciate the delicacy of addressing this host of questions concerning the versatile roles of culture. It is important to consult the latest inventive, findings in cultural anthropology and sociology, seeking to

identify a plausible understanding of the nature and attributes of culture. The author will then explicate the implications of this understanding for clarifying the ethical significance of culture. The need is to identify this inventive understanding of what culture entails in order to assess the claim that the rightness or moral judgements and standards are and should be relative to culture.

3.2 WHAT IS CULTURE?

Culture is a distinctly human means of adapting to circumstances and transmitting this coping skill and knowledge to subsequent generations (Harris, Moran, & Moran 2004:4). Culture gives people a sense of who they are, of belonging, of how they should behave, and of what they should be doing. Culture impacts behaviour, morale and productivity at work, and includes values and patterns that influence attitudes and actions (Harris *et al*, 2004:4). Culture is an inherited body of informal knowledge embodied in traditions, transmitted through social learning in a community, and incorporated in practices (Kottak 1991:17). Accordingly, a moral culture is such a body of morally relevant knowledge. To know culture is to know the informal codes of conduct. To be its member is to belong to those who know the codes and to be known as somebody who knows the codes. Culture is historically produced, globally interconnected, internally contested, and marked with ambiguous boundaries of identity and practice; a culture is often a hybrid, a product of realisation of views and practices (Eriksen 1993:1-12). People create and use culture when they try to adapt to changing social conditions (Haviland, Prins & Walrath 2007:346). Culture is the tool for communication and validation of actions (An-Na'im 1992:276-294). Culture may consist of ancient, local, as well as new and globally portable norms, ideals, perspectives and views (Xiaorong 2006:11).

Williams (1958), a founder of cultural studies, developed an ordinary conception of culture to account for dynamics of expansion and transformation. Williams (1958:6) wrote that ‘a culture has two aspects: the known meaning and directions

which its members are trained to; and the new observation and meanings, which are offered by individuals, by their irreducibly diversified and concrete experiences'. Dominant forces in a society or a group always seek to establish and perpetuate certain sets of values, meanings, and standards such as Christian values which can be promoted as values through social and political systems. Every human being has their own shape, their own purposes, and their own meanings. Every human society expresses these, in institutions, and in arts and learning. The making of a society is the finding of common meanings and directions (William 1958:6). This aspect is the work of collective forces in society in a process of integration and enforcement. Yet individual members seek to apply norms innovatively and modify them while they pursue their own interests, intimately informed by their acculturation and education, but more importantly by their unique experiences. The individual's understanding, interpretations, contestation and innovations grow out of members' and sub-groups' diverse experiences.

This aspect of cultural process inevitably makes the meanings, directives and norms taught and reinforced by social forces, diversify and transform. The development can be viewed as the process of an active debate and amendment under the pressures of experience, contact and discovery (Xiaorong 2006:13). The growing societal culture is there, yet it is also made and remade in every individual mind. Schwartz *et al.* (1992:324) support this notion as they view culture as the product of both social and individual experiences. Borofsky (1994:253) corroborates that the interactive dynamics of social and individuals' contributions to culture exist not only in complex societies, but also in simpler ones.

From the above definitions, culture can then be described as a body of knowledge that is historically inherited and transformed in traditions, practised by a community and carried over to later generations. Having identified a plausible understanding of culture, the following section considers describing the South

African political culture and value system. The rationale behind this discussion is to identify the value system of municipal functionaries and councillors within local government to find a link to what they believe in and see how this influences their moral decisions in their daily duties.

3.3 DEFINING THE SOUTH AFRICAN POLITICAL CULTURE AND VALUE SYSTEM

Political culture is defined by (Jackson and Jackson in Dwivedi & Gow 1999: 47) as the broad patterns of individual values and attitudes toward political objects. Political objects refer to images of power such as government institutions or national symbols. Political culture as a concept refers to the specifically political orientations and attitudes toward the political system and its various parts, and attitudes toward the role of the self in the system (Almond & Verba 1965:12). Central in this definition are attitudes. According to Bluhm (1974:6) the principal components of political culture – that provide a better understanding of attitudes – are values, beliefs and emotional attitudes. Beliefs, according to him, are sets of concepts by which people interpret the world, in other words, what *is*. Values, on the other hand, are the normative aspect of political culture, in other words, what *ought to be*. More importantly, political culture is not a homogeneous whole, but quite often consists of subcultures or discontinuous parts. Almond and Verba (1965:13) identified three types of political cultures, all of which are relevant for South Africa: parochial, subject and participant cultures. A parochial political culture is typical of a traditional environment in which individuals have a dim awareness of a larger political system beyond the immediate local environment.

In a subject culture, on the other hand, individuals are aware of a differentiated political system beyond the traditional environment and display orientations toward the administrative structures of the political system, but do not act as political participants. A participant culture includes a participatory orientation of

individuals. One of the best-known manifestations of a political culture is Almond and Verba's notion of a civic culture that was published in 1963. The two scholars used the British democratisation process as an illustration of their notion. English parliamentarianism combined traditional and modern practices and created a culture of consensus and diversity, rationalism and traditionalism, which is neither traditional nor modern, but both. The United States, on the other hand, is not typical of a civic culture, because it is relatively unimpeded by traditional institutions (Almond & Verba, in Kotze 2000:1). For the purpose of this study, the concept of political culture can be defined as a broadly shared set of ways of thinking about politics and government and political culture which then provides the general psychological environment within which the political system must work (Ranney 1996:62).

This section will investigate a possible correlation between political culture and value systems in South Africa. A central hypothesis of this section is that part of the dilemma of a developing state is the tension between traditional and modern values in addition to the fact that the set of values driving the developmental process can be distinguished as a third category continuously undergoing change. In view of the society's developmental status, the political culture and associated value systems in South Africa should therefore be treated as a composite and diverse phenomenon.

There are four political cultural constructs that can be pinpointed in South Africa (Inglehart 1997:1):

- those associated with national liberation;
- ethno-nationalist values;
- those associated with liberalism; and
- a hybrid of values associated with transformation.

The mentioned political cultural constructs will be discussed as follows:

3.3.1 Nationalism

Nationalism formed the dominant trend amongst the forces ranged against the racial order. Nationalists articulated the grievance and fought for the political rights of racial and sub-racial ethnic groups. Nationalism includes multi-racial nationalism that involved a coalition between leaders of separately identified ethnic groups to facilitate common action against the white minority state. The vision for this group was that South Africa combines its majority rule and a shared state with a notion of special recognition and protection for the rights of ethnic minorities. The classic example of a multi-racial formation was the African National Congress-led Congress Alliance of the 1950s, which brought together separately organized Africans, Indians, Coloureds and Whites and whose Freedom Charter envisaged equal rights for all national groups (Glaser 2001:176).

3.3.2 Charterism

Charterism is the philosophical basis of the African National Congress (ANC), combining social democratic values, cultural pluralism, the international value of non-alignment and, at individual level, trying to balance the values of freedom and equality (Kotze1993).

3.3.3 Africanism

Africanism is mainly associated with the Pan-Africanist Congress (PAC), and with tendencies in the ANC. It espouses values associated with the African socialism of the early 1960s (see Julius Nyerere's *Ujamaa*; Kwame Nkrumah's Consciencism and Jomo Kenyatta's Uhuru), a rehabilitation of the accommodation of diversity rather than charterism, and individually emphasising equality more than freedom and individuality.

3.3.4 African nationalism

This is an older version of Africanism and was articulated by the ANC Youth League's leaders such as Anton Lembede, Oliver Tambo and Nelson Mandela, in the 1940s. It emphasised a liberal notion of nationalism (the 'Africans' claims as a response to the *Atlantic Charter* are examples), *albeit* more radical than preceding nationalisms, but at the same time anti-communist.

The older generation and Africanists still uphold some aspects of African nationalism, emphasising the values of freedom and pluralism, and being the closest to an African liberalism (Inglehart 1995:379; 1997).

3.3.5 Black consciousness

Black consciousness emerged in the 1970s as a major political force under the leadership of Steve Biko. It borrowed intellectually from the Black Power movement in the United States and the Caribbean. Initially, its values were black solidarity, psychological liberation, 'black man, you are on your own', anti-'white' liberalism, and self-realisation. Since 1978, the Azanian People's Organisation (AZAPO) added a Marxist-socialist dimension to the movement. The *socialist value orientation* is extremely diverse, encapsulating Leninist, Trotskyite, neo-Marxist and Euro-communist orientations. The Leninist tradition is arguably the strongest, represented by the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU). This construct of 'colonialism of a special type' combined a colonial dimension with a racial (or national) and class analysis. Due to the implications of 'colonialism of a special type', a two-phase (or stage) revolution is propagated, consisting, firstly, of a national (bourgeois) democracy and, secondly, of a socialist society. The best-known Trotskyite construct of racial capitalism typified apartheid as essentially a capitalist phenomenon, using race as a means of capitalist exploitation. Hence, it excludes a national democracy as a first phase (Inglehart 1997; Glaser 2001).

The second category of value systems are those associated with *ethno-nationalism*— more specifically white and Afrikaner nationalism, and African and tribal nationalisms. Afrikaner nationalism is best known in this category as the ideology underscoring apartheid, but it has assumed other manifestations in recent times. All of them, however, share the values of conservatism, such as:

- A hierarchical notion of authority;
- Authority being ordained on persons by a spiritual force that is the epitome of such a hierarchy;
- Individuality subject to the interests of the group or society;
- Merit and experience as more relevant than potential for employment purposes;
- Culture as a determinant of identity; and
- Identity that is exclusive and ascriptive.

The principle of self-determination, and/or cultural autonomy, is always high on their agenda. This second category can be aligned with a combination of a parochial and a subject political culture. The liberal value system(s) is the most difficult to capture conceptually, because it permeates many dimensions of the present South African society. Biko was scathing about ‘white’ liberalism in the 1970s, while the Liberal Party of Alan Paton and the Black Sash played significant roles in opposing apartheid, at the same time. The main hindrance for liberalism is that it was (and still is) perceived to be closely associated with big business and therefore with white privilege, which is encoded into entrenching the *status quo* and being anti-transformational (meaning also: not promoting the ‘black cause’).

Negative stereotypes are arguably the most daunting obstacle for liberalism to overcome. The liberal values emphasise a minimum state (a small public sector) and therefore privatisation, a free market private sector, more individual freedom

than equality (and therefore critical of affirmative action), individualistic and growth (not developmentally) driven. Opponents of the liberal tradition call it neo-liberal or Thatcherite, which gives it a conservative slant. The former Democratic Party (DP) has been closely associated with these values, which approximate the post-materialist value category of Inglehart, except for the fact that insecurity is not completely absent. It is also characteristic of a predominantly participant political culture.

The final category is *transformational values*. The changes since 1990 have created a new class in the society that is neither national liberational nor liberal. South African politicians who were in exile are acculturated and educated in Western, Central European or other African cultural values. They are very articulate on the values of redress and empowerment, leading to notions of black economic empowerment, employment equity, Africanisation and the transformation of the public sector. The result is an emerging black or African middle class, imbued by middle-class or postmodernist values, and ideologically moving increasingly closer to liberalism and away from socialism or a social democracy.

For the ANC government, the enormous challenge is to create a balancing act by either trying to accommodate various value systems and interests, or to opt for only one of them. The ANC as liberation movement is often described as a 'church', allowing everyone to join it and therefore encapsulating a wide range of interests. Its main argument in refusing to convert to a conventional political party after its unbanning in 1990 was exactly to avoid a more concise definition and focus of its interests (ANC 1991:2-5). The ANC's natural inclination is therefore to create a balancing act, but the demands of government mostly do not allow this (Kotzé 2000:6). The inception of democracy in South Africa required that all people of the nation be integrated into a single society. This implies that people brought with them their individual, cultural and normative values into the integrative process (Harriparsad, 2005:1). Variations of the South African political culture share a number of common values; most importantly, the value of

redress of historically evolved imbalances in employment, economic power and the public service. However, a study conducted by Marshall, Timothy, Holp and Ludwig (1996:51-57) came to the conclusion that there was no detectable relationship between political culture and a value system. A central hypothesis of this section is that part of the dilemma of a developing state is the tension between traditional and modern values in addition to the fact that the set of values driving the developmental process can be distinguished as a third category continuously undergoing change. In view of the society's developmental status, the political culture and associated value systems in South Africa should therefore be treated as a composite and diverse phenomenon.

The following section is a critical analysis of the aspects of culture, and will be scrutinized by identifying the attributes and nature of culture. Having identified South African political culture and value systems, it is important to look at the host of questions concerning the ethical guidance of culture or its lack thereof. These include: whether and how culture can provide the explanation and justification for moral actions and judgements, and whether an embeddedness of persons in cultural tradition or community entails the impossibility of personal autonomy in moral decision-making. This investigation is important, as one might identify whether morality must be relative to culture, how to make sense of the right to culture and to what extent tolerance of cultural pluralism is plausible.

3.4 ETHICAL SIGNIFICANCE OF CULTURE FOR TRADITION

If two municipal councillors hold different judgements about what is the right action or not in a specific situation, to what extent can one say with plausibility that their judgements can be explained by their different cultural traditions? To seek an explanation, one would seek to identify a cultural tradition as the cause of the moral agents' judgements. Does cultural tradition have a strong or weak significance in ethics? This working concept 'culture' understands cultural tradition broadly as the embodiment of informal knowledge that is the subject of reflection, reinterpretation, renovation, and contests in a historical discourse

(Eriksen 1993:1-12). Tradition consists of rules or principles, customs, symbols, language, rituals, habits and practices (Xiaorong 2006:20). This notion of tradition emphasises that members of the community revise and recreate the embodiment of informal knowledge, though inherited from with the past, as they acquire new experiences under changing conditions of life. Tradition thus, according to Xiaorong (2006), contains clashing views and diverse perspectives. However, members of the same tradition, who are taught the same principles and rules, who lived under similar circumstances, through roughly the same historical events such as apartheid, war, recession or prosperity, do not always agree about the validity or applicability of these principles and rules. Consequently, it is insufficient to invoke cultural tradition to justify enforcing any practice, as in the claim ‘it is in our tradition’ (Appiah 2004:2).

Arguably, from the above discussion virtue ethicists argue for the primacy of shaping character rather than building institutions. In virtue ethics, a rival of deontological and consequentialist approaches in moral philosophy, it seems to be generally accepted that a benevolent person, someone who has cultivated the virtuous character trait of benevolence in a moral or cultural tradition, would seem more likely to act benevolently than those who have not cultivated this trait. This view suggests that cultivated dispositions, products of social learning in a cultural tradition, are ethically significant in that they provide a causal explanation for the acts of judgements of the cultivated persons.

3.5 ETHICAL SIGNIFICANCE OF CULTURE FOR COMMUNITY

This section examines the ethical significance of culture for community. A culture for a community is a social context with paradoxical features, where a body of informal knowledge is transmitted and incorporated into practice (Xiaorong 2006:47). The understanding of cultural community has important implications for assessing certain communitarian contentions, particularly, the claims that communally embedded persons act out of and must act in accordance with the

goals and commitments traditionally accepted and practised in their communities. A person's judgement or actions can be traced to their community-defined duties, loyalties and purpose. This implies that a person's judgements or actions can be explained with a cause-effect certainty, meaning that knowing the norms accepted in a community, one can identify the cause of a member's acts and judgements. Meanwhile, according to people who subscribe to a normative claim, these acts and judgements must be evaluated against such norms. Members' judgments or actions cannot be meaningfully validated by norms found in their own communities; they are likely to be considered right according to some norms, but wrong according to others. Because of the interpretation among communities and the diversity within a community, the insistence that member's moral decisions must be traced to and validated by norms accepted or available within the community becomes invalid. Guided by such a prescription, one has no direction as to which of the competing and changing norms must be referred to in assisting member's judgement and actions (Bell 1993; Bell 1995:38-43).

This preliminary observation leaves doubts about the kind of normative ethical significance that communitarians attribute to cultural community. Consequently, a person's moral judgements and decisions to act are incompletely defined and under-determined by their membership in a traditional cultural community. To invoke a cultural community sensibly in explaining members' moral judgements or actions, one must recognise and assess the nature of varying relationships members have developed with that community. This account of embeddedness in community corroborates the view that moral decisions are shaped in an important way by situational factors created by basic political structures and government policies. It is therefore essential to design and reform institutions to ensure that they contribute to shaping desirable moral judgements and behaviours.

3.6 THE INFLUENCE OF TRADITIONAL LEADERS IN THE LIMPOPO PROVINCE ON ETHICAL CONDUCT

Traditional leadership has been the basis of local government in most of Africa throughout history. In pre-colonial Africa, African societies were ruled by kings supported by a hierarchy of chiefs and councillors or advisors, who were either their close relatives or selected from their communities (Rugege 2003:171). These traditional leaders served as political, military, spiritual and cultural leaders and were regarded as custodians of the values of society. They looked after the welfare of their people by providing them with land for agriculture to meet their subsistence needs. Traditional leaders were responsible for the defence of their people and for keeping order in the community. They resolved disputes, with the emphasis on reconciliation, and thus ensured harmony among neighbours. They inspired unity in their people. Pre-colonial African societies are reputed to have had a kind of participatory democracy. Through general assemblies of adult men known among other terms as '*kgotla, pitso, imbizo or meeting*', the community participated in decision-making on important matters affecting the community. It is important to note that even in pre-colonial times not all traditional leaders were benevolent, generous and caring towards their people. Some were autocratic and oppressive (Ntsebeza 1999:3). However, if people were dissatisfied with their leader they could desert him for another, arrange for his death or overthrow him through civil war. It can be said that in much of pre-colonial Africa traditional leaders ruled largely with the consent of their people.

Current statutory powers and functions of traditional leaders, chiefs and headmen in South Africa, show that they still have power. Chapter 12 of the *Constitution of the Republic of South Africa, 1996* recognises traditional leaders and envisages a role for them in local government. Traditional leaders sit on the council of a municipality and participate in deliberations. They have rights to vote on any decision of the council and are eligible for election to office in a municipal government. While there are variations in traditional governance in the different

provinces, Limpopo provides one example of these traditional structures. They include Traditional, Community and Regional Authorities, the Provincial House of Traditional Leaders and the National House of Traditional Leaders. The latter will be explained as follows:

- Traditional authorities consist of the chief of an area and a number of councillors or advisors depending on the geographical size of that area. Their powers and functions involve administering the affairs of the clan or community; rendering assistance and guidance to its chief with regard to his/her functions and advising and assisting national and provincial governments, a municipal government or any regional authority having jurisdiction over that area with regard to material, moral and social well-being of persons residing in that area, including improvement of land within that area.
- Community authorities consist of the residents of that area, which can be intermingled clans or communities not affiliated to any clan.
- A regional authority, for example Capricorn Local House of Traditional Leaders in Polokwane, consists of ten (10) elected senior traditional leaders. This committee pro-actively investigates, advises and promotes the ideals of traditional communities in the Limpopo Province on matters pertaining to customary law, customs and traditions, socio-economic needs and culture, through efficient leadership and the engagement of the relevant stakeholders.
- The Limpopo House of Traditional Leaders participates in national and provincial initiatives. Their functions include monitoring, reviewing and evaluating government programmes in rural areas (*Limpopo Houses of Traditional Leaders Act 5 of 2005*). They also make comments on traditional and customary law on inheritance, family and marriage, tribal courts and trials, traditional communities and customs and traditions. They promote the role of traditional leadership within the democratic constitutional system;

enhance unity and understanding among traditional communities; and enhance cooperation between Council and various Houses with a view to addressing matters of common interest. They do that by encouraging that respect of all stakeholders must be recognised; and by encouraging peace negotiations.

3.7 THE INFLUENCE OF RELIGION ON ETHICAL SYSTEMS

The influence of religion in enhancing effective ethical systems such as codes of conduct in local government will be identified and discussed in the paragraphs that follow.

3.7.1 African traditional religion and ethical systems

To the adherents of African traditional religions it is the ancestors, elders and priests who are the daily guardians or police of human actions. Social regulations of a moral nature are directed towards the immediate contact between individuals and between man and the ancestral spirits. The list of social regulations includes: do not kill another human being; do not steal public property; do not show disrespect to people of higher status; do not backbite; do not tell lies and do not despise or laugh at cripples. In positive language, the list includes terms like: be kind; help those who cry to you for help; respect elders; keep justice; behave in a humble way towards those senior to you; and follow the customs and traditions of your community (Mbiti 1989:209; Mafunisa 2000:253).

The Pedi and Vhavenda, the majority of whom live in Limpopo Province, are adherents of African traditional religions and for them a lack of respect towards one's superiors at home, in the community or at work implies a lack of respect for the ancestors (Mafunisa 2000). If one does not respect them during one's lifetime, one will not respect them after death. A person who does not respect his or her parents is not fit to join them after his or her death. Of all the forms of

respect expected of a person that due to the ancestors is regarded as the greatest of them all. The ancestral spirits cause the supernatural sanctions, which are brought into operation by an act of sin. In a normal action to prevent or remedy the supernatural sanctions, there exists the possibility of forgiveness of sins (Monnig 1983:65).

Some adherents of this religion argue that African traditional religions promote a negative influence by abiding by the ethical systems in place. Adherents of African traditional religion classify people into two categories, *viz* subjects or servants and members of the royal family. In appointing candidates for local government or a department in the public service and promoting serving public officials to higher graded posts, preference is given to members of the royal family regardless of their skills and educational qualifications. The reason for this is that they are regarded as gods who, after their death, will punish the department or municipality as territorial spirits or ancestors. However, this can contribute to local government ineffectiveness and inefficiency. The preference given to the royal family in appointment or promotion is encouraged by a Venda idiom: *Mahosi ha vhuswi nga vhalanda* ('Traditional leaders must not be ruled by their subjects'). Other adherents to this religion argue that originally the authorities of traditional religion were not dictators. Colonizers manipulated traditional authorities in order to cause divisions among community structures (Mafunisa 1998:58). This they did to discredit African traditional religions.

3.7.2 Christianity and ethical systems

Paul (in 1 Corinthians 12:20-22) states that the body of a human being is composed of many parts. These parts include foot, hand, ear and eye. All those parts of the body, which seem feebler, are also important. According to Paul, no part is more important than other parts. Likewise, for the promotion of efficiency and effectiveness in local government, all municipal functionaries and councillors need to be treated as equals. Municipal functionaries and councillors need to be

informed that no one is more important than another; any punishment relating to unethical conduct shall be meted out equally among municipal functionaries and members of the council. The following are Christian moral values that could serve as guidelines to be followed by Christian municipal functionaries and councillors: loving one's neighbour and enemies (Romans 13:9); being content with one's wages (Luke 3:14); and respecting and obeying one's manager (Ephesians 6:6 and Romans 13:7). Deciding what is right or acceptable for one's neighbour is not always an easy task. Nevertheless the Christian culture offers a general rule to guide Christians in determining their responsibilities to their neighbours. They are expected to do unto others as they would have them do unto them (Matthew 7:12). The golden rule calls for public officials to possess a sense of empathy that is, the municipal functionary or councillor, as a service provider needs to put himself/herself in the position of the client and have empathy with them.

Being content with one's wages is a biblical control measure in that the municipal functionary and councillor who is satisfied with his or her salary would not steal the municipality's money or any assets and would not accept outside employment during his or her tenure in local government without permission. Chapter 12 of the *Local Municipal Systems Act 32 of 2000*, where a code of conduct is outlined, supports this notion by enforcing that a municipal functionary and a councillor should declare and disclose any interest outside local government. Should the interest be irrelevant to local government's business, permission can be granted.

3.7.3 Islam and ethical systems

Matters that refer to the rightness or wrongness and acceptableness or unacceptableness of a particular thought or action in Islam are determined by the divine guidelines contained in the Quran (Sharafeldin 1987:25). God says in the Quran: 'O ye who believe! Obey God and obey the Apostle, and those charged

with authority among you'. Islam expects the Islamic municipal functionaries to obey managers not only by virtue of legal and administrative rules, but because it is the divine requirement. At the same time, Islam protects the freedom of work so long as it is in line with the general Islamic spirit and does not infringe on Islamic law, public service values, or individual rights. Islam urges Muslims who are healthy and capable to work hard and not to depend on charity organisations, individuals or state security systems. Chapter two of this thesis identified three theories of ethics, among them the theory of deontology. Explaining Islam and discussing the theory of deontology, it can be deduced that Islamists are deontologists, for they work because it is their duty to do so.

3.7.4 Hinduism

Hinduism has to do more with the nature and the behaviour of human beings than with their beliefs. What counts to all Hindus who accept the Hindu system of values is conduct rather than beliefs (Sen 1961:25). Social observance can be either socially acceptable or spiritually acceptable rules of behaviour. According to Vedalankar (1985:135) a Hindu is unable to control his or her organs of sense and will not be able to renounce self-interest and egoism. When a Hindu forsakes his or her personal interests and dedicates himself/herself to the communal interest, according to Mafunisa (1998:50), this will not cause the community suffering but will in fact promote peace and happiness. Hinduism can contribute to the development of an effective ethical system within local government by encouraging others to embrace active involvement in public administration activities, to do services for members of the public and to approach or serve God through hard work.

From the above discussion on different kinds of religions, it can be deduced that there is a strong spiritual reality to people's lives. Some may, however, argue that a connection between morality, ethics and God is unnecessary to make sense of life. Others contend that religious faith and spirituality are the foundations of

ethical decision-making. Despite the philosophical differences of different religions, the central message of every religious doctrine is to create the feeling among people that the existence and happenings of the universe are the result of the desire of a conscious and creative universal force. Owing to this realisation, man has been asked to differentiate between right and wrong or good and bad (Asad, 1986:1-21; Noor 2008:71).

3.8 THE INFLUENCE OF COMMUNICATION AND LANGUAGE ON ETHICAL SYSTEMS

Everyday language that is made use of is not purely a way to communicate, but also a fundamental determinant of how people understand the world they live in (Brown 1995:12). Hellriegel, Jackson, Slocum, Staude, Amos, Klopper, Louw & Oosthuizen (2004:359) define language from a cultural perspective, as a shared system of vocal sounds, written signs, as well as gestures that are used to convey special meanings among people. Language reflects the nature and values of society, although there are many sub-cultural languages such as dialects, which may have to be accounted for. Language can cause communication problems – particularly in the use of media or written material. It is best to learn the language or engage someone who understands it well. This will be explained in what follows.

3.8.1 South African spoken languages

The constitutional language in South Africa can be regarded as a statement of the “mission” which the South African government has set itself in order to give expression to its visions and values, and the tasks it wants to perform in the language management of the country. The constitutional language stipulations (section 6, 9 & 29-35) are as follows:

- (1) The official languages of the Republic of South Africa are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- (2) Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.
- (3)
 - (a) The national government and provincial governments may use any particular official language for the purposes of government, taking into account usage, practicality, expense, regional circumstances, and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages.
 - (b) Municipalities must take into account the language usage and preferences of their residents.
- (4) The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably.
- (5) A Pan South African Language Board established by national legislation must:
 - (a) Promote, and create conditions for, the development and use of:
 - (i) All official languages;
 - (ii) The Khoi, Nama and San languages;
 - (iii) Sign language; and
 - (b) Promote and ensure respect for all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telugu, Urdu and Arabic, Hebrew, Sanskrit and other languages used for religious purposes. As is clear from these stipulations, eleven languages can be used for official functions in South Africa. The Constitution prescribes parity of esteem and equitable treatment for all eleven official languages, includes linguistic human rights as a

cornerstone of public life, prohibits discrimination, commits the government to the promotion of all non-official languages commonly used by communities (including sign language, religious languages, and the country's first languages – Khoi, Nama and San), and gives explicit recognition to the principle of linguistic diversity. Together, these constitutional stipulations express a philosophy of political pluralism.

3.8.2 Language as an economic resource to enhance ethical significance

Viewing language as an economic resource underlines the importance to the nation of conserving and developing its linguistic resources. According to Ricento (2005:363) language as resource orientation is connected to particular dominant socio-political agendas, namely national security, trade and law enforcement. He further asserts that these agendas presupposed benefit to the nation as a whole, yet most nations are not neutral with regard to the interest of all languages or groups.

The South African view on language as a resource is embraced by the government and is instituted in the National Language Policy Framework. However, the orientation does not accord with the perception of ethno-linguistic groups of South Africa. Black people in South Africa assume that business is indissolubly linked to the English language (Phaalha 2010:53).

This is perhaps an unwitting dichotomizing of the English language that has circumscribed the viable roles and domains for other languages as sub-national, ethnic, primordial and secondary to other languages which have tended to undermine the efficacy and scope of the language as resource orientation (Phaalha 2010:54).

If languages function in particular ways in particular communities, they are in fact resources and should be recognised as such by those communities. The value

of a language and its community of speakers depend on its projected relative value in a particular sector of economic activity, rather than on the locally determined interests of the communities themselves.

3.8.3 The language political situation

The main South African languages are deeply embedded in the political history of the country (Webb 2000a:8). Colonialism and apartheid have meant that all of the languages have acquired socio-political meanings, with English currently highly prestigious, Afrikaans generally stigmatised, and the African languages with little economic or educational value. In fact, the African languages are said to be viewed by many of their own speakers as symbols of being “uneducated, traditional, rural, culturally backward people with lower mental powers”, and as languages which are “sub-standard” and less capable of carrying serious thought. Though the African languages, as well as Afrikaans, are numerically “major” languages, they are “minority languages” in language political terms. In terms of power and prestige, English is the major language of the country, with Afrikaans lower on the power hierarchy, and the African languages effectively marginalized. This means that the South African languages are engaged in asymmetric power relations, with English and the African languages at opposite sides of the equation. This also means that English can be used for discrimination and manipulation, and may even already have become a vehicle for the struggle for power between the different socio-economic groups.

Such a language in political situations is clearly a serious obstacle to achieving the type of world envisaged by South Africa’s national ideals and Constitution, and needs to be radically transformed. In order to begin doing so, however, it is essential that far more information on the South African languages, in particular the African languages, be collected systematically through language audits on issues such as the incidence of language shift and attrition, language attitudes, the linguistic needs of the different communities, ethno linguistic awareness in

indigenous communities, cultural diversity in the country and the country's eco-linguistic realities, including the interrelationship between the languages of the country and communities; social and cultural character, and the demographic, economic, political and educational realities (Webb 2002a:8-9). The multilingual approach is said to emphasize the fact that when a person's experience of language in its cultural context expands, from the language of the home to that of society at large and then to the languages of other peoples whether learnt at school, university or by direct experience, he or she does not keep these languages and cultures in strictly separated mental compartments, but rather builds up a communicative competence to which all knowledge and experience of language contributes and in which languages interrelate and interact (Council of Europe 2001:4).

3.8.4 Language-related problems in local government

The language related problems in local government are non-linguistic by nature but are problems in which language plays a causal role. Examples of language related problems in South African local government can be identified as follows:

- The educational underdevelopment of many South Africans; which is a direct consequence of apartheid education (Webb & Kembo-Sure 2000; Webb 2002b).
- Non-competitive performance in the workplace, with low productivity and inefficient work performance, and generally unfair economic conditions, in particular poverty, the skewed distribution of wealth, and restricted occupational opportunities, which are all partly due to inadequate educational development, which in turn is a consequence of the language factor in formal education and training.
- Inadequate political participation – partly due to the fact that the main language of political discourse is English, and the continuance of linguistic discrimination and inter-group conflict.

- Cultural alienation and the possible threat to the country's rich diversity, through an ethno-linguistic shift and cultural assimilation to the Western world.

3.9 PROMOTING AN APPROPRIATE LOCAL GOVERNMENT CULTURE

The unethical conduct witnessed in local government that is committed by municipal functionaries and councillors lies in the difficulty of reaching a moral consensus in the 21st century. On the one hand this is due to a lack of understanding of different cultures and ethical paradigms. Workplace diversity does not only refer to cultural differences or the number of diverse individuals entering the workplace, it also includes other differences such as race, gender, parental status, age, language and geographical origin (Chang 1996:7-8). People from different educational, religious, political, economic and socio-cultural environments are appointed and elected into municipalities. The behaviour, attitudes, beliefs, prejudices and personal value preferences of these people are shaped by the environments from which they come. The result is that not all candidates immediately fit in with the new democratic, non-racial and non-sexist municipalities which require particular behaviour and attitudes that are in line with the basic principles of public administration (Mafunisa 2000:85).

Culture and diversity impact on an institution in several ways. For example, if not managed properly, this can hinder productivity, create conflicts, lead to communication gaps and result in unfair hiring or promotional preferences. However, diversity is also beneficial to municipalities. For example, capitalising on workplace diversity can help the municipality to gain a competitive advantage, that is a group of homogenous people can certainly come up with ways to do things cheaper, faster or better and the odds are that a well-managed group of diverse individuals will be able to look at proposed policies from all angles. In addition, diverse individuals will be able to add different inputs such as a stronger flow of creativity, more ideas and a greater number of innovations. Capitalising

on workplace diversity means learning how to accept differences and work well with one another, which increases employee satisfaction and morale (Chang in Mafunisa 2001:336).

The aim of orientation and training is to help new employees make a smooth positive adjustment to the workplace. To do this the municipal manager will need a well-planned and executed orientation programme that will communicate how diversity ties into an institution's overall vision and goals. When dealing with the diverse backgrounds of members of the training groups, it is important to consider not only differences in communication but also differences in learning styles due to cultural issues. This statement can be supported by identifying cultural relativism as one of the theories of ethics and culture. In the cultural relativism theory each person's culture is the standard by which the person's actions are to be measured (Wilkens 1995). The municipal functionary or councillor who relates to this theory will view cultural differences as positive and enriching and therefore it is important that local government spend time to enlighten municipal managers and municipal mayors on the different cultural perspectives in order to foster an understanding of one another's culture.

The municipal manager plays an important role in promoting ethics. Where a municipal functionary and a councillor are involved in unethical conduct, the remedy lies in the requirements of the *Constitution of the Republic of South Africa, 1996* and the Code of Conduct as provided in Schedule 2 in the *Local Government Municipal Systems Act 32 of 2000*. The municipal manager plays a major role in enforcing the Code of Conduct the objective of which is to promote professionalism. The municipal manager, as an employee of a municipal council owes a duty of loyalty to the councillors and to the code of conduct of his or her profession. Loyalty is one of the moral attributes of the municipal manager. It involves loyalty to the democratic ideals, which at times may conflict with the logic of professional expertise.

For this purpose, various indicators have been established with the objective to improve management efforts in establishing a culture of integrity. Some of these are:

- Imposing sanctions for deviance from ethical norms and principles;
- Rewarding exemplary behaviour;
- Promoting a culture where employees can openly discuss ethical conduct in the organisation without the fear of retribution; and
- Ensuring the promotion and appointment of municipal functionaries and councillors committed to the cause of integrity (Webb 2009:12).

In addition to promoting an appropriate local government culture, municipal functionaries and councillors need to appreciate cultural differences in ways that are respectful of others and not damaging.

3.10 SUMMARY

The most important point to be drawn from this chapter is identifying the influence of political culture, religion and language on ethical systems at local government. This chapter identified the forces that lead to differences in South African political culture and identified how these differences can influence conduct in the daily activities of municipal functionaries and councillors. The chapter then identified the definition of culture as a body of knowledge that is historically inherited and transformed in traditions, practised by a community and carried through to generations. This was explained to form an understanding of how culture has an ethical significance for community and tradition particularly when municipal functionaries and councillors make decisions. Furthermore the chapter investigated the influence of religion and language on ethical systems. It has been identified that language and religion have huge ethical significance for the daily conduct of municipal functionaries and councillors. For language purposes it has been identified that English can be inadequate in terms of

political participation; partly due to the fact that the main language of political discourse is English, and the continuance of linguistic discrimination and inter-group conflict can be embarrassing at times. The chapter then explored the promotion of an appropriate local government culture that must be identified in order for the municipal manager and the mayor to understand the diversity of the local government and to make better decisions.

CHAPTER FOUR

MECHANISMS THAT ENHANCE ETHICAL CONDUCT IN SOUTH AFRICA

4.1 INTRODUCTION

The divergent nature of the South African society which is depicted in local government and the influence of different cultures, values and norms and religion, emphasise the importance of the development of a uniform set of ethical guidelines that must be applicable throughout the entire public sector spectrum against which the action and behaviour of municipal functionaries and councillors can be measured. The analysis of concepts such as culture, among others in Chapter three, has shown that they are widely accepted as critical elements to ensure that municipal functionaries and councillors promote the general welfare of the public (Lues & Bester 2007:94). This study is examining the theoretical terrain of ethics in public administration and management and posits that, whereas there exists a Code of Conduct that regulates the conduct of municipal functionaries and councillors at local government sphere, the realisation of ethics in practice is rather unethical and illusive. It is for this reason that there is a need to intensify implementation of ethical guidelines for municipal functionaries and councillors. The fiduciary, management and operational and accountability framework are further upheld through the implementation of a Code of Conduct for local government officials and councillors. Theoretically, the framework should be scientifically accountable and practically feasible in implementation (Vyas-Doorgapersad & Ababio 2010:411).

Chapter four will focus on mechanisms that direct public officials and politicians' ethical conduct in South Africa. The statutory and regulatory framework that directs ethical conduct will be outlined in this regard. This chapter will further investigate ethics infrastructure to explain the importance of leadership from top management being an example of ethical conduct. Furthermore, the appointment of an ethics officer and the use of whistle blowing as a system to report unethical conduct will also be explained. The chapter will then explain the importance of a

reward system for ethical conduct and performance in local government. An explanation on auditing of ethical performance will also be evaluated. The chapter will also outline the importance of ethics training and education in the public sector; where the focus will be on the differences between ethics training and ethics education. Such a distinction is made to highlight the importance of local government performing and undertaking to improve their ethical conduct and to implement an ethical framework for social and economic development at the grass-roots level. Lastly this chapter will outline the institutional mechanisms that can be used to combat unethical conduct in South Africa.

4.2 STATUTORY AND REGULATORY FRAMEWORK THAT DIRECTS PUBLIC OFFICIALS' AND POLITICIANS' ETHICAL CONDUCT IN SOUTH AFRICA

Although there are many legislative directives in place to promote ethical behaviour and quality of service delivery by the municipal functionaries and councillors in South Africa, this does not necessarily guarantee a corruption-free local government. It is however, essential to provide an overview of the most important legislative directives in order to show that these directives could indeed serve as supporting mechanisms for developing and sustaining a high level of ethical behaviour in public service institutions and local government. The following is a summary of selective statutory and regulatory measures introduced to uphold ethical conduct by public service officials and politicians.

4.2.1 The Constitution of the Republic of South Africa, 1996

The *Constitution of the Republic of South Africa, 1996* envisages that the actions of public officials be in line with the values and principles in public administration and be upheld by all public personnel in the provisioning of services to society (South Africa, 1996). The Constitution is the highest norm and can be identified as the foundation of service delivery in the South African Public Service (Constitution 1996: Section 2). In practice, this indicates that all laws, actions

and institutions exercising governmental power are subject to the Constitution. In terms of the Constitution, the general functions of the government in the three spheres have been assigned to separate branches known as the legislative, the executive and the judicial authorities (Constitution 1996: Sections 43, 85 & 165). Public administration must be governed by the democratic values and principles enshrined in the Constitution. These principles in particular enhance ethical conduct of public officials and politicians in South Africa and include the following:

- A high standard of professional ethics must be promoted and maintained.
- Efficient, economic and effective use of resources must be promoted.
- Public administration must be development-oriented.
- Services must be provided impartially, fairly, equitably and without bias.
- People's needs must be responded to, and the public must be encouraged to participate in policy-making.
- Public administration must be accountable.
- Transparency must be fostered by providing the public with timely, accessible and accurate information.
- Good human-resource management and career-development practices, to maximize human potential, must be cultivated.
- Public administration must be broadly representative of the South African people with employment and personnel management practices based on ability objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation.

4.2.2 The Public Service Act 103 of 1994

The Public Service Act promotes high standards of ethical behaviour and further stipulates procedures to be followed when dealing with ineffective and inefficient officials. Auriaccombe (2005:221) states that the *Public Service Act* must be considered the most important of all legal provisions relevant to the behaviour of

public officials. Section 20 of the Act deals with misconduct and is a prime example of the efforts to limit corruption and maladministration by means of legislation (Cameron & Stone 1995:79) in Holtzhausen (2007:72). Section 21 of the Act deals with misconduct on the part of public officials and the following is a list of the misdemeanours for which the municipal functionary and councillor can be prosecuted in accordance with section 21:

- Contravening or failing to comply with any provision of this Act;
- Negligence or indolence in the carrying out of his or her duties;
- Undertaking, without the permission of a relevant executing authority, any private agency or private work in any matter connected with the performance of his or her official function or the carrying out of his or her duties;
- Making use of his or her position in the public service to promote or to prejudice the interest of any political party;
- Attempting to secure intervention from political or outside sources in relation to his or her position and conditions of service in the public sector, unless this occurs in an endeavour to have any grievance redressed through Parliament or a provincial legislature;
- Misappropriating or making improper use of any property of the State under circumstances not amounting to an offence;
- Committing an offence; and
- Disclosing other than in carrying out his or her official duties, information obtained by or conveyed to him or her through his or her employment in the public service, or using that information for any purpose other than for carrying out his or her duties, whether or not he or she discloses that information, without first obtaining the permission of his or her head of department.

4.2.3 The Public Audit Act 25 of 2004

The aim of the *Audit Act* is to allow the Office of the Auditor-General to function independently from government administration. Article 46 of the *Act* prohibits any employer or employee to be active in party politics which could compromise the independence of the Office of the Auditor-General. This does not include attendance of a public gathering in one's personal and private capacity. Article 41 states that no official employed in the Office of the Auditor-General is entitled to unauthorised payment and that such payments must be deducted from his or her salary. The money can also be retrieved from the institution where it was deposited (Du Plessis, 1993:244).

4.2.4 The Public Finance Management Act 1 of 1999

The *Public Finance Management Act (PFMA)*, the *Municipal Financial Management Act 56 of 2003 (MFMA)*, the *Treasury Regulations* for departments, constitutional institutions and trading entities, the *Provincial Tax Regulations Act, 2001* and the *Financial Management System* require designated officials to disclose their financial interests so that there should be no financial misunderstanding in their dealings with private matters. This financial legislation also addresses ethical behaviour in financial matters in general for the public service. Section 2 of *PFMA* aims to secure transparency and accountability in order to promote the sound management of expenditure, revenue, liabilities and assets. Financial management should therefore be excellent in order to prevent corrupt activities.

4.2.5 Code of Conduct

The above code of conduct refers to the *Code of Conduct* (Chapter 2 of the Public Service Regulations, 2001), the *Executive Members Ethics Act* and the *Code of Ethics 2000*, codes of conduct in provincial legislatures and the *Code of*

Conduct for Municipalities, Schedule 1 and 2 of the *Local Government Municipal Systems Act 32 of 2000* and also Schedule 5 of the *Local Government Municipal Structures Act 117 of 1998*. The Institute for Democracy in South Africa initiated research on government ethics in the Post-Apartheid South Africa in 2003. The report focuses on the requirements that designated officials disclose their financial interests annually to respective implementing agencies. In order to give practical effect to the relevant constitutional provisions relating to the public service stated above, all employees are expected to comply with the *Code of Conduct*.

The need exists to provide direction to employees with regard to their relationship with the legislature, and political and executive office-bearers, other employees and the public and to indicate the spirit in which employees should perform their duties, what should be done to avoid conflicts of interests and what is expected of them in terms of their personal conduct in public and private life. Although the *Code of Conduct* was drafted to be as comprehensive as possible, it is not an exhaustive set of rules regulating standards of conduct. However, heads of department, by virtue of their responsibility in terms of section 7(3) (b) of the *Executive Ethics Members Act* for the efficient management and administration of their departments and the maintenance of discipline, have, a duty to ensure *inter alia* that the conduct of their employees conforms to the basic values and principles governing public administration and the norms and standards prescribed by the Act. Heads of departments should also ensure that their staff is acquainted with these measures, and that they accept and abide by them.

4.2.5.1 *Necessity for a Code of Conduct*

A Code of Conduct fulfils a primary function in the fight against corruption and unethical behaviour on the part of public officials and political office-bearers and should be regarded as being among the most important measures to combat corruption. A code of conduct is an ideal measure to use to control and minimise

indiscretion and corrupt behaviour and can also serve as an aid to government in its legitimacy (Clapper 1996: 23). Viewed from a South African perspective, especially in light of the new constitutional dispensation and the elimination of corruption in South Africa, “an ethical code of conduct will be of particular value since stability will not be dependent merely on a majority government. Diverse values may be fused in a common value system against groupings, can be measured, can serve as a type of watchdog to once again call parties and groupings to order and accountability, will make a contribution to the openness of the public service and the reconciliation of different standards”. A code of conduct has to define what constitutes decent behaviour or integrity in the public service and it must be accepted as a sensible guide to good behaviour by the vast majority of officials (Williams 1985:62). However, it is also important that should a code of conduct be imposed; it should not just be seen as something produced on paper. Officials must view it as a condition of employment in order to work effectively and to ensure that everyone follows the stipulated guidelines (Williams (1985:63) in Bauer (2002:181).

4.2.5.2 *The effectiveness of a code of conduct*

Unless public officials and politicians are informed about what constitutes corruption or maladministration, a campaign to combat corruption and maladministration will be unsuccessful. Furthermore, it is no use if a code of conduct exists but no training programmes regarding the contents and practical workings of the code are presented to the public official. It is thus crucial that a code of conduct be drawn up against which public officials and politicians can measure their actions enforced through relevant training programmes. It is essential that ethical training be provided to all relevant role players so that unethical behaviour on their part can be eliminated or at least, minimised.

A code of conduct should act as a guideline to employees as to what is expected of them from an ethical point of view, both in their individual conduct and in their

relationship with others. Compliance with a code can be expected to enhance professionalism and help to ensure confidence in the public service.

4.2.6 The Protected Disclosures Act 26 of 2000

This *Act* will be discussed in detail when the whistle blower, as one of the systems that can be used to enhance ethical conduct, is discussed in section 4.5.2 of this chapter.

4.2.7 Prevention and Combating of Corruption Activities Act 12 of 2004

The *Prevention and Combating of Corruption Activities Act* was recently promulgated as a framework to promote ethical conduct and facilitate service delivery. This Act focuses on measures to prevent and combat corruption and corrupt activities efficiently and effectively in order to enhance ethical conduct of municipal functionaries and councillors at local government. Furthermore this Act provides for investigative measures in respect of corruption and related corrupt activities, and 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 (South Africa 2004).

4.2.8 Intergovernmental Relations Framework Act 13 of 2005

The *Intergovernmental Relations Framework Act* provides for mechanisms to facilitate the settlements of intergovernmental disputes and to provide for matters connected therewith and furthermore directly focuses on greater effectiveness in terms of co-ordination in the implementation of policy and legislation, including the effective provision of service (South Africa 2005b:12). Because South Africa has always been highly conscious of differences between individuals, it is unlikely that legislation and current initiatives will suffice to enforce ethical behaviour among councillors and municipal functionaries. The new dispensation

demands much pioneering and a dynamic move towards change by municipal functionaries and councillors. This chapter aims to demonstrate that, besides legal instructions, the nature and influence of human behaviour through leadership commitment (Cunningham 2007:38) is important in ethical behaviour.

4.3 ENHANCING LEADERSHIP IN LOCAL GOVERNMENT TO INFLUENCE ETHICAL CONDUCT OF MUNICIPAL FUNCTIONARIES AND COUNCILLORS

The importance of an ethical institution has been emphasised in Chapter 1 of this study (see section 1.4). The role played by municipal functionaries and councillors in local government for establishing an ethical organisation is critical to its success. Changed and improved ethical conduct of municipal functionaries and councillors cannot be achieved without using leadership that will assist in establishing an ethical local government. Trevino and Nelson (1995:202) believe that leadership is critical in creating, establishing and maintaining an ethical organisation. Therefore ethical behaviour to establish an ethical environment will begin with the leaders within the organisation (Emiliani 2000:261). Brown, Trevino and Harrison (2005:6) define ethical leadership as the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct to followers through two-way communication, reinforcement and decision-making. Landman and Punt (2006:11) state that ethical leadership is characterised by setting high standards and communicating these standards loudly and repeatedly in public and private institutions, acting when someone violates the standards, funding and supporting ethics initiatives and also holding people accountable for ethical and unethical conduct. People in management positions are not necessarily ethical leaders demonstrating ethical leadership. The principles of managing the ethical conduct of municipal functionaries and councillors include transparency of decision-making; interaction with the private sector; the leadership role of managers;

employment conditions; management policies and practice; disciplinary actions and accountability mechanisms (OECD 1998:3-4).

The literature supporting leadership and effective leadership in particular, as the most important factor related to institutional success or failure, is ever increasing (Lowe *et al.* 1996:385). Muchinsky (2000) states that the success of an institution, or of any group within an institution, depends largely on the quality of its leadership. Therefore, leadership is often related to the extraordinary effort of people, whether referring to team effectiveness (Burke, Stagl, Klein, Goodwin, Salas & Halpin 2006:288) or individual effort (McColl-Kennedy & Anderson 2002:555). During the past three decades, the behaviours that distinguish outstanding leadership have been substantiated by various theoretical and empirical studies (Bass & Avolio 1993:49-80; House & Shamir 1993:81-107). While some researchers focus mainly on the leader's individual traits, value system, morality and authenticity (Avolio & Gardner 2005:334; Sosik 2005:221), others prefer to focus on leadership behaviours and styles, such as task-versus-people orientation (Kellet, Humphrey & Sleeth 2006:146), transformational and transactional leadership, visionary leadership, charismatic leadership, servant-leadership behaviour and public leadership (Benami & Flynn 2006:216). The author will focus on public leadership, as it relates to the study in question particularly because the variable used is local government. The way public leadership is exercised is likely to create a good culture for service delivery and enhance accountability. According to Matshabapala (2008:10) individuals and teams, through their behaviour, can transform their work places into institutions of integrity. He further maintains that there has to be a continual sensitivity and understanding of the needs of the members of the public, as this can assist in the improvement of the organisational culture and service delivery. The concept of public leadership further entails a concern with how well things are going in the public institution and the integrity and standing of the municipal functionaries and councillors in the eyes of the public. There has to be a respect for the values and

way of life of members of the public. Municipal functionaries and councillors have to be the face and guardians of the local government.

According to Deloitte and Touche (2007:1), public leaders in public organisations play a pivotal role in setting the climate, whether ethical or unethical. From research conducted by Kelly 1989 in Llyod and Mel (2010:2) and reported by Gottlieb and Sanzgiri (1996:1278), 75% of 8000 respondents agreed that the organisation's leader plays the most significant role in establishing ethical standards for the organisation. Gottlieb and Sanzgiri (1996:1278) suggest that the leader should contribute to and drive the formulation of the ethical policy, communicate the ethical code of conduct and lead by example with regard to ethical management. Leadership is the ability to persuade others to seek enthusiasm in order to perform better and become an effective team member who contributes to the overall objectives of an organisation. The municipal manager has a vital role in developing morale and creating enthusiasm in local government and administration. Heads of departments themselves also need leadership from the municipal manager. They need to be guided in the right direction and have their efforts focused. The municipal manager must have a clear and strong sense of vision, mission and focus. The art of leadership consists of concentrating the attention of subordinates on a pre-determined mission.

The municipal manager as a leader must have the following moral attributes: sound judgement, endurance and tactfulness. Sound judgement implies that the municipal manager must have the ability to muster all influences, macro and micro, all the varied restraints and checks on leadership and to come to rational conclusions. It also implies designing an effective administrative system for a municipality. Endurance means that he or she must be able to endure and survive. Leadership requires the municipal manager to move forward despite setbacks. He or she must have the ability to avoid the mistakes of the past and setbacks and not be governed by fear of them. Tactfulness means that the

municipal manager must have a keen sense of timing and an eye for an opportunity; the ability to take decisions at the right time and act swiftly when required (Shea 1990:34, 36&37).

When acting as a leader, the municipal manager should act as a positive behaviour model. The municipal manager should do this through the socialisation process, which is the formation of character and conscience (Selznick 1992:125; Mafunisa 2001:334). The work of the municipal manager may seem overwhelming at times, especially when he or she has to deal with unethical conduct by municipal functionaries and councillors in disciplinary hearings. For this reason, it is ideal for the municipality to appoint or create a position for an ethics officer. The following section will discuss this.

4.4 APPOINTMENT OF AN ETHICS OFFICER

An ethics officer plays a pivotal role in driving the ethical environment within the organisation. According to DiPiazza (2001:717) an ethics officer needs to identify ethical issues and mobilise resources and persons around these issues. Allowing people to talk about ethical issues via meetings on the organisation's intranet, for instance, can achieve this. DiPiazza (2001:717) believes that the position of an ethics officer should be independent of management and of the business operations. However, the incumbent should possess an understanding of the local government sphere. The ethics officer should not be seen as a member of the management team, but as an individual who is positioned across the municipality and who reports to the executive committee of the municipality. Appointing an ethics officer is one of the effective indications that an organisation is committed to ethical conduct in its business operations. This appointment formalises the organisation's commitment to ethical practices and conduct. However, it is critical that the ethics officer has a clear and measurable mandate within which to operate (Lloyd & May 2010:3). Linked to the appointment of an ethics officer would be the installation of a centralised hotline where municipal

functionaries can obtain advice on ethical matters and lodge ethical complaints. When requesting advice or information on an unethical action, the individual can be advised to remain anonymous. According to Elliston 1982 in Holtzhausen (2007:173) anonymity should be seen as neutral, as the middle ground between privacy and secrecy, and that the whistle blowing process creates the paradigm of bad ways of revealing something where the person involved cannot defend him/herself, which could disrupt the solidarity of the group. However, the seriousness of the incident might be harmful to the group. This dichotomy could force the individual to make a moral judgement. Local government can benefit from appointing an ethics officer because organisations rely on employees to report misconduct which act is known as whistle blowing. This will be discussed in the following section.

4.5 WHISTLE BLOWING AS A SYSTEM FOR REPORTING UNETHICAL CONDUCT

The concept of ‘whistle blowing’ evokes connotations of someone piercingly blowing a whistle, as referees would do on a sports ground to indicate ‘illegal’ sporting tactics or undertakings that go beyond that which is defined as acceptable (Barker & Dawood 2004:127). Whistle blowing can also be seen as a distinct form of dissent, particularly where issues of public health, safety, fraud or abuse of office are involved (Johnson 2003:3-4). Calland (2004:2) describes whistle blowing as reporting on basic issues which lie at the heart of human activity. It covers loyalty and the question of dubious practices. It concerns communication and silence. It is about practising what one preaches and about leadership. It focuses on responsibility toward others and the accountability of those in charge. It is where public and private interests meet. In general whistle blowing involves calling attention to wrongful acts, usually in order to stay away from harm (Camerer 1999:1 in Holtzhausen 2007:163).

The following factors play a role in the whistle-blowing process (Near & Miceli, 1985: 1-16; Miceli, et al. 1992:271-295; Near & Miceli, 1996:507-527):

- **Individual characteristics** such as moral development/behaviour (including moral judgement, religious and social responsibility, etc.), personality variables (such as low self-esteem, field dependence, intolerance of ambiguity, etc.), demographics (such as age, education, gender, etc.) and job situation (pay, job performance, supervisory status, professional status, job satisfaction, organisational/job commitment, to name a few);
- **Situational conditions** that can be divided into wrongdoing characteristics (such as quality of evidence, type of wrongdoing, wrongdoer's low social status, seriousness, etc.) and organisational characteristics (such as policies, group size, bureaucracy, organisational culture and climate, incentives for whistle blowing, high performing organisations etc);
- **Power relations** and the amount of power that individuals or units have in the organisation; and
- **Other factors** such as loyalty, issues of conformity, social and/or financial support and membership of professional groups.

Based on the above, Near and Miceli (1996:513) propose three competing theoretical perspectives for taking the step of whistle blowing: the whistle blower's moral development; and loyalty; and the situational variables and their potential interaction effecting personal variables. According to them, whistle blowing should be viewed theoretically as a dynamic relationship between several social actors: the whistle blower(s), the wrongdoer(s), the complaint recipient(s), co-workers, the immediate supervisor and the dominant coalition or top management team of the organization, which are influenced by the interactions among them.

In order to understand whistle-blowing in the organisation, it is discussed in terms of how to deal with it in the organisational context, anonymity, steps in the

whistle-blowing process, responses to whistle blowing and the effects of whistle blowing on the organisation.

4.5.1 Dealing with whistle blowing in local government

For local governments to act fairly, they have to be given the chance to deal with wrongdoing or consider whether it is in fact wrongdoing. This means that the organisation must be informed timeously about it to enable it to act proactively. In order to act proactively, it is essential that the municipalities have a whistle-blowing strategy in place, which should ideally include the following (Borrie & Dehn 2003:46; King 1997:433):

- Appropriate and accessible internal channels to report wrongdoing - this could include channels such as complaints, grievance and disciplinary procedures; and
- Alternative channels such as the people who are implicated in the matter of concern for example if the organisation suffers from systemic maladministration, mismanagement or corruption, it might be dangerous to raise concerns through internal channels.

In practice, a person might opt for a third option, the option to remain silent, especially if he or she realises that his or her facts could be mistaken or that there might be an innocent explanation, especially if the superiors are aware of it and remain silent. A person might also consider his or her private interests before taking action. It is clear that a paradigm shift in the local government culture is crucial. This paradigm shift should be away from external restrictions (when wrongdoing is belatedly dealt with) to tougher internal control with preventative management systems to curb deviant behaviour.

4.5.2 Anonymity and whistle blowing

In most organisations, there is a culture of aversion towards the perception of seeing the whistle blower as a *sneak, informer, rat and squealer* (Camerer, 1996:2) or a *troublemaker*. Based on this perception, people tend to bend the rules on misconduct, leaving it to others to deal with it, or to contact a regulator anonymously. Whether anonymity should be guaranteed or not, a valid question is: does the public have the right to know the whistle blower's identity, or does he or she have the right to withhold it?

According to Elliston (1982:170), anonymity is neutral, the middle ground between secrecy and privacy, and blowing the whistle creates the paradigm of bad manners or snitching behind a person's back where they cannot defend themselves, which may disrupt group cohesion and threaten group solidarity. On the other hand, the seriousness of the incidents might harm the group, which forces the individual to make a moral judgment, which could be appraised in various ways and to various extents. In most cases, anonymity is encouraged, and should not be prohibited.

4.5.3 Steps in the whistle blowing-process

Whistle blowing can be encouraged in the organization if the right process is in place and people are encouraged to report through the relevant channels. A key component of this process is fairness rather than confidentiality. In order to treat it fairly, it is important to have the following definite steps in place to ensure that the disclosure causes the least damage (Near & Miceli 1985:1-16; Camerer 1996:46; King 1997:131; Near & Miceli 1996:509):

- **Step 1: Reduce opportunities to commit illegal or unethical conduct**

Effective screening of new employees is crucial and no opportunities should exist to motivate illegal or unethical conduct. In addition, regular reinforcement and motivation to do the right thing and to avoid wrongdoing through the dynamic enforcement of ethical codes should be part of the organisational policies.

- **Step 2: Establish whether the activity observed is actually wrongful**

An activity will be wrong if it is illegal, illegitimate or unethical and the decision to report the activity should be determined by factors such as the seriousness of the act, whether reporting it will be efficacious, whether no alternative actions can be taken and whether the whistle blower's personal situation does not influence the decision (for example financial and emotional support, costs and individual characteristics).

- **Step 3: Use internal mechanisms in the organisation to raise concerns**

Internal reporting mechanisms or critical information systems at the most appropriate level where the misconduct can be addressed should be in place to ensure employees do not use other more damaging channels such as an external regulator or the media. Miceli and Near (1992:14) indicated in their research that employees in organisations with clearly defined channels for the reporting of wrongdoing will use them, regardless of whether the wrongdoer is a friend.

- **Step 4: Use organisational procedures/policies**

This could minimise damage and disruptions in order to correct the situation locally and rapidly. Once the whistle has been blown, the organisation should respond or take action, even if there is a dispute as to the legitimacy of the

activity. The organisation may decide to ignore the whistle blower or take steps to silence him or her, which might be legitimate, based on the organisational policies or dominant coalition beliefs. According to Camerer (1996:46), the danger is that ‘open door’ policies run by a corrupt management might work against whistle blowers and serve to identify the ‘trouble makers’ to be ejected.

- **Step 5: External whistle blowing**

External whistle blowing is justifiable only as a last resort if internal channels have been exhausted or are unavailable or unusable or when organizational procedures/policies are not in place. Whistle blowers may use this channel if they think the case will be treated as more credible and that it will attract more attention and ensure corrective actions. Former Public Service and Administration Minister Geraldine Fraser-Moleketi indicated that for a whistle-blowing mechanism to be effective, there must be effective protection of the identity of the whistle-blower and there must be an effective follow-up of all *bona fide* disclosures (*Mail & Guardian*, 2003:1).

4.5.4 Responses to whistle blowers

Whether the whistle has been blown through the available internal channels or as a last resort to a regulatory body or the media, the whistle blower will experience negative (being seen as a wrongdoer) or positive (being seen as a do-gooder) responses to his or her action, depending on the culture of the organisation (Camerer, 1996:47). Camerer (1996:42) identifies the following responses that might be expected:

- Degradation ceremonies that punish and alienate resisters and protesters occur when the whistle blower suffers at the hands of colleagues who feel betrayed;

- Superiors may punish whistle blowers by questioning their judgment and competence, terminating their employment or blacklisting them from other positions;
- Ceremonies or status evaluation may occur that reinforce the whistle blower's conviction that he or she is acting in the right way;
- Managers might spend time and money covering it up rather than admitting that there are problems or accepting that something is wrong; and
- Whistle-blowers may be made the scapegoats by punishing the messenger which means that they suffer grievously for their efforts and might fear retaliation.

4.5.5 Effects of whistle blowing on the local government's image

The effects of whistle blowing on the image of local government can be positive or negative. Apart from the effect of whistle blowing on the authority structure and functioning of the municipality, which may disrupt member relations (Miceli, *et al.*, 1992:271; Jensen 1987:133), various arguments may be posed that whistle blowing can have a negative effect on the organizational image. The institution can be exposed, often without being aware of it, and may suddenly face widespread media coverage (mostly negative) and public objection. Whistle blowing can also benefit the organization, especially if problems can be brought to the attention of top management, which may alter these actions and avoid public disapproval, costly court cases, infringement of legislation and other negative outcomes.

According to Bromley (1998:150), whistle blowers play a crucial role in organization regulatory unit relationships – providing otherwise unattainable information, enhancing the regulatory unit's claims to defense of public interest and detracting from any organizational claims of extreme or biased regulatory activity.

4.5.6 Whistle blowers' protection in the South African public service

The *Protected Disclosures Act 26 of 2000* (or more informally 'The Whistleblowers Act') makes abundantly clear the South African government's commitment to freedom of speech and its intention to create a climate of transparency in both the public and private spheres. It also makes extensive provision for procedures to enable and assist employees in making protected disclosures on the unlawful or irregular conduct of employers or employees, without the fear of victimization or reprisal. It is imperative that the disclosure be true and made in good faith. Section 1 of the *Protected Disclosures Act* defines 'disclosure' as quoted below:

- (i) Any disclosure of information regarding any conduct of an employer, or an employee of that employer, made by any employee who has reason to believe that the information concerned shows or tends to show one or more of the following:
 - (a) That a criminal offence has been committed is being committed or is likely to be committed;
 - (b) That a person has failed is failing or is likely to fail to comply with any legal obligation to which that person is subject;
 - (c) That a miscarriage of justice has occurred is occurring or is likely to occur;
 - (d) That the health or safety of an individual has been is being or is likely to be endangered;
 - (e) That the environment has been is being or is likely to be damaged;
 - (f) Unfair discrimination as contemplated in the *Promotion of Equality and Prevention of Unfair Discrimination Act*; or
 - (g) That any matter referred to in Paragraphs (a) to (f) has been, is being or is likely to be deliberately concealed'.

The procedures enshrined in the *Protected Disclosures Act* are of paramount importance in that they offer the potential whistle blower protection from

occupational detriment (Camerer, 2000:3). The Act prevents the employer from subjecting an employee to occupational detriment upon having made a protected disclosure and it brings an end to escalating instances of retaliation to whistle blowing. However, the employee who makes the disclosure is protected only if he or she acts in accordance with the procedure provided for in the Act. ‘Occupational detriment’ in relation to the working environment of an employee is defined in subsection (vi) of the Protected Disclosures Act as follows:

- (a) Being subjected to any disciplinary action;
- (b) Being dismissed, suspended, demoted, harassed or intimidated;
- (c) Being transferred against his or her will;
- (d) Being refused transfer or promotion;
- (e) Being subjected to a term or condition of employment or retirement which is altered or kept altered to his or her disadvantage;
- (f) Being refused a reference or being provided with an adverse reference, from his or her employer;
- (g) Being denied appointment to any employment, profession or office;
- (h) Being threatened with any of the actions referred to in paragraphs (a) to (g) above; or
- (i) Being otherwise adversely affected in respect of his or her employment, profession or office, including employment opportunities and work security.

The Act indicates preferred routes for reporting or raising concerns. Each of the prescribed routes has requirements, which become more onerous as the Act progresses from a disclosure made to a legal adviser to ultimately a disclosure made as a general protected disclosure. According to Sections 5-9 of the Act, in order for a disclosure to be protected, it is imperative that the disclosure be made to a legal practitioner, an employer, a member of the Cabinet or the Executive Council, that is, a prescribed person or body.

The protection of whistle blowers is emphasized in the objectives of the *Protected Disclosures Act* which are to:

- (a) Protect an employee, whether in the private or public sector, from being subjected to an occupational detriment on account of having made a protected disclosure;
- (b) Provide for certain remedies in connection with any occupational detriment suffered on account of having made a protected disclosure;
- (c) Disclose information regarding improprieties by his or her employer.

It is evident from the above discussion that if whistle blowers are protected, they too could contribute effectively to enhancing ethical conduct by reporting wrong doing. The following section supports whistle blowing in that it suggests that a municipal manager and the executive committee of a municipality should reward systems on ethical conduct because these systems, if properly run and managed, can improve performance, hence loyalty and professionalism.

4.6 REWARD SYSTEMS ON ETHICAL CONDUCT AND PERFORMANCE

An organisation's reward system is a critical component of the ethical organisation and it contributes to the alignment or misalignment of systems (Trevino & Nelson 1995:207). An ethics-focused reward system is a formal reward system that will promote measurement and reward the ethical behaviour of municipal functionaries and councillors (Lindsay, Lindsay & Irvine 1996:394). In order to comprehend the ethical conduct of municipal functionaries and councillors in local government, it is important to investigate the behaviours that are rewarded and punished. It is important that top management ensures that the concern with the financial bottom line does not conflict with the ethical goals of the local government. According to Kreitner and Kinicki (2001:93), reward systems in local government are important as they provide guidance about what behaviour is expected and also reflect what is valued in public institutions.

Therefore it is critical that local government reward the ‘correct’ behaviour. An ethical organisation can only be created and sustained by establishing a reward system for municipal functionaries and councillors who contribute to the organisation’s ethical objectives. This is an important stage in the ethics management process to ensure that local government ethics performance is measured and evaluated.

4.6.1 Performance measurement framework for local government

The need for performance improvement and measurement in local government was realised from the beginning of the democratic era, and mechanisms to deal with it were put into place. *Firstly*, a performance vision was codified through the enactment of the *Constitution of the Republic of South Africa, 1996* (s195), and the various supportive policies and legislation (Msengana-Ndlela, 2004:1).

Secondly a number of policies were introduced, namely, the *White Paper on Reconstruction and Development* (RDP) (1994: s5.7) which visualised an introduction of a performance measurement system, and the *White Paper on Transforming Public Service Delivery* (WPTPSD) (1997: s1.1.2), which requires that service standards to which government departments will be held accountable be set.

These were followed by the *Public Service Regulations* (1999) and the *Performance Management and Development Framework* (DPSA, 2001) both of which require the creation of a link between individuals and agreed to performance outputs while the *Public Finance Management Act, 1999* PFMA (1999) deals with the organisational part of performance from a finance perspective.

4.6.2 Role of National Treasury in performance measurement

The regulation of performance in the public service is *ad hoc* and mostly dealt with through financially driven Treasury Regulations and requirements. The National Treasury's Medium Term Expenditure Framework emphasises, as part of the budgetary process, the establishment of measurable performance goals to which actual results can be compared (National Treasury, 2001). This review mirror approach, however, is unable to ensure timeous correction of whatever performance related problems the system might have. Municipalities, through the *Local Government Municipal Systems Act 32 of 2000*, took performance measurement a step further by making it mandatory for municipalities to introduce performance measurement as part of the Integrated Development Plan (IDP). However, these measures have not been translated into improved delivery. The reasons behind this are that not only do municipalities deliver services to community members but they are promulgated by law to do so. It is their mandate to follow through and act on delivery of services.

4.6.3 Performance measurement as an instrument of management accountability

Management is being accountable and able to achieve the required or expected performance. While measurement of this is much clearer in private organisations, public accountability forces public organisations to be more accountable, than their private counterparts, because of a lack of in-built profit incentive. According to Bouckaert (1992: 15-46) the role of management is concerned with how performance standards are set and whether the way they are set leads to commitment within the management process. The importance of having a performance management system lies in its ability to ensure that there is organisational alignment of effort from the vision and mission, including policy and strategy, to organisational and individual performance. Performance management and measurement as a management function, means setting goals,

defining strategies and programmes and achieving those goals and establishing systems to evaluate progress. This conceptual simplicity is one of the greatest strengths of performance measurement and management systems. To account for all dealings of the municipality is an important factor in enhancing ethical conduct.

4.6.4 Leadership, performance measurement and incentives

Performance measurement is likely to have consequences for the salary and incentive payment structures resulting from the achievement of positive results. Incentives result from a prior agreement on what the agreed-to exchange will entail. This exchange or transaction, which requires management, involves an incentive for the delivery of an agreed-to level of performance.

The transactional leadership approach is based on the exchange theory according to which a minimum positive level, where reward becomes greater than the cost of an outcome, must exist in order for attraction or affiliation to take place (Luthans 1981: 320). While the kind of deliberations taking place within a group that has different views on an issue seem simple, it is in actual sense a complex exchange and bargaining process. Gardner (1995:41) in support, views leadership as a transaction between the leader, the followers and the goal or dream. The reward system and performance measurement can be successful if an audit of ethical performance takes place.

4.7 AUDITING OF ETHICAL PERFORMANCE

Auditing entails developing an audit plan which includes determining the audit objectives, scope, timing and resource allocations (Plant 2008:22). During the planning stage the internal audit function, hereafter referred to as the ethics audit team, should identify the organisation's ethics strategy or mode of managing morality. The organisation's ethics strategy and related objectives will have a

direct influence on the ethics audit team's audit approach. The ethics audit team will be inclined to follow for example, a compliance-based audit approach for an organisation in the compliance mode, but it is imperative that an integrated approach is followed to assess organisational ethics. Furthermore, the ethics audit team should determine the ethical risks attached to the ethics strategy of the organisation. A proper risk evaluation or risk assessment should be conducted to identify all the events that will have an impact on the achievement of the organisation's ethical objectives. The ethics audit team should also consider the adequacy and the effectiveness of the organisation's ethics management framework compared to a relevant framework. In addition, the ethics audit team should consider the opportunities for making significant improvements to the organisation's ethics management framework by identifying the ethics interventions that will add value and improve the organisation's ethics performance (Plant 2008:22).

In performing the ethics audit, the ethics audit team should determine the current ethical condition within the organisation and identify reasons for differences between set ethical standards for ethics performance and actual performance identified. Sufficient, relevant, reliable and useful information should be gathered by the ethics audit team to enable them to express an opinion on the effectiveness of the organisation's ethics management framework. The ethics audit team should consider the use of surveys, focus groups and interviews to gather information from all stakeholders when performing the ethics audit. With regard to the ethics management framework, the ethics audit team should gather information in respect of the adequacy and effectiveness of the organisational ethical culture and ethics management process.

When communicating the results, the ethics audit team should report to senior management and to the municipal council of the municipality. The findings or engagement observations of the ethics audit team should be included in the ethics audit report. These findings should highlight the weaknesses in the

organisation's ethics management framework, the ethics risks attached to these weaknesses, as well as recommendations made by the ethics audit team for improvement of the organisation's ethics management process as well as the ethical culture. The results of the ethics audit can be used as a basis for sustainability reporting.

The ethics audit team should monitor progress by considering corrective action taken by management with regard to the weaknesses identified in the ethics management framework and should follow-up on the extent to which management implements the recommendations made by the ethics audit team to improve the ethics management framework of the organisation and to ensure organisational integrity.

The South African Public Service Commission's State of the Public Service Report, February 2005:5 recommended attention to the following areas to ensure ethical, accountable, efficient, and effective public service delivery and to local government in particular:

- Since there is an unclear link between the National Corruption Strategy and departmental strategies, training on integrated ethics management should be provided to all managers.
- Continued research and information on ethics management is needed to ensure accurate and reliable information.
- Local government departments should specifically address *Batho Pele* service delivery improvement plans (SDIPs) in their annual reports.
- Capacity and capability will need to be built systematically and incrementally to improve public service accountability. In order to achieve the above ethics training and ethics education should be taken into consideration. The following section will explain this further.

4.8 ETHICS TRAINING AND EDUCATION

For the purpose of this study, let it be understood that in the following discussion what is meant by 'ethics training' is those processes and experiences which are designed to impart knowledge, understanding and skills to people in order that they might share in the task of maintaining an organisation's ethos. Let it be understood that what is meant by 'ethics education' is those processes and experiences which are designed to impart knowledge, understanding and skills to people in order that they might autonomously and authentically develop and maintain an ethical framework that is their own (Preston 1994:145). The key to the distinction is recognition of the need to assist people to develop their capabilities for ethical reflection to an extent sufficient for them to make the rules they follow become their own. This is not to suggest that there will be different ethical frameworks competing against each other in the organisation. There is every reason to suppose that colleagues will come to share similar positions. The potential differences will lie in the maturity of each person's sense of the ethical. If ethics education is designed to foster the development of moral autonomy, ethics training is designed to impart knowledge and skills sufficient to ensure the organisation's values are reflected in the behaviour of its members.

Ethics training will typically involve exercises such as the dissemination and discussion of an organisation's code of conduct and/or code of ethics. This is not to say that training should aim at compliance without understanding. As the training process unfolds there will be a natural blurring of the boundary with ethics education. Even if one accepts that training requires the development of a capacity to reflect on what one does and the fostering of certain dispositions, the focus of ethics education will be significantly different. Training can play a part in providing experiences that are specifically oriented towards reinforcing the ethos of a particular organisation (Preston 1994:145). Hence the content of training will be based on and include the values and rules that define the organisation's distinctive approach to the management of its constituent

relationship. The basic distinction is that ethics training will focus on the character of the organisation while ethics education will focus on the character of the individual.

Mafunisa (1999) believes that the training of municipal functionaries and councillors could promote ethical and responsible conduct because functionaries could then be informed of what they should do to ensure that their conduct is ethical. Functionaries should be provided with training in the ethical foundations of public administration which include constitutional supremacy, public accountability, and respect of societal values, democratic values, efficiency and effectiveness as well as transparency. Adamolekun (1997:59) argues that training and education of municipal functionaries and councillors in accountability issues lead to the greater supply and demand of accountability. Similarly, education and training of elected councillors lead to a greater demand among politicians for accountability from the officials under their hierarchical control in executing public programmes. Louw (1998:70) states that in-service training in ethical norms and standards must be provided if ethical actions are expected from municipal functionaries and councillors. Training programmes should include the following aspects adopted from Louw (1998:7) in Webb (2005:160):

- Legislation, regulations and procedures which govern the actions of municipal functionaries and councillors;
- Prohibitions in respect of the misuse of public funds and/or local government for private gain or to further self-interest;
- Measures to prevent confidential information being made available to private individuals for the purpose of furthering their interest at the cost of others; and
- Prescriptions concerning reasonable and fair actions towards colleagues and the general public.

In addition to Louw's (1998:7) training programmes mentioned above, Preston (1994:152) argues that the training component needs to encompass the following features:

- The induction of individuals into the culture and ethos of an organisation;
- The introduction and exploration of the organisation's formalised codes of ethics and conduct;
- The development of dispositions appropriate to the organisation's ethics;
- The development of critical capacity to identify practices and procedures that are inimical to the task of maintaining and developing the organisation's ethos; and
- The development of a critical capacity to reflect on the organisation's founding principles.

Consistent to the earlier argument of a distinction between ethics training and education, the training programme should seek to foster development of the cognitive and affective domains of each person. It should have the fundamental aim of raising awareness of the ethical dimension that envelop all people as they make choices about what to do in various circumstances. In addition to these features that must be included in the training programme, Preston (1994:153) also makes an addition to what the ethics education programme can include:

- An examination of the broader context in which the individuals are situated;
- An examination of general concepts that might help to define the relationship between the individual and the organisation for example, what is meant by the idea of public service, what it means to be a professional;
- An examination and assessment of the individual's own values;
- An examination and assessment of the characteristic ways in which the person 'goes about his or her business';
- An examination of ethical theories to see what light they might throw on the individual's circumstances (see Chapter 2 of this study); and

- The further development of skills of critical reflection.

While the content of an ethics education will be broader, the techniques to be employed will be similar. Thus, one will use case studies, role play and texts drawn from literature. The chief difference in approach is that in ethics education there is no substantive content to be taught (Preston 1994:156). Rather, one is seeking to assist each person in the exploration of a personal field of meaning. The aim of ethics education should be to allow the person to claim ownership of his or her ethical principles and dispositions. The organisations that fail to provide the opportunity for ethics education are likely to run the risk that the foundation of training will be undermined when individuals seek to develop autonomy either in isolation or in dialogue with others who have no appreciation of the setting in which the person has to operate. This is not to suggest that organisations ought to seek to control the process of ethics education. From the point of view of the organisation, ethics education will clearly provide opportunities that go far beyond what is of functional necessity. However, municipalities that are serious in their endeavours to foster sound ethical behaviour will take the extra step.

According to Dwivedi (1999:71) it is necessary to supply municipal functionaries and councillors with relevant information to enable them to meet ethical requirements. Information must be provided on, *inter alia*, the power and authority attached to specific posts; the value and norms which are valid within a specific community in general, and a defined department in particular; and the accountability expected of officials in specific positions. Although Clapper (1999:380) recognises that ethics teaching does not guarantee that municipal functionaries and councillors will necessarily do right, he does propose a trilogy of strategies in pursuit of informed discretion, virtue, morality and credibility. He proposes that local government right-doing may be achieved by effective teaching of councillors and officials through exemplary leadership and by a vibrant ethics infrastructure. Clapper (1999:382) suggests that a professional

ethics paradigm must be followed in teaching ethics in the public sector. This paradigm aims to avoid the abstract and difficult-to-comprehend literature of philosophy, the social sciences and other currents of thought built upon centuries of sustained inquiry. It also avoids the use of case studies which do not facilitate extrapolation to other circumstances, thus does not facilitate the learning of principles that underline different situations. Rather, this approach effectively applies practical principles in a systematic, teachable manner to public management ethics topics such as the legitimacy and limitation of discretion, the need for accountable government and administration, and the place of politics and political interference in public management. This focus of the professional ethics approach, referred to by Clapper (1999:383-384) as the middle road approach, should be constitutional values such as representativeness, citizenship, equity and accountability.

It is the role of the municipal manager to promote and advise the municipal council about the *Skills Development Act 97 of 1998*. The purposes of this Act are inter alia (a) to develop the skills of the South African workforce by improving the quality of life of workers; improving productivity in the workplace and the competitiveness of employers; and improving the delivery of public services; (b) to increase the levels of investment in education and training in the labour market and to improve the return on that investment by using the workplace as an active learning environment; providing employees with the opportunities to acquire new skills; and providing new entrants to the labour market with opportunities to gain experience; (c) to encourage workers to participate in learnership and other training programmes; and (d) to improve the employment prospects of persons previously disadvantaged by unfair discrimination and to redress those disadvantages through training and education. It is important for managers to manage training in municipalities so that it adapts to changing dimensions of municipal government and administration. In a study conducted by Mafunisa (1995:121-122) on how municipal administration professionalism could be promoted, directors of local government departments who were offered

managerial training after their promotion to the managerial positions indicated that it was useful in enabling them to perform their managerial functions effectively. The majority of managers included in the research into this issue who indicated that they were unable to perform their duties effectively also indicated that they were not offered managerial training after their promotion to the current position.

The argument could thus be put forward that training could contribute towards effective and efficient work performance and the improvement of the quality of municipal administration. Cherrington (1980:159-160) writes that induction of training includes explanations of the value of work and values that work, comments about the pride that accompanies good quality workmanship, discusses the rewards that follow diligence and gives statements that encourage a work ethos. Municipal functionaries and councillors can be taught about the work values and habits, but they must adopt the insights for themselves and incorporate them into their value systems. This could be viewed as a precondition for the development of an ethos conducive to the promotion of professionalism in municipal administration. While there is a promotion of professionalism in municipal administration and a steadfast value system, the institutional mechanisms that exist in South Africa can assist in combating unethical conduct. This will be discussed next.

4.9 INSTITUTIONAL MECHANISMS TO COMBAT UNETHICAL CONDUCT IN THE SOUTH AFRICAN PUBLIC SERVICE

Besides whistle blowing that was discussed earlier in this chapter, South Africa also has a number of institutional mechanisms that exist to combat unethical conduct, namely the Public Protector, Auditor-General, Public Service Commission, South African Revenue Service, South African Police Service, National Prosecuting Authority, Special Investigating Unit, National Intelligence Agency and Anti-Corruption Co-ordinating Committee (Department of Public

Service and Administration 2003:134-145; Public Service Commission 2001:2-5). Although there are a number of institutional mechanisms in South Africa that combat unethical conduct, only a selected number will be discussed.

4.9.1 Public Protector

Frank in Zikhali perceives the function of the Public Protector as being:

'an office to prevent injustice, the failure to carry out legislative intent, unreasonableness, administrative error; abuse of discretion, lack of courtesy, clerical error, oppression, oversight, negligence, inadequate investigation, unfair policy, partiality, failure to communicate, rudeness, maladministration, unfairness, unreasonableness, arbitrariness, arrogance, inefficiency, violation of law or regulation, abuse of authority, discrimination, errors, mistakes, carelessness, disagreement with discretionary decisions, improper motivation, irrelevant consideration, inadequate or obscure explanation, and all the other acts that are frequently inflicted upon the public by those who govern, intentionally or unintentionally' (Frank 1976:132 in Zikhali 2005:139).

The function of the Public Protector is therefore, to improve relations between the state and the citizen; reduce hostility between public and officials and their clients; rectify serious administrative shortcomings such as corruption; and also sensitise officials to client's norms and clients to administrative norms.

The essence of the Public Protector's role regarding corruption is as:

"an independent high level officer who receives complaints and who pursues inquiries into the matters involved and who makes recommendations for suitable action. He may also investigate on his own notion and his remedial weapons are persuasion, criticism and publicity. He cannot, as a matter of law, reverse administrative action" (Caiden 1988:6).

The Public Protector's Office deals mainly with singular rather than institutionalized instances of maladministration, cases committed by people in organisations on their own behalf against organizational norms (theft, violation of trust, fraud, tax evasion, embezzlement) or at the behest of their organisation (genocide, torture, murder, robbery, coercion, terror, intimidation, crimes against humanity) (Caiden 1991:489). The Public Protector replaces the traditional function of the courts, so as to independently investigate the action of government departments. The aim behind the Office of the Public Protector is to identify problem areas, make recommendations and to eliminate unauthorized practices such as corruption and maladministration (Du Plessis 1989:363). The Office of the Public Protector is seen as a symbol of what government ought to do, *viz*, the cultivation of the well being of the public; the preservation of individual freedom; and the equitable treatment of all members of the public by the public service. The Public Protector can be considered as a de-politicised independent check on public administration striving towards less corruption and pushing for administrative reforms.

It promises additional avenues of redress in that it "gives the citizen an expert and important agent without personal costs to the complainant, without time delay, without the tension of adversary litigation, and without requirement of counsel or the intervention of those highly placed" (Caiden 1986:7). The Public Protector would also be able to deal with complaints of discrimination and nepotism (Bekker 1991:65).

4.9.2 Auditor-General

As in other modern democracies, the South African Auditor-General has not been restricted to the traditional auditing of accounts. The mandate in South Africa is to carry out and to report on performance audits, this is embodied in the *Auditor-General Act 52 of 1989*, sections 5(8)(b)(iii) and 7(b) and further strengthened in sections 3(4)(d) and 5(b);(e);(f) of the *Auditor-General Act 12 of*

1995. This broadened audit scope is based upon the principle that taxpayers are entitled to know that they are getting value for their money (Loots 1989:137) in Fakie (1998:3) and National Audit Office (1997:4).

The *Auditor-General Act* presently provides the statutory authority for the Auditor-General to carry out and report on performance audits. Section 3(4) (d) of the Act requires that the Auditor-General satisfy himself or herself that satisfactory management measures have been instituted to ensure that resources are procured economically and utilised efficiently and effectively. When reporting on any account, section 5(b) of the Act requires that the Auditor-General must further draw attention to material cases where the utilisation of resources for a service is in his or her opinion uneconomical, inefficient, ineffective or not conducive to the best interests of the State or the statutory body concerned.

The Office of the Auditor-General promotes ethics and accountability. It encourages public officials, municipal functionaries and councillors to perform their duties effectively, efficiently and ethically.

The Office of the Auditor-General ensures that public officials, municipal functionaries and councillors are aware that their actions may be investigated to ensure that effective management principles are taken into account and that resources are procured economically and utilised efficiently. The Auditor-General has the power to make recommendations on its findings. To make the Office of the Auditor-General effective, government must implement its recommendations.

Although the Auditor-General has a clear mandate to carry out and report on performance audits, the *Auditor-General Act* does not entitle the Auditor-General to question the merits of political and executive policies, decisions and objectives. This reflects the principle that the merits of government programmes and projects are primarily matters for political debate and ultimately for decision by Parliament or other legislative bodies.

4.9.3 Public Service Commission

The Public Service Commission (PSC) is responsible to Parliament with regard to the exercising and performance of its powers and functions. In terms of section 196 of the *1996 Constitution* the Commission is competent to make recommendations, give directions and conduct enquiries with regard to:

- The organisation and administration of departments and the public service;
- The conditions of service of members of the public service and matters related thereto;
- Personnel practices in the public service, appointments, promotion, transfers, discharge and other career incidents of members of the public service and promotion of efficiency and effectiveness in departments of the public service; and
- A code of conduct applicable to members of the public service.

4.9.4 South African Revenue Service

The South African Revenue Service (SARS) is legally mandated to collect tax revenues and ensure compliance with tax law in South Africa. This institution also runs a national Fraud and Anti-corruption hotline. In September 2006, SARS appointed a special task team to work closely with the Anti-Corruption Agency, after various forms of tax refund fraud were identified by SARS investigators. According to the Agency in December 2007, 55 suspects were identified for investigation and suspects were arrested over a period of 18 months. Of these, 20 individuals, including one SARS employee, were successfully prosecuted. Another 16 individuals were arrested and are awaiting trial. The prosecution of 17 others was under consideration by the *National Prosecuting Authority* (NPA). In addition, SARS conducts lifestyle audits of members of parliament and cabinet ministers when unexplained income and conspicuous consumption occurs.

4.9.5 South African Police Service

The *Constitution of the Republic of South Africa, 1996* lays down that the South African Police Service (SAPS) has specific responsibilities in ensuring ethical conduct. Sections 205 to 208 of the *1996 Constitution of South Africa*, states that the SAPS has the responsibility to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their property, uphold and enforce the law, create a safe and secure environment for all people in South Africa, prevent anything that may threaten the safety or security of any community, investigate any crimes that threaten the safety or security of any community, ensure criminals are brought to justice and participate in efforts to address the causes of crime.

4.9.6 National Prosecuting Authority

The *Constitution of the Republic of South Africa, 1996* created a single National Prosecution Authority (the "NPA"), which is governed by the *National Prosecuting Authority Act*. The *Constitution*, read with this Act, provides the NPA with the power to institute criminal proceedings on behalf of the State, to carry out any necessary functions incidental to the institution of criminal proceedings and to discontinue criminal proceedings.

4.9.7 Special Investigating Unit

The *Special Investigating Unit* is promulgated by the *Constitution of the Republic of South Africa, 1996*. Under section 2(1) the matters mentioned in the Schedule, in respect of the municipality for investigation by the *Special Investigating Unit*, include among others:

- Serious maladministration in connection with the affairs of the municipality;

- Improper or unlawful conduct by councillors, officials and/or employees of the municipality;
- Unlawful appropriation or expenditure of public money or property;
- Unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- Intentional or negligent loss of public money or damage to public property; and
- Offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the *Prevention and Combating of Corrupt Activities Act 2004*, and which offences were committed in connection with the affairs of the municipality; or unlawful or improper conduct by any person, which has caused or may cause serious harm to the interest of the public or any category thereof.

4.9.8 National Intelligence Agency

The *National Intelligence Agency* (NIA) is an intelligence agency of the South African government. It is responsible for domestic intelligence and counter-intelligence within the Republic of South Africa. The Agency is run by a Director-General, who is also a member of the National Intelligence Co-ordinating Committee (NICOC) to which he reports. The NIA was formed in 1994 following South Africa's first multi-racial elections. It was created to take over from the domestic intelligence segment of the National Intelligence Service (NIS) with the foreign intelligence functions being taken over by the South African Secret Services (SASS). Both the SASS and NIA were created as part of the *National Strategic Intelligence Act 39 of 1994*.

This Act defines the primary functions of the NIA as being to gather, correlate, evaluate and analyse domestic intelligence to:

- Identify any threat or potential threat to the security of the Republic or its people;

- Supply intelligence regarding any such threat to the National Intelligence Co-ordinating Committee (NICOC);
- Gather departmental intelligence at the request of any interested department of state and without delay to transmit such intelligence that constitutes departmental intelligence to the relevant department;
- Fulfill the national counter-intelligence responsibility and for this purpose to conduct and co-ordinate counter-intelligence and to gather, correlate, evaluate, analyse and interpret information regarding counter-intelligence to identify any threat or potential threat to the security of the Republic or its people;
- Inform the President of any such threat; and
- Supply intelligence relating to any such threat to the South African Police Service (SAPS) for the purpose of investigating any offence or alleged offence.

In view of the above functions, the NIA is also responsible for the following:

- To fulfill a proactive, anticipatory or early warning role of scanning and assessing the total (economic, social, political and environmental) domestic security situation to identify and report to the policy maker or executive departments any signs or warning signals of threats or potential threats to the constitutional order and the safety of the people.
- To perform a reactive monitoring role of tracking events, when a threat or crime has been identified or a crisis has already arisen, without duplication of the role of other executive departments.

The purpose of this monitoring role is mainly to enhance investigation into and prosecution of unethical conduct by providing tactical information and intelligence to enforcement and prosecution institutions and to decide the extent and implications of threats or potential threats caused by unethical conduct to the national security of the Republic and the safety of the people.

4.9.9 Anti-Corruption Co-ordinating Committee

The *Anti-Corruption Coordinating Committee* (ACCC) is staffed by a group of anti-corruption specialists and advises and supports the public sector on the implementation of anti-corruption policies and legislation. The ACCC does not carry out corruption investigations; subsequently it runs learning programmes for other public service departments under the Anti-Corruption Learning Network, which was started in July 2008. Furthermore, in 2006, the Department of Provincial and Local Government (DPLG) launched a Local Government Anti-Corruption Strategy (LGACS), which aims at prevention, detection and investigation of corruption at the municipal level. This is part of national government's anti-corruption campaign focusing on local government, in which the provinces are expected to launch the strategy for their respective municipalities. The government has also entered into a collaborative strategic organisation through the National Anti-Corruption Forum (NACF). This agency brings together senior representatives from key departments and agencies involved in anti-corruption work and they ensure that the fight against corruption is co-ordinated and integrated, with proper use of synergies between the elements of prevention, detection, investigation, prosecution and monitoring as well as synergies between different spheres of government.

From the above discussion on the institutional mechanisms to combat unethical conduct in South Africa, it is evident that South Africa's anti-corruption agencies and laws indicate a strong political will and commitment towards combating corruption. However, some of the agencies and laws suffer from uneven implementation and overlapping mandates, which affects the operating ability of these initiatives and the enforcement of the anti-corruption legal framework. After being elected, President Zuma stated that the fight against corruption would be a government priority. This is evident in his orders to 280 mayors to stop corruption and power squabbles in an effort to stop protests over the lack of basic services such as housing, water and electricity.

Although, these institutions are well established and running effectively, two major weaknesses can be identified. Firstly, there is an absence of proper co-ordination among these institutions and a lack of proper delineation of responsibility. In various instances the mandates of the anti-corruption agencies overlap (Office of the Public Service Commission 2001:3-5). Secondly, these institutions appear not to approach unethical behaviour with complementary preventative and investigative measures. Organisational factors which influence the incidence and patterns of criminal activity, such as structures, modes of supervision, low visibility decisions and inadequate training, provide the opportunity and temptation for dishonest and corrupt practices. Hence (Jones 2001:345) is of the opinion that organisational trust between employees should be encouraged because it has a positive effect on learning and performance.

4.10 SUMMARY

This chapter aimed to demonstrate that, besides legal instructions, the nature and influence of human behaviour through leadership and ethics infrastructure such as appointing an ethics officer and using whistle blowing as a system can enhance ethical conduct. The author outlined the statutory and regulatory framework that directs public officials and politicians' ethical conduct in South Africa. South Africa is highly conscious of differences between individuals; therefore it is unlikely that legislation and current initiatives will suffice to enforce ethical behaviour among public officials, councillors and municipal functionaries. The chapter then evaluated the importance of a reward system for municipal functionaries and councillors who perform ethically in local government affairs by introducing an audit of that ethical performance. This chapter discussed the importance of ethics training and ethics education in the public sector, where the focus was to come to an understanding of what the differences between ethics training and ethics education are. The rationale for making such a distinction was that, it is equally important that the local government perform and undertake both, in order to improve their ethical conduct. It is also imperative to implement

an ethical framework for social and economic development at the grass-roots level. Lastly, this chapter looked at the institutional mechanisms that are used in South Africa to combat unethical conduct such as corruption.

CHAPTER FIVE

RESEARCH METHODOLOGY

5.1 INTRODUCTION

Chapter four aimed to demonstrate that, besides legal instructions, the nature and influence of human behaviour through leadership and an ethics infrastructure can improve ethical conduct of municipal functionaries and councillors. This chapter is a supplement to Chapter one in that it provides further discussions regarding the research design, methodology and approach used in the study. Chapter one provided a description, justification and framework of this research project as an overview to the research methodology. This study is examining the theoretical terrain of ethics in public administration and management and posits that, whereas a Code of Conduct that regulates the conduct of municipal functionaries and councillors at local government sphere exists, the outcomes in practice are rather unethical and illusive. Chapter five will then serve as an extension to investigate the reception of a code of conduct by municipal functionaries and councillors at Capricorn District municipality in the Limpopo Province.

The scientific rigour of any research project is embedded in the research tools which are employed and how these tools are used to obtain data relevant to the objectives of the research, but which also subscribes to the notions of validity and reliability. The research design will be discussed; and applicable concepts of the research design and methodology such as research approach, qualitative research, exploratory study, grounded theory, literature review, semi-structured personal interviews and structured interview questionnaires as data collection instruments, and the population sampling procedure, will also be discussed. To finalise the methodological aspects of this study, Chapter six considers a discussion on data analysis and interpretation.

5.2 UNDERSTANDING QUALITATIVE RESEARCH DESIGNS AND METHODOLOGY

Simply put, a research design consists of a plan, a roadmap, that allows the researcher to test the validity of his/her hypothesis or answers his/her research questions, taking into account the factors that he/she believes might affect the relationship between the dependent and independent variables (Webb & Auriacombe 2006:589). Mouton (1996:108) describes a research design as a set of guidelines and instructions that should be followed in addressing the research problem. According to Babbie and Mouton (2005:104) a research design is different from research methodology in that research methodology refers to methods, techniques and procedures that are employed in the process of implementing the research design or research plan. Research designs that are used by qualitative researchers will differ depending on the purpose of the study, the nature of the research question, and the skills and resources available to the researcher. However, as each of these designs has its own perspective and procedures, the research process will also reflect the procedures of the chosen design.

The qualitative research design differs inherently from the quantitative one in that it does not usually provide the researcher with a step-by-step plan or a fixed recipe to follow. In quantitative research the design determines the researcher's choices and actions, while in qualitative research the researcher's choices and actions will determine the design or strategy. Put more simply, qualitative researchers will, during the research process, create the research strategy or design best suited to their research, or even design their whole research project around the strategy selected. Whereas some research designs are specific and detailed and have specifically formulated decision steps, others tend to be more flexible, semi-structured and open ended. Therefore, a research design consists of a clear statement of the research problem, as well as plans for collecting,

processing and interpreting the observations intended to provide answers to the research question or to test the hypothesis (Singleton & Straits 2004:43-75).

Those undertaking qualitative studies thus have a baffling choice of designs. As Denzin and Lincoln (2000:367-378) explain, these different approaches should be viewed against the background of a complex historical field that crosscuts various historical moments. This has led to the continuous creation of new spaces, new possibilities and new formations for qualitative research designs. Creswell (1998: 2007) identifies only five traditions of qualitative inquiry, selecting those which, according to him, represent different disciplines, have detailed procedures and most importantly, have proved to be popular and frequently used. These include narrative research, phenomenology, grounded theory, ethnography and case study. De Vos, Strydom, Fouché & Delport (2011:313) agree with Creswell (2007:35-41) in that they acknowledge the existence of many other valuable designs, but the mentioned designs can be regarded as the most important ones for the applied human and social sciences.

The main function of the research design is to enable the researcher to anticipate what the appropriate research methodology should be in order to maximise the validity of the eventual results. This author defines the research design as a set of guidelines and procedures to be followed in addressing the research problem of this study. The guidelines are research approach, qualitative research, exploratory study, grounded theory, literature review, semi-structured interviews, questionnaires, piloting of the study and the sampling procedure. These will be discussed below.

5.2.1 Research approach

Social scientists aim to generate truthful knowledge; they are committed to the use of objective methods and procedures that would increase the likelihood of attaining validity (Webb & Auriacombe 2006:591). Thus, the scientist is

confronted with the question: how to reach the goal of attaining an understanding of society. Stated differently, which research approaches, methods and techniques should be used to reach the goal of valid knowledge? Wessels (1999:365) views research in Public Administration as a contribution to the body of knowledge. Mahlangu (1987:1) posits that the scientific nature of research forms the point of departure for a study of methodological research. Two of the critical questions which are necessary to engage in with regard to the approach or methodology relate to the following aspects:

- How should the research be planned?
- How should the research be structured and how should it be executed to fulfil the demands of the science of Public Administration and Management?

The approach or process which the researcher has to undertake in order to execute the research project uses a number of stages: conceptualisation stage, defining the key terms in the study; choosing the research methods; making use of structured interview questionnaires; operationalisation; creating concrete measurement techniques; population and sampling; making decisions about what and who to study; observations; collecting the empirical data; data processing; coding the answers to the questionnaire; analysis; drawing conclusions from the collected data; and application and communicating of the findings (Babbie 1992:105-108; Mouton 1996:109-111). Each of these stages must be planned in such a way so as to maximise the validity of the research findings. In the view of Mahlangu (1987) and Brynard and Hanekom (1997), the research design and methodology should be regarded as a systematic and carefully planned enquiry which pays attention to the approach used to verify the validity, reliability and truthfulness of the data collected. This is an attempt to consider the epistemological dimension of the research in question. Recognising that there are different research perspectives, each with its own ontology, epistemology and methodology, enables the researcher to begin to understand his or her own philosophy of social research. Researchers' choice of a research

perspective and the way they design their research should therefore truthfully reflect their own ontology, or belief of how social reality should be viewed; and their epistemology; that is the rules by which they believe reality should be known (Mason 2002:1-5). It is further important to note that the epistemological and ontological perspective should be consistent in order to guide researchers in generating knowledge and explanations about components of the social world. Therefore commitment to a particular methodological frame of reference will influence and inform the study in very specific ways.

5.2.2 Qualitative research

Qualitative research is an interdisciplinary, trans-disciplinary and sometimes counter-disciplinary field. It crosscuts the humanities, the social sciences and the physical sciences. Researchers and practitioners who use the qualitative research methodology are sensitive to the value of this approach. These researchers are mostly committed to the naturalistic perspective and to the interpretive understanding of human experience. At the same time, the field is inherently political and shaped by multiple ethical and political allegiances (De Vos *et al*, 2011:310). Qualitative research embraces two tensions at the same time. On the one hand, it is drawn to a broad, interpretive, post-experimental, postmodern, feminist and critical sensibility and on the other, it is shaped to more narrowly defined positivist, post-positivist, humanistic and naturalistic conceptions of human experience and its analysis (Denzin & Lincoln 2000:1048).

Schurink (1998:240) mentions that it is difficult to describe qualitative research in a manner which could satisfy everybody. In this study, as in Schurink's qualitative research should be regarded as a multi-perspective approach to social interaction aimed at describing and making sense of, interpreting or reconstructing, this interaction in terms of the meaning that the subject attaches to it. In the qualitative research approach for this study, the methodological dimension of research is imperative in outlining the research route, identifying

relevant instruments to be used during the course of the research as well as the goal of the research. Qualitative research provides the researcher with the perspective of the target audience members through immersion in a culture or situation and direct interaction with the people under study. The advantage of using qualitative methods is that they generate rich, detailed data that leave the participants' perspective intact and provide a context for understanding behaviour. According to Mouton (1996:35), while the epistemological dimension addresses the aspect of what constitutes knowledge, the methodological dimension deals with the question of the manner of attaining knowledge and identifying ways in which the research goal could be reached. Therefore, the justification for acquiring truthful knowledge could require that qualitative research be undertaken.

5.2.3 Exploratory study

This study is primarily intended to be exploratory because it explores the nature of ethics, moral standards and the reception of the Code of Conduct in local government and how this interaction can be strengthened and made more fluid by municipal functionaries and councillors. Exploratory research studies what has not previously been studied and attempts to identify new knowledge, new insights, new understandings and new meanings and to explore factors related to the topic (Brink & Wood 1998:312). The research design was exploratory because it met the criteria that the research attempt to investigate the full nature of the phenomenon in understanding ethics and theories of ethics in local government; the manner in which it becomes manifested, as well as related factors that could influence municipal functionaries and councillors to continuously conduct themselves in an unethical manner.

Results of exploratory studies are not necessarily generalisable to a larger population but provide a better understanding of the sample being examined (Burns & Grove 1999:296). The researcher deemed this approach to be suitable

for gaining a better understanding of why the conduct of municipal functionaries and councillors does not improve even when a code of conduct has been provided. Exploratory research examines the relevant factors in detail to arrive at an appropriate description of the reality of the existing situation. Because of this intention, the study follows a grounded theory dimension.

5.2.4 Grounded theory

The aim of grounded theory is to develop a substantive theory that is grounded in data (Schram 2006). Grounded theory was developed by Glaser and Strauss (1967) and is based on two concepts, namely, constant comparison and theoretical sampling. The constant comparison method refers to the iterative process of comparing data incidents and categories continuously and repetitively with one another during the stages of data analysis which are in operation simultaneously throughout the analysis (De Vos *et al*, 2011:318). This means that grounded theory employs the method of constant comparison where the new data gathered, actions observed and perceptions recorded of the subjects are constantly compared with those of new subjects in order to generate theory. This study aimed to derive new insights and understanding of the reception of a Code of Conduct by municipal functionaries and councillors in local government. More specifically the study conceptualises the construct of ethics and culture in order to provide a new way of looking at ethics in the public service. Being a grounded theory study the researcher's interpretations and findings will have to be grounded in the participants' social reality in order to present a valid reflection of the phenomenon of ethics and a reception of a Code of Conduct by municipal functionaries and councillors.

To further understand the notion of grounded theory research, Babbie (2001:294-295) spells out several advantages and disadvantages. The advantages include the following:

- The technique is a socially oriented research method capturing real-life data in a social environment.
- Grounded theory allows flexibility.
- It has high face validity.
- There are speedy results when grounded theory is used.
- The cost of conducting research is low.

While these advantages are relevant to this study, some disadvantages should be borne in mind, including the following:

- Focus group interviews afford the researcher less control than individual interviews.
- A difficulty in analysing data is embedded in this technique.
- Facilitators of the focus group discussions require specialised skills in obtaining valid and reliable data.
- The difference between groups is troublesome.
- Groups are difficult to assemble.
- The creation of a conducive environment to conduct effective discussions is difficult (Babbie 2001:294-295).

In grounded theory, only after data have been collected and analysed can a theory be developed (Holtzhausen 2007:21 in Phago 2010:301). The researcher who utilises grounded theory needs to be flexible and open to criticism because his/her goal seeks to arrive at new findings and an understanding of social life. This is required to build new theory which is grounded on both primary and secondary data (Van Wyk 2009:252). In this study an understanding of a reception of a code of conduct by municipal functionaries and councillors at Capricorn District municipalities can then be looked at as a new approach to improving and enhancing ethical conduct. This new approach will be proposed in Chapter six, after an empirical data analysis is undertaken through the use of

questionnaires (see section 1.6.3 of Chapter one of this thesis). In addition to this, it is important to identify methods of data collection relevant to the Public Administration discipline which is employed in undertaking this study. The methods include the data collection techniques, namely a literature review as well as structured interview questionnaires. Structured interview questionnaires were used as an exploratory method of research to supplement the literature review. The principal means employed to do research for this study was, therefore, a literature review.

The literature that was consulted covered a wide spectrum of discourse themes – comprehensive literature on aspects such as theories, classifications, approaches, newspaper reports and archival material that represents important literature sources and factual information regarding ethics in local government.

5.2.5 Literature review

Chapter two of this study deals with the literature review on a conceptual framework for ethics and a code of conduct in Public Administration and Management. A review assists researchers in ensuring that the research net is cast wide in order to determine the truth about the studied phenomena (Brynard & Hanekom 1997:30 in Phago 2010:303). In undertaking the literature review of this study, particular attention is given to specific concepts that could assist in exploring the development and understanding of the reception of a code of conduct by municipal functionaries and councillors. The concepts include the following: Code of Conduct, local government, ethics, ethics theories, ethical conduct, unethical conduct, values, culture, religion, language, moral leadership, decision-making, accountability, performance management, communication and institutional mechanisms. Conceptualisation, theories and models applicable to these concepts are specifically focused on by the researcher. In a practical sense, the literature review was undertaken in Chapter two, and generally throughout this study.

Material was obtained for this study through various sources such as the catalogue of dissertations and theses of South African universities (GKPV); the University Info-Auditorium and South African indices: NICS S.A. and the Internet (see, Chapter one of this study, section 1.6.1). However, it was possible to supplement the existing literature with questions posed during the structured interviewing with questionnaires of municipal functionaries and councillors of local government at Capricorn District municipalities.

5.3 INTERVIEWS AND QUESTIONNAIRES AS DATA COLLECTION TECHNIQUES

Interviewing is the predominant mode of data or information collection in qualitative research. Researchers obtain information through direct interchange with an individual or a group that is known or expected to possess the knowledge they seek (DePoy & Gilson 2008:108). The interview is a social relationship designed to exchange information between the participant and the researcher. The quantity and quality of information exchanged depend on how astute and creative the interviewer is at understanding and managing the relationship (Monette, Sullivan, & DeJoung 2005:178). Seidman (1998:1) states that one interviews because one is interested in other people's stories. Stories are a way of knowing. The root of the word story is the Greek work *history*, which means 'one who is wise and learned'. Telling stories is essentially a meaning-making process. All interviews are interactional events, and interviewers are deeply and unavoidably implicated in creating meanings that ostensibly reside within participants. It is not unusual to interview people with diverse and competing points of view, especially if the problem being addressed is complex. Researchers have to be inclusive and expansive when selecting individuals for interviews so that they can cover a range of perspectives (DePoy & Gilson 2008:108; Jarbandhan & Schutte 2006:675; Holstein & Gubrium 1994:3). The data collection interview is a common technique for data collection among

researchers in the humanities and social sciences, often used as part of conducting a survey. In this family of interviews, two extreme types of interviews can be found, varying from the structured interview to the unstructured interview. Also, the interview technique is often used to retrieve both *quantitative* and *qualitative* information, which could in turn vary from fully structured to unstructured ways of interviewing. As the focus of this chapter is outlining and explaining the choice of research methodology for data collection, the following section will explain in detail the structured interviews questionnaires as chosen method for this study. Piloting will be explained by the researcher as well; the rationale behind piloting is to test the questions structured interviews questionnaire before research field work for quality assurance purposes.

5.3.1 The interview schedule using a questionnaire as data collection method

A questionnaire written to guide interviews is called an interview schedule or guide. This provides the researcher with a set of predetermined questions that might be used as an appropriate instrument to engage the participant and designate the narrative terrain (Holstein & Gubrium 1994:76). Participants share more closely in the direction the interview takes and they can introduce an issue the researcher had not thought of. In this relationship, participants can be perceived as the expert on the subject and should therefore be allowed maximum opportunity to tell their story (Smith, Harre & Van Langenhoven 1995:9-26). In Public Administration studies, interviews are more popular than many other methods of data collection. According to Brynard and Hanekom (1997:32) this is so because structured interviewing allows the researcher to clarify questions whenever necessary.

The nature of this study and the definitive role that particular points of departure play in the development of the various themes and research questions call for selective interviews as a supplementary and hence secondary research

instrument. This study undertakes structured interviewing in the form of a questionnaire to allow interactions between the researcher and the respondents. In this study, structured interviews with senior officials and councillors from Capricorn District Municipality in Polokwane, Limpopo Province were arranged as well as with academics, and persons and associations from other stakeholders to verify, interpret and clarify supplementary data or test certain assumptions or criteria. A more focused data collection method was adopted to arrange for piloting with random persons within group discussions with senior members of staff in the Department of Public Administration and Management at the University of South Africa.

5.3.1.1 *Design and structure of the interview schedule*

The design and structure of the interview schedule intend to provide a layout for ensuring that respondents understand the logic of questions used. In this way, respondents are able to share their experiences and views with a broader thinking. This data collection method is used in order to make an attempt to respond appropriately to the research questions of the study, in particular, what the reception of a code of conduct by municipal functionaries and councillors at Capricorn District municipalities in the Limpopo Province is. This statement and question is based on a theoretical assumption that the effect of a code of conduct can improve ethical conduct of people bounded by the code (Zikhali 2005:163).

5.3.1.2 *Administration of the structured interview schedules*

After the participants have been emailed for permission to conduct an interview and before meeting with them and conducting interviews, the researcher compiles a covering letter explaining the purpose of the interview, confidentiality, voluntarism, proposed structure and his or her contact details.

5.3.2 Questionnaires as a method of data collection

Babbie (2007:246) defines a questionnaire as a document containing questions and/or other types of items designed to solicit information appropriate for analysis. Although the term questionnaire suggests a collection of questions, a typical questionnaire will probably contain as many statements as questions, especially if the researcher is interested in determining the extent to which respondents hold a particular attitude or perspective (Babbie & Mouton 2001:233). The basic objective of a questionnaire is to obtain facts and opinions about a phenomenon from people who are informed on the particular issue.

When designing a questionnaire, the researcher has to take many crucial decisions that would impact on the instrument, into account. Questions such as these should be taken into consideration: Is the instrument going to be used in a face-to-face interview? Will it be a postal questionnaire or a discussion map for focus group discussions? As already mentioned, developing a questionnaire is part of the procedural steps in a survey study. During this development process the following should be taken into consideration (Bailey 1987:107):

- A thorough literature study on the topic under investigation.
- Conceptualisation: identifying the key variables from the literature study that are specifically associated with the phenomena under study. The aim at this point in the process of the data collection instrument design is to identify all of the potential factors associated with the phenomena under study.
- Generating questions/ statements/ scales to be used as measuring tools.
- Formatting and sequencing questions. Once the questions have been developed and reviewed by a group of potential respondents for feedback purposes, researchers then format and sequence the questions. Regardless of the type of survey, the primary goal is to format and sequence questions to minimise the work of respondents and, in some cases, to reduce biasing effects associated with the sequencing of the questions, as some questions

might impact (carry over to) the frame of reference of the respondent when answering a following question.

- Designing the layout of the questionnaire. A questionnaire is not simply a compilation of a number of questions on paper. Neither is it a form that has to be completed. A questionnaire is an interview on paper. This is clearly something different from the typical income tax form. Any questionnaire is a piece of art and must answer to the principles of simplicity and be easy on the eye.
- Questions should be pitched at the right reading level in accordance with the expected reading level of the respondents. Researchers may have to seek advice from linguists to ensure that the appropriate reading level is used (Delport & Roestenburg 2011:192).

The questionnaire will be used to explore compliance; also to identify whether culture, language, religion and leadership contribute in playing a major role in the implementation of a code of conduct by municipal functionaries and councillors in order to enhance ethical conduct in their daily activities. The questions in the questionnaire used in this study will be informed by the literature review in Chapters two, three and four. The designing of a questionnaire has taken into consideration the following aspects (Bless & Higson-Smith 2000:116):

- Do not begin to develop a questionnaire by drafting questions.
- Always take into account the needs, interests and problems of the respondents.
- The researcher should give grave attention to the wording of the questions.
- The researcher should structure questions carefully.

The structure of the questionnaire was similar for all sets of respondents. This was necessary to allow smooth facilitation of the interviews. An attempt to link Chapter one with Chapters five and six is made. In Chapter one the objectives of the research are outlined while in Chapter five and six the research design and

methodology as well as data analysis and interpretation are outlined. This approach is intended to facilitate a logical flow of discussions in the study which is reflected in the outcomes.

To be scientifically accountable a questionnaire has to comply with two basic requirements, namely it has to be *reliable* and it has to be *valid*. According to Babbie (2007:146), validity refers to the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration. Salkind (2006:113) refers to truthfulness, accuracy, authenticity, genuineness and soundness as synonyms for validity and stresses the fact that these terms describe what validity is all about: that the test or instrument you are using actually measures what you need to have measured. In other words, as stated by Leedy and Ormrod (2005:25), the validity of a measurement instrument is the extent to which the instrument measures what it is supposed to measure. How can a researcher go about establishing the validity of an instrument? To begin with, it is necessary to become accustomed to thinking not of an instrument's validity but rather of its validities. This is because validity refers broadly to the degree to which an instrument is doing what it is intended to do and an instrument may have several purposes which vary in number, kind and scope (Delport & Roestenburg 2011:173). One of the common and useful classification schemes attempting to categorise the validities underlying measurement is content, face, criterion and construct validity. Content and face validity may be established prior to data collection, while criterion and construct validity are established once the instrument has been used to collect data.

Salkind (2006:106) refers to dependable, consistent, stable, trustworthy, predictable and faithful as synonyms for reliable. Something that is reliable will perform in the future as it has in the past. Reliability occurs when an instrument measures the same thing more than once and results in the same outcomes. The reliability of a measurement procedure is thus the stability or consistency of the measurement. This means that if the same variable is measured under the

same conditions, a reliable measurement procedure will produce identical measurements. In other words, it refers to a measuring instrument's ability to yield consistent numerical results each time it is applied; it does not fluctuate unless there are variations in the variable being measured (cf. Babbie 2007:143). Although it is rare to have perfect reliability, Neuman and Kreuger (2003:179-180) as well as Salkind (2006:108) suggest the following procedures to increase the reliability of measures:

- Increase the number of items or observations or use multiple indicators of a variable. Use two or more indicators for example two or more questions in a questionnaire to measure each aspect of a variable.
- Eliminate items that are unclear. An item that is unclear is unreliable, people may respond to it differently at different times.
- Increase the level of measurement. Indicators at higher or more precise levels of measurement pick up less detailed information. Try thus to measure at the most precise level possible.
- Standardise the conditions under which the test is taken.
- Moderate the degree of difficulty of the instrument. Any test that is too difficult or too easy does not reflect an accurate picture of performance.
- Minimise the effects of external events.
- Standardise instructions.
- Maintain consistent scoring procedures.
- Use pre-tests, pilot studies and replications. Develop a draft or drafts, or preliminary versions, of a measure and test these before applying the final version in a hypothesis-testing situation.

In the selection of structured interview questionnaires, it is important to do a pilot study and it suffices to discuss this matter in the context of this study below.

5.3.3 Piloting

Seidman (1998:32) urges researchers to build a pilot venture into their proposals in which they try out their interviewing design with a small number of participants. The researcher will thereby come to grips with some of the practical aspects of establishing access, making contact and conducting the interview, as well as becoming alert to his or her own level of interviewing skills. Researchers should have a general plan of inquiry and be familiar with the questions to be asked, but not have a set of questions that must be asked using particular words and in a particular order (Babbie 2007:306). Piloting in this study represents pre-testing of the survey instruments in order to ensure that, among others, misunderstandings, incomplete concept coverage, inconsistent interpretations and context effects are attended to. This is necessary because the pre-testing of structured interview questions, assists in establishing whether respondents understand questions, concepts and tasks. In addressing the above concerns, debates and discussions were held with senior members of the staff in the Department of Public Administration and Management at the University of South Africa. These senior members are highly experienced in the drafting of questionnaires. The intention was not only to review the questions and to ensure that they are thorough in addressing the research problem of the study, but also to ensure that the general guidelines and concept clarification will be understood by the respondents. This process led to several changes being effected in both the guidelines and actual formulation of initial questions before they were administered to the respondents. It is also important to acquire an understanding of the entire population and sample; this will be discussed in the next section.

5.4 POPULATION AND SAMPLING

Population is a term that sets boundaries on the study units. It refers to individuals who possess specific characteristics (Strydom 2011:223). McBurney (2001:248) refers to the population as the sampling frame. A population is the

totality of persons, events, organisation units, case records or other sampling units with which the research problem is concerned. To ensure that data collection activities for this study are undertaken and completed, a sample from the target population is determined. The target population in this study is made up of 154 municipal functionaries which means a proportion of municipal functionaries and councillors in each of the three selected municipalities within Capricorn District in the Limpopo Province. The rationale regarding the choice of the two sets of data surveyed by this study, is premised on the need to get as much data as possible that could provide an understanding on an overview of ethics and conduct in local government, more specifically an understanding of a reception of the Code of Conduct.

Sampling means taking a portion of a smaller number of units of population as representative or having particular characteristics of that total population (Denscombe 2008:141; DePoy & Gibson 2008:234-235; Kerlinger & Lee 2000:164; Thomas & Smith 2003:225). This definition does not say that the sample drawn is in fact representative. Rather, the sample taken is considered to be representative. It is important to understand the concept of representativeness and its relationship to generalisability (Graziano & Raulin 2000:133). One can only generalise the findings of a study when one can assume that what has been observed in the sample of subjects would also be observed in any other group of subjects from the population.

The issue of the minimum size of a sample is repeatedly addressed in the literature. It is generally stated that the larger the population, the smaller the percentage of that population the sample needs to be, and vice versa (Neuman 2003:232). If the population itself is relatively small, the sample should comprise a reasonably large percentage of it. Larger samples enable researchers to draw more representative and more accurate conclusions, and to make more accurate predictions than smaller samples, although this is more costly (Bless, Higson-Smith & Kagee 2006:107; Mitchell & Jolley 2001:496-497; Salkind 2000:96). The

size of the sample will be influenced by the relative homogeneity or heterogeneity of the population, and the desired degree of reliability for the purpose of the investigation (Huysamen 1993:50-51). The question then arises: How can one ensure that a sample is as representative as possible? The answer offered by methodologists is that random sampling is one of the techniques available that can ensure an optimal chance of drawing a sample that is representative of the population from which it was drawn. This then leads to a consideration of the two kinds of sampling available to researchers: probability sampling, which is based on randomisation meaning that a random sample is one in which each person in the population has the same known probability of being representatively selected, which permits the researcher to compute an estimate of the accuracy of the sample even before the study is done (DePoy & Gilson 2008:234; Druckman 2005:141-142; Grinnell & Unrau 2008:143; Kirk 1999:367); and non-probability sampling, which does not implement randomisation. This means that the non-probability sampling method cannot always guarantee that the sample size observed is a representative sample (Babbie 2001:178-182). In this research, the non-probability sampling methods used were snowballing and purposive sampling which were applied during the facilitation of the semi-structured personal interviews and in piloting.

5.4.1 Snowballing sampling

Snowballing sampling is normally used when there is no knowledge of the sampling frame and limited access to appropriate participation for the intended study (Alston & Bowles 2003:90). Snowballing involves approaching a single person that is involved in the phenomenon to be investigated in order to gain information on other similar persons. This one person refers the researcher to another similar person and preferably more than one other person (Grinnel & Unrau 2008:153; Royse 2004:197-198). In this manner the sampling frame is selected consisting of people who could make up the sample until a sufficient

number of people have been included in the study. The application of this method in this study was undertaken during facilitation in the piloting of the study.

5.4.2 Purposive sampling

This technique is also called judgemental sampling (Rubin & Babbie 2005:247 in De Vos *et al.* 2011:232). This type of sample is based entirely on the judgement of the researcher, in that a sample is composed of elements that contain the most characteristic, representative or typical attributes of the population that serve the purpose of the study best. In this study, the identification of the subjects is done through such a purposive sampling approach for the two discussion groups which are municipal functionaries and councillors from Capricorn District municipalities.

The structured interview questionnaires were administered to the respondents by the researcher with research assistants employed to circulate and collect the questionnaires. Applicable elements of data collection in this study to describe the manner in which data were collected are referred to below.

5.5 DATA ANALYSIS AND INTERPRETATION

The results of the structured interview questionnaires are presented and analysed in Chapter six to ensure that the input of the respondents is properly understood. This is necessary because the views, perceptions and experiences of the responses of the municipal functionaries and councillors of the Capricorn District municipalities, will be consolidated and analysed. A thorough interpretation of the data is undertaken in Chapter six.

5.6 SUMMARY

The significance of this chapter was to further highlight several methodological choices touched on in Chapter one. The research design was explained and a choice of research methodology for this study indicated. In the next chapter, a data analysis is done and research results are interpreted.

CHAPTER SIX

RESEARCH ANALYSIS AND INTERPRETATION OF RESULTS OF THE STRUCTURED INTERVIEW QUESTIONNAIRE

6.1 INTRODUCTION

In Chapter five, an elaboration regarding the research design and methodology was undertaken to justify the manner in which data collection was handled in this study. This was intended to ensure that Chapter six provides the necessary details regarding how data will be analysed and interpreted through various steps as outlined in the next section. Structured interview questionnaires will be applied as the main data collection method and will be supplemented by the literature reviews in Chapters two, three and four. This chapter, though, will begin by discussing the challenges that were encountered during the data collection stage. The chapter will then proceed to discuss the nature of the collected data so that the reader is assisted in understanding how the data was packaged and this will be presented in tabular and figure forms. After the analysis of how data was captured, the chapter will present and analyse the data according to total scores per section and per question. Finally, the data will be evaluated against the main question in this study which is ‘What is the reception of a code of conduct by the Capricorn District Municipality (CDM) in the Limpopo Province? See section 1.3 for the purpose of establishing whether the data supports these research questions or not.

It is important for the reader to bear in mind that participants who were municipal functionaries and councillors were exposed to the same type of questions from the questionnaire. The views of municipal functionaries and councillors were also combined to represent a joint view hence only one questionnaire was used for both.

6.2 CHALLENGES EXPERIENCED DURING THE DATA-GATHERING PROCESS

The aim of this section is to provide a brief description of the challenges that were encountered during the data-collection process. It is important to deal with these challenges here so that the reader is able to understand the basis of the analysis that will be provided below. The first challenge that needs discussion is the permission from the Capricorn District Municipality to conduct empirical research. The second challenge refers to the number of copies that were distributed and also the actual number of copies that were returned. The third challenge pertains to the issue of concealing true feelings by inflating the scores given so as to project a positive image of the municipal functionary and councillor being evaluated.

6.2.1 Request for permission to distribute questionnaires

My point of departure was to write a request letter to the municipal manager of the Lepelle-Nkumpi and Polokwane local municipalities and the Capricorn District Municipality, requesting permission to distribute questionnaires. The rationale behind this was that a municipal manager is the head of the administrative component and works closely with corporate services departments. Although the letters were acknowledged, there was a significant delay in responses from all local municipalities to the permission requested. It was a challenge in the sense that it delayed the research progress on the study project. After numerous reminders, the researcher drove to Polokwane to facilitate the matter. Eventually permission was granted by all the municipalities. The administrative structure at these local municipalities is divided into five departments headed by section 57 managers (see section 6.4.1.6) who are appointed by the *Local Government Municipal Performance Regulations*, 2006 and report directly to the municipal manager. The departments are Community Services, Corporate Services, Infrastructure and Local Economic Development, Strategy and Planning and

Finance, and municipal functionaries from different positions in these departments participated in the research.

Table 6.1: Representation of the survey for data collected

Local municipality	Population within the local municipality	%	Sample
Polokwane	210	43.9%	76
Lepele-Nkumpi	120	29.8%	43
CDM	98	26.3%	35
Total	428	100.0%	154

6.2.2 Distribution and return of the questionnaire

The other significant challenge for data collection, even though permission was granted, was that participants were reluctant to participate. Obviously, the success of any research survey is largely dependent upon the willingness of participants to take part in the survey. The information in Table 6.1 represents the proportional sample that the researcher worked with. Out of 154 municipal functionaries and councillors included in the research, only 58 participants responded to the questionnaire even though the targeted municipalities for this research had all responded and participated. This means that a 37.7% response rate of research results was acquired – 11 councillors, 13 senior managers and 33 supervisors/first line managers.

The challenge associated with the distribution of the questionnaires is that some participants showed no interest in the survey and as such they chose not to respond. Initially the researcher was hoping for a higher response rate from all participants since the study was authorised. However, authorisation does not mean people were coerced into responding. The process was entirely voluntary and that is why there was no attempt at pressuring participants to respond.

6.2.3 Issue of concealing true feelings by inflating the scores given

It was noticed that some participants marked ‘strongly agree or agree’ where a reflection of what they believe should not be the correct answer, but rather an honest reflection of their actual experiences. One wonders if those participants were not doing so to protect themselves as they were aware that ‘strongly disagree or disagree’ would directly impact on their own ethical conduct in the sense that disagreeing could mean that they are unethical in that the Code of Conduct is not taken into consideration.

Another point to consider here is the point of anonymity of the survey for participants. The questionnaires were distributed and collected via the training manager at the municipalities and further collected by the researcher and fieldworkers. In some cases, due to the structure of some of the questions, I had to be present while the participants completed the questionnaire. This was done in a few instances, as some councillors needed issues to be clarified.

Despite the research challenges provided above, the researcher believes that the data provided do represent a true reflection of the situation. This assurance is provided based on two conditions: firstly, the researcher is adequately familiar with the nature of local government as she has trained and taught local government subjects within the discipline of Public Administration to councillors and municipal functionaries, and secondly, the norm that is provided by the questionnaire will provide a control mechanism so that any abnormality can be easily detected.

6.3 ANALYSIS AND INTERPRETATION OF RESULTS

Cross tabulation was used as the researcher wanted to display the relationship between two variables in a tabular form, where information about one variable, crosstabs, generates information about *bivariate* relationships. The

questionnaire that was designed deals with the biographical particulars of the respondents and has Section A that deals with compliance with the Code of Conduct, Section B that deals with aspects of culture such as religion, language and communication, and Section C that deals with mechanisms to enhance ethical conduct. These sections will be closely analysed with the emphasis mainly on average scores that come to the fore for each section and per item. In order to present the information in an orderly and systematic fashion and to enhance readability, appendices, tables and graphs are used.

6.3.1 Biographical details

Various biographical particulars concerning the respondents were obtained from the survey in order to place answers to questions in the remainder of the survey in perspective. This means that the results that emerged from the empirical study conducted with the aid of sections A, B and C should not be viewed separately from the biographical details.

6.3.1.1 *Distribution in the sample according to age*

A total of 57 respondents provided their age for this survey (table 6.2). Of the sample, 84.2% of the respondents are aged between 26 and 55.

Table 6.2: Age distribution of the respondents

Categories		Frequency	Percent	Valid Percent	Cumulative Percent
Valid questionnaire	18-25	4	6.9	7.0	7.0
	26-35	18	31.0	31.6	38.6
	36-45	20	34.5	35.1	73.7
	46-55	10	17.2	17.5	91.2
	56-65	5	8.6	8.8	100.0
	Total	57	98.3	100.0	
Default questionnaire		1	1.7		
Total		58	100.0		

6.3.1.2 *Distribution in the sample according to race*

Of the total number of respondents, 93% were black respondents and 7% were white respondents (Table 6.3). One reason for this is that Capricorn District municipalities have a majority of black employees. See Figure 6.1 as evidence that the language spoken by respondents is Sepedi.

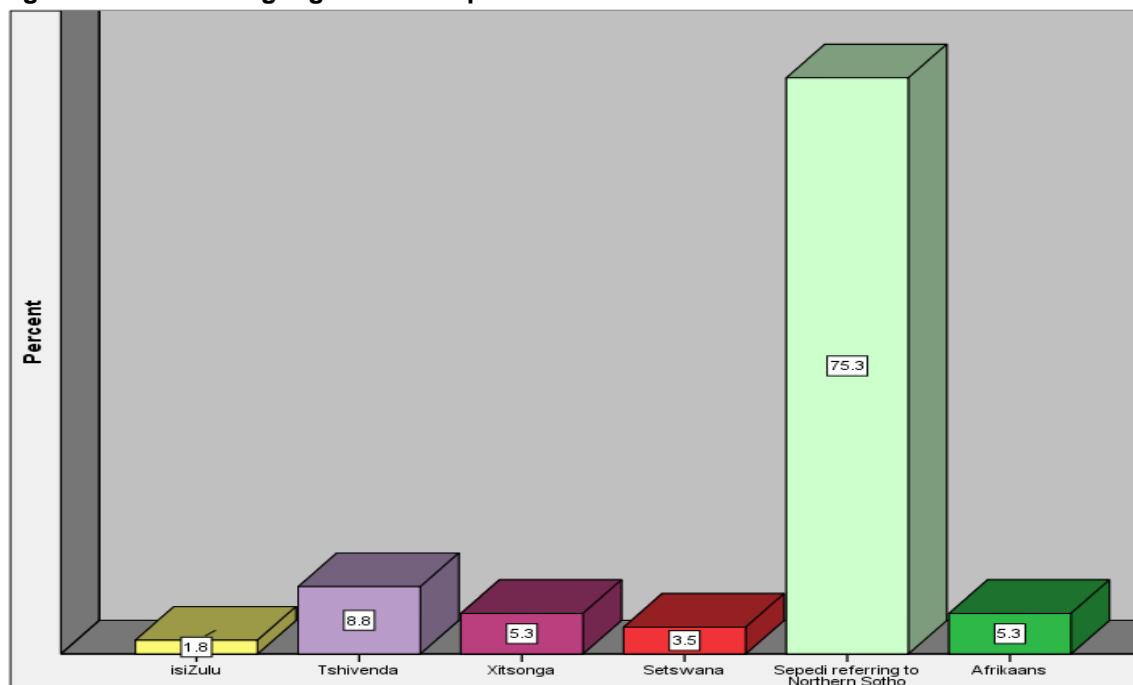
Table 6.3: Race distribution of the respondents

Categories		Frequency	Percent	Valid Percent	Cumulative Percent
Valid questionnaire	Black	53	91.4	93.0	93.0
	White	4	6.9	7.0	100.0
	Total	57	98.3	100.0	
Default questionnaire		1	1.7		
Total		58	100.0		

6.3.1.3 Distribution in the sample according to home language

Of the respondents, 75.3% have Sepedi as a home language (Figure 6.1). This could also be influenced by the fact that the majority of people who live in Polokwane are Sepedi speaking people.

Figure 6.1: Home language of the respondents



6.3.1.4 Distribution in the sample according to gender

Table 6.4: Gender composition of the respondents

Categories	Frequency	Percent	Valid Percent	Cumulative Percent
Valid questionnaire	32	55.2	56.1	56.1
Female	25	43.1	43.9	100.0
Total	57	98.3	100.0	
Default questionnaire	1	1.7		
Total	58	100.0		

Of the respondents 43.9% were female participants and 56.1% were men (Table 6.4).

6.3.1.5 *Distribution in the sample according to highest qualification*

Table 6.5: Highest qualification of the respondents

Categories		Frequency	Percent	Valid Percent	Cumulative Percent
Valid questionnaire	Grade 10/ Standard 8/ Form III	1	1.7	1.9	1.9
	Grade 11/ Standard 9/ Form IV	1	1.7	1.9	3.8
	Grade 12/ Standard 10/ Form V	3	5.2	5.7	9.4
	Post-matriculation technical qualification	7	12.1	13.2	22.6
	Degree/Diploma	41	70.7	77.4	100.0
	Total	53	91.4	100.0	
Default	Questionnaire	5	8.6		
Total		58	100.0		

The education levels of the respondents are shown in Table 6.5. The vast majority of the respondents (96.3%) possess a qualification of at least Grade 12; 77.4% have a three-year diploma; 5.7% have Grade 12 only. Of the other respondents 1.9% are in possession of Grade 10 only and 1.9% are in possession of Grade 11 only.

6.3.1.6 *Distribution in the sample according to current position*

Table 6.6: Current position of the respondents

Categories		Frequency	Percent	Valid Percent	Cumulative Percent
Valid questionnaire	Administration	24	41.4	42.9	42.9
	Supervisor	8	13.8	14.3	57.1
	Manager	9	15.5	16.1	73.2
	Senior Manager	2	3.4	3.6	76.8
	Director	2	3.4	3.6	80.4
	Ward committee	2	3.4	3.6	83.9
	Councillor	7	12.1	12.5	96.4
	Member of the Mayoral Committee (MMC)	2	3.4	3.6	100.0
	Total	56	96.6	100.0	
Default	Questionnaire	2	3.4		
Total		58	100.0		

Table 6.6 shows the rank group distribution of all the respondents. The largest single concentration of respondents 42.9% holds posts with the rank of administrator. This group is followed by the managers who constitute 16.1% and supervisors who constitute 14.3%. Ward committee members, councillors and members of the mayoral committee jointly constitute 19.7% of the respondents. Directors constitute only 3.6% of the total percentage.

6.1.3.7 *Distribution in the sample according to years of service*

Table 6.7: Years of service of the respondents

Years of experience	Frequency	Percent	Valid Percent	Cumulative Percent
Valid questionaire	20	34.5	40.8	40.8
4 - 6	13	22.4	26.5	67.3
-aire	16	27.6	32.7	100.0
Total	49	84.5	100.0	
Default questionnaire	9	15.5		
Total	58	100.0		

Of the respondents 40.8% have less than 5 years experience, 26.5% have experience of between 4 to 6 years and 32.7% have more than 7 years experience (Table 6.7).

6.4 AVERAGE SCORE PER QUESTION IN THE CASE OF SECTIONS A-C

Chapter 1 stated that this research has an important purpose namely, to examine and understand the reception of a code of conduct by municipal functionaries and councillors in the Capricorn District Municipality. In order to do that, the researcher had to explore and describe the nature of the interaction of ethics, moral standards and a code of conduct in local government and look into how this interaction can be strengthened and made more fluid by municipal functionaries and councillors. Furthermore the researcher investigated cultural aspects as well as the role of education and training in ethics for municipal functionaries and councillors at local government. Lastly, the exploration of mechanisms that may enhance ethical conduct in local government was also undertaken.

In the following section, the researcher will interpret the results from Section A-C in the questionnaire. In Section A there are 25 questions that were asked to participants in order to test compliance and attitude towards the Code of Conduct by municipal functionaries and councillors at local government within the Capricorn District municipalities. In Section B, 20 questions were asked about cultural aspects such as religion, language and communication in order to explore the ethical significance that culture has on ethical conduct at local government. Section C deals with 21 questions on mechanisms that may enhance ethical conduct at local government.

The responses were in the form of answering whether one strongly disagrees (SD) with a statement, disagrees (D), is neutral (N), agrees (A) or strongly agrees (SA). Participants had to make their own choices based on their experiences and not on what they think should be true. In addition, although some questions may appear to have a more obvious ‘agree’ or ‘disagree’ than other questions, the researcher is prepared to argue that the responses that have been given are the only appropriate responses to the question posed. For each question, participants should have assumed that they are the person who has to make the decision to resolve misconduct of a municipal functionary or councillor. The responses provided are shown in the form of a table and/or figures. For analysis and interpretation purposes as well as to clearly illustrate the degree of difference between ‘agree with a statement’ or ‘disagree with it’ the reader should note that all responses to ‘strongly agree’ and ‘agree’ are combined and shown as a unit under ‘agree’ in the figures. The same applies to the options ‘strongly disagree’ and ‘disagree’ where all responses are shown under ‘disagree’ only.

6.4.1 Distribution in the sample according to Section A

In Section A, the researcher was investigating the level of compliance with the Code of Conduct by municipal functionaries and councillors at the Capricorn

District municipalities. A summary of the responses is provided in table format after which each is dealt with in figures.

Table 6.8: Compliance of the Code of Conduct

Statement	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree	
	N	%	N	%	N	%	N	%	N	%
	2	3.6%	8	14.3%	9	16.1%	27	48.2%	10	17.9%
The Code of Conduct for Local Government is an effective document										
When I was appointed and/elected, I was told and had explained to me what a Code of Conduct is and how I should conduct myself in the municipality's business	4	7.3%	14	25.5%	6	10.9%	22	40.0%	9	16.4%
I know what is expected in terms of the Local Government Code of Conduct	1	1.8%	3	5.3%	10	17.5%	30	52.6%	13	22.8%
Senior management often emphasises the importance of complying with municipal policies and procedures	4	6.9%	11	19.0%	7	12.1%	21	36.2%	15	25.9%
The major responsibility of employees in this municipality is to be accountable	0	.0%	4	7.3%	6	10.9%	29	52.7%	16	29.1%

Senior management often does not comply with municipal policies and procedures	5	8.6%	19	32.8%	8	13.8%	24	41.4%	2	3.4%
Ethics deals with what is right or wrong	1	1.8%	3	5.3%	7	12.3%	32	56.1%	14	24.6%
To be ethical is to carry out socio-professional acts in a manner defined as acceptable	0	.0%	1	1.8%	3	5.3%	40	70.2%	13	22.8%
Public administration ethics refers to the determination of what is right and just in the decisions and actions that affect members of the public	0	.0%	0	.0%	6	10.3%	34	58.6%	18	31.0%
Compliance with the Code of Conduct can be achieved through forms of sanctions	2	3.4%	7	12.1%	15	25.9%	28	48.3%	6	10.3%
I do things that have the best consequences for me and it doesn't matter if that involves lying or stealing	24	42.1%	23	40.4%	1	1.8%	9	15.8%	0	.0%
I adhere to my obligations and duties when I analyse an unethical dilemma	0	.0%	6	10.5%	4	7.0%	37	64.9%	10	17.5%

I judge people by their character rather than by their actions	11	19.3%	22	38.6%	7	12.3%	14	24.6%	3	5.3%
The Code of Conduct provides behavioural guidance	1	1.8%	3	5.3%	3	5.3%	34	59.6%	16	28.1%
Everyone is committed to the values and norms of the municipality referred to in the Code of Conduct	7	12.1%	13	22.4%	9	15.5%	22	37.9%	7	12.1%
An atmosphere of respect and mutual trust exists in the municipality	7	12.1%	13	22.4%	12	20.7%	21	36.2%	5	8.6%
Everyone has the best interest of the municipality at heart	8	13.8%	16	27.6%	11	19.0%	19	32.8%	4	6.9%
Mutual trust exists between the employees and management	6	10.3%	22	37.9%	11	19.0%	13	22.4%	6	10.3%
Councillors are accountable to the local community and to the municipality at large	2	3.4%	8	13.8%	8	13.8%	27	46.6%	13	22.4%
Councillors report back at least quarterly to constituencies on council matters including the performance of the municipality	4	6.9%	9	15.5%	10	17.2%	27	46.6%	8	13.8%

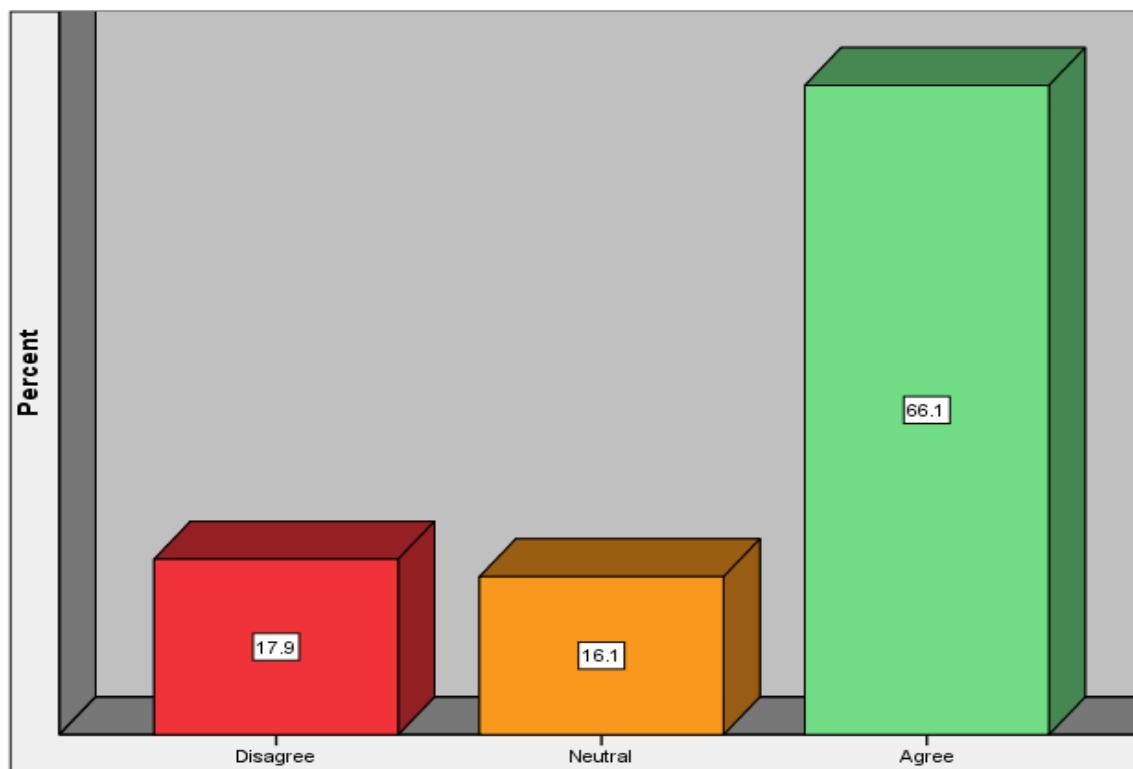
I have disclosed to the municipal council any direct or indirect personal private business interests that I or my spouse may have	3	5.2%	8	13.8%	9	15.5%	24	41.4%	14	24.1%
I am aware of instances in the municipality where position or privileges or confidential information obtained are used for private gain	4	7.0%	11	19.3%	7	12.3%	26	45.6%	9	15.8%
When elected or appointed, a municipal functionary or councillor must within 60 days declare in writing to the municipal manager his/her private interests and/or business	2	3.4%	2	3.4%	7	12.1%	31	53.4%	16	27.6%
Working full time does not enable me to do other paid work	2	3.4%	14	24.1%	7	12.1%	22	37.9%	13	22.4%
Municipal functionaries and councillors are seen as the tone-setters of society	2	3.5%	5	8.8%	10	17.5%	30	52.6%	10	17.5%

It should also be noted that all 58 respondents responded to some of the statements. However, some of the respondents did not respond to some statements.

6.4.1.1 Distribution in the sample according to the statement: The Code of Conduct for local government is an effective document

Figure 6.2 represents the response of municipal functionaries and councillors to the question of whether the Code of Conduct is effective as a municipal document. 66.1% of the respondents agreed that the Code of Conduct is an effective document that local government uses as a guideline for conduct. One of the main reasons that the Code of Conduct exists is that it encourages a certain work ethic and encourages politicians and officials within local government to behave in an ethical way, (see section 2.6). 17.9% of the respondents disagreed by stating that the Code of Conduct is not an effective document for local government. These respondents may feel that the Code of Conduct has not become a management disciplinary tool since attention to the social responsibility required by stakeholders in mission-driven communities is lacking.

Figure 6.2: The Code of Conduct for local government is an effective document

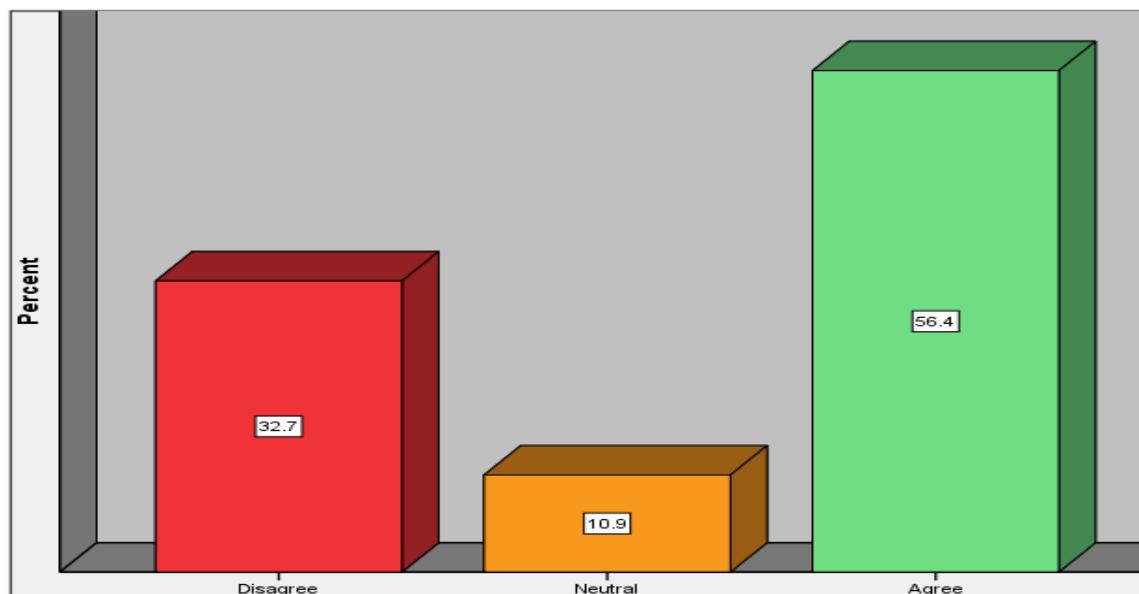


- 6.4.1.2 *Distribution in the sample according to the statement: When I was appointed and/or elected, I was told and had explained what a code of conduct is and how I should conduct myself in the municipality's business*

56.4% of the respondents agreed that they were informed what a code of conduct is and how they should conduct themselves when handling municipal business, 32.7% disagreed that the municipality informed them of a code of conduct, while the remaining 10.9% remained neutral to this statement (Figure 6.3).

From the above responses it can be said that, an effective system of ethical conduct should be introduced and explained to new employees and elected councillors immediately they are employed by the municipality. While managers have a significant impact on the local government's system, every municipal functionary and councillor has a responsibility and a role to ensure that the system is effective in achieving the municipal mission.

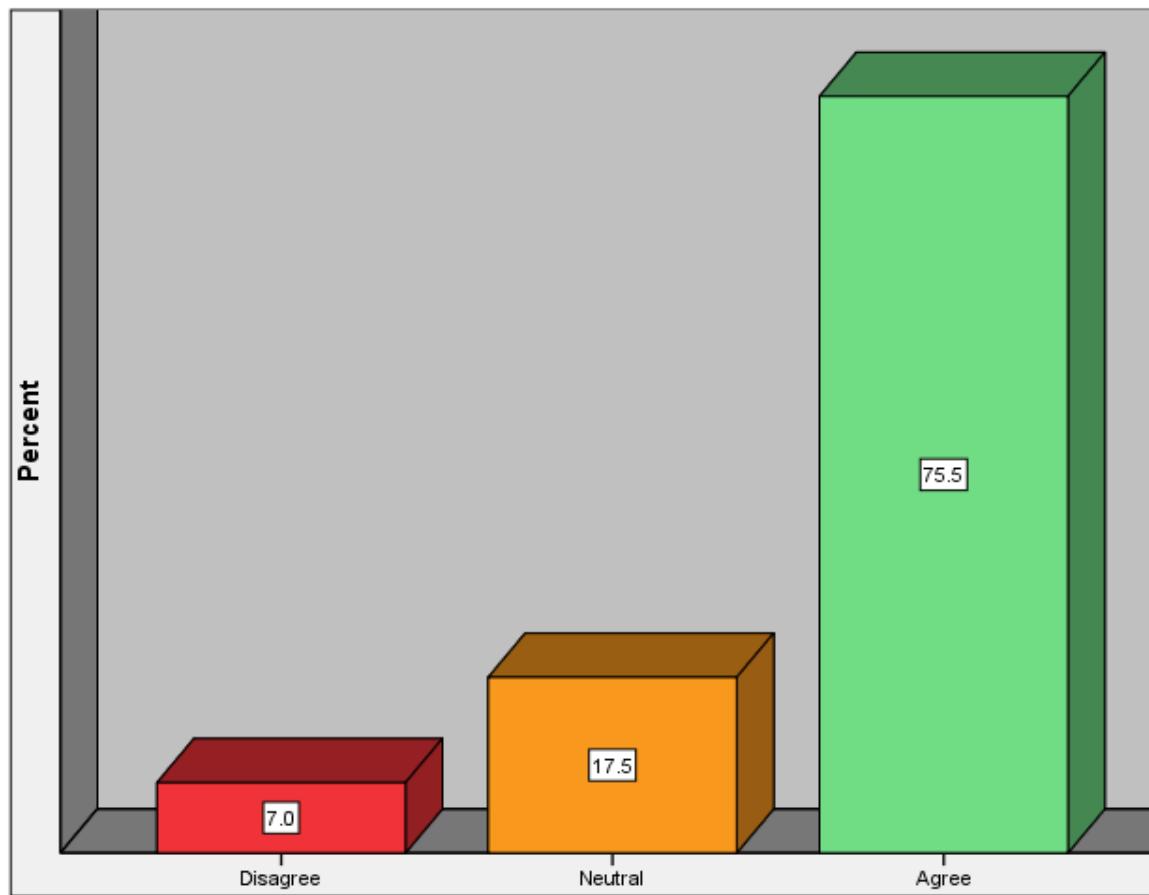
Figure 6.3: When I was appointed and/or elected, I was told and had explained to me what a code of conduct is and how I should conduct myself in the municipality's business



6.4.1.3 *Distribution of a sample according to the statement: I know what is expected in terms of the local government Code of Conduct*

75.5% of the respondents agreed that they know and are aware of what is expected of them in terms of the local government Code of Conduct, only 7.0% disagreed by stating that they do not know what is expected of them in terms of the Code, and 17.5% remained neutral about this statement (Figure 6.4). Ethical conduct of local government employees and elected officials is based on a standard of behavior that has been developed to ensure that average citizens can place trust in the integrity and honest behaviour of those serving the nation.

Figure 6.4: I know what is expected in terms of the local government Code of Conduct

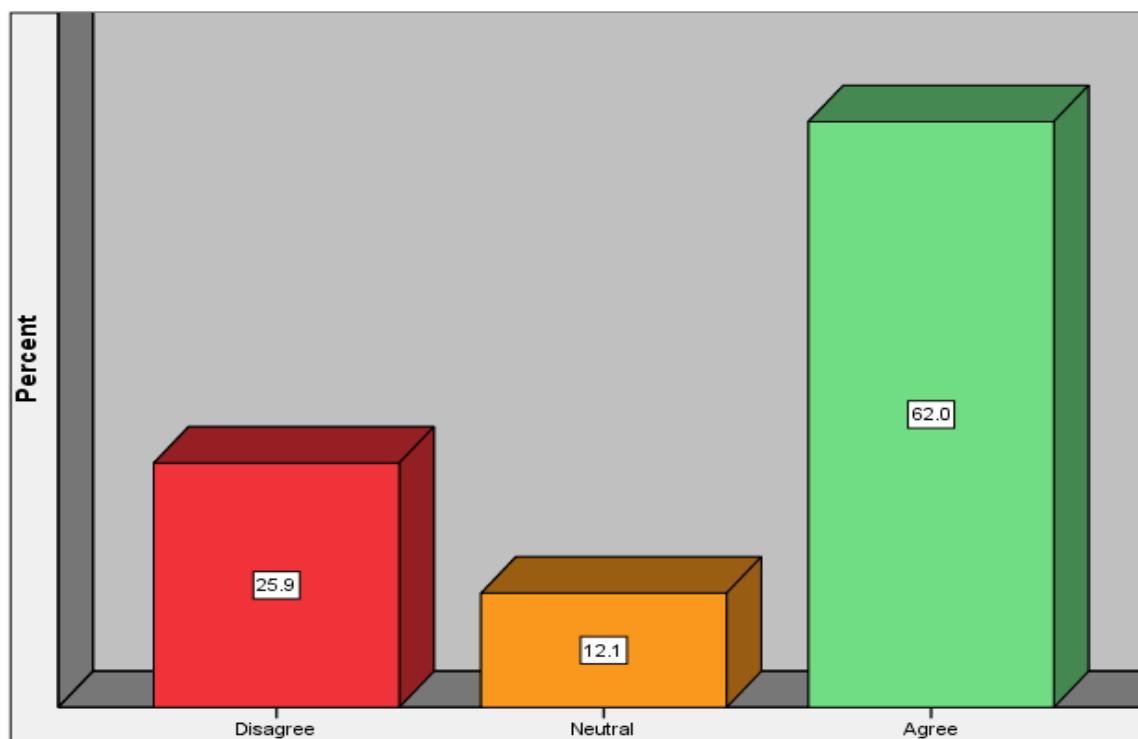


6.4.1.4 *Distribution in the sample according to the statement: Senior management often emphasises the importance of complying with municipal policies and procedures*

62.0% of the respondents agreed that senior management often emphasises the importance of complying with municipal policies and procedures. Only 25.9% disagreed and 12.1% remained neutral about the statement in question (Figure 6.5).

It is evident that senior management is part of top management and respondents realise that they are involved with strategic management, hence they see a need to make certain that employees in the municipality understand what ought to be done which is delivering services according to agreed policies and conducting themselves in an ethical manner.

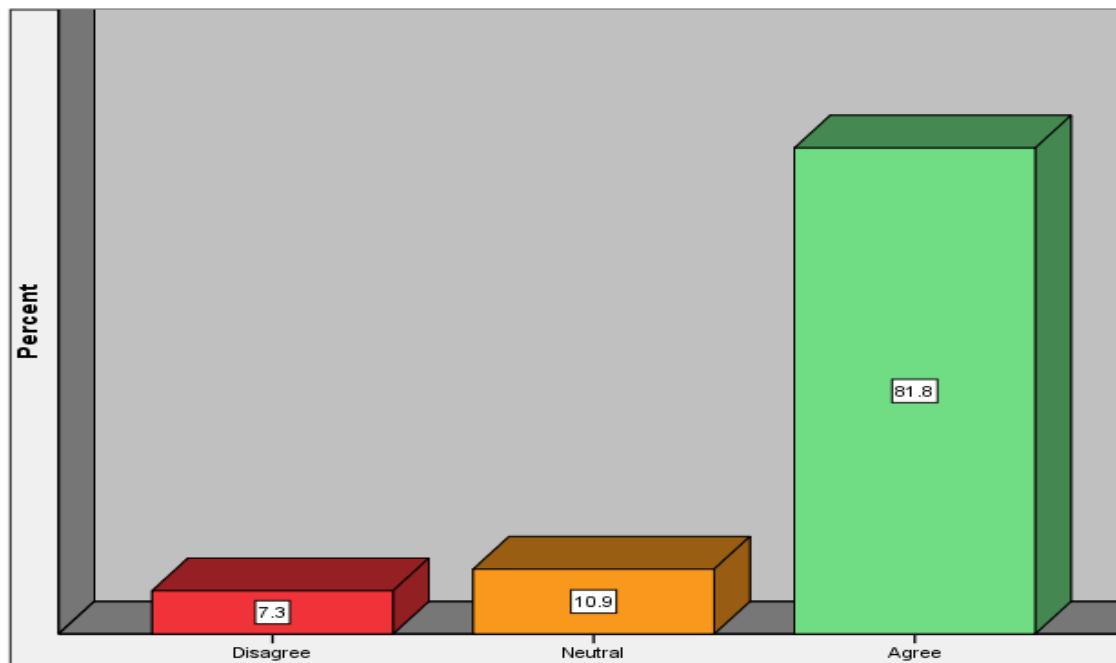
Figure 6.5: Senior management often emphasises the importance of complying with municipal policies and procedures



6.4.1.5 *Distribution in the sample according to the statement: The major responsibility of employees in this municipality is to be accountable*

Section 2.4.5 in Chapter 2 provides the terminology for accountability. It is evident from the response rate that accountability is clearly one of the principles of municipal functionaries and councillors. With 81.8% of respondents agreeing to this statement (Figure 6.6) it means that the actions of municipal functionaries and councillors should be justified, their reasons should be explained and their deeds and misdeeds accounted for before the court of public opinion. This is in line with Schedule 5 of the Municipal Structures Act 33 of 2002 which states that municipalities have structural mechanisms of accountability to local communities and to meet the priority needs of the communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role, councillors must be accountable to local communities and report back at least quarterly to constituencies on matters including the performance of the municipality in terms of established indicators.

Figure 6.6: The major responsibility of employees in this municipality is to be accountable



6.4.1.6 *Distribution in the sample according to the statement: Senior management often does not comply with municipal policies and procedures*

Figure 6.5 indicates that 62.1% of the respondents agreed that senior management emphasises the importance of complying with municipal policies and procedures, whereas in figure 6.7, 44.8% of respondents agreed that senior management often does not comply with municipal policies and procedures themselves. It should be noted that whereas the mayor is the head of the executive and the speaker the guardian of the integrity of council and councillors, the municipal manager is the head of the administration and the accounting officer is appointed by the council. The Constitutional Court has recognised that the appointment of the municipal manager is a key structure of a municipality and not a personnel appointment as contemplated in section 160(1)(d) of the *Constitution*.

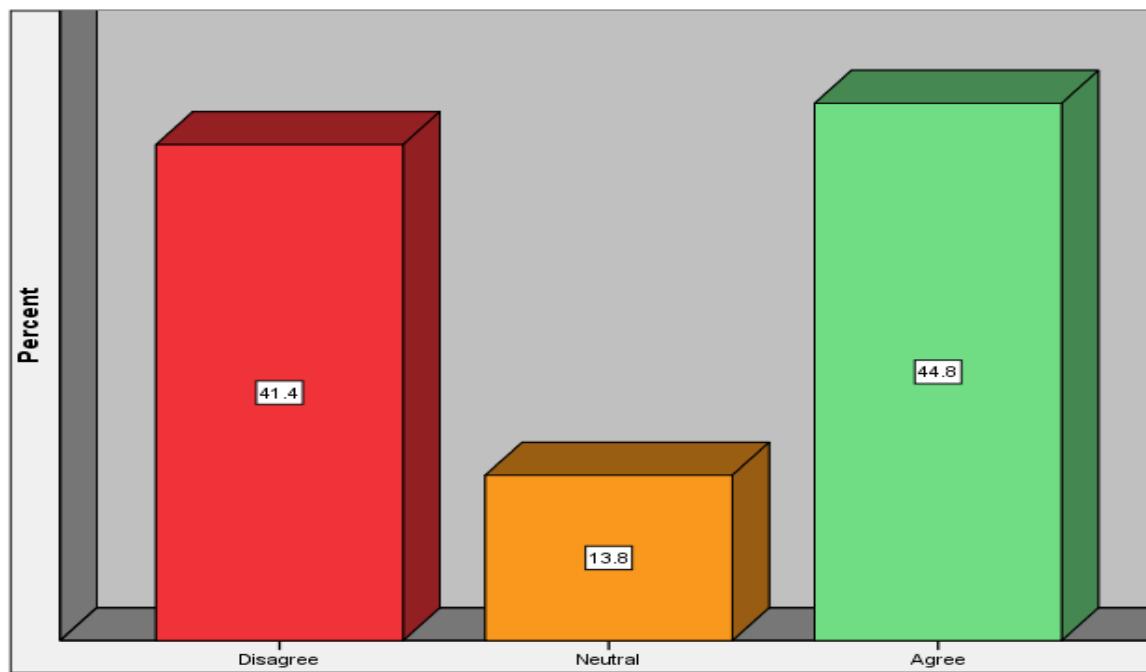
Generally, the municipal manager performs the functions and exercises the powers that are delegated or assigned to him or her by the municipal council. However, the *Systems Act* provides a framework of duties for the municipal manager. The municipal manager is the custodian of all records and documents of a municipality. He or she is responsible for the formation and development of an administration. This administration must be managed by the municipal manager in accordance with the *Systems Act* and other legislation applicable to the municipality. Included in his or her duties is the task of establishing a professional staff complement and to ensure that they deliver and perform.

The municipal manager is responsible for the implementation of the municipality's Integrated Development Plan (IDP) and must ensure that the administration is equipped to carry out the task of implementing the IDP. The municipal manager is also responsible for the management of the provision of services to the local community. In addition, the municipal manager must see to

the administration and implementation of the municipality's by-laws, policies and procedures and national and provincial legislation applicable to the municipality. The fact that 44.8% of the respondents agreed that senior management often does not comply with municipal policies and procedures is disturbing especially when it is the municipal manager's mandate to see to it that policies and procedures are followed and implemented. Managers who are directly accountable to the municipal manager are often termed 'section 57 managers', with reference to the provision in the *Systems Act* that provides for their appointment. As their title indicates, they report to and are subordinates of the municipal manager. However, these section 57 managers are appointed by the municipal council, after consultation with the municipal manager. A section 57 manager must have the relevant skills and expertise to perform the duties associated with the post, and, is directly accountable to the municipal manager on all duties delegated to him and should see that policies and procedures are followed by those who report to him.

It should also be mentioned that 41.4% disagreed with the statement in question. Comparing the respondents who agreed with the respondents who disagreed, there is a small significance of contradiction between the two statements: 13.8% of respondents remained neutral deciding not to mention what their experience has been.

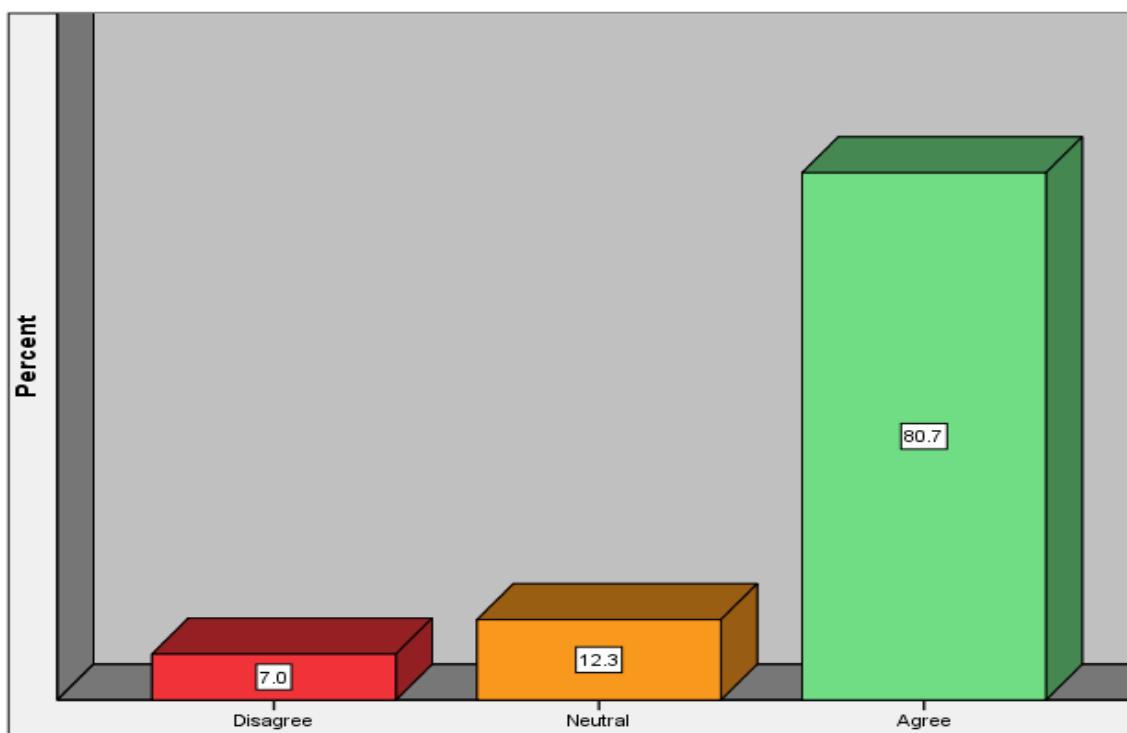
Figure 6.7: Senior management often does not comply with municipal policies and procedures



6.4.1.7 *Distribution in the sample according to the statement: Ethics deals with what is right and wrong*

According to Mafunisa (2000:24) ethics deals with what is wrong and right, (see section 2.3). 80.7% of the respondents agreed that ethics indeed deals with what is right and wrong, and only 7.0% disagreed, whereas 12.3% were neutral about the statement (Figure 6.8). In fact it can be said that municipal functionaries and councillors know that ethics is not only about doing what is right or wrong but also relates to taking decisions that affect the public good or bad when delivering services.

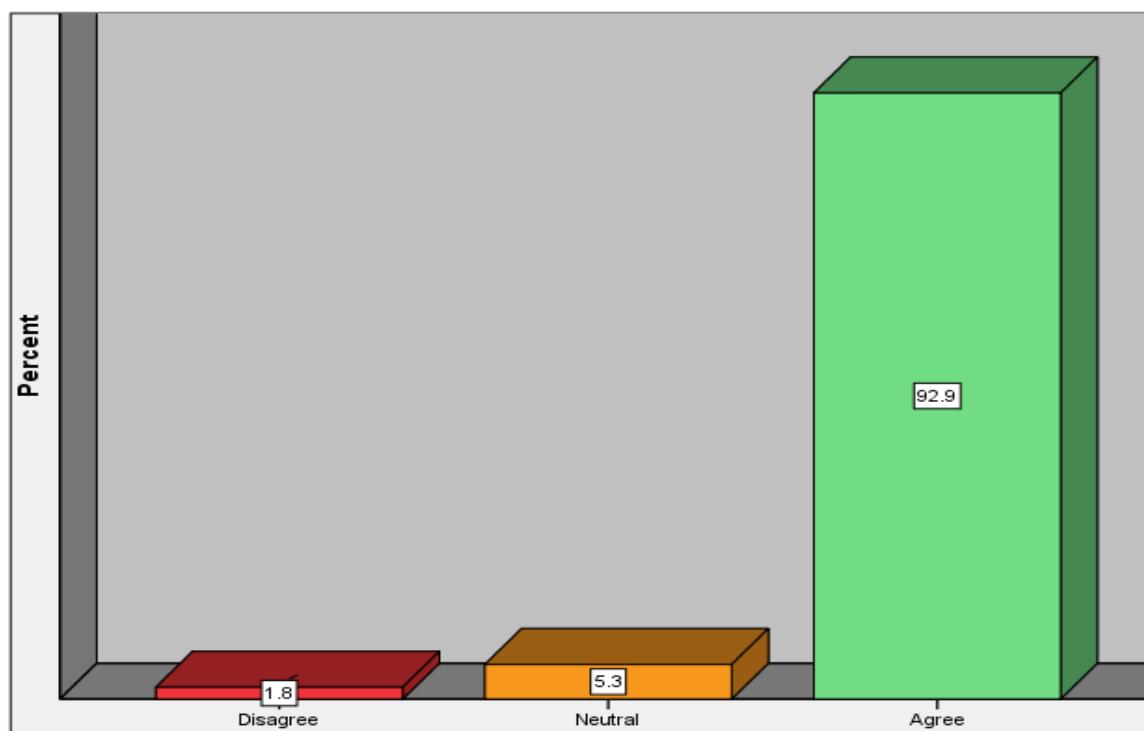
Figure 6.8: Ethics deals with what is right or wrong



6.4.1.8 *Distribution in the sample according to the statement: To be ethical is to carry out socio-professional acts in a manner defined as acceptable*

Section 2.4.3 has indicated that municipal functionaries and councillors need to comprehend the ethical nature of their profession. A response rate of 92.9% (Figure 6.9) agreeing to this statement shows an awareness among respondents that to be ethical is to carry out socio-professional acts in a manner defined as acceptable. This shows an awareness amongst respondents to not put self-interest first and to be truthful to their work and fulfil their duties in accordance with necessary resources, as the public has the right to expect. It should also be noted that only 1.8% of the respondents do not agree that to be ethical is to carry out socio-professional acts in a manner defined as acceptable. For the remaining respondents, 5.3% of them are neutral about the statement in question.

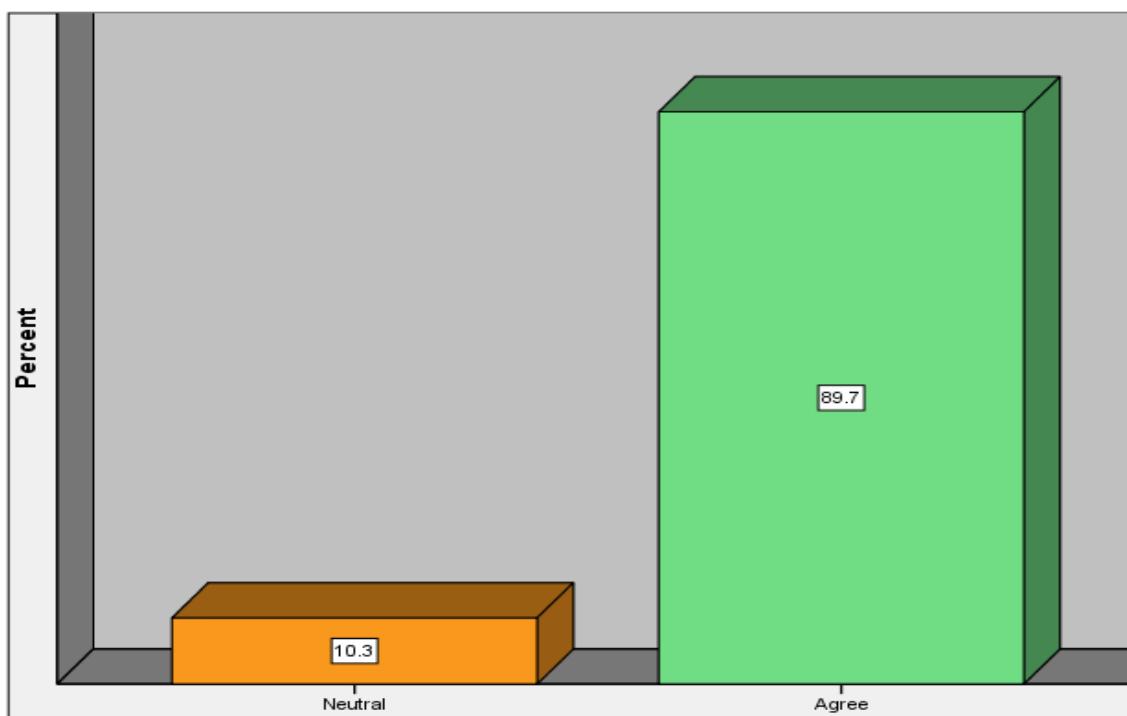
Figure 6.9: To be ethical is to carry out socio-professional acts in a manner defined as acceptable



6.4.1.9 *Distribution in the sample according to the statement: Public administration ethics refers to the determination of what is right and just in the decisions and actions that affect members of the public*

The statement in Figure 6.10 investigates the belief that there are right and wrong ways of acting in a given situation, and this is one of the principal priorities in public administration ethics especially where it concerns a society's moral standard. Figure 6.8 and figure 6.10 support each other in that respondents shown in Figure 6.8 agreed with 80.7% saying that ethics has to do with right and wrong and in figure 6.10, 89.7% of the respondents agreed that public administration ethics refers to the determination of what is right and just in the decisions and actions that affect members of the public. Of the respondents 10.3% remained neutral about the statement in question.

Figure 6.10: Public administration refers to the determination of what is right and just in the decisions and actions that affect members of the public

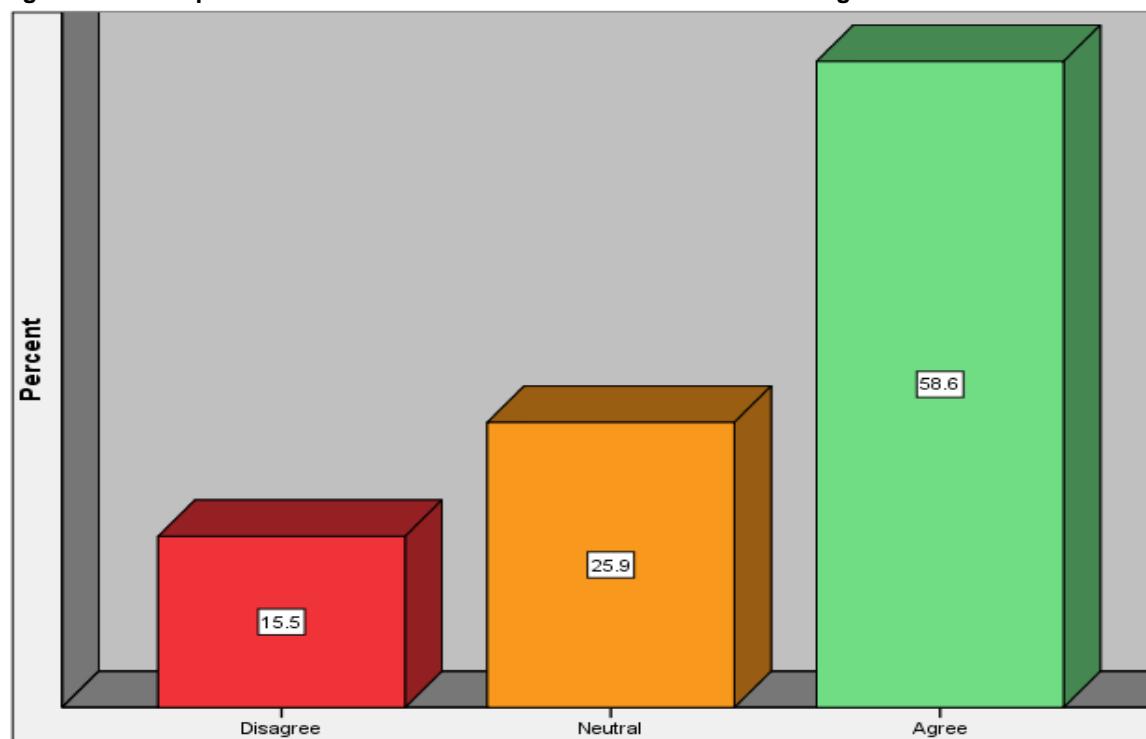


6.4.1.10 *Distribution in the sample according to the statement: Compliance with the Code of Conduct can be achieved through forms of sanctions*

58.6% of the respondents agreed that compliance with the Code of Conduct should be achieved through forms of sanctions (Figure 6.11). It should be understood that when one gives ethical sanctions or endorsement to certain attitudes or actions, the following question should be asked: on what basis, or by what authority, or for what reason, does a person decide what should be, or on what list of moral prohibitions or ethical expectations? For instance, why should municipal functionaries and councillors always tell the truth? The answer is that when they lie to the public, they contribute to the erosion of public trust, and as they are electorates, they cannot afford to do that, as they need to be voted in again in the next elections. Figure 6.10 also illustrated that 25.9% of

respondents decided to be neutral and the remaining 15.5% disagreed with the statement in question.

Figure 6.11: Compliance with the Code of Conduct can be achieved through forms of sanctions



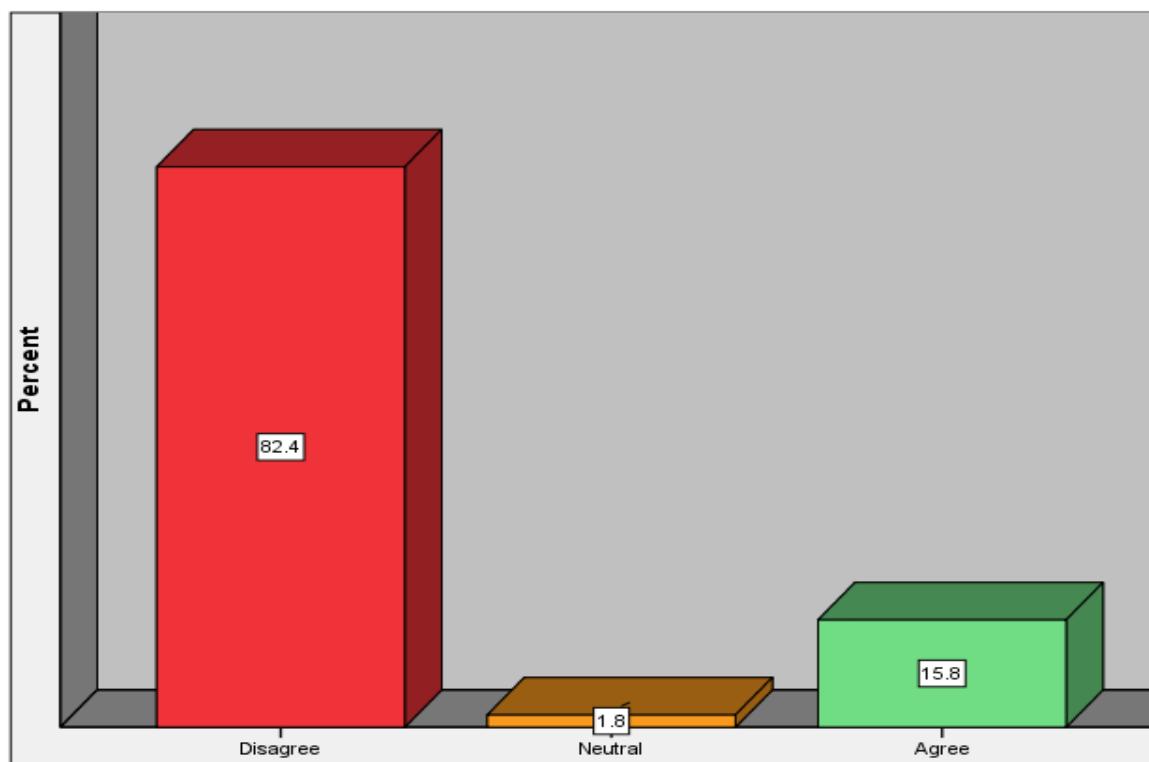
6.4.1.11 *Distribution in the sample according to the statement: I do things that have the best consequences for me and it doesn't matter if that involves lying or stealing*

This statement was used because the researcher needed to test the consequentialism ethics theory referred to in section 2.5.1. It is interesting to learn that 82.4% of the respondents have disagreed with the statement (Figure 6.12). The main reason for being interested in this research is the corrupt cases mentioned in the problem statement in Chapter one, hence the response indicates something important. Consequentialism theory is based on making decisions on the best action for the largest group, which also results in least harm. It seems according to the response of 82.5% that municipal functionaries

and councillors agree that consequences of action matter morally. The fact that 15.8% of the respondents agree to this statement is quite disturbing.

A choice in decision that yields the greatest benefit to the most people is the chance that it is ethically correct. Despite the majority of respondents disagreeing with the statement, from the response rate of participants who agreed to it, one can assume that at Capricorn District Municipality, Polokwane and Lepelle-Nkumpi local municipalities there are people who make decisions based on the best consequences for themselves and therefore it is expected that such people are not 'act utilitarians' meaning they do not compare similar predicted solutions and use a point system to determine which choice is more beneficial for more people in the public. It should also be noted that 1.8% of the respondents stayed neutral to the statement in question.

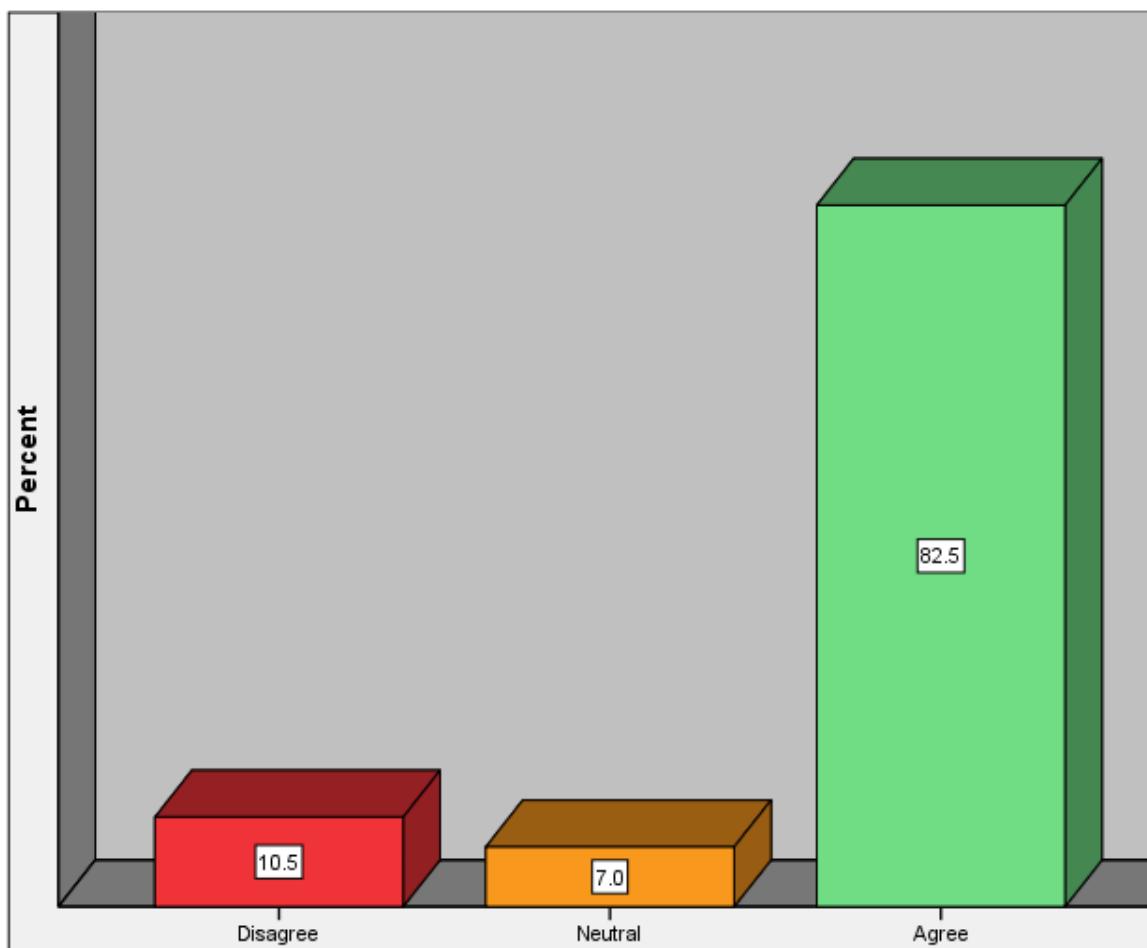
Figure 6.12: I do things that have the best consequences for me and it doesn't matter if that involves lying or stealing



6.4.1.12 *Distribution in the sample according to the statement: I adhere to my obligations and duties when I analyse an unethical dilemma*

This statement was asked in order to test the deontological ethics theory. In this theory people adhere to their obligation and duties when they analyse an unethical dilemma. 82.4% (Figure 6.13) of the respondents agreed to the statement and as a result can be seen to be deontologists. This means that municipal functionaries and councillors have shown an awareness of the need to fulfil obligations to the society in terms of what is considered to be ethically correct (see 2.5.2). In such instances decision-making tends to be based on traditional values such as honesty, fairness and loyalty. It should also be indicated that 10.5% of the respondents disagreed with this statement meaning they do not adhere to their obligations and duties when analysing an unethical dilemma. This in itself may not necessarily be incorrect as such a view is based on the principle of being flexible when a decision on unethical action needs to be made. However, such a view can be regarded as having positive consequences only if it is based on a flexible outlook. The remaining 7.0% of the respondents remained neutral. They could not decide what they would do when analysing an unethical dilemma.

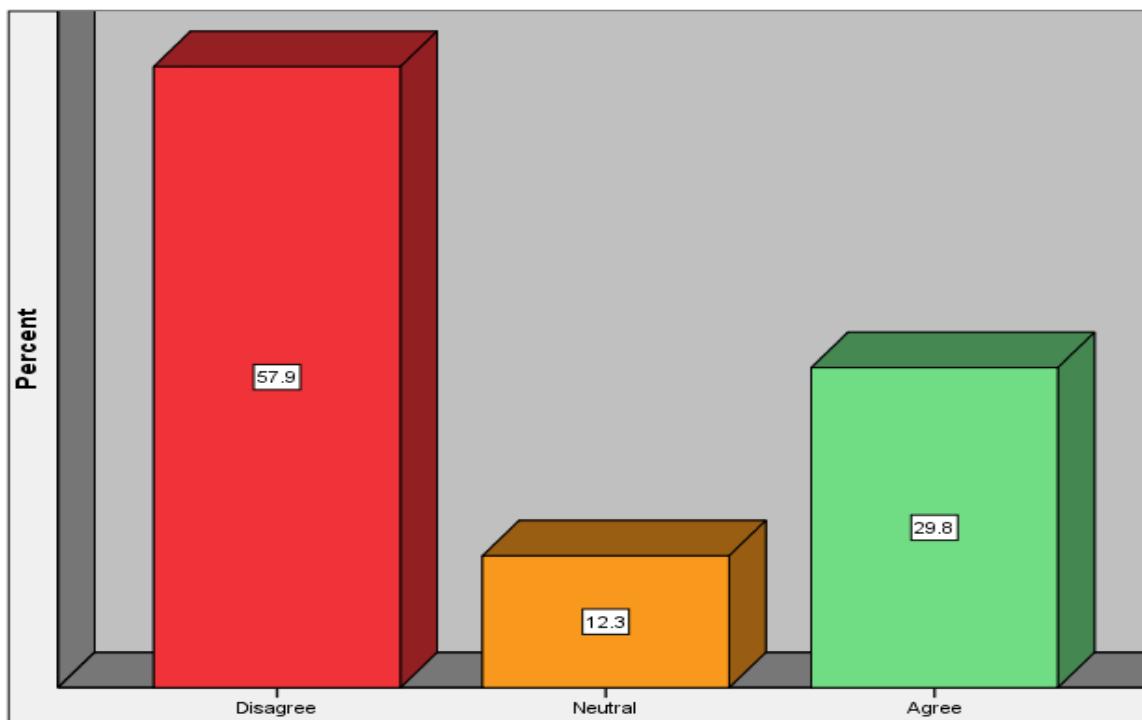
Figure 6.13: I adhere to my obligations and duties when I analyse an unethical dilemma



6.4.1.13 Distribution in the sample according to the statement: I judge people by their character rather than by their actions

This statement was posed because the researcher needed to test the virtue ethics theory. According to this theory 57.9% of the respondents disagreed and believed that people should be judged by their actions and not their character, whereas 29.8% believe that judging people by their character is something that they could do (Figure 6.14). Only 12.3% remained neutral towards the statement. It can be interpreted from these findings that municipal functionaries and councillors tend to prefer and base their decisions on values rather than consequences or duties. Although, virtues valued by the community affect their decision making thought process in particular.

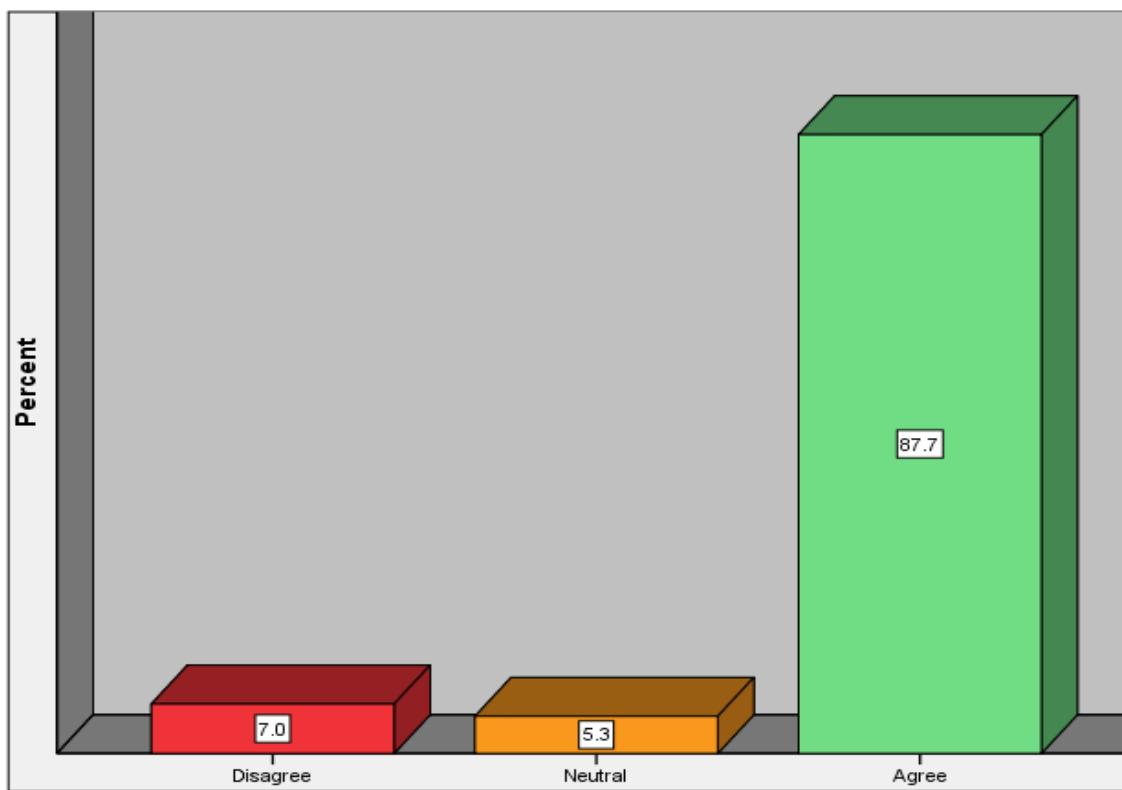
Figure 6.14: I judge people by their character rather than by their actions



6.4.1.14 Distribution in the sample according to the statement: The Code of Conduct provides behavioural guidance

A response rate of 87.7% shows that respondents agreed that the Code of Conduct provides behavioural guidance (Figure 6.15). One of the main reasons the Code must exist is that it encourages a work ethic and encourages councillors and municipal functionaries to behave in an ethical manner. For many institutions, a code of conduct has become a management discipline. 7.0% of the respondents disagreed that the Code of Conduct provides behavioural guidance. Evident to the prevalent cases of corruption that have taken place in Limpopo Province, these respondents feel that the Code of Conduct just pays lip service; people do not take it seriously. The remaining 5.3% of the respondents remained neutral to the statement in question, as they did not know what to say.

Figure 6.15: The Code of Conduct provides behavioural guidance



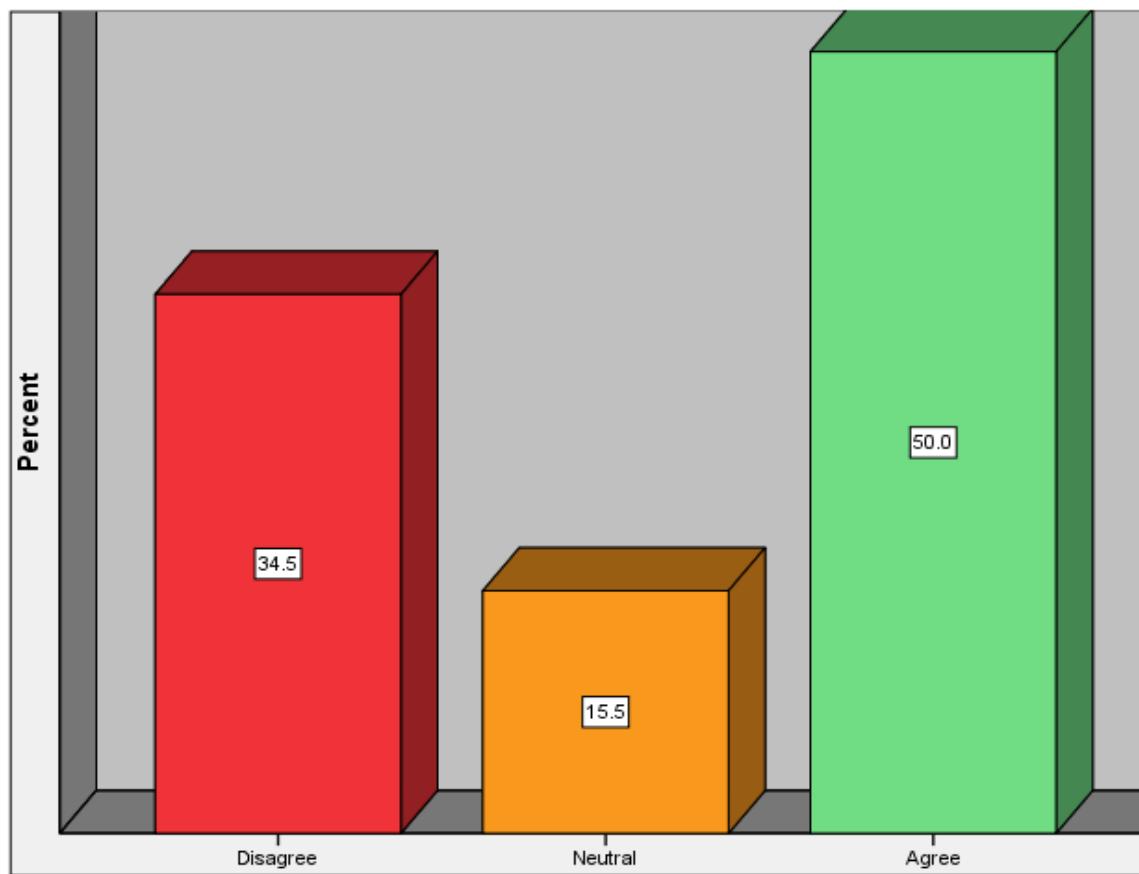
6.4.1.15 Distribution in the sample according to the statement: Everyone is committed to the values and norms of the municipality referred to in the Code of Conduct

50.0% of the respondents agreed that everyone is committed to the values and norms of the municipality referred to in the Code of Conduct (Figure 6.16). This is so because the Code of Conduct is a statutory guide into ethical dilemmas of local government. Its aim is to create an environment that is rich in moral and ethical values and behaviour. Discussions with other people interviewed, indicated that accepting unethical behaviour is an evil that exists and cannot be eradicated. As a result if a key function of management is to create moral conversions at local government which must be done with high purpose and acting as steward of the system, this responsibility is not being discharged in a reliable manner. Furthermore, 34.5% of the respondents disagreed that everyone is committed to the values and norms of the municipality stated in the

Code of Conduct. The remaining 15.5% are neutral to the statement in question. Section 2.4.1 refers to values as ethical standards but also mentions that values entail deep emotional dedication relating to human activity.

According to Chapter 10 of the *Constitution of the Republic of South Africa, 1996* public administrations are governed by certain principles, norms and values. Such principles, norms and values are the basis of preference and decisions. These values provide the standards by which municipal functionaries and councillors should live. In view of the number of respondents who disagreed and preferred to stay neutral, one can conclude that these principles, norms and values referred to in the Code of Conduct and the 1996 Constitution are not properly adhered to in the Capricorn District municipalities.

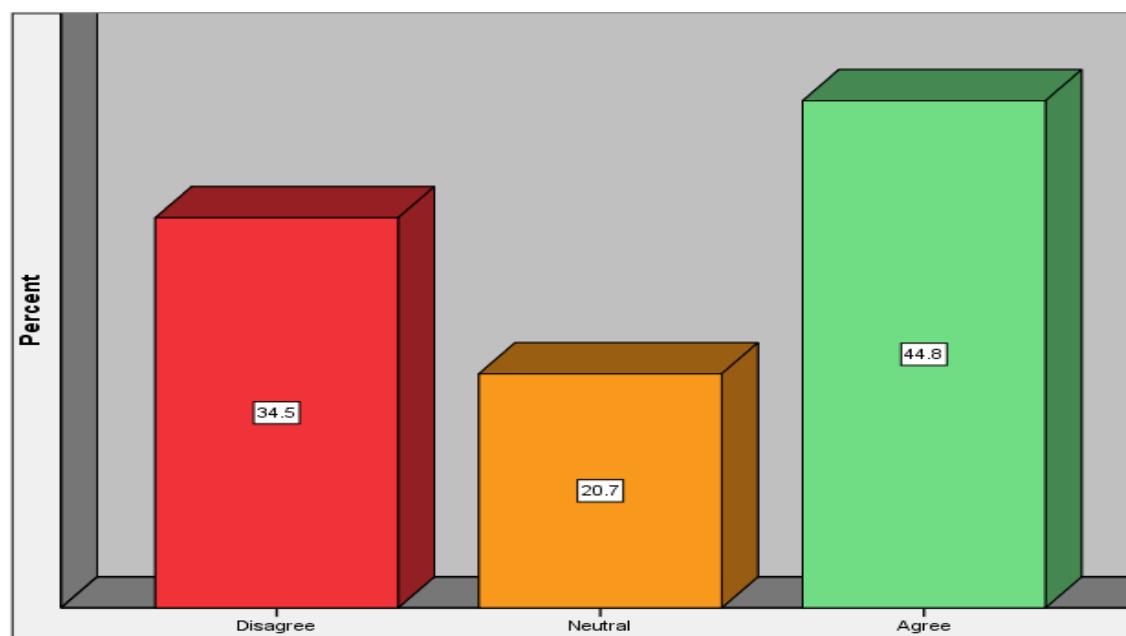
Figure 6.16: Everyone is committed to the values and norms of the municipality referred to in the Code of Conduct



6.4.1.16 Distribution in the sample according to the statement: An atmosphere of respect and mutual trust exists in the municipality

44.8% of the respondents agreed with the statement that an atmosphere of respect and mutual trust exists in the municipality (Figure 6.17). This could mean that the management of the municipality encourages effective working relationships with colleagues and between departments in order to achieve valuable results. 34.5% of municipal functionaries and councillors disagreed that respect and trust exist in the municipality. This could be encouraged by different political parties that inform different political policies within the same municipality. This competition and mistrust between political parties make people invest energy and time on scheming against each other rather than building the municipality and being able to render proper services to community members. 20.7% remained neutral which could also be indicative of support for those respondents who disagreed. If trust is practised between municipal functionaries and councillors, it could lead to increased productivity and strengthen municipal commitment.

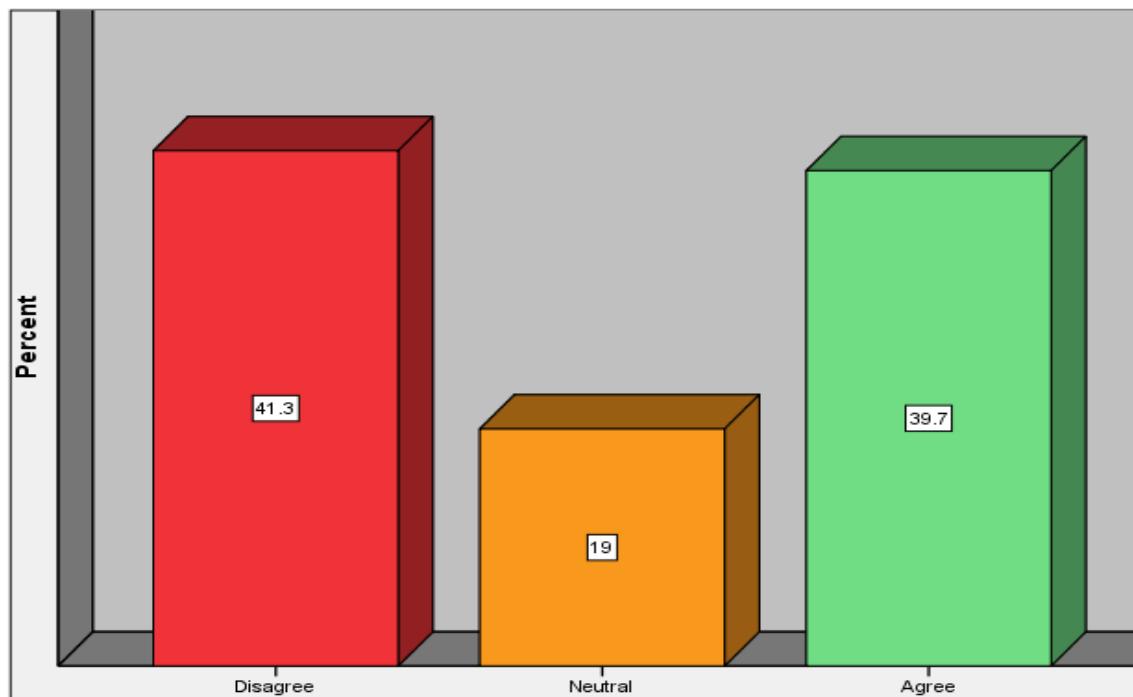
Figure 6.17: An atmosphere of respect and mutual trust exists in the municipality



6.4.1.17 *Distribution in the sample according to the statement: Everyone has the best interest of the municipality at heart*

Even though 66.1% of the respondents agreed that the Code of Conduct is an effective document at local government (see Figure 6.2), responses keep on contradicting each other because Figure 6.18 indicates that 41.3% of the respondents disagreed that everyone has the best interest of the municipality at heart whereas 19% of the respondents remained neutral to the statement. According to figure 6.17, as mentioned earlier, 34.5% of the respondents also disagreed that an atmosphere of respect and mutual trust exist in the municipality while 20.7% remained neutral towards this aspect. Seen in the problem statement provided in chapter one, it is evident from these findings that some municipal functionaries and/or councillors are involved in unethical conduct and are careless of municipal interests. Encouraging is the fact that 39.7% of the respondents agreed that everyone has the best interest of the municipality at heart.

Figure 6.18: Everyone has the best interest of the municipality at heart

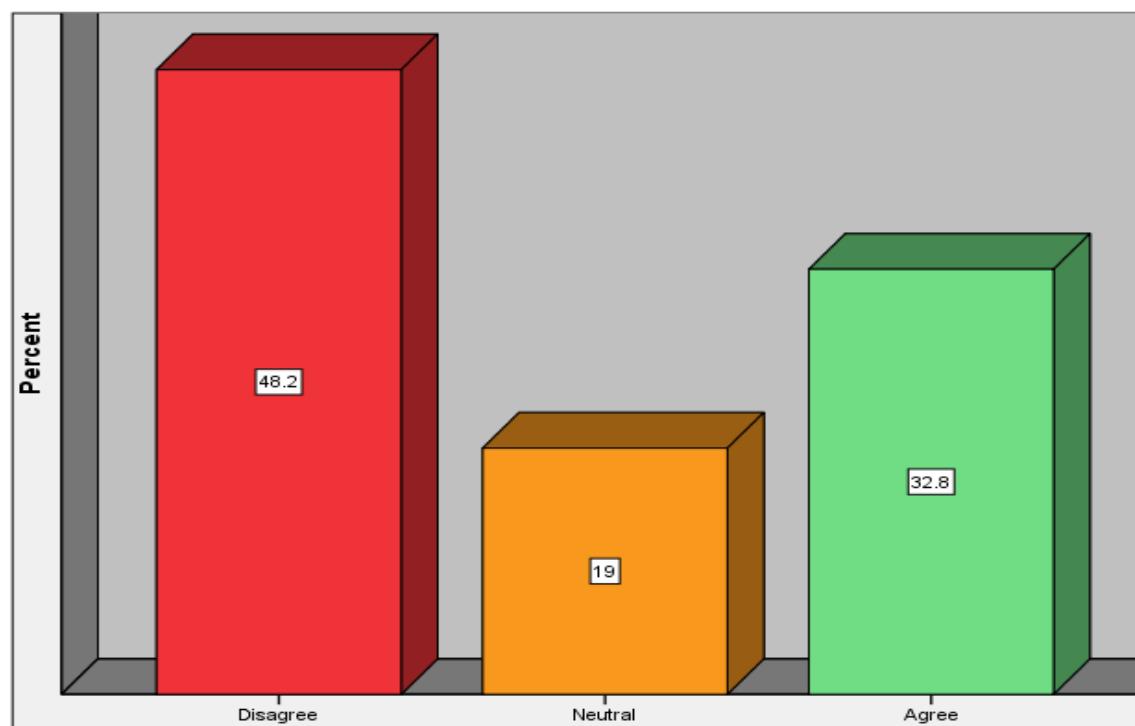


6.4.1.18 *Distribution in the sample according to the statement: Mutual trust exists between the employees and management*

Mutual trust is an important form of social responsibility and social capital on which future obligations and expectations may be based. Putnam (1993) in Fu (2004:13) regards trust as a source of social capital that sustains economic dynamism and governmental performance. With this said, one can note that the existence of trust encourages strong interconnected and mutually reinforcing relations between colleagues, people, friends and families. By contrast, a more open structure is less likely to allow individuals within it to detect a violation of norms, which may result in less trust among members which weakens performance and increases productivity. Putnam (1993) continues to highlight that trust facilitates communication, which results in citizen cooperation for mutual benefit. Amazingly enough, the figure in question and statement to be interpreted indicates that 48.2% of the respondents did not agree that mutual trust exists between employees and management (Figure 6.19).

This is an indication that municipal functionaries and councillors in the Capricorn District municipalities do not trust each other and this affects their performance in delivering services and building the municipality. The 32.8% of the respondents who agreed that there is mutual trust between employees and management is encouraging. The 19% of the respondents who preferred to stay neutral on the statement do not really contribute to enhance this finding.

Figure 6.19: Mutual trust exists between the employees and management



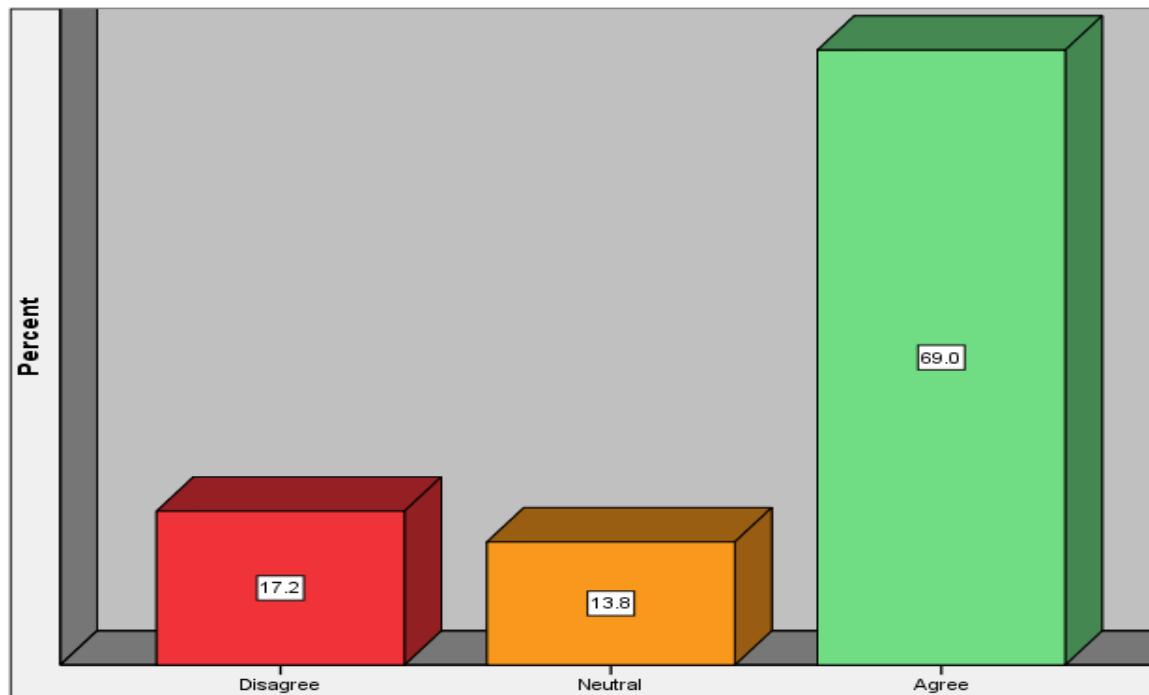
6.4.1.19 Distribution in the sample according to the statement: Councillors are accountable to the local community and to the municipality at large

The mechanisms through which locally elected representatives can be accountable to the public include, among other things, elections, public meetings and formal grievance procedures. The electoral system for local government itself may not in all respects establish direct accountability links as there are serious difficulties in defining community accountability for councillors. The constituency element in the electoral system, namely that of ward representation, appears not to have generated a strong enough direct link between communities and ward councillors. It is suggested that the failure to maximise on this institution of accountability has its roots in the quest of political parties to manage the fielding of candidates. The open meeting requirements in the *Municipal Systems Act 32 of 2000* seem to go far enough to ensure that municipal meetings do not take place away from public scrutiny, thereby facilitating the

accountability of local representatives to the public. The Systems Act provides a clear obligation on the municipal manager to provide the public with notice that sets out the date, time and venue of all meetings. The Systems Act provides citizens with mechanisms to lodge appeals, make petitions and express their views on the performance of the council. These formal grievance procedures play an important role in achieving accountability although much depends on the manner in which the municipality gives effect to it. Municipal accountability to the public is further promoted by the Systems Act and, more specifically, the Code of Conduct for councillors which encourages councillors to report back at least quarterly to their constituencies on the performance of the municipality.

In view of the above it is encouraging that 69.0% of the respondents have agreed that councillors are definitely accountable to the local community and the municipality at large. 17.2% of the respondents disagreed whereas 13.8% remained neutral to this statement.

Figure 6.20: Councillors are accountable to the local community and to the municipality at large

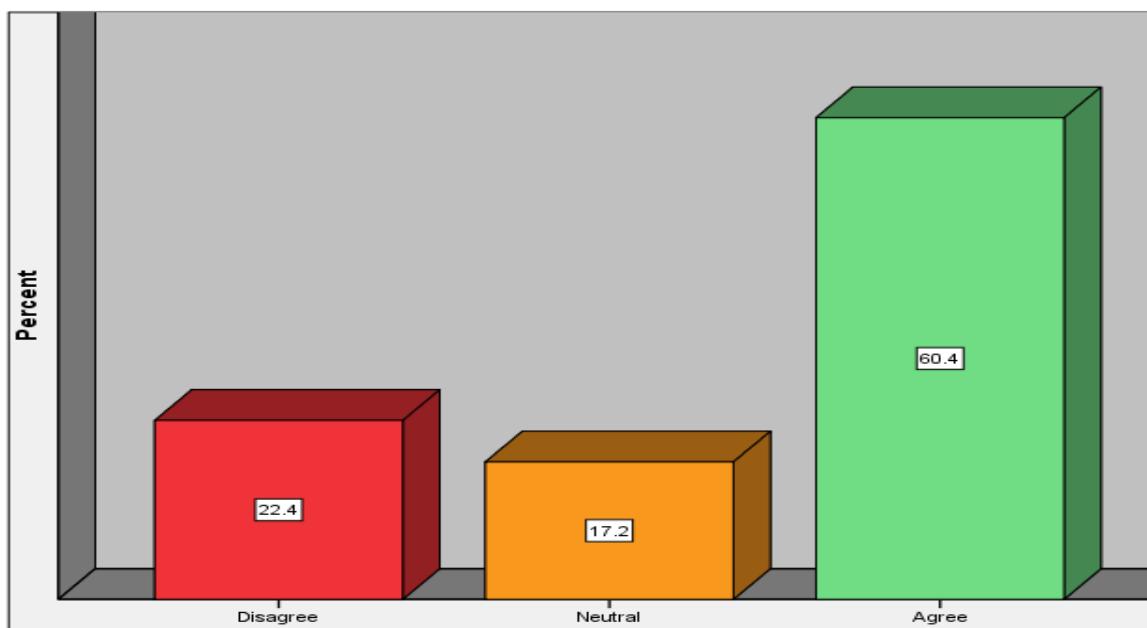


6.4.1.20 *Distribution in the sample according to the statement: Councillors report back at least quarterly to constituencies on council matters including performance of the municipality*

Accountability lines can also be established through reporting mechanisms. In this regard, the *Systems Act*, section 17(2)(e) obliges a municipality to provide mechanisms for reporting back to the community. The Code of Conduct for councillors is more specific in this regard as councillors are encouraged to report back at least quarterly to their constituencies. This means that a ward councillor must report back to his or her ward on the performance of the municipality, thus, fostering the accountability of ward councillors. It is not, however, clear how the report-back obligation applies to councillors. This has to do with the fact that the councillor's constituency is not clear as the election does not directly link him or her to a constituency. Steytler and De Visser (2008:6-15) suggest that the execution of this obligation by the councillor "depends on how the municipality has organised its community participation strategy". They illustrate this by stating that in municipalities where councillors have been assigned to wards, for example, the ward becomes the councillor's constituency for the purpose of this provision.

Responses to this statement show that 60.4% of the respondents agreed that councillors report back at least quarterly to constituencies on council matters including performance of the municipality, 22.4% disagreed and 17.2% remained neutral to the statement in question (Figure 6.21). This finding is more or less in line with the finding in Figure 6.20 according to which the majority of the respondents (69.0%) also confirmed that councilors are accountable to the local community and the municipality at large. Although fewer respondents than this indicated that councillors report back at least quarterly to constituencies, it is still an encouraging figure and conducive to ethical conduct at the Capricorn District municipalities.

Figure 6.21: Councillors report back at least quarterly to constituencies on council matters including performance of the municipality



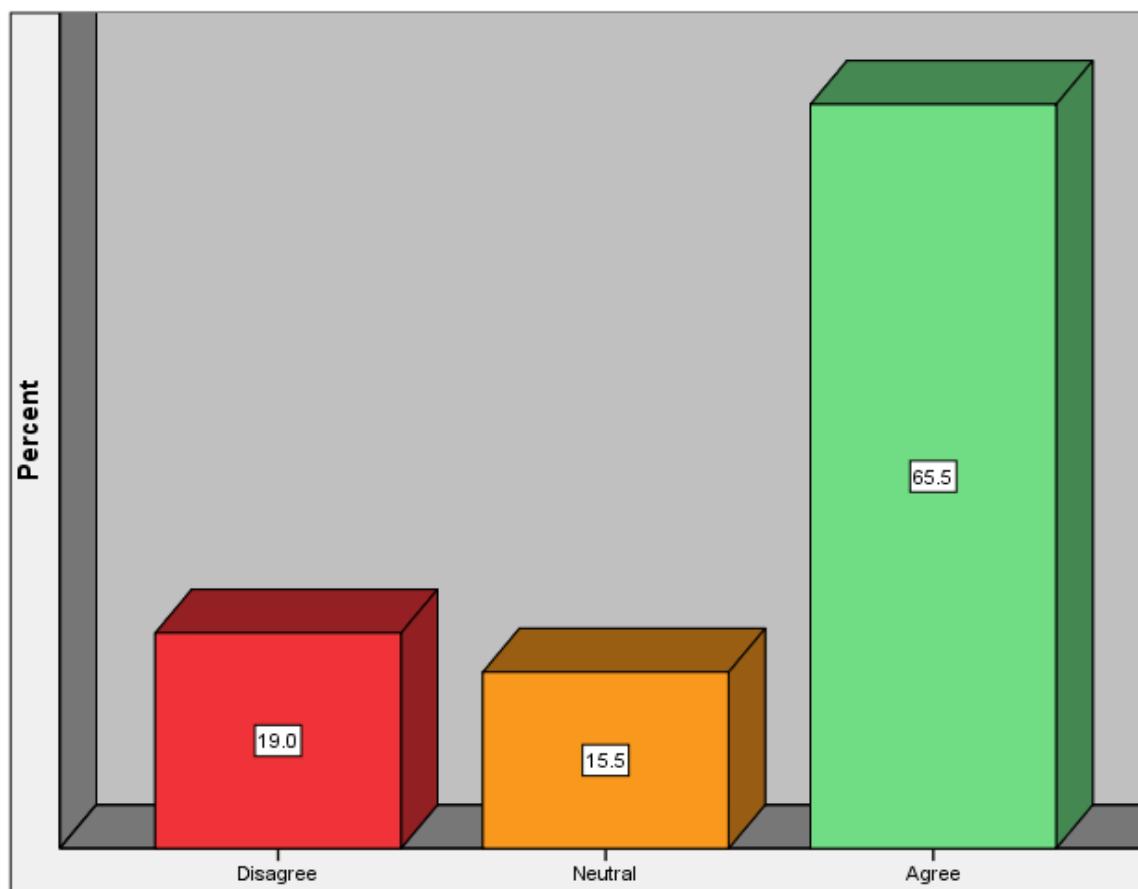
6.4.1.21 *Distribution in the sample according to the statement: I have disclosed to the municipal council any direct or indirect personal private business interests that I or my spouse may have*

Employees from most institutions are under a positive duty to harness their energies and skills to furthering their employer's business interests. They must devote all their normal working hours to the employer's business and may not without the employer's permission simultaneously work for another employer during those hours. Employees may not enter into a second contract of employment if the other employer's business interests are in conflict with those of the principal employer, or enter into any arrangement, that entails a conflict between their own interests and those of their employer's. Employees who secretly compete with their employer's business for their own account breach their fiduciary duty.

Failure to disclose a financial interest in another company can also constitute a breach of the employee's obligation to act in good faith towards his or her

employer where the employee stands to gain financially from dealings between the employer and the company in which he or she has an interest. Municipal functionaries and councillors are not immune to this; hence it is important for them to disclose to the municipal council any direct or indirect personal private business interests. Responses to this statement show that 65.5% of the respondents indicated that they have disclosed their business status to the municipal council, 19.0% disagreed whereas 15.5% stayed neutral to the statement in question (Figure 6.22). The figure that represents those who disagreed is cause for concern and such behaviour may lead to other kinds of unethical conduct.

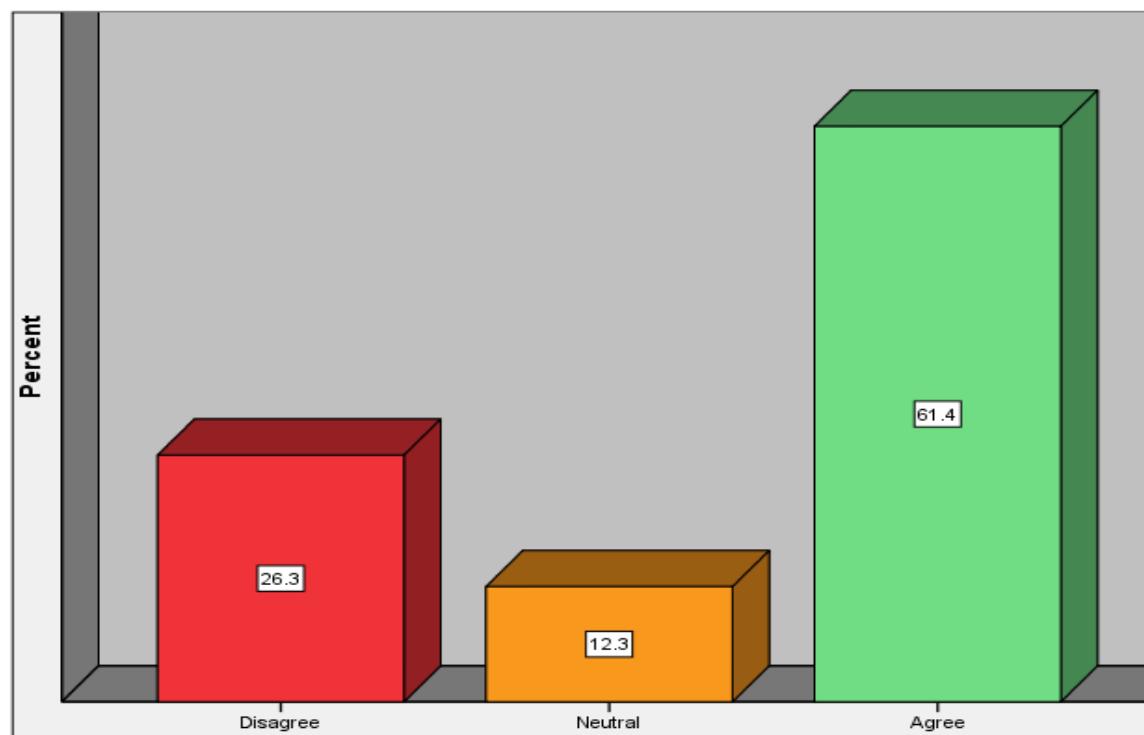
Figure 6.22: I have disclosed to the municipal council any direct or indirect personal private business interest that I or my spouse may have



6.4.1.22 *Distribution in the sample according to the statement: I am aware of instances in the municipality where positions or privileges or confidential information obtained are used for private gain*

Section 2.7.2.5 discussed the guidelines on personal gain according to which a councillor may not use his or her position or privileges or any confidential information, except with prior consent from the municipal council. A further aspect of concern in addition to the findings in Figure 6.23 is the fact that 61.4% of the respondents said that they are aware that municipal functionaries and councillors have used their positions or privileges for their own personal gain (Figure 6.23). Responses to this statement show that 26.3% of the respondents disagreed that they are aware of municipal functionaries and councillors who use the municipality's name for their own personal gain and the remaining 12.3% chose to be neutral.

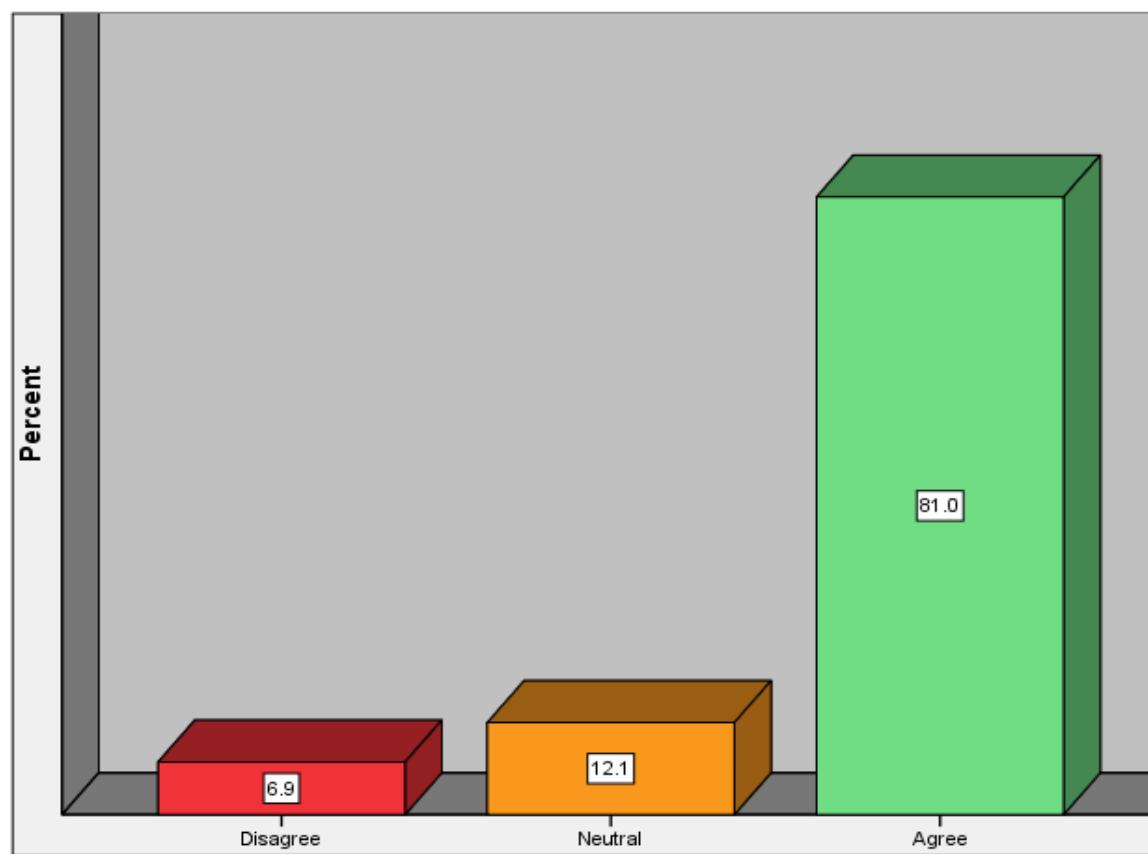
Figure 6.23: I am aware of instances in the municipality where positions or privileges or confidential information obtained are used for private gain



- 6.4.1.23 *Distribution in the sample according to the statement: When elected or appointed, a municipal functionary or councillor must within 60 days declare in writing to the municipal manager his/her private interests and/or business*

Section 2.7.2.6 has indicated what the declaration of interests by municipal functionaries and councillors should include. It seems that 81.0% of the respondents agreed with this statement that one should declare private interests in writing within 60 days. It should be noted that this guideline does not intend to punish municipal functionaries and councillors for their own businesses but to prevent conflict of interest.

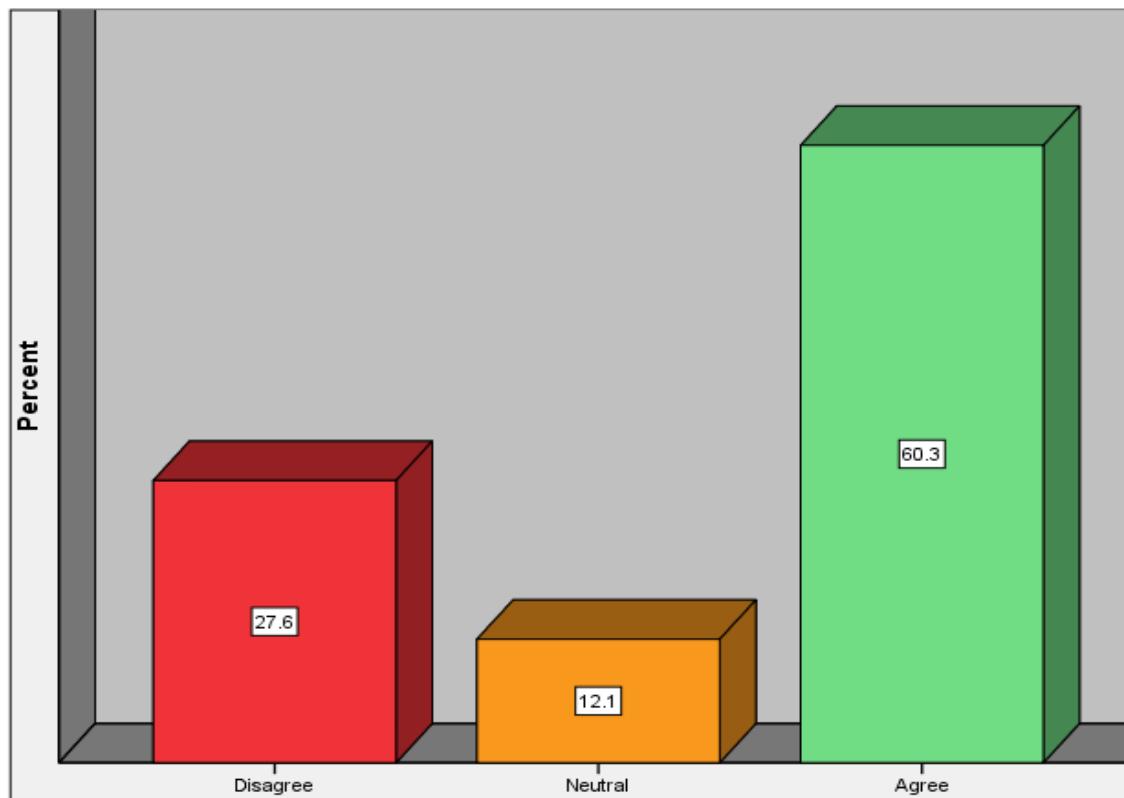
Figure 6.24: When elected or appointed, a municipal functionary or councillor must within 60 days declare in writing to the municipal manager his or her private interests and/or business



6.2.1.24 Distribution in the sample according to the statement: Working full time does not enable me to do other paid work

This statement's intention was to test if people do part-time work whereas in Figure 6.24, they were asked to declare their private interests. According to Figure 6.25, 60.3% of the respondents felt that they would not take other paid employment as they agreed that working full time does not enable them to do other paid work. This may possibly be as a result of limited time available for other work or it may be due to an unawareness of the fact that other paid work could be authorised. The principle that matters here is the fact that other paid work could not be unauthorised. Responses to the question show 27.6% of the respondents disagreed with this statement. Perhaps this could be people who have declared their business interests or who are well aware that other paid work could be done with the prior consent of their employer.

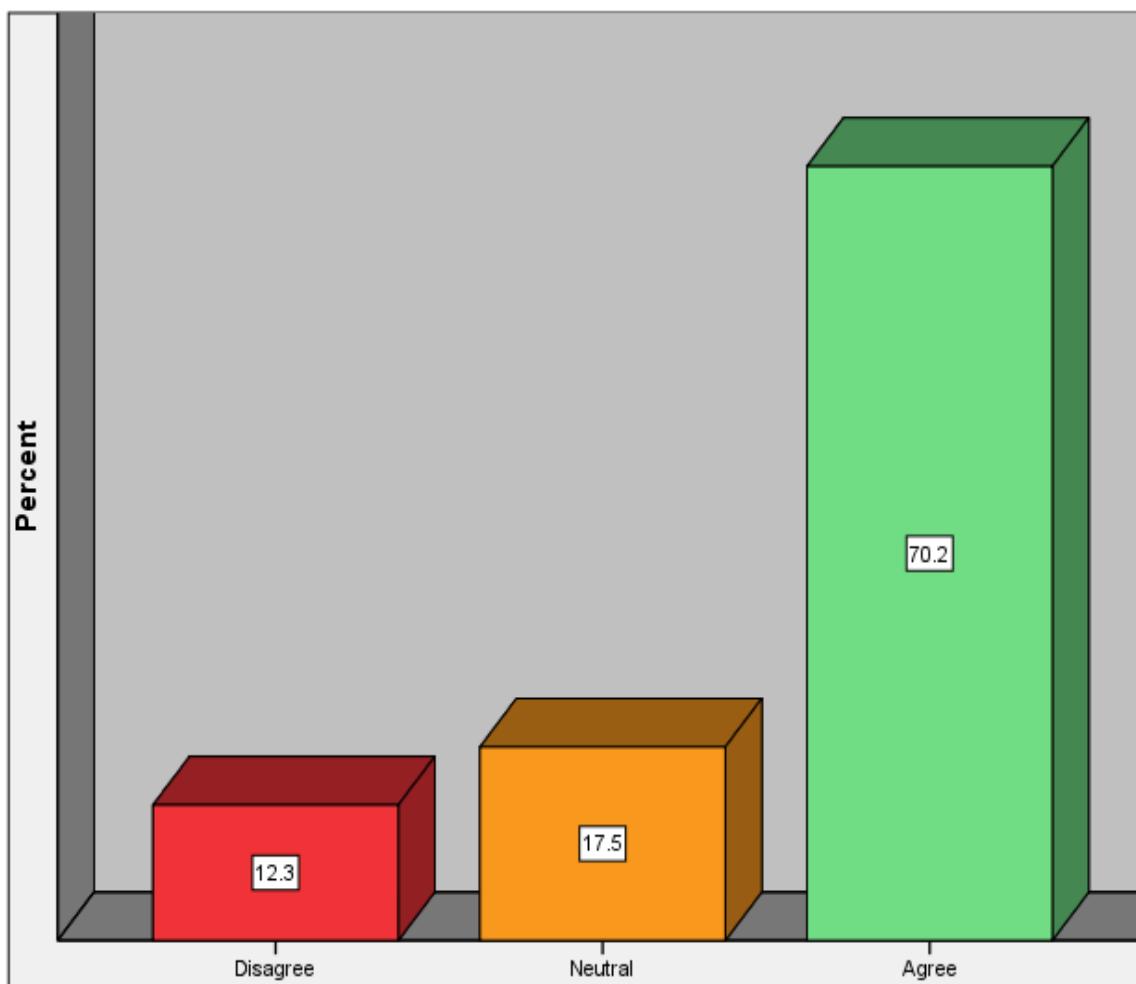
Figure 6.25: Working full time does not enable me to do work other paid work



6.4.1.25 *Distribution in the sample according to the statement: Municipal functionaries and councillors are seen as the tone setters of society*

70.2% of the respondents agreed that municipal functionaries and councillors are seen as the tone setters of society. This could be due to the fact that both municipal functionaries and councillors play a crucial role in the promotion of good governance and democracy in that they confer the mantle of political legitimacy through the democratic process as they absorb public discontent and channel grievances in the political system. Councillors must, first and foremost, be seen as representatives of the people. They derived their mandate to rule from people, and therefore must serve them to the best of their ability. Councillors are legislators who not only formulate directives which will become a norm of conduct for them, but at the same time create the instruments by means of which the directives themselves will be followed, and by means of which they will verify their execution. Councillors are therefore, obliged to promote governance and democracy by conducting the affairs of municipalities in an accountable and transparent manner, free from corruption and illicit behaviour. Responses show that 12.3% of the respondents disagreed, whereas 17.5% remained neutral. This could be due to the fact that unethical activities and cases are consistently reported at Capricorn District municipalities, hence respondents felt that municipal functionaries and councillors cannot be seen as tone setters of the society.

Figure 6.26: Municipal functionaries and councillors are seen as the tone-setters of society



6.4.2 Distribution in the sample according to Section B

Section B of the questionnaire deals with aspects of culture such as religion, language and communication. The rationale behind exploring these aspects of culture is to explore the influence and ethical significance and how they can be used to enhance ethical conduct within public administration and local government. As was the case in Section A, a summary of responses is provided in table format after which each statement is dealt with in figures.

Table 6.9: Aspects of culture

Statements	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree	
	Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %	Count	Row N %
	2	3.5%	5	8.8%	6	10.5%	30	52.6%	14	24.6%
Culture impacts behaviour, morale and productivity at work										
To know culture is to know the informal codes of conduct	2	3.4%	4	6.9%	8	13.8%	35	60.3%	9	15.5%
Culture gives people a sense of who they are, of belonging, of how they should behave, and of what they should be doing	0	.0%	1	1.7%	1	1.7%	33	56.9%	23	39.7%
Culture is a learnt behaviour	4	7.0%	5	8.8%	1	1.8%	36	63.2%	11	19.3%
In my culture 'kgotla, pitso, imbizo or meeting' is important	0	.0%	4	7.0%	3	5.3%	29	50.9%	21	36.8%
Lack of respect towards your superior at home, work and in the community implies a lack of respect to the ancestors	3	5.3%	13	22.8%	8	14.0%	24	42.1%	9	15.8%

My supervisor is more concerned with treating offenders with dignity and respect than with compliance with policies and procedures	5	8.6%	11	19.0%	13	22.4%	24	41.4%	5	8.6%
Municipal functionaries and councillors are informed that no one is more important than another	3	5.3%	5	8.8%	11	19.3%	33	57.9%	5	8.8%
Any punishment relating to unethical conduct is treated equally among functionaries and members of council	4	7.0%	21	36.8%	11	19.3%	17	29.8%	4	7.0%

Being content with one's wages, loving one's neighbour and enemies, and respecting and obeying one's manager, should be a Christian moral value that should serve as a guideline for Christian municipal functionaries and councillors	3	5.3%	8	14.0%	14	24.6%	30	52.6%	2	3.5%
I as a service provider put myself in the position of the client and have empathy for others	1	1.8%	2	3.5%	7	12.3%	35	61.4%	12	21.1%
I only work because it is my duty to do so	14	24.6%	14	24.6%	5	8.8%	21	36.8%	3	5.3%
Language reflects the nature and values of society	0	.0%	5	8.8%	4	7.0%	38	66.7%	10	17.5%
Language used in the Code of Conduct is understandable and clear	1	1.8%	4	7.0%	6	10.5%	32	56.1%	14	24.6%
The language used in my municipal contract states my tasks effectively	3	5.4%	3	5.4%	8	14.3%	30	53.6%	12	21.4%

I express myself better in my mother tongue	0	.0%	6	10.5%	4	7.0%	31	54.4%	16	28.1%
I prefer the municipality should have meetings in my mother tongue	3	5.3%	11	19.3%	9	15.8%	25	43.9%	9	15.8%
It is best to engage with someone in a language he or she understands well	1	1.8%	2	3.5%	4	7.0%	25	43.9%	25	43.9%
Bantu languages are said to be viewed by many of their own speakers as symbols of being 'uneducated, traditional or rural'	4	7.0%	21	36.8%	6	10.5%	17	29.8%	9	15.8%
The municipality takes into account the language usage and preferences of their residents	2	3.6%	4	7.3%	6	10.9%	33	60.0%	10	18.2%

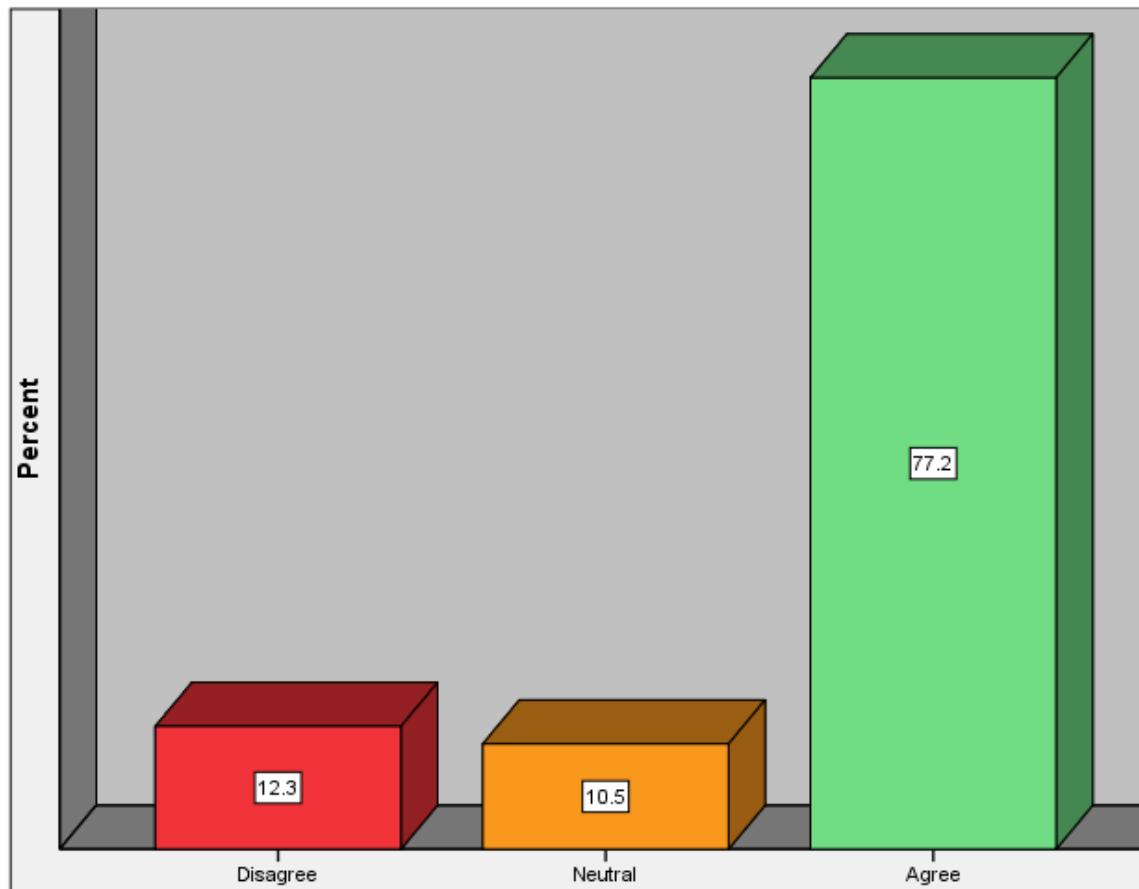
It should also be noted that all 58 respondents responded to some of the statements. However, some did not respond to all statements.

6.4.2.1 *Distribution in the sample according to the statement: Culture impacts behaviour, morale and productivity at work*

It was indicated in section 3.3 that culture gives people a sense of who they are, of belonging, of how they should be and what they should be doing. It impacts

on behaviour, morale and productivity at work and this includes values and patterns that influence attitudes and actions. 77.2% of the respondents seem to agree with these statements and believe culture can be an important factor that, if understood among employees, could contribute positively to the municipal performance and productivity (Figure 6.27).

Figure 6.27: Culture impacts behaviour, morale and productivity at work

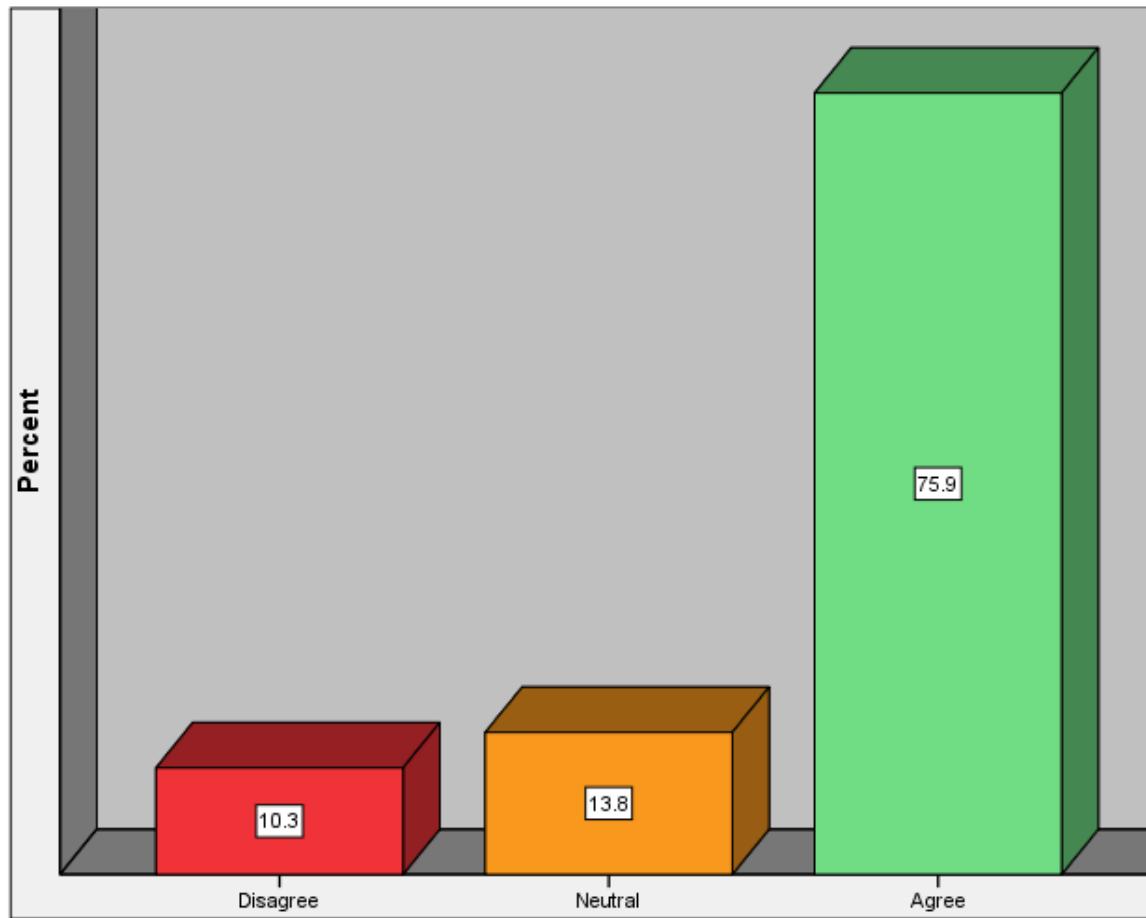


6.4.2.2 *Distribution in the sample according to the statement: To know culture is to know the informal codes of conduct*

The statement in question was included to test if culture can be a tool that enhances ethical conduct in that it encourages communication and validates people's actions. This does not mean that one acts in an unethical way and then

defends himself/herself by saying it is my culture. Since culture encourages communication, people should talk and have a basic understanding of each other's beliefs and background. Being aware that one's culture that practices certain principles of morals and standards, can help employees to find informal codes of conduct difficult to follow as guidelines. Responses show that 75.9% of the respondents agreed that to know culture is to know the informal codes of conduct (Figure 6.28). 10.3% disagreed, whereas 13.8% remained neutral. This could mean that these people do not believe that culture can encourage ethical conduct.

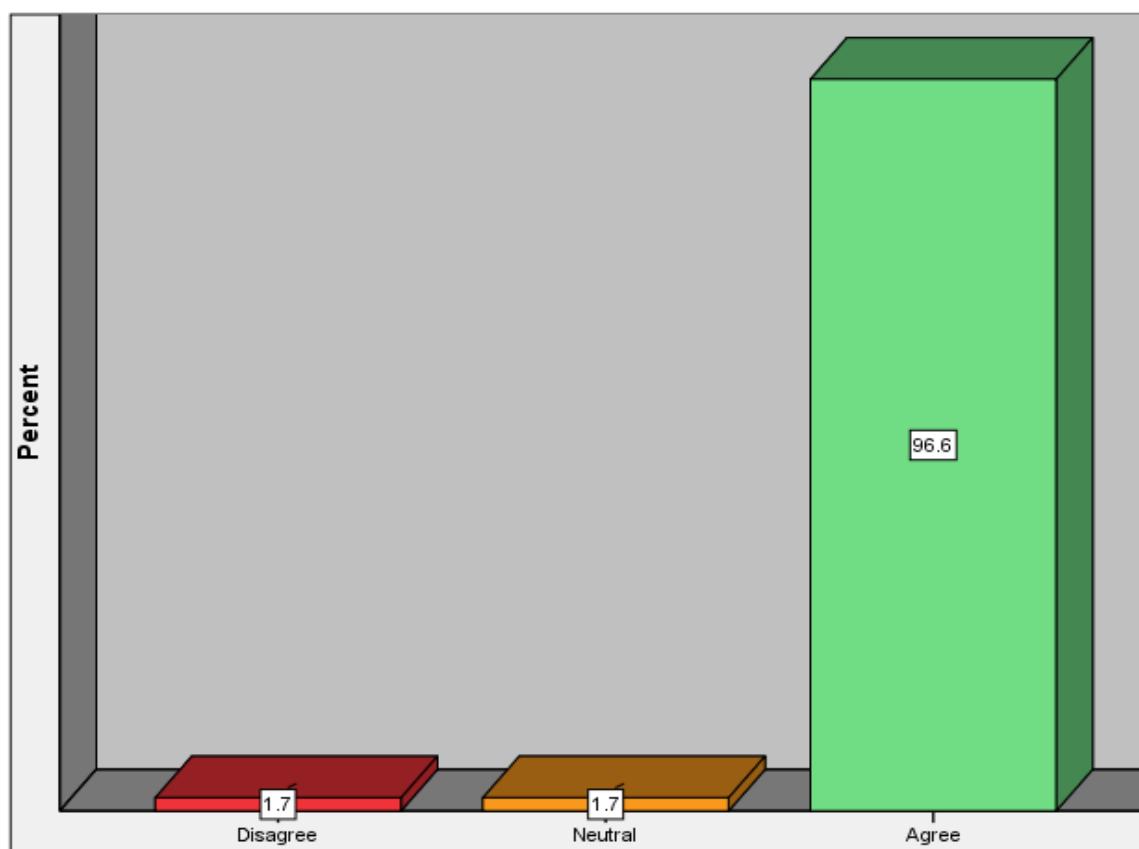
Figure 6.28: To know culture is to know the informal codes of conduct



6.4.2.3 *Distribution in the sample according to the statement: Culture gives people a sense of who they are, of belonging, of how they should behave and of what they are doing*

Responses show that 96.6% of the respondents agreed with this statement (Figure 6.29). It seems that respondents who are Sepedi speaking (see figure 6.1), for example understand culture to be a very serious element of their lives. 1.7% disagreed and another 1.7% remained neutral towards the statement in question. This statement does not mean only Sepedi speaking people understand culture, rather that 75.3% of the respondents for this survey are Sepedi speaking people.

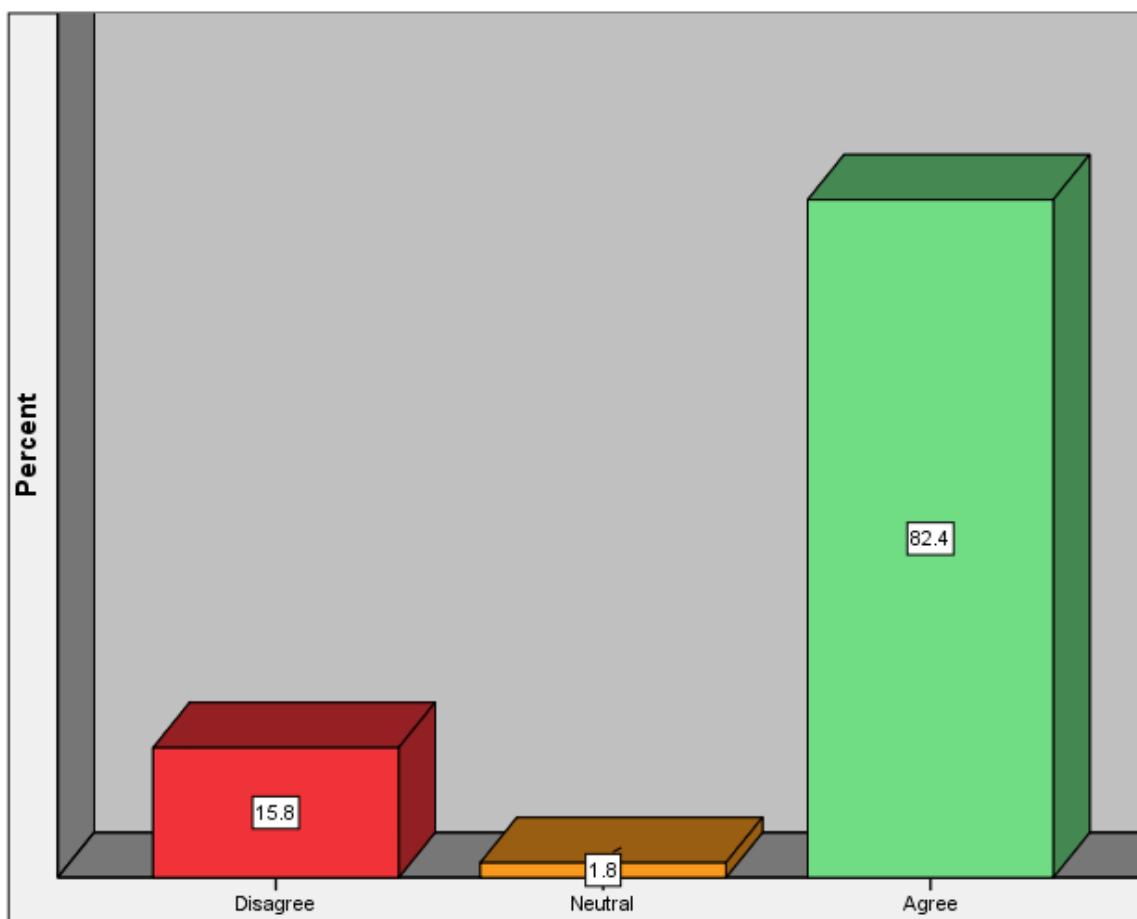
Figure 6.29: Culture gives people a sense of who they are, of belonging, of how they should behave, and of what they should be doing



6.4.2.4 *Distribution in the sample according to the statement: Culture is a learnt behaviour*

Can corruption be a learnt behaviour and become culture? Prejudice originates from learned behaviour. Prejudice comes from the root word to prejudge which means ‘to judge a person, issue, or case before sufficient evidence is available. To be prejudiced towards something or someone, means making a determination without factual proof and this is reckless and outright wrong. Does culture unconsciously and unintentionally create bias on which human beings rely and cause the adoption of predisposed attitudes and prejudices which have been passed on? The mental stimuli always seems to be the driving force of the ability to recall what one has been taught, either good or bad or indifferent, and will guide one’s assessment and evaluation of others (Fahim 2008:2). What is important is that people should try to unlearn negative mental stimuli that darken their judgement of others and rather focus on positive cultural stimuli. For example, if corruption became culture, it needs to be unlearned due to the negative impact it will have on others. The majority of the respondents agreed to the statement that culture is a learnt behaviour as 82.4% held that view (Figure 6.30). This is encouraging as this may eventually sensitise them for positive cultural stimuli.

Figure 6.30: Culture is a learnt behaviour

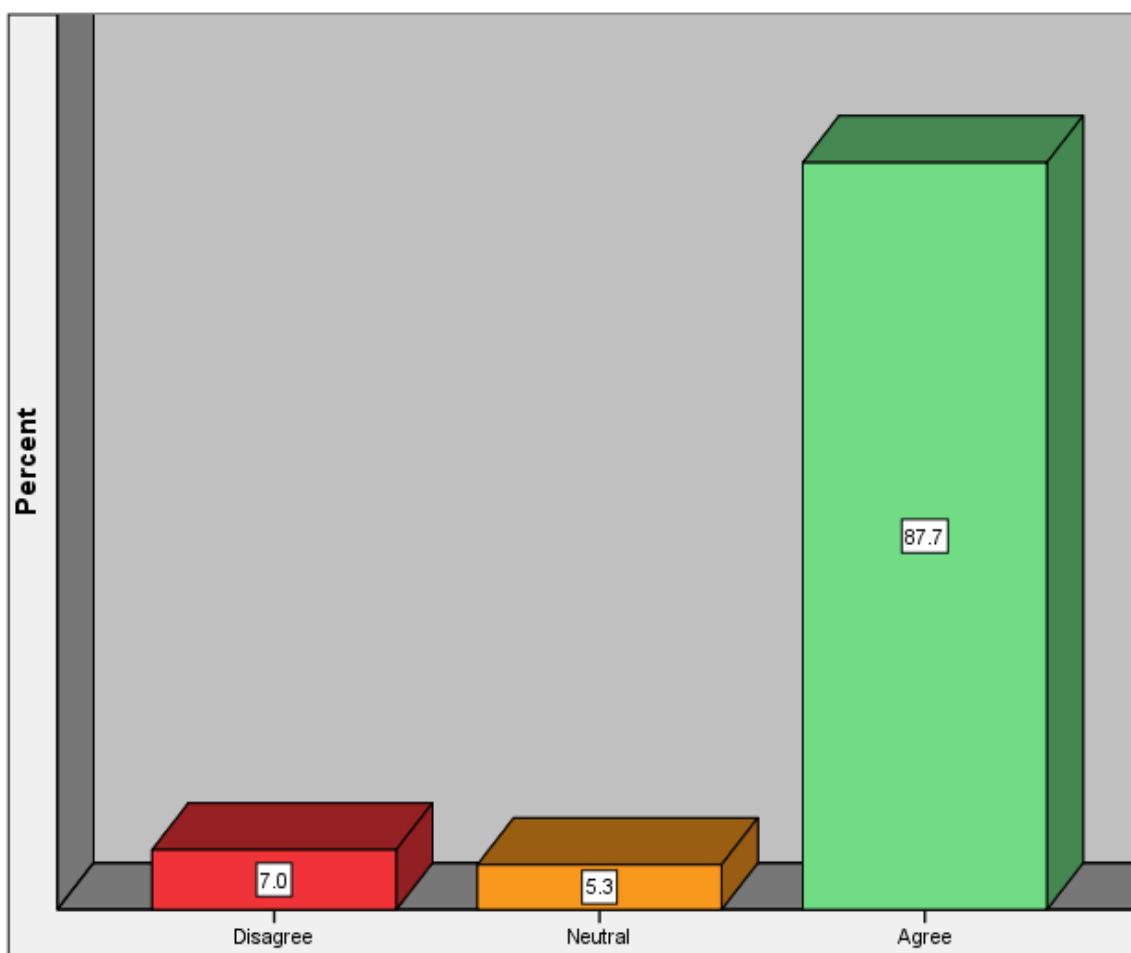


6.4.2.5 Distribution in the sample according o the statement: *In my culture 'kgotla, pitso, imbizo or meeting' is important*

87.7% of the respondents agreed to this statement that in their culture, *imbizo* or *kgotla* is important, whereas 7.0% disagreed with the statement and 5.3% remained neutral (Figure 6.31). The term *imbizo* derives from the South African Zulu language, meaning “gathering”. As a contemporary working definition, *imbizo* demonstrates itself as an organised event. The President and other officials visit remote areas in South Africa where they meet with ordinary people who gather in a village, or in the vicinity of a township or town to render account on service delivery, exchange views on the status of service delivery and problems communities experience with public services. Opportunities to detect

unethical behaviour may also be established through this. This statement tested if the *imbizo* in its original indigenous form where chiefs and villagers meet to make necessary and important decisions about their village, is still a workable solution that councillors can use to encourage public participation by community members and also attempt to gather possible information on unethical conduct. As such, *imbizo* moves beyond traditional decision-making and policy analytical approaches that are mechanistic, rational in orientation and expert-dominated (Dryzek 2000).

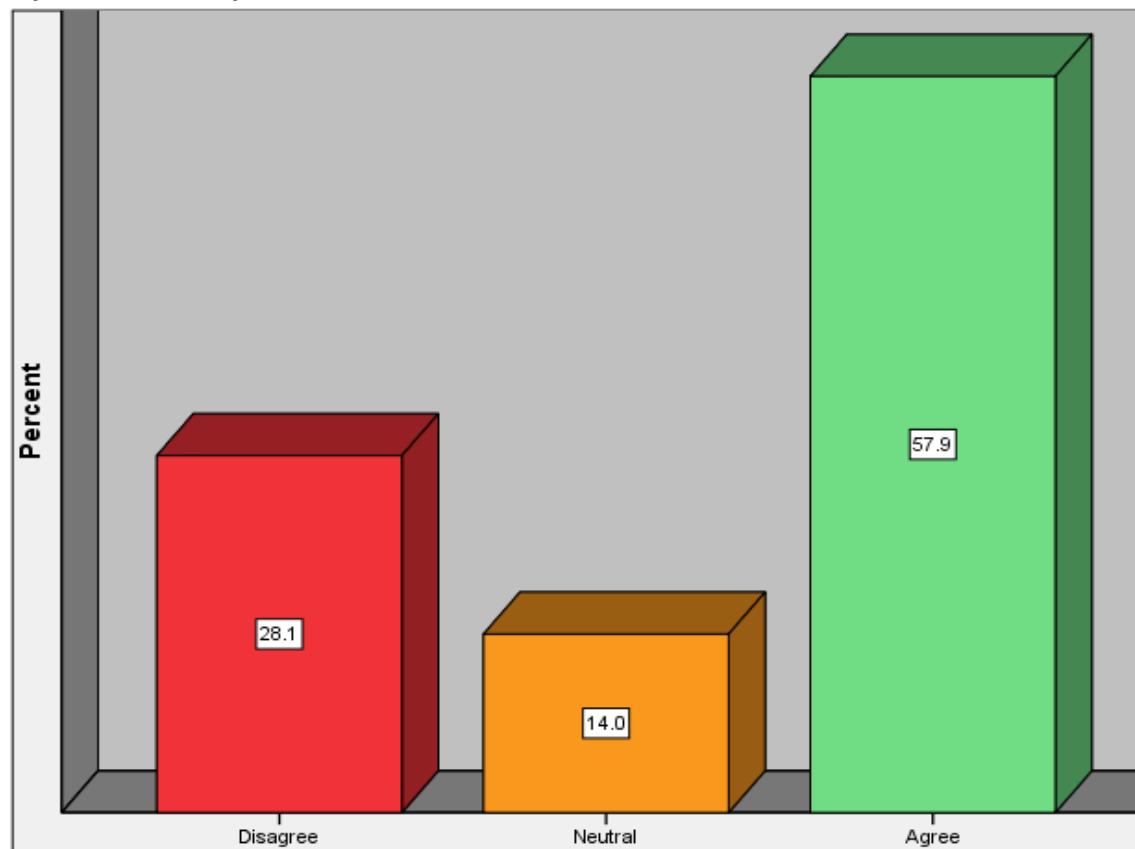
Figure 6.31: In my culture '*kgotla, pitso, imbizo or meeting*' is important



6.4.2.6 *Distribution in the sample according to the statement: Lack of respect towards your superior at home, work and in the community implies a lack of respect for the ancestors*

Section 3.7.1 indicates that adherents of African traditional religion believe that ancestors, elders and priests are the daily guardians or police of human actions. The Pedi and Vhavenda, the majority of whom live in the Limpopo Province, are adherents of African traditional religions. A lack of respect towards one's superiors at home, in the community and at work implies lack of respect for the ancestors. This means that if one does not respect them during one's lifetime, one will not respect them after death. Note that adherents of this religion argue that African traditional religions promote a negative influence on abiding ethical systems in place; this is so because they classify people into categories, *viz* subjects or servant and members of the royal family. In appointing candidates for local government, preference is given to members of the royal family regardless of their skills and educational qualifications. This conduct is unethical and can affect effectiveness and efficiency. 57.9% of the respondents agreed with this, 28.1% disagreed and 14.0% remained neutral (Figure 6.32).

Figure 6.32: Lack of respect towards your superior at home, work and in the community implies lack of respect towards ancestors

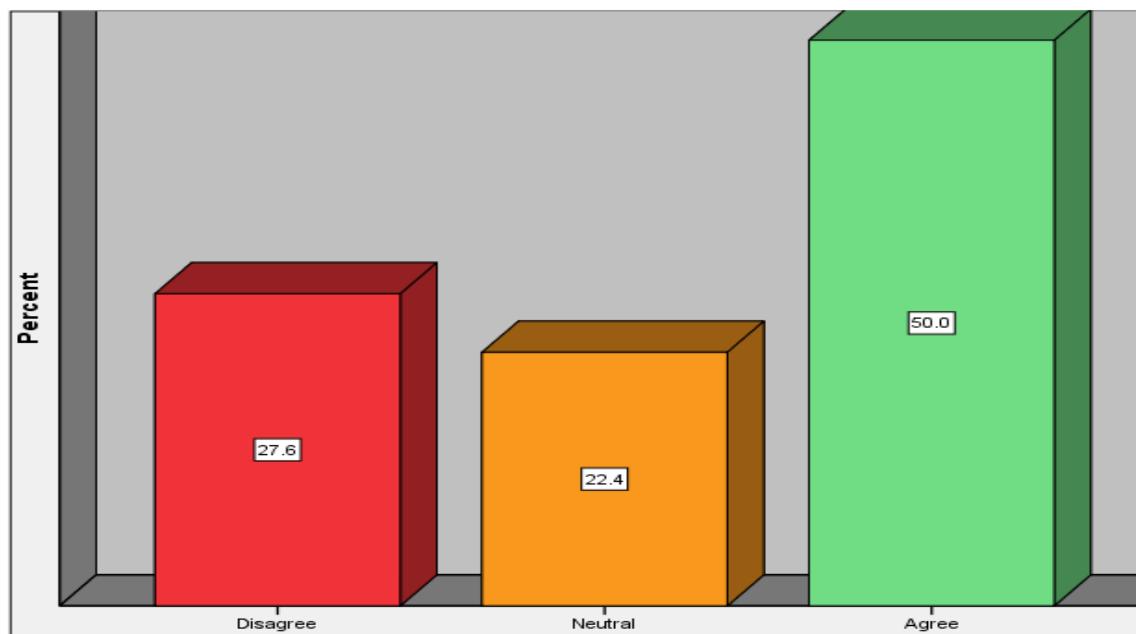


6.4.2.7 *Distribution in the sample according to the statement: My supervisor is more concerned with treating offenders with dignity and respect than with compliance*

When asking this question, the researcher needed to test virtue ethics theory, where a person is normally judged by his or her character rather than by an action that deviates from his or her normal behaviour. It takes the person's morals, reputation and motivation into account when rating an unusual and irregular behaviour that is considered to be unethical. Even though the virtue ethics theory indicates to us that it does not take into consideration a person's change in moral character as ethical leaders should treat others with dignity and respect, only 50.0% of the respondents indicated that their supervisor is more concerned with treating offenders with dignity and respect than with compliance

and 27.6% disagreed, whereas 22.4% remained neutral (Figure 6.33). Ethical leaders must exercise the form of respect that recognises that others have goals and ambitions and confirms others as human beings who have worth and value for local government. In addition, it leads to empathy, active listening and tolerance for conflicting viewpoints.

Figure 6.33: My supervisor is more concerned with treating offenders with dignity and respect than with compliance

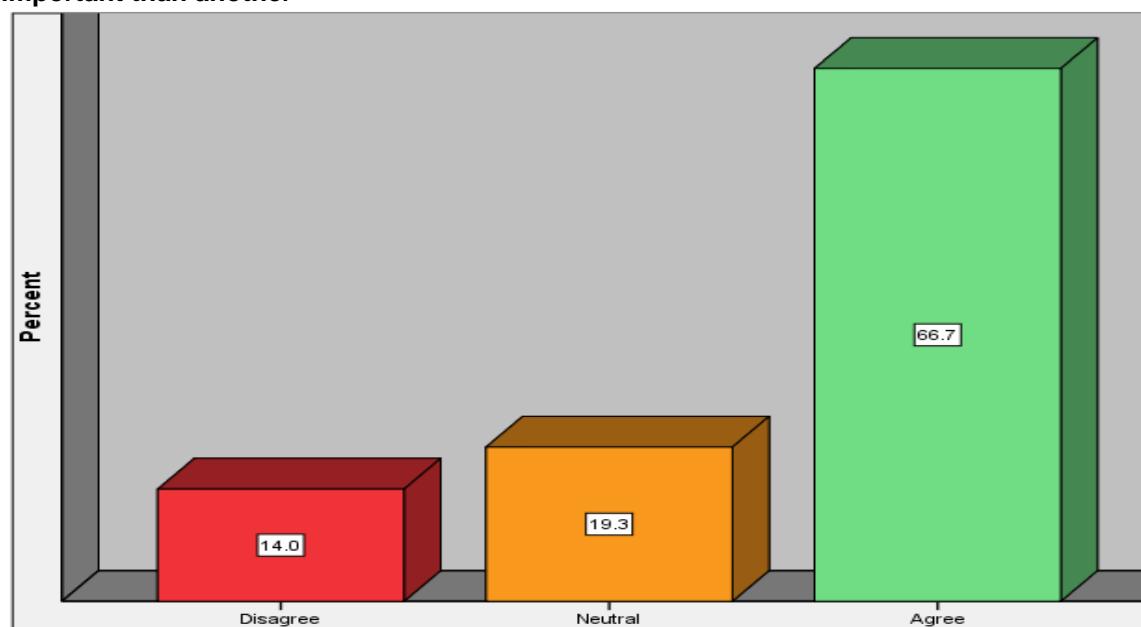


6.4.2.8 *Distribution in the sample according to the statement: Municipal functionaries and councillors are informed that no one is more important than another*

At the heart of the practice of public administration is the relationship between administrators and political leaders on the one hand and the public on the other. The nature of this relationship and the proper role of administrators in the political process has been the subject of considerable debate. It is important to make it known to municipal functionaries and councillors that the main aim is to deliver services and, as there are independent variables within the municipality, they must at all times find a fair ground on which to work together. Responses show

66.7% of the respondents have agreed that it is a constant reminder to them that no one is more important than another (Figure 6.34). One can argue that for these respondents no group must be superior to another; an aspect that can contribute to enhancing ethical conduct. Clear guidance in this regard is also found in 1Corinthians 12:20-22 (see section 3.7.2) according to which no member is more important than other members.

Figure 6.34: Municipal functionaries and councillors are informed that no one is more important than another

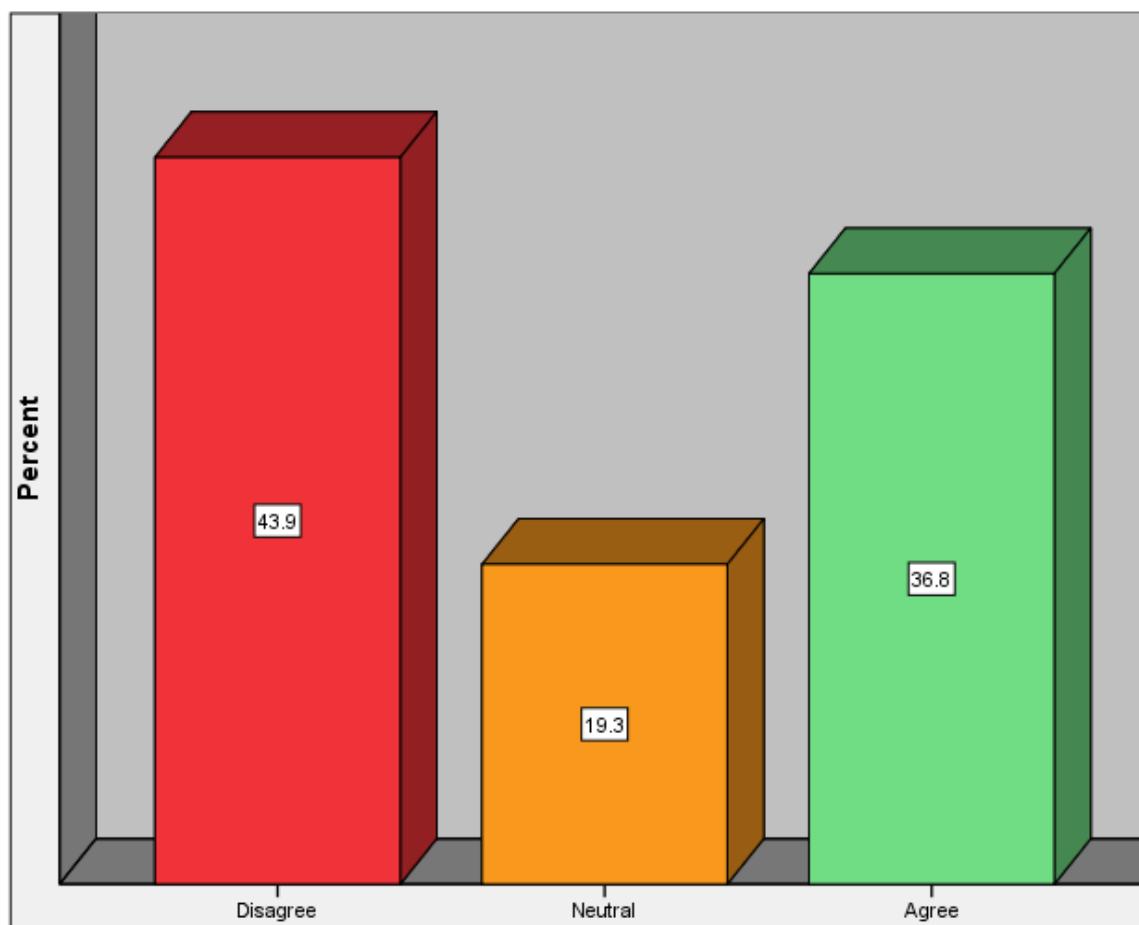


6.4.2.9 *Distribution in the sample according to the statement: Any punishment relating to unethical conduct is treated equally among functionaries and members of council*

Municipal functionaries and councillors need to be informed that no one is more important than the other and any punishment relating to unethical conduct shall be treated equally among offenders. Christian municipal functionaries and councillors are expected to do unto others as they would have them do unto them. The golden rule calls for public officials to possess a sense of empathy that is, the municipal functionary or councillor as a service provider needs to put

himself or herself in the position of the client who needs to be treated with empathy. This does not mean that when employees have committed unethical conduct, it should go unpunished only because they are Christians. The point is that punishment needs to be treated equally. Strangely so, respondents did not agree with this statement with 43.9% of them disagreeing, as they believe municipal functionaries and councillors in their institution are not punished in an equal manner; and 19.3% preferred to stay neutral which is also cause for concern (Figure 6.35). This can call for strict mechanisms where offenders' cases should be dealt with by committees that have been appointed by the municipality and such committees should be independent in their discretion.

Figure 6.35: Any punishment relating to unethical conduct is treated equally by functionaries

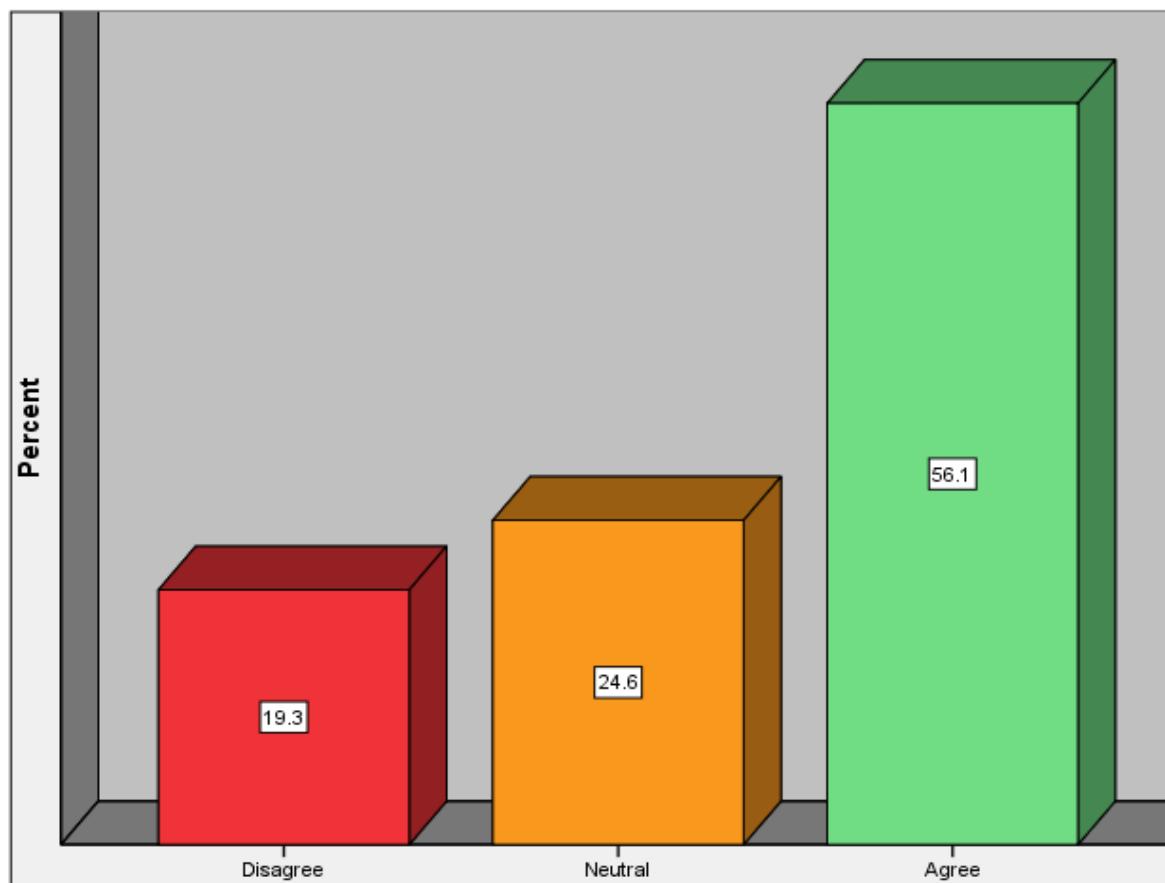


6.4.2.10 *Distribution in the sample according to the statement: Being content with one's wages, loving one's neighbour and enemies, and respecting and obeying one's manager should be a Christian moral value that should serve as a guideline to Christian municipal functionaries and councillors*

56.1% of the respondents agreed with this statement that being content with one's wages, loving one's neighbour and enemies and respecting and obeying one's manager should be a Christian moral value that should serve as a guideline to Christian municipal functionaries and councillors (Figure 6.36). This Christian principle also encourages people to forgive each other and love one another. This does not mean that people cannot be disciplined because they have been forgiven. It should be noted that in this instance, municipal functionaries and councillors are there to serve the community hence the structures and systems in place to guide their conduct. When there is misconduct, the necessary steps should be taken.

Furthermore being content with one's wages is a biblical control measure in that the municipal functionary and councillor who is satisfied with his or her salary is expected not to steal municipal money or any assets and would not accept outside employment without permission during their tenure in local government. The 19.3% of the respondents who disagreed with the statement and the 24.6% who stayed neutral could either not belong to the Christian religion or they could prefer to act differently from what the statement suggests. Doing the latter can not necessarily be regarded as unethical conduct. However, behaving as is suggested in the statement could be conducive to acting ethically.

Figure 6.36: Being content with one's wages, loving one's neighbour and enemies and respecting and obeying one's manager, should be a Christian moral value that should serve as a guideline to Christian municipal functionaries and councillors

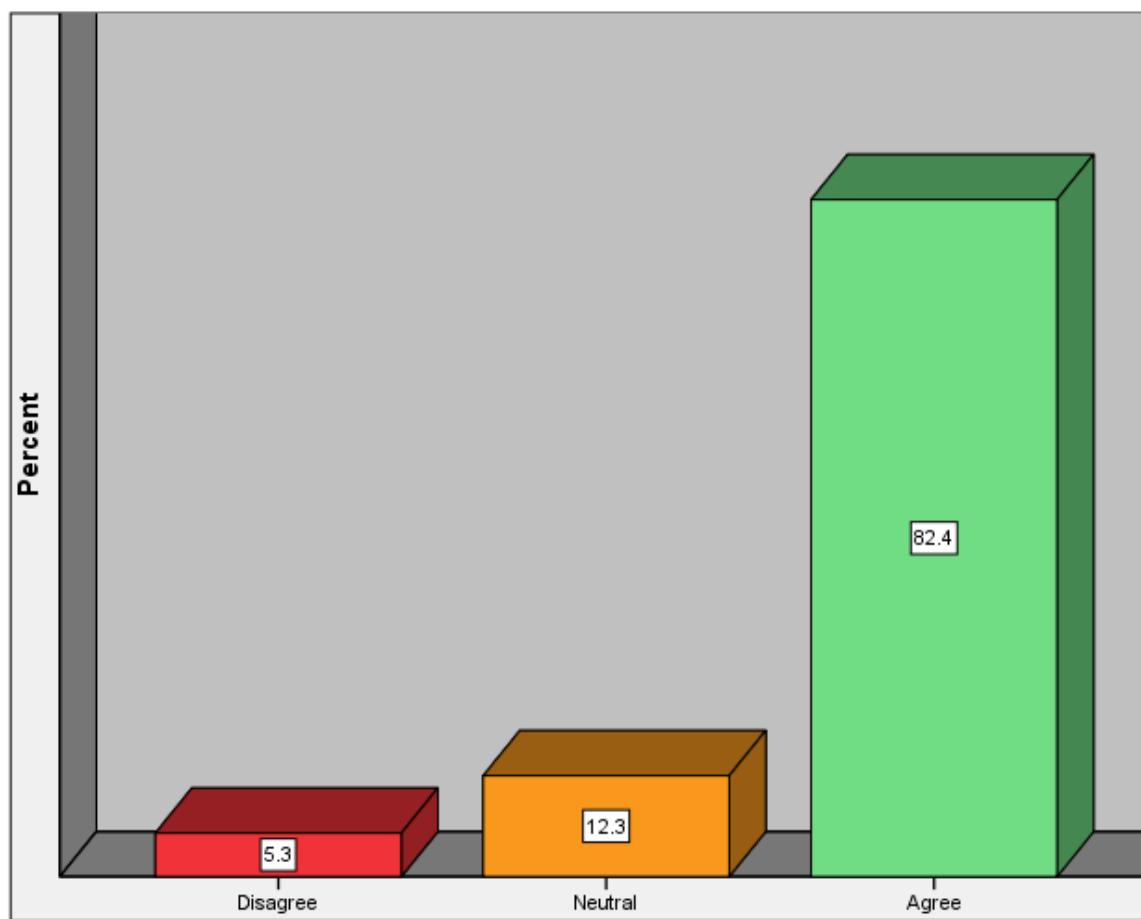


6.4.2.11 *Distribution in the sample according to the statement: I as a service provider put myself in the position of the client and have empathy for others*

South Africa, as a developing country, tries its best to satisfy the needs of its citizens. Government institutions are expected to provide people with quality services in every area. However, there have been complaints that many government departments do not deliver services to the public as expected by the *Constitution* and the *White Paper on Transformation of Public Service Delivery, 1997*. In order to rectify the escalating problems in the public sector, the South

African government came up with the idea of Batho Pele (People First) principles, requiring all departments rendering public services to follow these principles. Batho Pele, an initiative of the national government for transforming public service delivery, is all about providing good customer service to users of these services. All public servants are required to practise these principles. It is encouraging for the promotion of ethical conduct that 82.4% of the respondents agreed with this statement that, as service providers they put themselves in the position of the client and have empathy for others (Figure 6.37). 12.3% were neutral to the question and 5.3% disagreed with this statement.

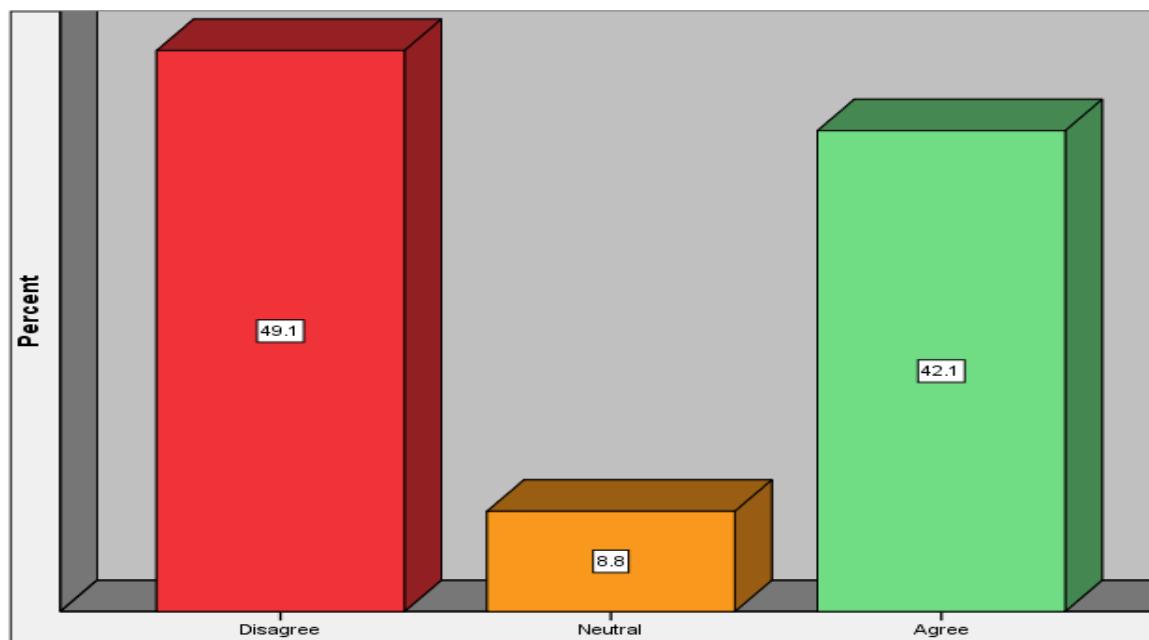
Figure 6.37: I, as a service provider, put myself in the position of the client and have empathy for others



6.4.2.12 *Distribution in the sample according to the statement: I only work because it is my duty to do so*

This statement was tested on Islamic principles and the deontological ethics theory which were explained in Chapter two. Islam expects the Islamic municipal functionaries and councillors to obey managers not only by virtue of legal administrative rules but because it is a divine requirement. Deontological theory on the other hand, states that people should adhere to their obligations and duties when analysing an ethical dilemma (Rainbow 2002:2). This can mean that a municipal functionary and a councillor have to follow obligations to society because upholding one's duty is what is considered ethically correct (Ridley 1998:6, Penslar 1995), (see section 2.5.2). Response shows that 49.1% of the respondents did not agree with this statement (Figure 6.38). Most people work because they need a good life, not because it is their duty to do so, although, 42.1% of the respondents agreed with this statement. This could have been influenced by the fact that they have been employed to work and as electorates, they feel responsible for the community at large; 8.8% of the respondents remained neutral towards the statement.

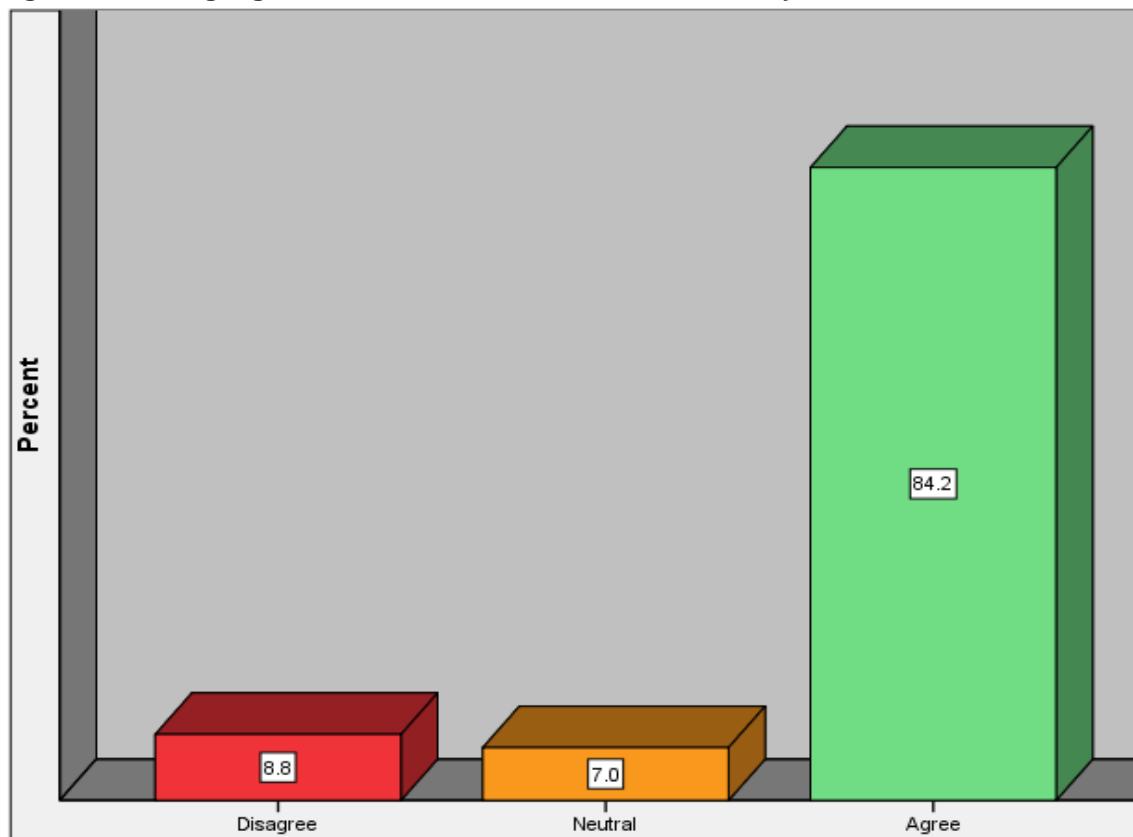
Figure 6.38: I only work because it is my duty to do so



6.4.2.13 *Distribution in the sample according to the statement: Language reflects the nature and values of the society*

Language articulates consciousness; it is not only the order of people's thoughts but from infancy, one learns how to use language to give utterance to basic needs and feelings. Language reflects culture, meaning that it encodes cultural meanings and values in societies. This in turn can affect socialisation, for example children learn a language to absorb the cultural assumptions and biases underlying language use and see these as an index to their society's values and attitudes. Social inequality reflected in language can thus powerfully affect a child's behaviour and beliefs and eventually their ethical behaviour as employees in an institution. From the respondents 84.2% agreed to the statement that language reflects the nature and values of society (Figure 6.39). 8.8% of the respondents disagreed and 7.0% were neutral.

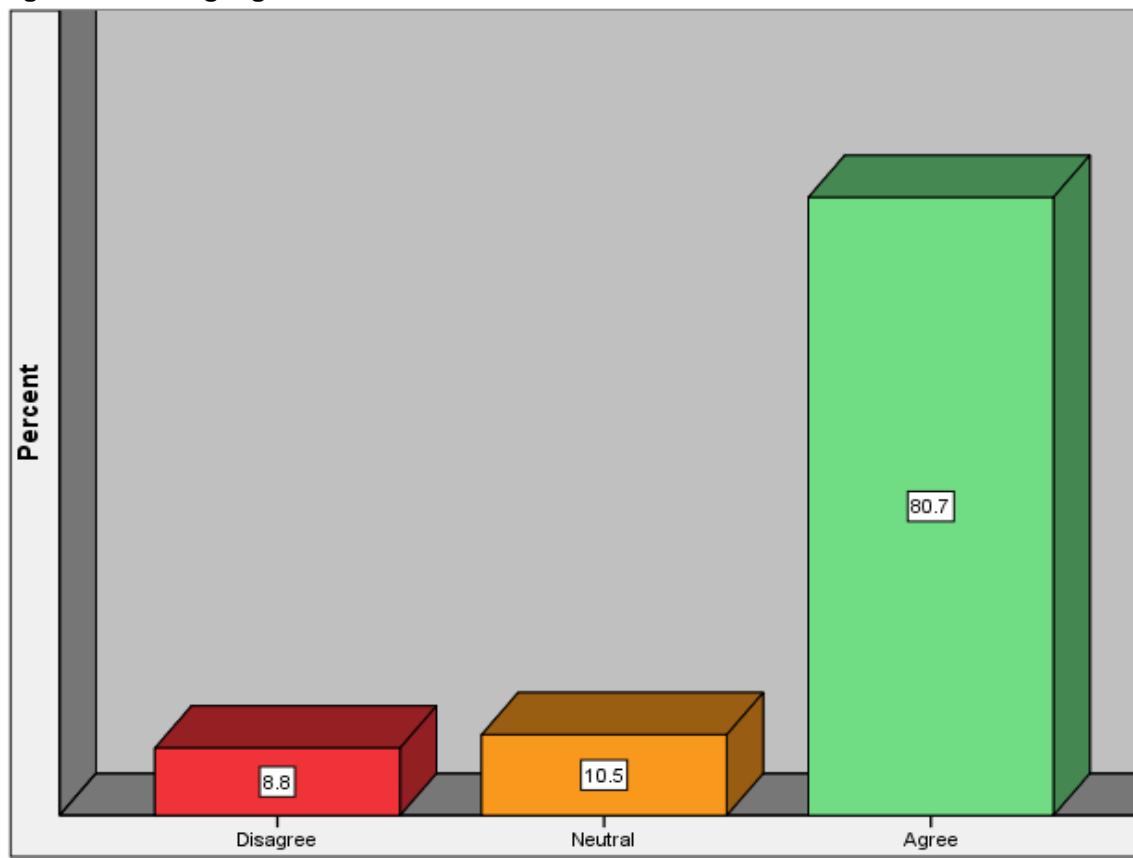
Figure 6.39: Language reflects the nature and values of society



6.4.2.14 Distribution in the sample according to the statement: Language used in the Code of Conduct is understandable and clear

One of the research objectives for this study was to test if language as one of the cultural aspects can enhance ethical conduct. The rationale behind this was that, if people can read and understand what is written in the Code of Conduct as one of the ethical standard guidelines to enforce ethical conduct, then why does the conduct not improve. From the findings it seems that language is not a challenge since 80.7% of the respondents indicated that the language used in the Code of Conduct is understandable and clear (Figure 6.40). If this is the case, then the question can be asked whether the challenge lies in the understanding of what is stated in the Code of Conduct. The point here is, reading is one thing but understanding is another dimension on its own.

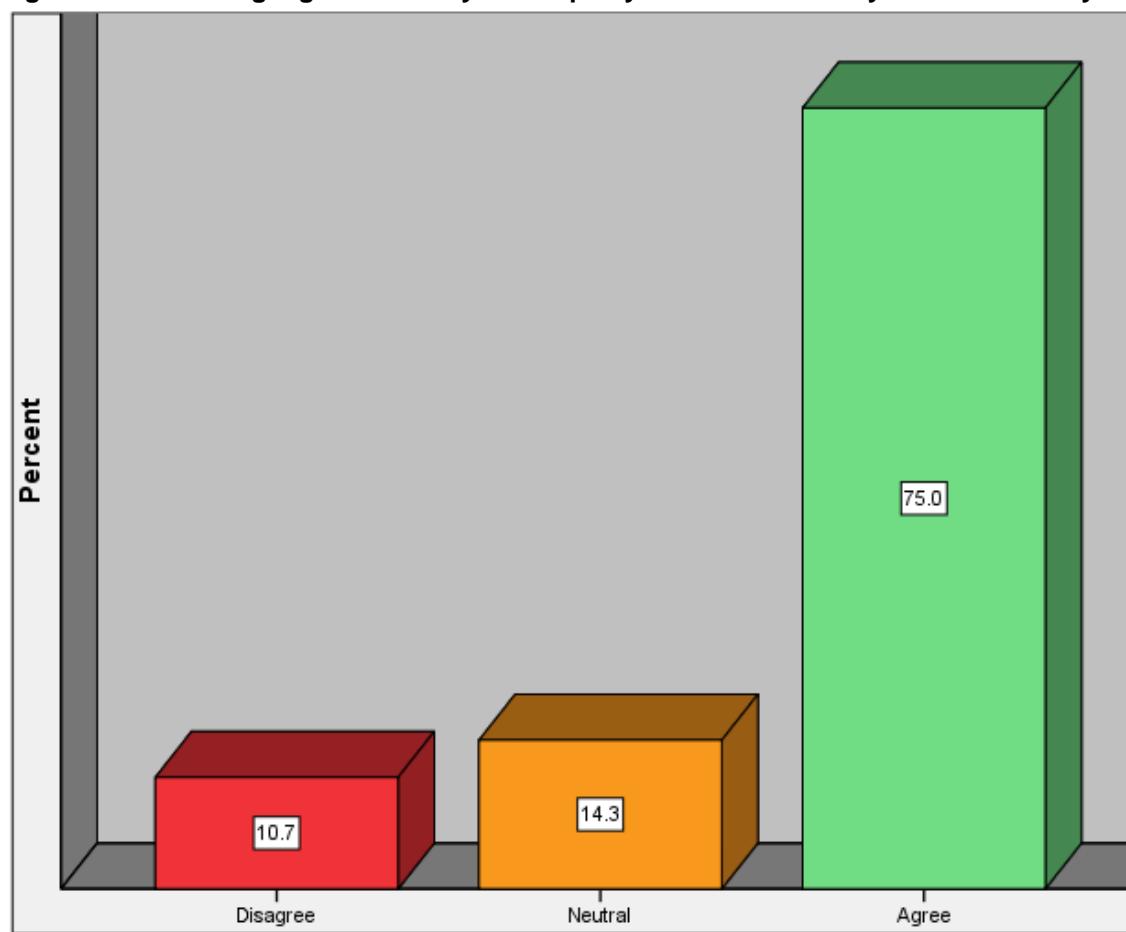
Figure 6.40: Language used in the Code of Conduct is understandable and clear



6.4.2.15 *Distribution in the sample according to the statement: The language used in my municipality contract states my tasks effectively*

The purpose of this question was to examine if people know what is expected of them before they sign their contract, as a misinterpretation of contents of the contract can eventually lead to unethical conduct by employees without them even being aware of it. 75.0% of the respondents agreed that they do understand the language used in their work contracts (Figure 6.41); 10.7% disagreed with this statement and 14.3% were neutral. Discussions held with the people in this category indicated that they would normally ask for an interpreter before they would commit themselves to anything that they do not understand.

Figure 6.41: The language used in my municipality contract states my tasks effectively



6.4.2.16 *Distribution in the sample according to the statement: I express myself better in my mother tongue*

The changes that took place in South Africa amongst others include the recognition and elevating of the previously marginalised indigenous languages in South Africa. A multilingual language policy adopted in 1994 gives official recognition to eleven languages, and that is why South Africa's Constitution recognises and guarantees equal status to eleven official languages. In 2003, the South African Cabinet approved the *National Language Policy Framework* (NLPF), which aims to:

- promote the equitable use of the eleven official languages;
- facilitate equitable access to government services, knowledge and information;
- ensure redress for the previously marginalised official indigenous languages;
- encourage the learning of other official indigenous languages to promote national unity, linguistic and cultural diversity; and
- promote good language management for efficient public service administration to meet client expectations and needs (NLPF 2003: 13).

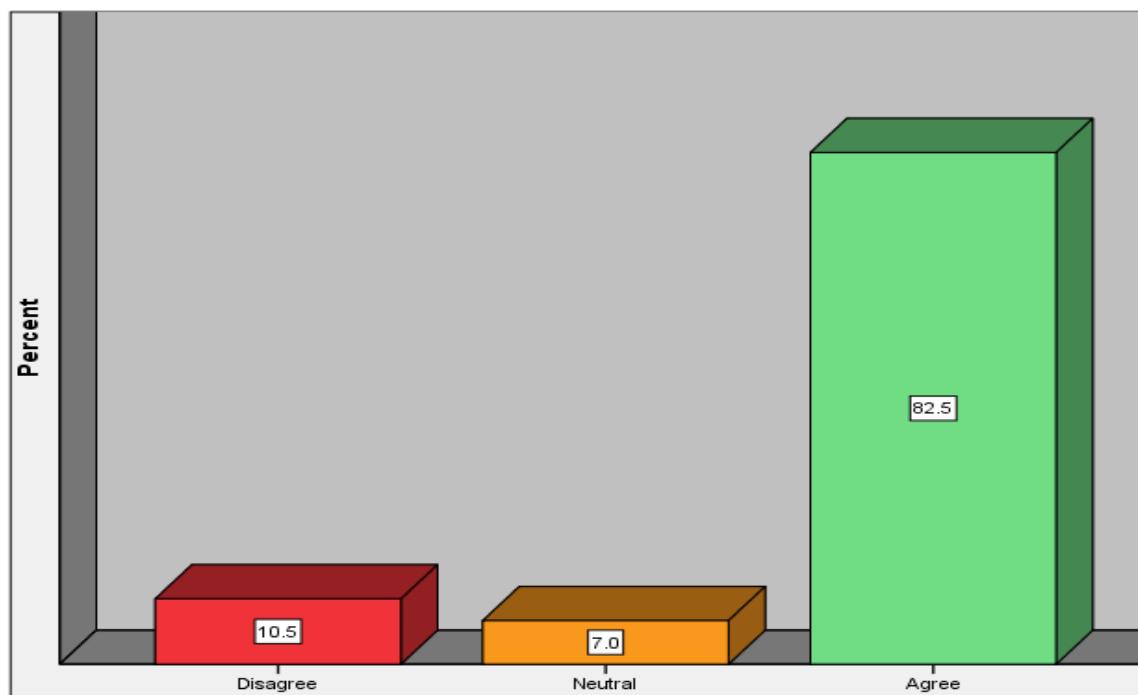
From the above, it is clear that citizens have the right to access to information in the language they prefer, and this policy targets all government structures. According to Beukes (2004:9):

- each government department must designate a working language(s) for both intra- and inter-departmental communication;
- communication with the public via official correspondence must take place in the language of the citizen's choice;

- official documents of national government departments must be published in eleven languages where the effective and stable operation of government would require such action;
- communication at an international level should be in English or the preferred language of the country concerned.

In view of the above, 82.5% of municipal functionaries and councillors of this survey preferred to use their mother tongue as they express themselves better (Figure 6.42). Although not always possible and practical to execute, this may eventually lead to more effective expression and a prevention of misinterpretation and unethical conduct especially where both parties are able to understand the particular language. As shown 10.5% of the respondents disagreed and 7.0% were neutral. This could be due to the fact that as Figure 6.1 indicated, there were 8.8% Tshivenda speaking people, 5.3% Xitsonga, 1.8% isiZulu, 3.5% Setswana and 5.3% Afrikaans, and they too preferred to speak English, as they may find it challenging to speak Sepedi.

Figure 6.42: I express myself better in my mother tongue

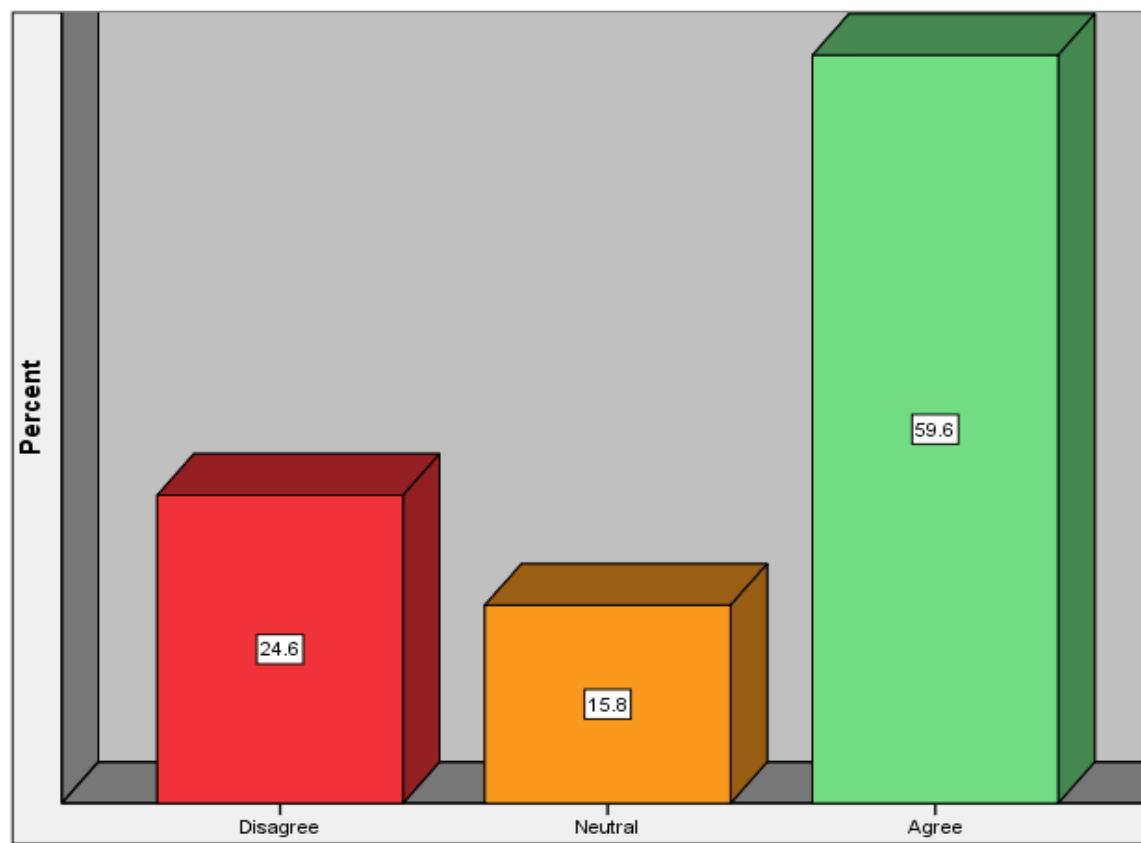


6.4.2.17 *Distribution in the sample according to the statement: I prefer the municipality should be having meetings in my mother tongue*

The concepts of language status and of language seem to be clearly related. On the one hand language status sometimes corresponds to one language function, such as the language of religion, the language of education and the language of newspaper (Cobarrubias & Fishman 1983:48). On the other hand, language status corresponds to a combination of functions, as is the case where a vernacular language in a particular community is said to have a status different from an official language that is used in the workplace. Thus the concept of language status has been used in two different senses: a weak sense and a strong sense. For example, the weak sense is restricted to one basic language function and the strong sense alludes to a cluster of functions.

It seems convenient for the purpose of facilitating social analysis to restrict the use of the concept language status in the weak sense to that of language function. This means that language status properly speaking is not equivalent to language function. According to Figure 6.43, 59.6% of the respondents indicated that they prefer that the municipality should have meetings in their mother tongue, whereas 24.6% disagreed and 15.8% were neutral about the statement. As was mentioned in the previous section, it might be conducive to the ethical conduct provided it is practically possible to execute.

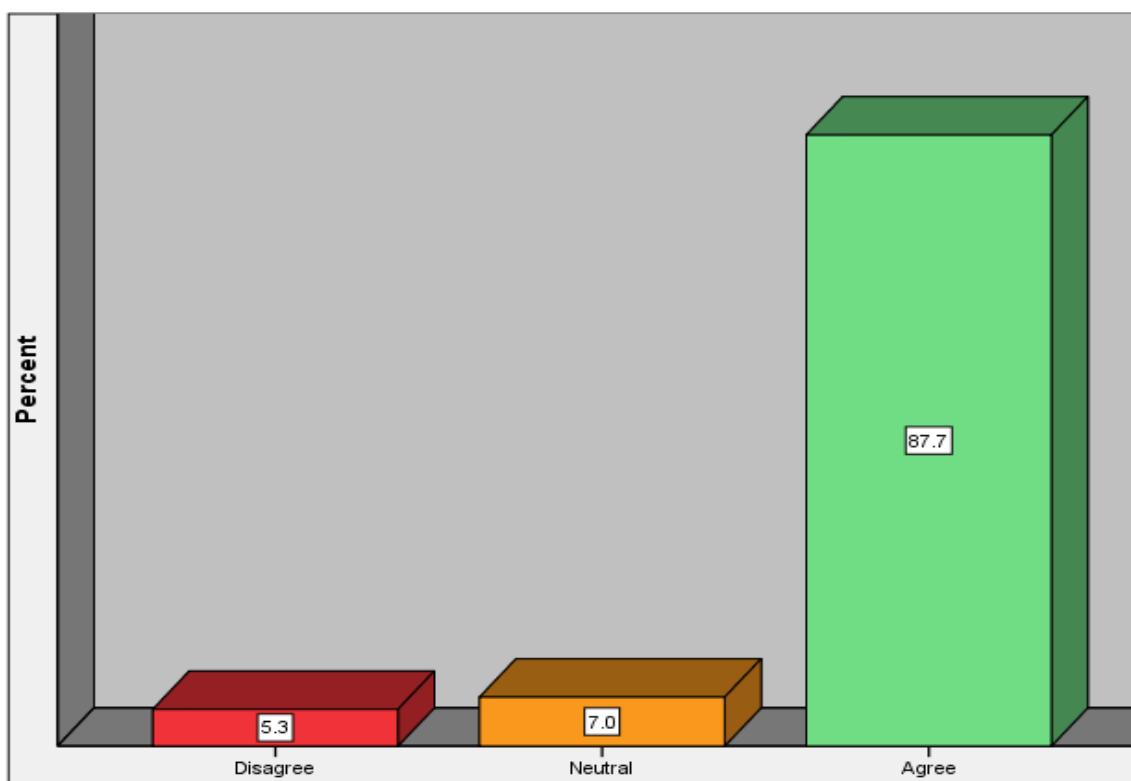
Figure 6.43: I prefer the municipality should be having meetings in my mother tongue



6.4.2.18 *Distribution in the sample according to the statement: It is best to engage with someone in a language he/she understands well*

According to Figure 6.44, 87.7% of the respondents agreed that it is best to engage with someone in a language he or she understands well. When offenders of corruption are disciplined, it is mostly preferred that it be done in a language they understand. It has been noted that municipal functionaries see unethical conduct as an act of some kind of evil, no matter how corruption is defined, punishment should take place. In Figure 6.33 respondents have indicated that people should be treated with dignity and respect. The element to remember is that people are still people even though they have been involved in unethical conduct. As language is part of a society and encourages the values and norms a society believes in, it should always be taken into consideration.

Figure 6.44: It is best to engage with someone in a language he/she understands well

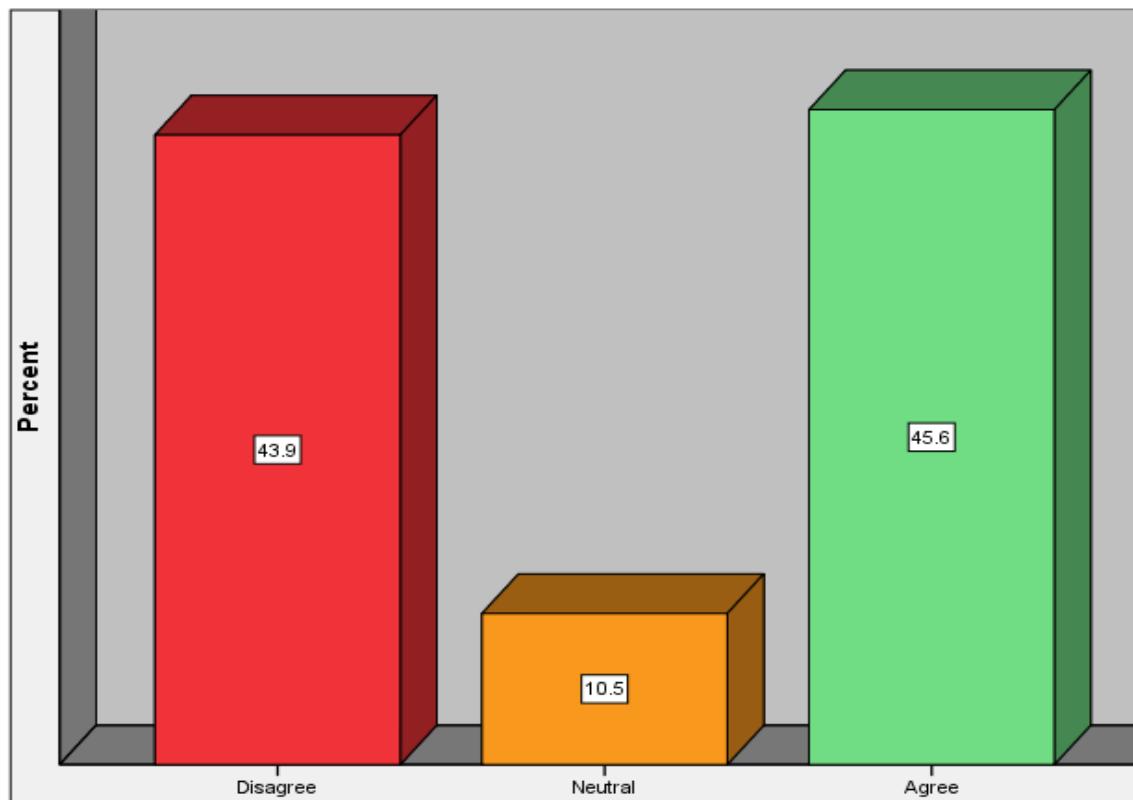


6.4.2.19 Distribution in the sample according to the statement: African languages are said to be viewed by many of their own speakers as symbols of being uneducated, traditional or rural

Polokwane is the capital city of the Limpopo Province. Most people who work within the city come from rural areas within Polokwane. The 45.6% of the respondents who agreed that African languages are said to be viewed by many of their own speakers as symbols of being uneducated, traditional or rural could have been influenced by the educational underdevelopment as a result of apartheid education. This finding is quite meaningful in the sense that it might be indicative of a lack of self-confidence and a lack of pride in their own language. It is possible that this can lead to a 'don't care' attitude which might not be conducive to ethical conduct. Inadequate political participation could be one of the reasons particularly because the main language of political discourse is English. Continuance of linguistic discrimination and inter-group conflict could be

other reasons. Surprisingly, 43.9% of the respondents disagreed and do not view speaking African languages as a symbol of being uneducated (Figure 6.45). These respondents take pride in their language and do not feel inferior in speaking it. 10.5% of the respondents were neutral.

Figure 6.45: African languages are said to be viewed by many of their own speakers as symbols of being uneducated, traditional or rural

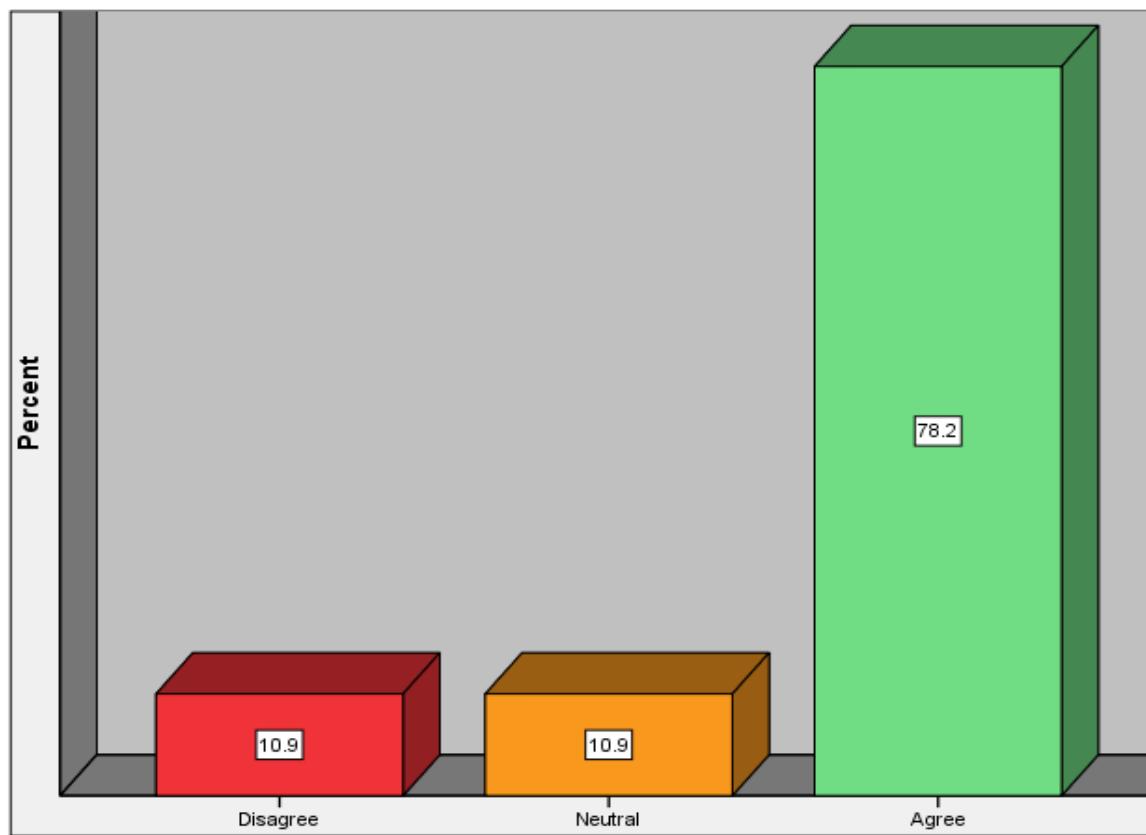


6.4.2.20 *Distribution in the sample according to the statement: The municipality takes into account the language usage and preferences of their residents*

Figure 6.46 shows that 78.2% of the respondents agreed that the municipality takes into account the language usage and preferences of their residents. This can be regarded as a positive endeavour to prevent and/or overcome unethical conduct in the institution. Since the majority of people who live in Polokwane in the Limpopo Province are Sepedi speaking, it is only logical that the municipality

respect community members and engage them in the language they best understand and this is also encouraged by the *Batho Pele* principles of the *White Paper on Transforming Public Service, 1997*; 10.9% disagreed and 10.9% were neutral. These respondents may feel that people's language preferences are not always taken into consideration.

Figure 6.46: The municipality takes into account the language usage and preferences of their residents



6.4.3 Distribution in the sample according to Section C

Section C deals with mechanisms that enhance ethical conduct in South African local government and public service in general. The rationale behind exploring these mechanisms is the theoretical terrain of ethics in public administration and management that posits that, despite the existence of a Code of Conduct that regulates the conduct of municipal functionaries and councillors at local

government, outcomes of ethics in practice are unethical and illusive. This section starts with a customised table that can be seen as a summary of all the responses made to Section C, and this table will then be interpreted in the form of figures.

Table 6.10: Mechanisms that enhance ethical conduct in South Africa

Categories	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree	
	N	%	N	%	N	%	N	%	N	%
There are adequate controls to ensure that I comply with policies and procedures in my municipality	5	8.9%	11	19.6%	5	8.9%	18	32.1%	17	30.4%
The <i>Constitution of the Republic of South Africa, 1996</i> encourages that the actions of public officials be in line with the values and principles in public administration	1	1.8%	0	.0%	3	5.3%	33	57.9%	20	35.1%
The <i>Public Service Act</i> promotes a high standard of ethical behaviour and further stipulates procedures to be followed when dealing with ineffective and inefficient officials	1	1.8%	0	.0%	6	10.5%	35	61.4%	15	26.3%

The Auditor-General functions independently in my local government administration	1	1.8%	5	8.8%	7	12.3%	22	38.6%	22	38.6%
The <i>Public Finance Management Act (PFMA)</i> requires officials to disclose their financial interests	0	.0%	0	.0%	3	5.4%	30	53.6%	23	41.1%
A code of conduct fulfils a primary function in the fight against corruption and unethical conduct	0	.0%	2	3.5%	8	14.0%	29	50.9%	18	31.6%
Leadership assists in establishing an ethical local government	2	3.6%	3	5.4%	7	12.5%	32	57.1%	12	21.4%
People in senior management positions are not necessarily ethical leaders demonstrating ethical leadership	3	5.3%	10	17.5%	13	22.8%	26	45.6%	5	8.8%
The way leadership is exercised is likely to create a good culture for service delivery and enhance accountability	2	3.5%	8	14.0%	12	21.1%	30	52.6%	5	8.8%
My municipality has appointed an ethics officer	11	19.6%	33	58.9%	5	8.9%	5	8.9%	2	3.6%

An ethics officer plays a pivotal role in driving the ethical environment within local government	4	7.0%	23	40.4%	14	24.6%	10	17.5%	6	10.5%
I often feel discouraged when I want to report misconduct of employees	2	3.5%	10	17.5%	10	17.5%	29	50.9%	6	10.5%
When I report misconduct, I am often seen as a troublemaker or an informer	1	1.8%	5	8.9%	15	26.8%	23	41.1%	12	21.4%
I know the rights of a whistle-blower	3	5.3%	12	21.1%	10	17.5%	22	38.6%	10	17.5%
Senior management and council have clarified the rights and protection of a whistle-blower	11	19.3%	14	24.6%	18	31.6%	12	21.1%	2	3.5%
I feel that I am still not protected even if my rights and protection have been clarified to me	1	1.8%	8	14.3%	12	21.4%	25	44.6%	10	17.9%
An ethics audit team exists in my municipality	8	15.4%	14	26.9%	7	13.5%	17	32.7%	6	11.5%
My ethical behaviour is often rewarded through a formal performance system that is ethics-focused	9	16.1%	26	46.4%	7	12.5%	10	17.9%	4	7.1%

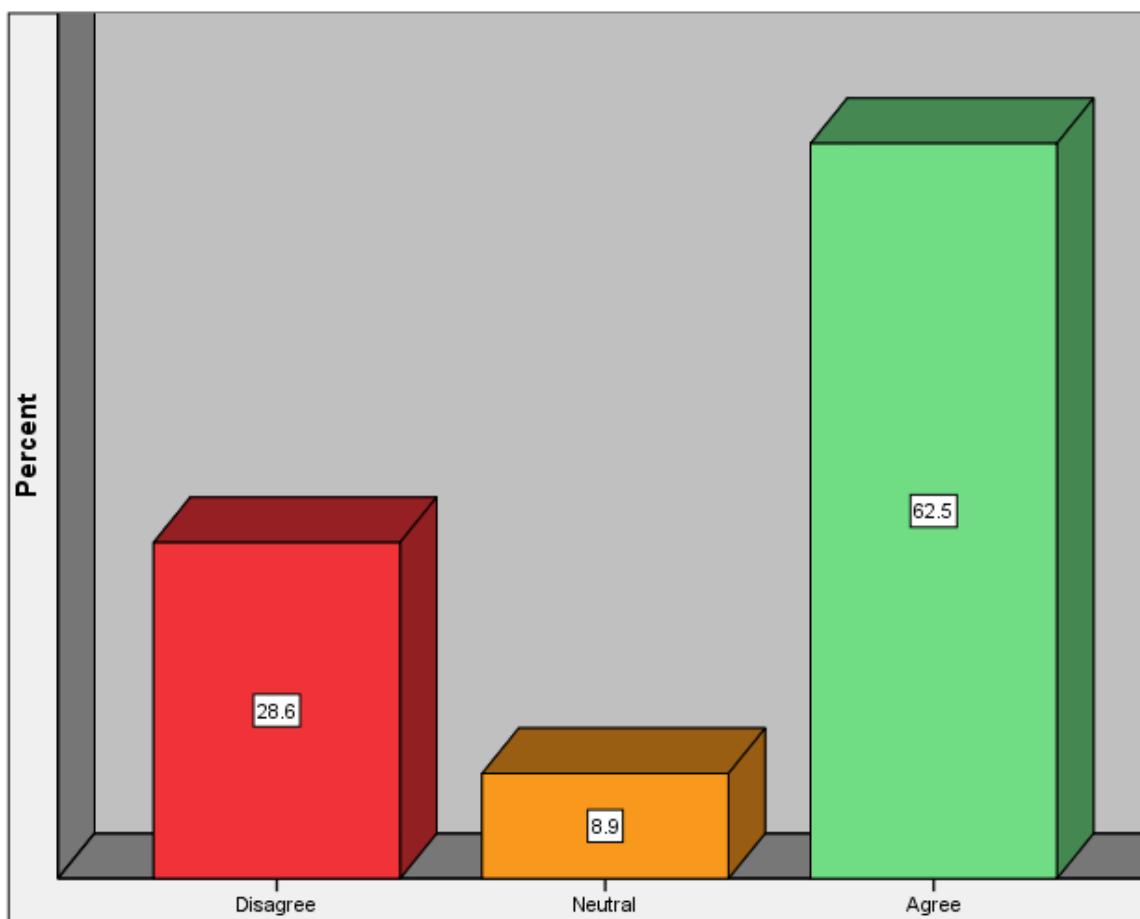
Senior Management should implement recommendations made by the ethics audit team	1	1.8%	6	10.5%	7	12.3%	29	50.9%	14	24.6%
Ethics training is regarded as vital in my municipality	5	8.8%	12	21.1%	9	15.8%	27	47.4%	4	7.0%
Ethics education is considered in my municipality	6	10.5%	22	38.6%	8	14.0%	18	31.6%	3	5.3%

It should also be noted that all 58 respondents responded to some of the statements. However, a response to some statements was omitted by some of the participants.

6.4.3.1 *Distribution in the sample according to the statement: There are adequate controls to ensure that I comply with policies and procedures in my municipality*

According to Figure 6.47, 62.5% of the respondents agreed that there are adequate controls to ensure that employees comply with policies and procedures. Although it is apparent that there are abundant legislative directives in place to promote ethical behaviour and quality of service delivery by the municipal functionaries and councillors in South Africa, this does not guarantee a corruption-free local government. It is cause for concern that 28.6% of the respondents did not agree with this statement whereas 8.9% were neutral. This is indicative that more needs to be done in the institution in terms of control mechanisms in order to prevent and/or overcome unethical conduct.

Figure 6.47: There are adequate controls to ensure that I comply with policies and procedures in my municipality

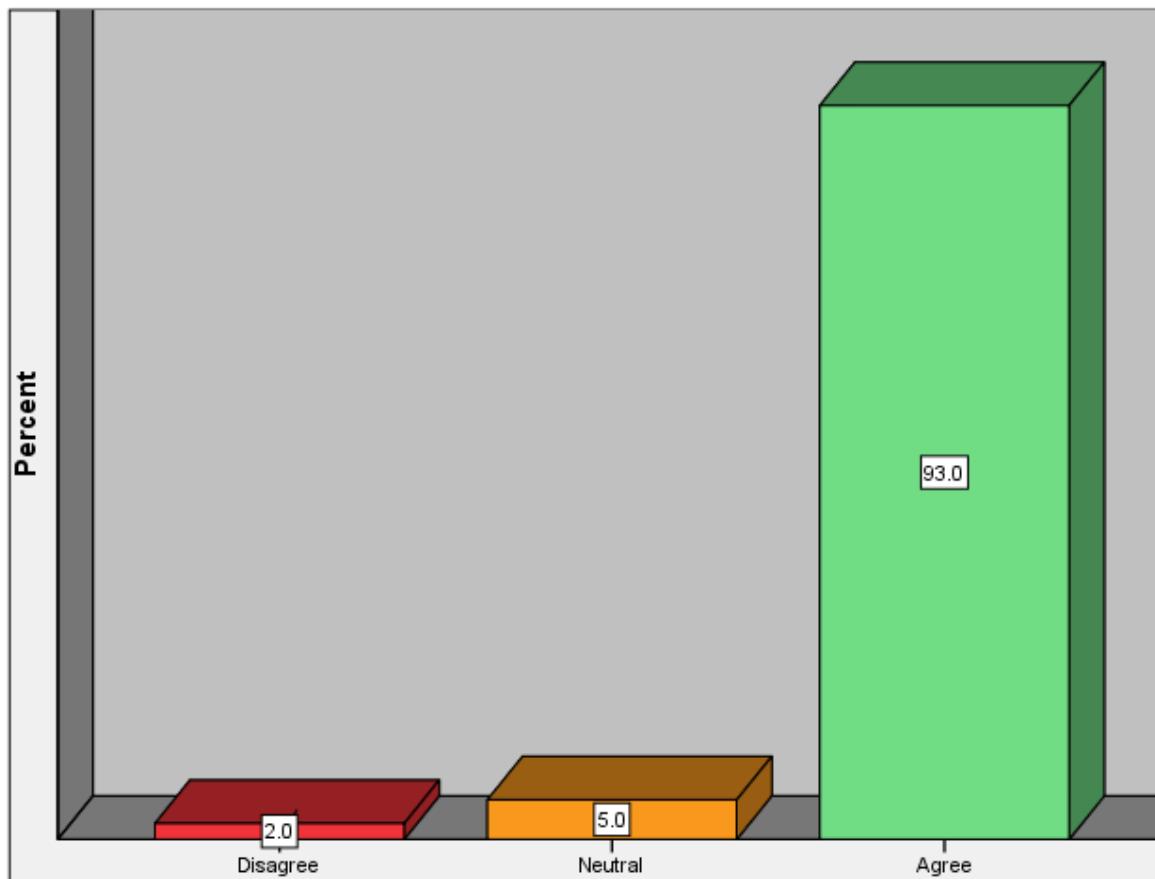


6.4.3.2 Distribution in the sample according to the statement: The Constitution of the Republic of South Africa, 1996 encourages that the actions of public officials be in line with the values and principles in public administration

The *Constitution* is the highest norm and can be identified as the foundation of service delivery in the South African public service. In practice this indicates that all laws, actions and institutions exercising government power are subject to the *Constitution*. The scope of this study is also based on the principles enshrined in the *Constitution*, (see section 4.2.1). This point has also been confirmed in the Capricorn District municipalities as 93.0% of the respondents acknowledged that

the *Constitution* is the supreme law of the country (Figure 6.48); 1.8% of the respondents disagreed and a disappointing 5.3% stayed neutral.

Figure 6.48: The *Constitution of the Republic of South Africa, 1996* encourages the actions of public officials to be in line with the values and principles in public administration

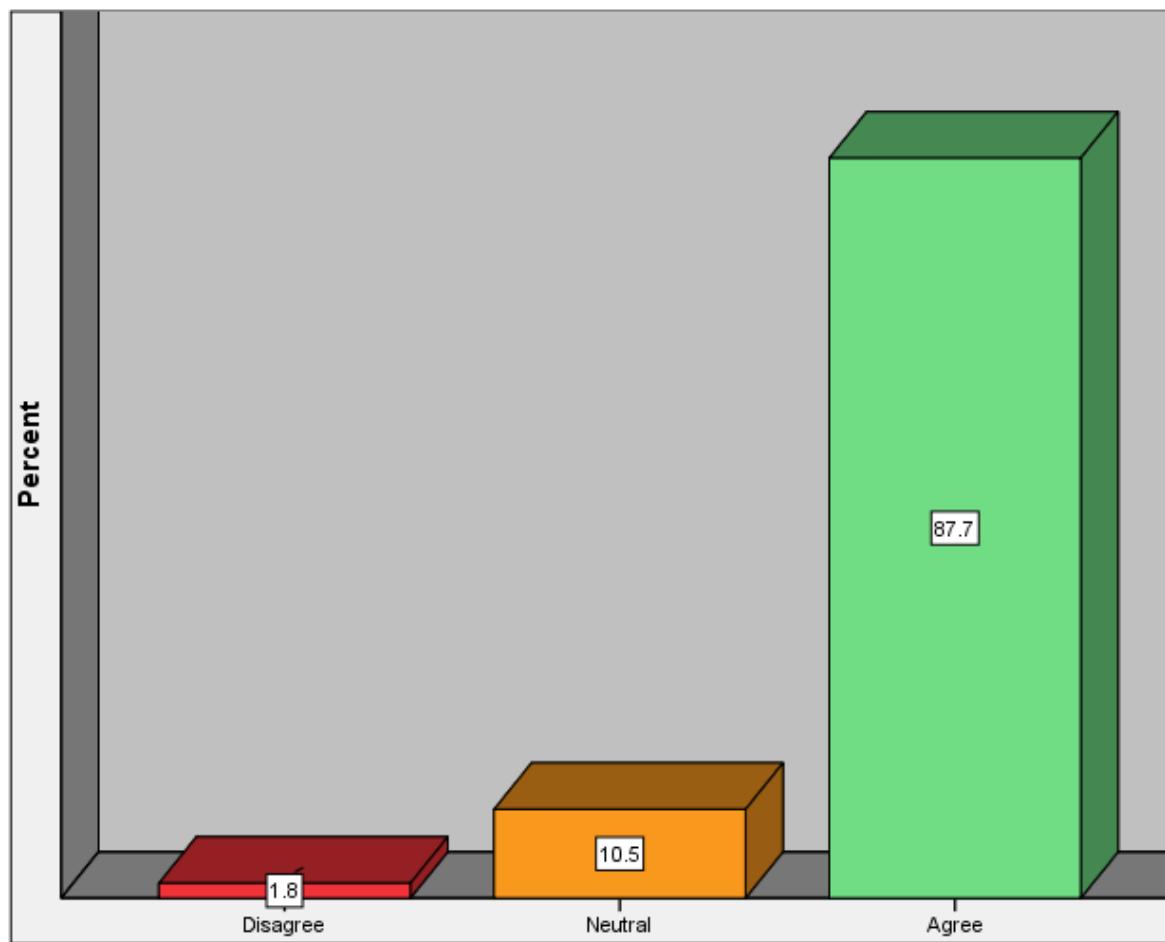


6.4.3.3 *Distribution in the sample according to the statement: The Public Service Act promotes high standards of ethical behaviour and further stipulates procedures to be followed when dealing with ineffective and inefficient officials*

Auriaccombe (2005:221) states that the *Public Service Act* must be considered the most important of all legal provisions relevant to the behaviour of public officials, including municipal functionaries and councillors. Section 20 of the Act

deals with misconduct and is a prime example of the efforts to limit corruption and maladministration by means of legislation (Cameron & Stone in Holtzhausen 2007:72). Figure 6.49 shows that 87.7% of the respondents agreed with this statement, 10.5% were neutral and 1.8% disagreed with the statement in question. This view could be encouraged by the fact that they believe that the *Public Service Act* does not promote the standard of ethical behaviour since there are consistent cases of unethical behaviour in the Capricorn District municipalities.

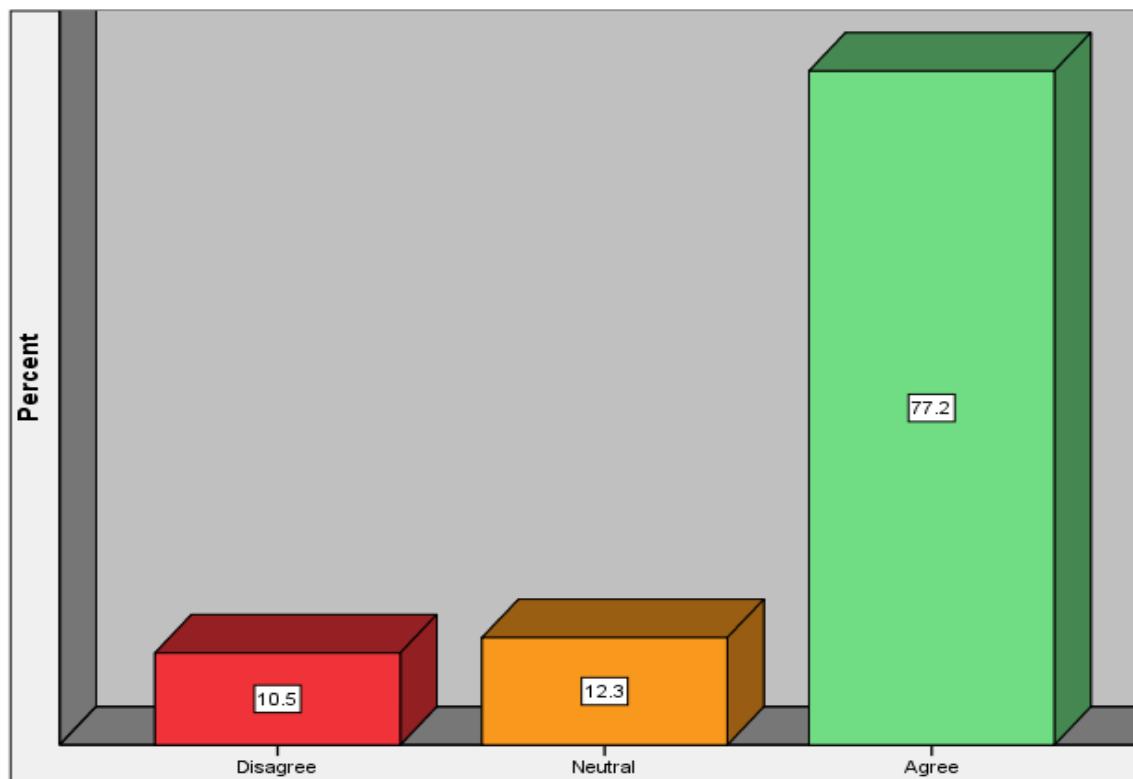
Figure 6.49: The *Public Service Act* promotes a high standard of ethical behaviour and further stipulates procedures to be followed when dealing with ineffective and inefficient officials



6.4.3.4 *Distribution in the sample according to the statement: The Auditor-General functions independently in my local government administration*

The Audit Act 25 of 2004 mandates the Auditor-General to function independently from government administration. Article 46 of the Act prohibits any employer or employee from being active in party politics which could compromise the independence of the Office of the Auditor-General. Responses showed that 77.2% of the respondents agreed with the statement, whereas 10.5% did not agree (Figure 6.50). The high percentage that agreed to this statement is encouraging and shows an awareness among respondents that part of their employment revolves around accountability (see Figure 6.50). On the contrary, 12.3% of the respondents were neutral to the statement.

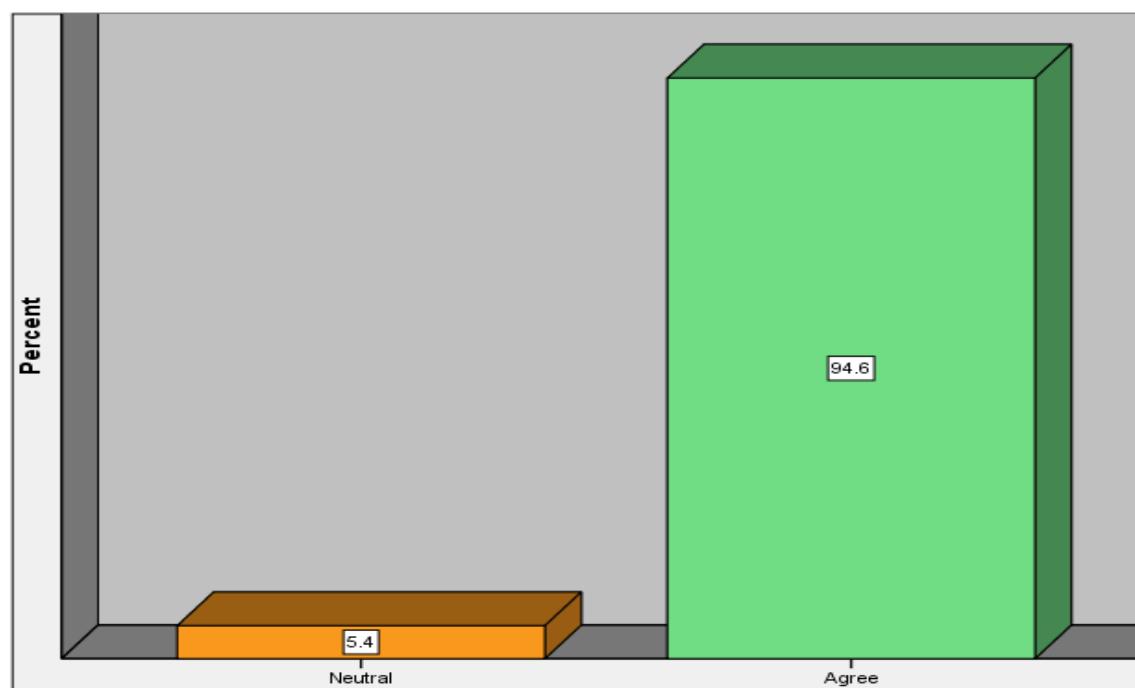
Figure 6.50: The Auditor-General functions independently in my local government administration



6.4.3.5 *Distribution in the sample according to the statement: The Public Finance Management Act (PFMA) requires officials to disclose their financial interests*

The financial management system of the Republic of South Africa in all spheres of government calls on all public service officials to disclose their financial interests so that there should not be a financial misunderstanding in their dealings in private matters. Section 2 of the *PFMA* aims to secure transparency and accountability in order to promote sound management of expenditure, revenue, liabilities and assets. Thus the financial management system of the Republic of South Africa should strive at all times to be sound and excellent in order to prevent corrupt activities. According to Figure 6.51, 94.6% of the respondents agreed with the statement that the *PFMA* requires officials to disclose their financial interests which are encouraging, and 5.4% of the respondents were neutral. This finding is a good indication that municipal functionaries and councillors at the Capricorn District municipalities know that the *PFMA* requires officials to disclose their financial interests.

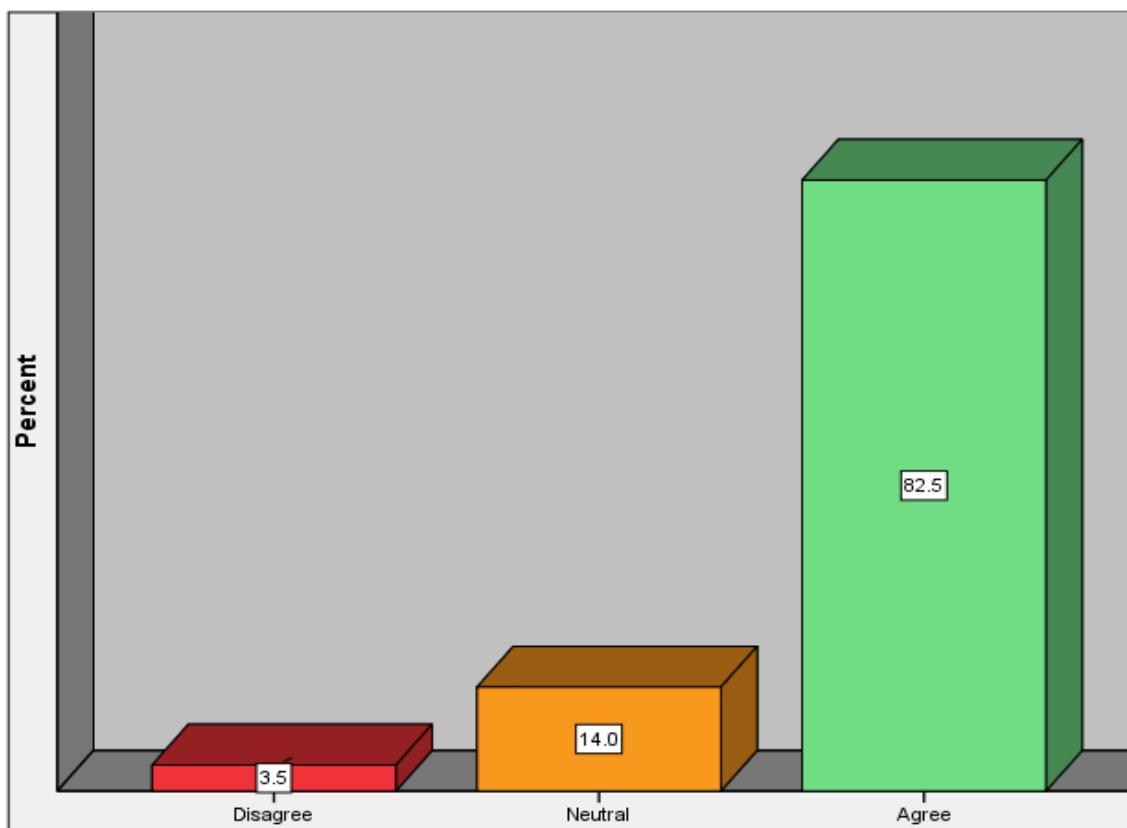
Figure 6.51: The Public Finance Management Act (PFMA) requires officials to disclose their financial interests



6.4.3.6 *Distribution in the sample to the statement: The Code of Conduct fulfils a primary function in the fight against corruption and unethical conduct*

According to Figure 6.52, 82.5% of the respondents agreed that the Code of Conduct fulfils a primary function in the fight against corruption and unethical conduct. The need exists to provide direction to municipal functionaries and councillors with regard to their relationship with the legislature, politics and the public, in order to indicate the spirit in which employees should perform their duties. It is expected of them, as they occupy the public office, that they do what is necessary to avoid conflicts and unethical conduct. Although the Code of Conduct exists, this should not be seen as a set of rules regulating standards of conduct. However, heads of departments, the municipal manager and the members of the mayoral committee, by virtue of their responsibilities, should ensure that the conduct of their employees conforms to the basic values and principles governing public administration. It should also be noted that the Code of Conduct for local government can be found as part of schedule 2 within the *Local Government Municipal Systems Act, 32 of 2000*. This finding is an indication that South African local government does not have an official Code of Conduct as a separate document and therefore, perhaps, is consistent with unethical conduct. It is possible that municipal functionaries and councillors because of this do not recognise the Code of Conduct easily in a case where they are, for example, aware of the *PFMA* and other municipal documents.

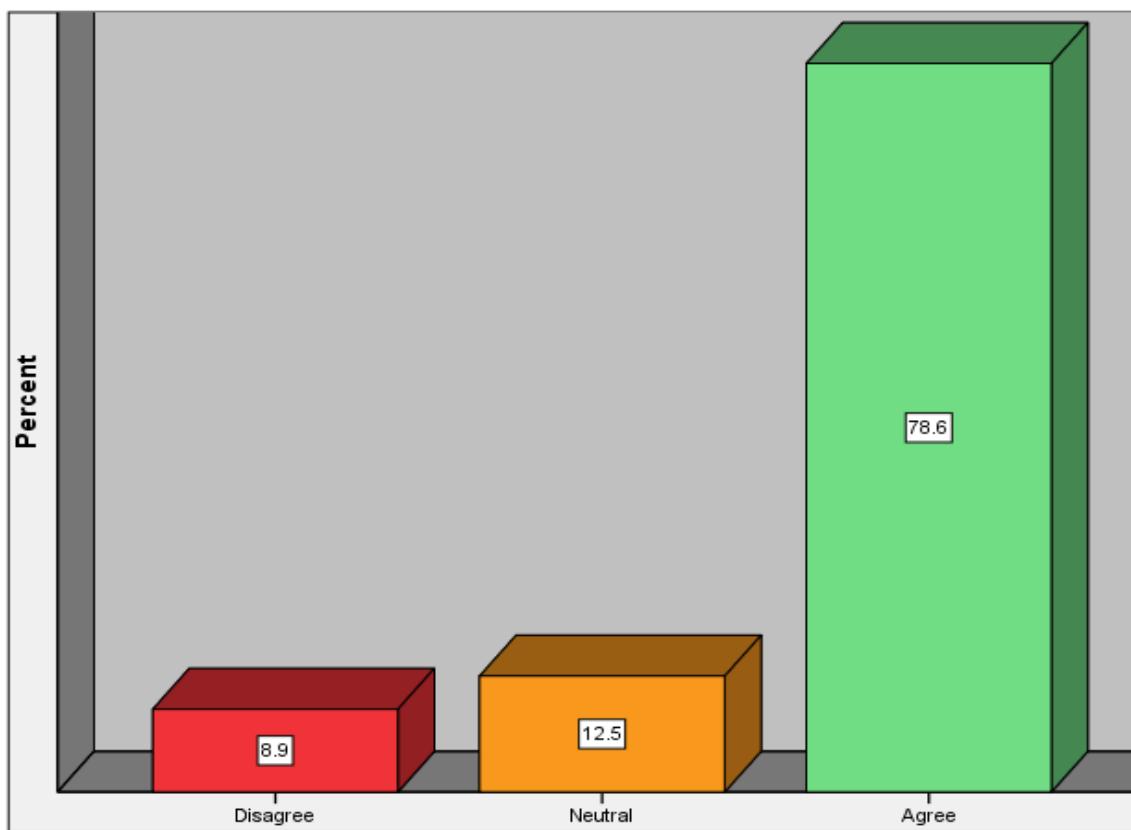
Figure 6.52: A Code of Conduct fulfils a primary function in the fight against corruption and unethical conduct



6.4.3.7 Distribution in the sample according to the statement: Leadership assists in establishing an ethical local government

In section 4.3 ethical leadership was defined as the demonstration of normatively appropriate conduct through personal actions and interpersonal relationships, and the promotion of such conduct in followers through two-way communication reinforcement and decision-making (Brown, Trevino & Harrison 2005:6). Municipal managers should exemplify the ethical standards to be followed by their juniors. Responses show that 78.6% of the respondents agreed that leadership assists in establishing an ethical local government (Figure 6.53); 8.9% did not agree that leadership assists in establishing an ethical local government. Perhaps they believe that people in management are not necessarily ethical leaders. Of the respondents 12.5% remained neutral.

Figure 6.53: Leadership assists in establishing an ethical local government

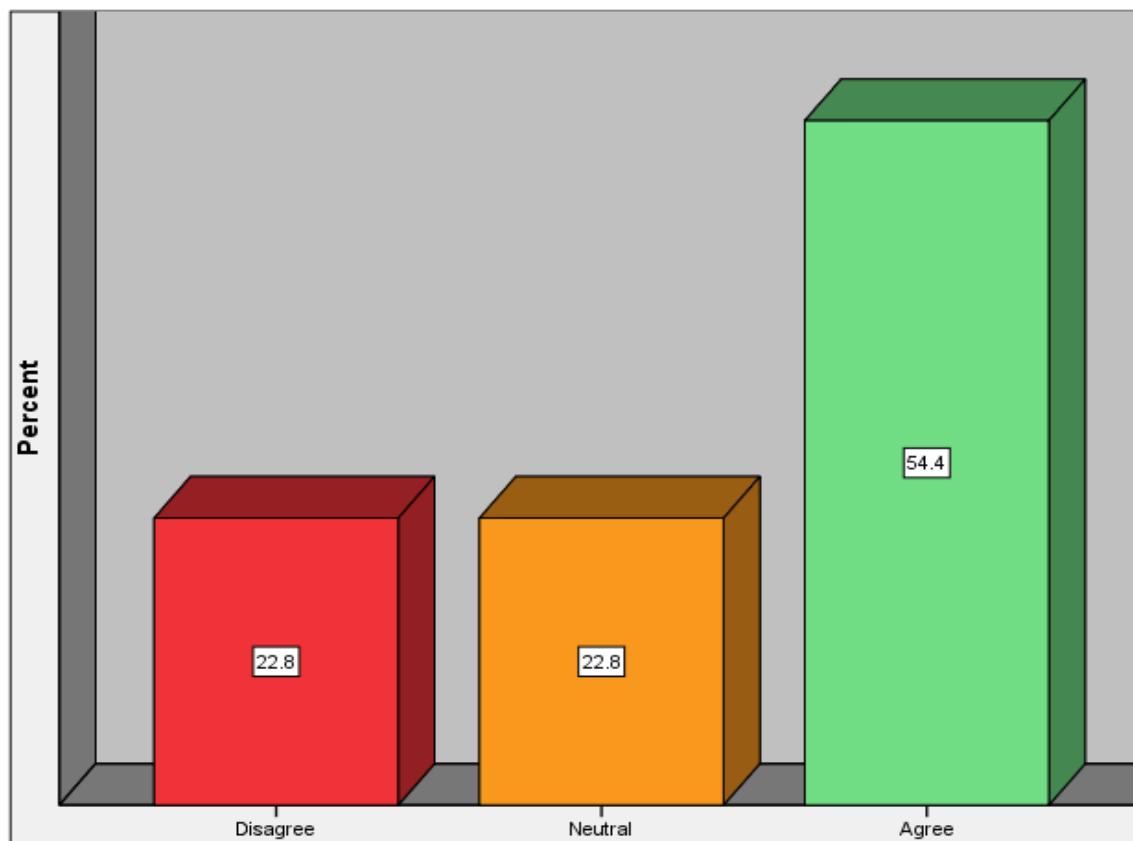


6.4.3.8 Distribution in the sample according to the statement: People in senior management positions are not necessarily ethical leaders demonstrating ethical leadership

The success of any institution depends largely on the strong management team and the quality of its leadership. Leadership is often related to the extraordinary effort of people, whether referring to team effectiveness or individual effort, because, management can endeavour to bring out the best in people, but if people are not prepared to participate in building the institution, the efforts of the management will be in vain. According to Figure 6.54, 54.4% of the respondents agreed that people in senior management positions are not necessarily ethical leaders demonstrating ethical leadership, whereas 22.8% of the respondents disagreed and 22.8% did not want to give their views on this statement. One should remember that the 54.4% are linked to respondents' experiences in their

institution; a figure that is not very encouraging for the promotion of ethical conduct.

Figure 6.54: People in senior management positions are not necessarily ethical leaders demonstrating ethical leadership

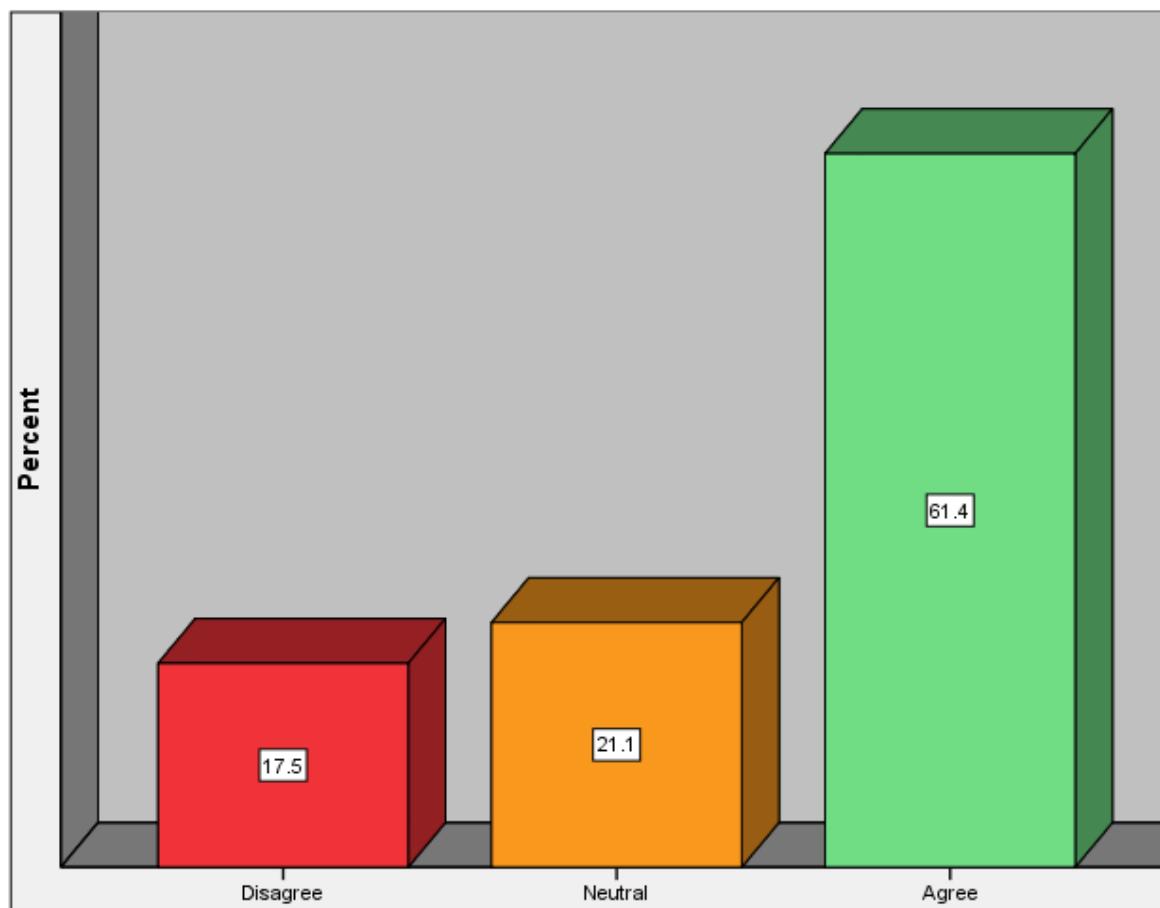


6.4.3.9 *Distribution in the sample according to the statement: The way leadership is exercised is likely to create a good culture for service delivery and enhance accountability*

Matshabapala (2008:10) indicates that individuals and teams, through their behaviour, can transform their work places into institutions of integrity. Getting the right people and getting them right, is also very important. Attitude is one of the attributes and principles that can be used to attain better achievement at local government. According to Figure 6.55, 61.4% agreed that the manner in which leadership is exercised is likely to create a good culture for service delivery and

enhance accountability; 17.5% of the respondents disagreed, whereas 21.1% were neutral. This confirms the concern that was raised in section 6.4.3.8.

Figure 6.55: The way leadership is exercised is likely to create a good culture for service delivery and enhance accountability

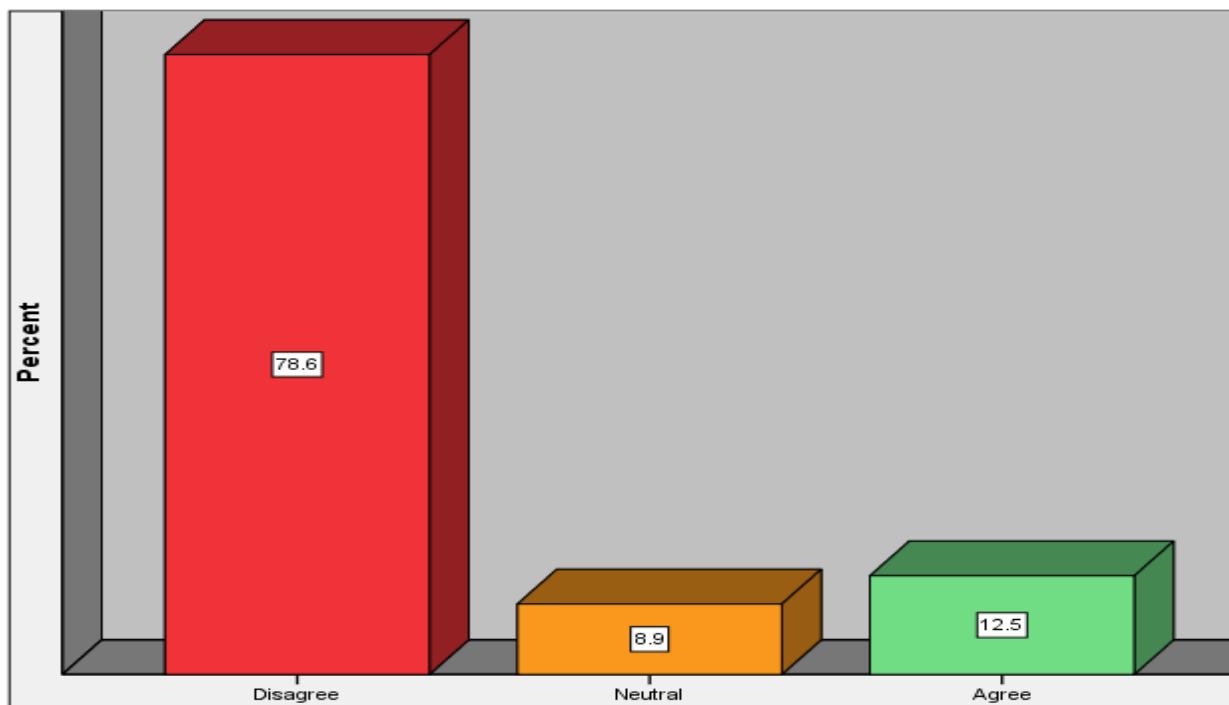


6.4.3.10 Distribution in the sample according to the statement: My municipality has appointed an ethics officer

After four years of engagement in this study project, it has become evident that the problems of unethical conduct such as corruption and mismanagement of money could not only be due to the Code of Conduct not being understood. Figure 6.56 reveals that the problems of unethical conduct at local government in the Limpopo Province could be due to municipal institutions not having an ethics

officer. Response shows that 78.6% of the respondents disagreed with the statement. Some of the people who the researcher had discussions with, indicated that they are only exposed to an Auditor-General but not an ethics officer. In section 4.4 it was explained that an ethics officer plays a pivotal role in driving an ethical environment within the institution. What an ethics officer does is to identify the ethical issues and mobilise resources and persons around these issues. DiPiazza (2001:717) believes that the position of an ethics officer should be independent of management and the business operations, that the ethics officer should not be seen to be a member of the management team; but as an individual who is positioned across the municipality and who reports to the municipal council and the municipal manager. Appointing an ethics officer is one of the effective strategies for enhancing ethical conduct in municipal functionaries and councillors at local government, an important mechanism that seems to be lacking at the Capricorn District municipalities.

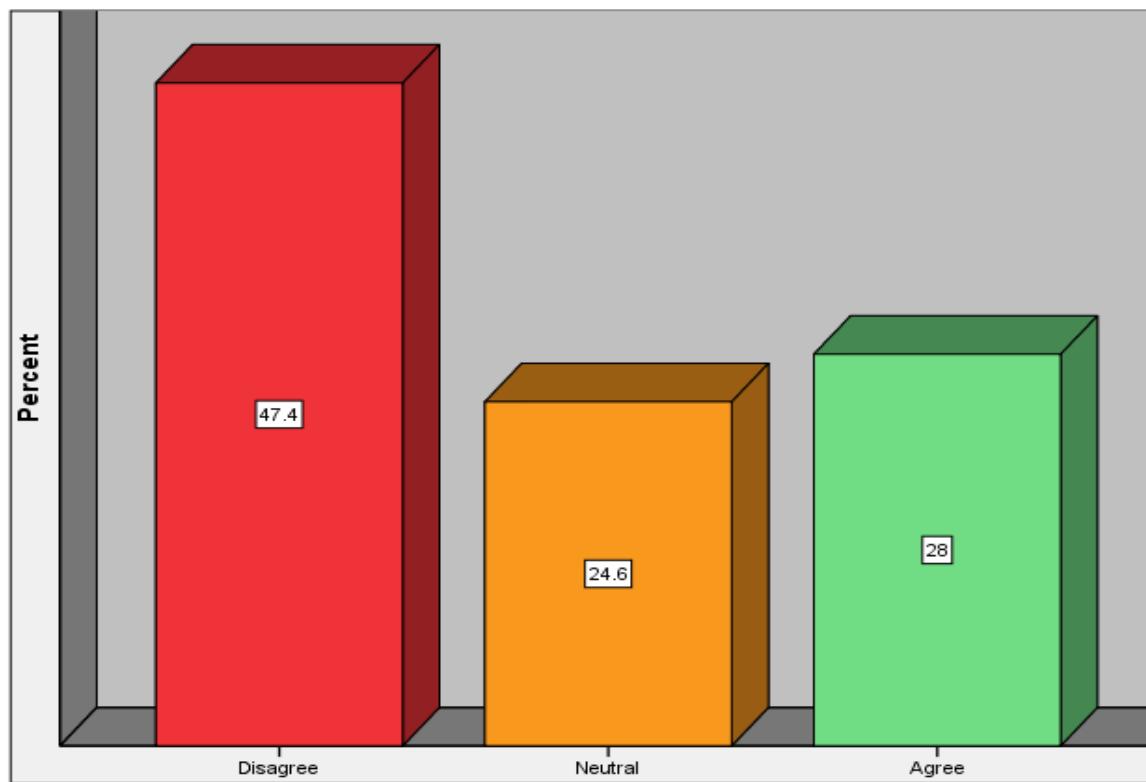
Figure 6.56: My municipality has appointed an ethics officer



6.4.3.11 *Distribution in the sample according to the statement: An ethics officer plays a pivotal role in driving the ethical environment within local government*

As explained in section 4.4 an ethics officer plays a pivotal role in driving the ethical environment within local government. Of the respondents 47.4% disagreed that an ethics officer does play a pivotal role in driving the ethical environment within local government (Figure 6.57), and 24.6% were neutral. Only 28% of the respondents agreed. Figure 6.56 also indicates that an ethics officer has not been appointed at the Capricorn District municipalities. The high percentage of respondents who disagreed with and were neutral about this statement can be an indication that they still feel that even if an ethics officer was appointed it would not mean that corruption-free local government is guaranteed.

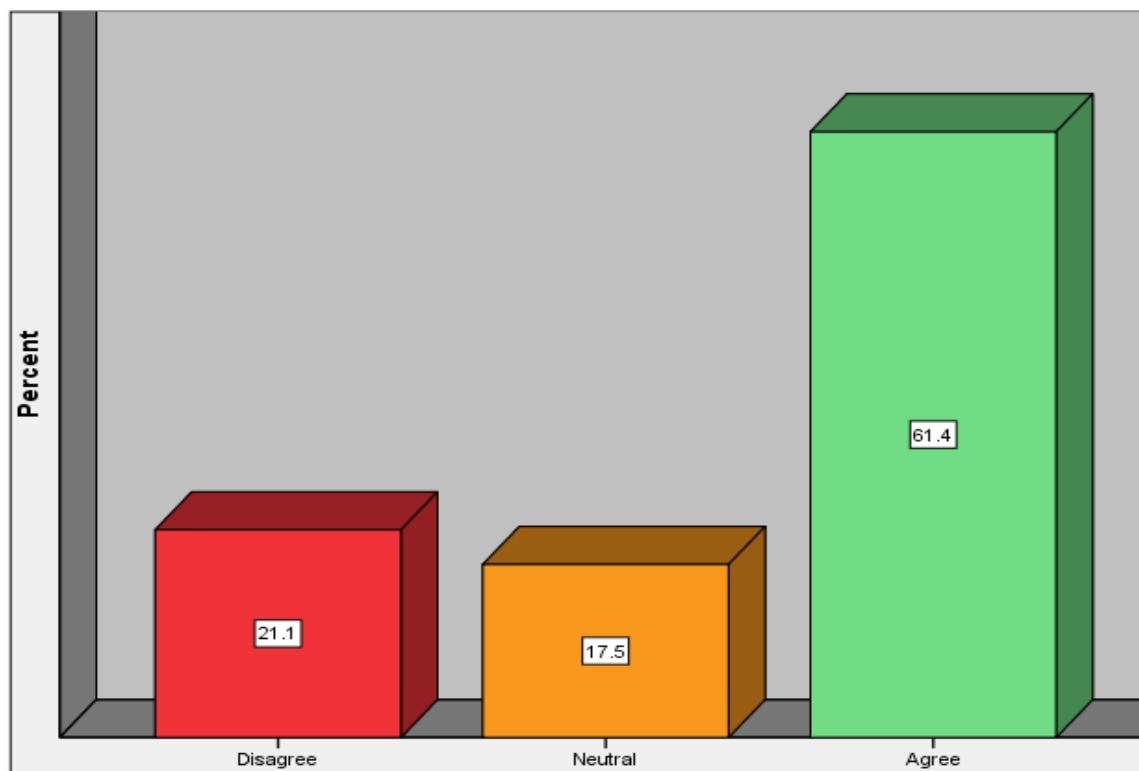
Figure 6.57: An ethics officer plays a pivotal role in driving the ethical environment within local government



6.4.3.12 *Distribution in the sample according to the statement: I often feel discouraged when I want to report misconduct of employees*

61.4% of the respondents agreed with the statement that they feel discouraged when they want to report misconduct of employees (Figure 6.58). This can also be evidence that respondents know that there are unethical conduct activities taking place. One reason could be that people are not taken seriously when they report unethical cases. Of the respondents 21.1% indicated that they do not feel discouraged when they want to report the misconduct of their colleagues, whereas 17.5% were neutral. It should also be indicated that junior employees might find it difficult to report their seniors, or people who have been employed on a contract basis may want to protect their employment, and so will only work as it is their duty to do so. Anything besides that, they will not do (see Figure 6.38) where 42.1% of the respondents agreed that they work because it is their duty to do so.

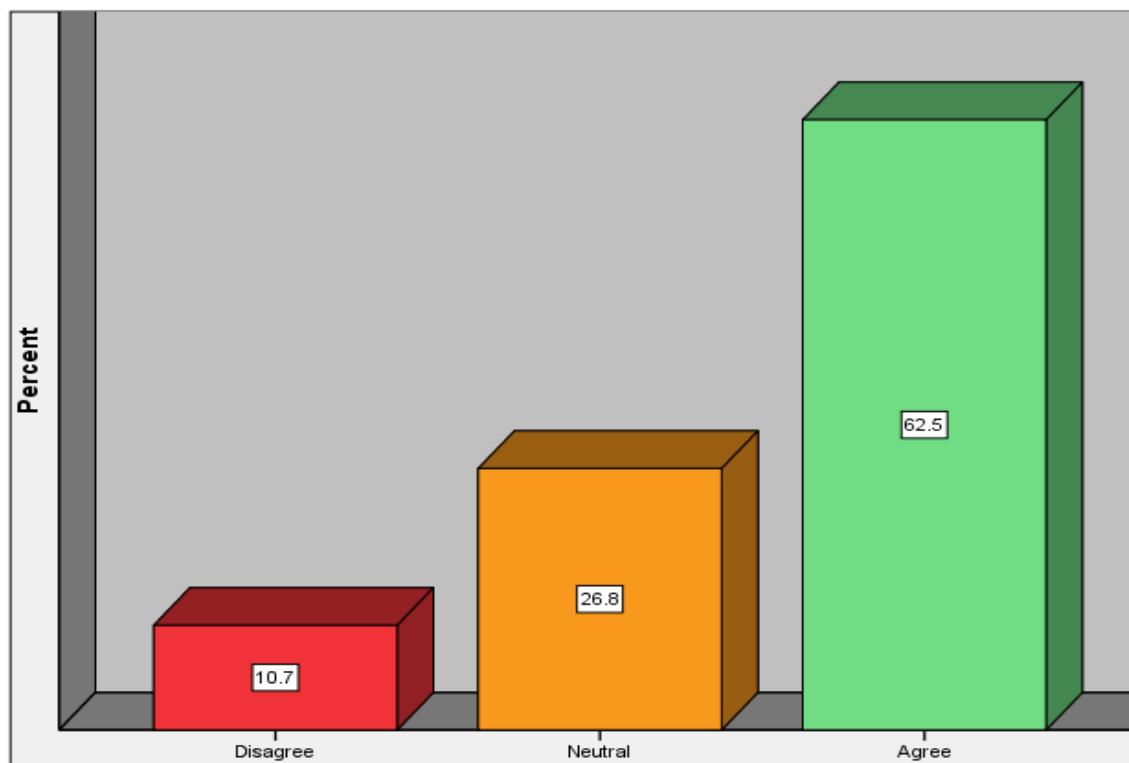
Figure 6.58: I often feel discouraged when I want to report misconduct of employees



6.4.3.13 *Distribution in the sample according to the statement: When I report misconduct, I am often seen as a troublemaker or an informer*

As shown in Figure 6.59, 62.5% of the respondents agreed that when they report misconduct, they are often seen as a troublemaker or an informer which is cause for concern. Unethical conduct is an ugly activity; when it is committed people are affected and it damages the image of the institution. Either way it always reflects badly. Strangely enough, people reporting the misconduct of their employees often have the view that they are the ones who have been unethical. Therefore an ethics officer should be appointed to deal with such situations. A policy providing a mechanism for reporting the violations and which includes protection for the person reporting the problem will obviously be more effective than one which does not have such a protection mechanism. Enforcing such protection is quite crucial and may contribute towards people showing a greater willingness to become whistle-blowers.

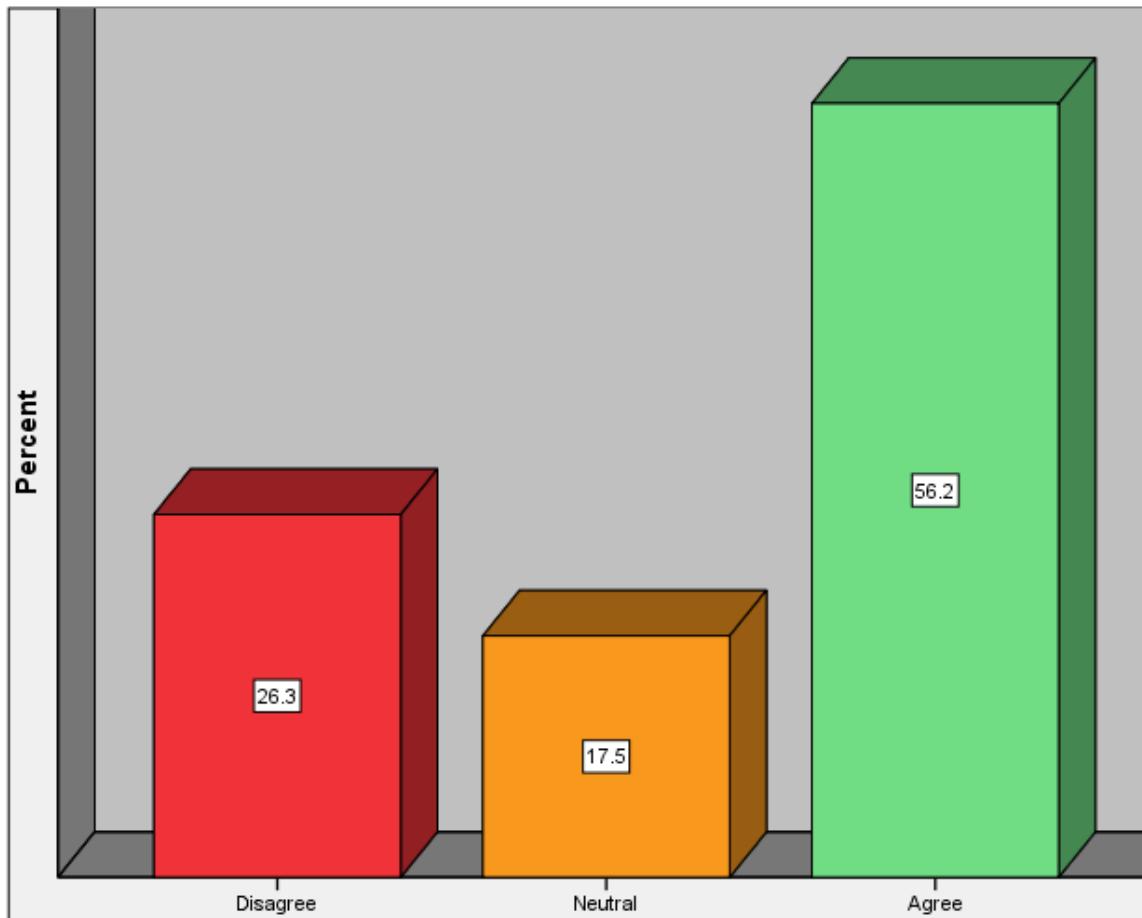
Figure 6.59: When I report misconduct, I am often seen as a troublemaker or an informer



6.4.3.14 *Distribution in the sample according to the statement: I know the rights of a whistle-blower*

Whistle-blowing focuses on responsibility towards others and the accountability of those in charge. Holtzhausen (2007:163) indicates that whistle-blowing involves calling attention to wrongful acts, usually in order to stay away from harm. If 61.4% of the respondents as shown in Figure 6.58 feel discouraged when they have to report unethical conduct and then turn around as shown in Figure 6.60 to indicate that they know a whistle-blower's rights, what are they still afraid of? According to results shown in Figure 6.60, 56.2% of the respondents have indicated that they know the rights of a whistle-blower which is in line with the 61.4% who indicated in Figure 6.58 that they feel discouraged when they have to report unethical conduct; 26.3% of the respondents indicated that they do not know a whistle-blowers' rights. It has been shown in Figures 6.47, 6.48, 6.49, 6.50, 6.51 and 6.52, that respondents agree and believe that a statutory and regulatory framework for the South African public service and local government exists, but they don't trust that it can work for them; thus they are still doubtful about implementing their mandate effectively. This, among others, could be the responsibility of an ethics officer if appointed at local government. As shown, 17.5% of the respondents were neutral about the statement in question.

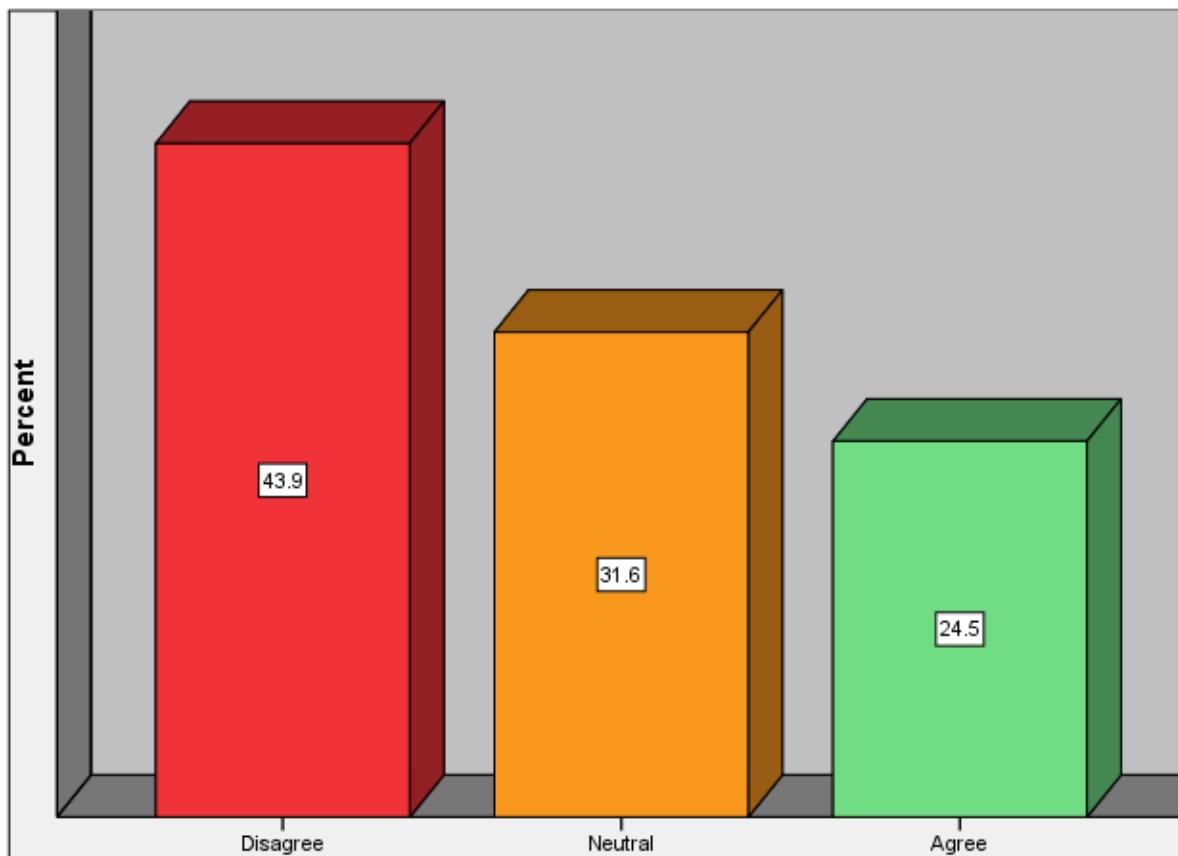
Figure 6.60: I know the rights of a whistle-blower



6.4.3.15 Distribution in the sample according to the statement: Senior management and council have clarified the rights and protection of a whistle-blower

According to Figure 6.61, 43.9% of the respondents disagreed that senior management and municipal council have clarified the rights and protection of a whistle-blower. 31.6% were neutral and 24.5% agreed that senior management and council have clarified the rights and protection of a whistle-blower. It is only a small percentage that responded favourably to this statement (24.5%) which is an area that needs attention for improvement to take place.

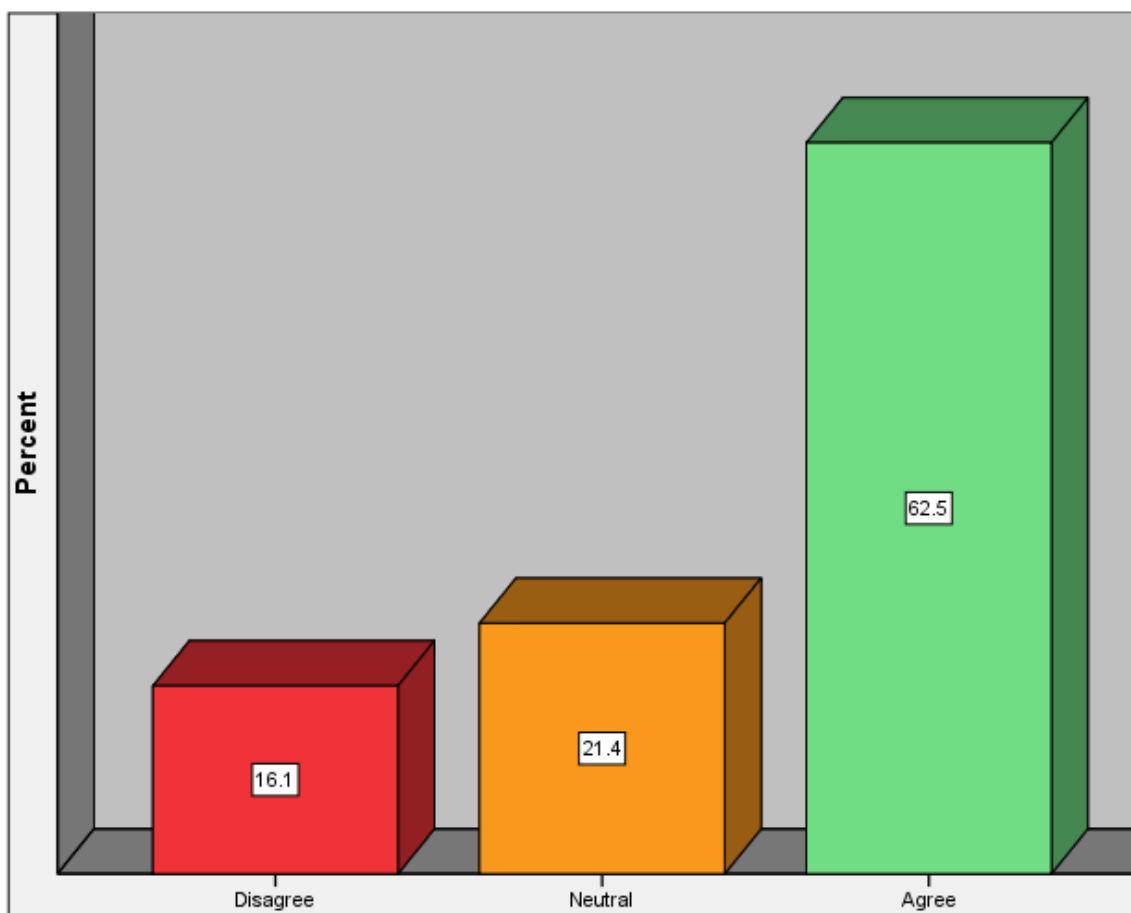
Figure 6.61: Senior management and council have clarified the rights and protection of a whistle-blower



6.4.3.16 *Distribution in the sample according to the statement: I feel that I am still not protected even though my rights have been clarified*

According to Figure 6.62, 62.5% of the respondents agreed that they still feel unprotected even though their rights have been clarified (see Figure 6.58 according to which 61.4% confirmed that they feel discouraged when they want to report misconduct of employees). The findings in Figure 6.62, in other words, confirm the findings in Figure 6.58. Both these findings are cause for concern and necessitate attention.

Figure 6.62: I feel I am still not protected even though I have had my rights and protection clarified

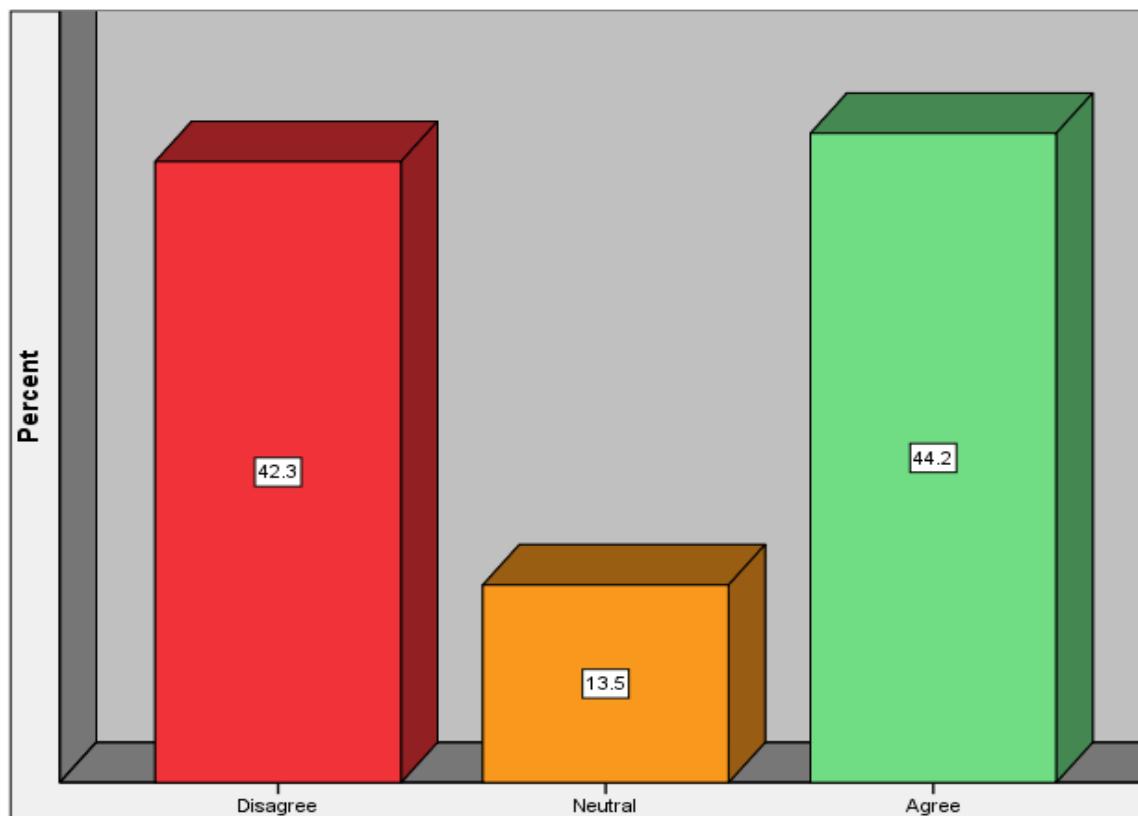


6.4.3.17 Distribution in the sample according to the statement: An ethics audit team exists in my municipality

The results from this statement are very interesting. According to Figure 6.63, 44.2% of the respondents agreed and 42.3% disagreed that an ethics audit team exists in their municipality. This indicates a clear contradiction of opinion. The researcher wants to believe that respondents here who disagreed were referring to an Auditor-General and his or her team. The researcher actually refers to a different ethics audit team that should work hand in hand with the ethics officer whom the Municipality has not yet appointed. The 13.5% who were neutral towards the statement in question confirms this uncertainty and consequently the absence of an ethics audit team in the Capricorn District municipalities.

organisation's ethics audit strategy and related objectives will have a direct influence on the ethics audit team's approach. This ethics audit team should determine the ethical risks attached to the ethics strategy of the institution (see section 4.7 as it explains the importance of an ethics audit team).

Figure 6.63: An ethics audit team exists in my municipality

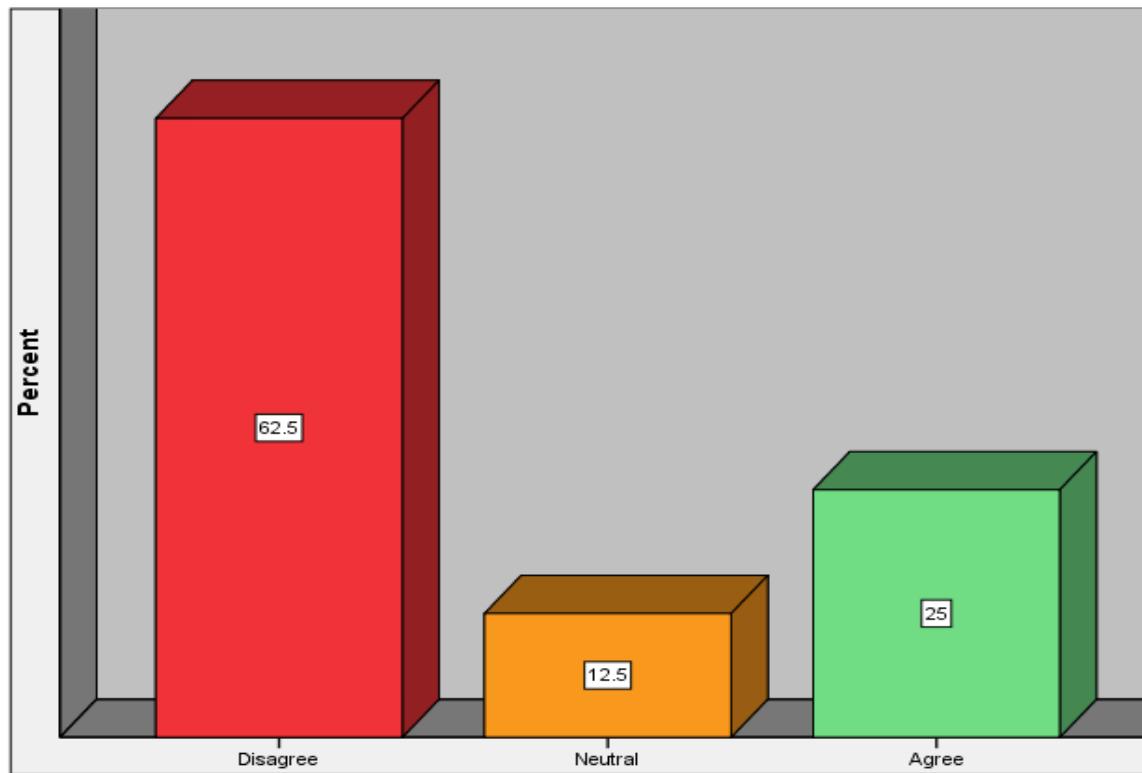


6.4.3.18 Distribution in the sample according to the statement: My ethical behaviour is often rewarded through a formal performance system that is ethics-focused

An ethics-focused reward system is a formal reward system that promotes measurement and rewards the ethical behaviour of municipal functionaries and councillors (Lindsay, Lindsay & Irvine 1996:394). The reader should also be alerted to the fact that it does not mean that people think that the only time to be ethical and professional and to encourage a work ethic is when good behaviour

is rewarded. For an ethics-focused reward system to work, local governments should put in place a system according to which they can investigate and identify behaviours of municipal functionaries and councillors that can be rewarded or punished (see section 4.6 where the responsibilities and benefits of an ethics-focused reward system for performance have been discussed). 62.5% of the respondents disagreed that their ethical behaviour is often rewarded through a formal performance system (Figure 6.64). This could be a confirmation that an official ethics-focused reward system has not been established in the Capricorn District municipalities. As shown, 25% of the respondents agreed that their performance is rewarded. 25%, most probably, were referring to a standard performance management system where employees are given bonuses for achieving or exceeding performance and which is entirely different from a formal performance system that is ethics-focused.

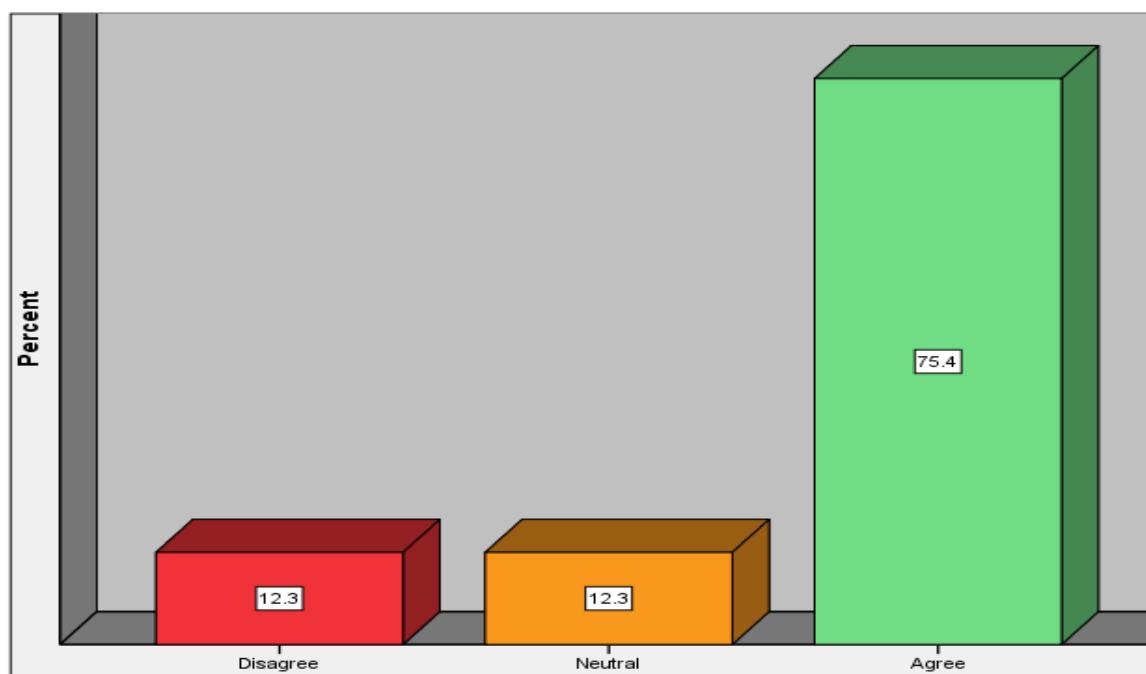
Figure 6.64: My ethical behaviour is often rewarded through a formal performance system that is ethics-focused



6.4.3.19 Distribution in the sample according to the statement: Senior management should implement recommendations made by the ethics audit team

75.4% of the respondents agreed that senior management should implement recommendations made by the ethics audit team (Figure 6.65). When an ethics audit team is given an opportunity to perform their audit independently it is only constructive if management takes the recommendation made by the audit team into account. Management should be aware of this and also of the fact that evaluation and monitoring keep any institution functioning and able to implement corrective measures in order to move forward. Of the respondents 12.3% disagreed with the statement whereas 12.3% were neutral to the question statement. The high percentage that agreed with this statement (75.4%) is indicative of a positive attitude towards the value of an ethics audit team (see section 6.4.3.17 where the absence of an ethics audit team in the Municipality was confirmed).

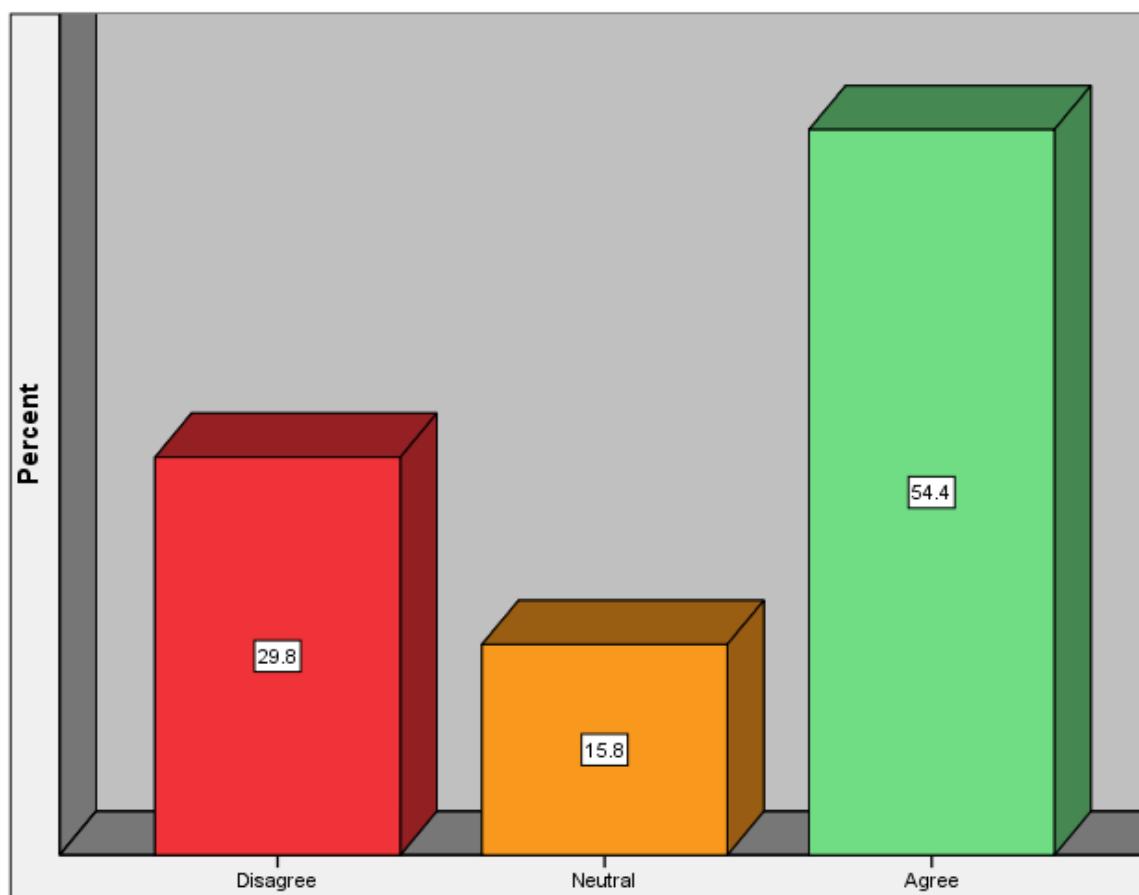
Figure 6.65: Senior management should implement recommendations made by the ethics audit team



6.4.2.20 *Distribution in the sample according to the statement: Ethics training is regarded as vital in my municipality*

As indicated in section 4.8, ethics training is a process which is designed to impart knowledge, understanding and skills to people in order to enable them to share in the task of maintaining an organisation's ethos. Ethics training will involve exercises such as the dissemination and discussions of a local government's code of conduct. This means that ethics training should aim at compliance with understanding (Preston 1994:145). Training of municipal functionaries and councillors could promote ethical conduct. However, according to the response shown in Figure 6.66, only 54.4% of the respondents agreed that ethics training is regarded as vital in their municipality. It should be noted that ethics training should include training in the ethical foundations of public administration which includes constitutional supremacy, public accountability and respect of societal values and democratic values, efficiency and effectiveness as well as transparency. Of the respondents, 29.8% disagreed, while 15.8% were neutral. It should be noted that if ethics training takes place, there could be indications of improvement and accountability. When induction of new employees takes place, the human resource management and corporate services departments should provide for the course to include induction of individuals into the culture and ethos of the municipality. The findings of this statement show that more attention to ethics training is required in the municipality.

Figure 6.66: Ethics training is regarded as vital in my municipality

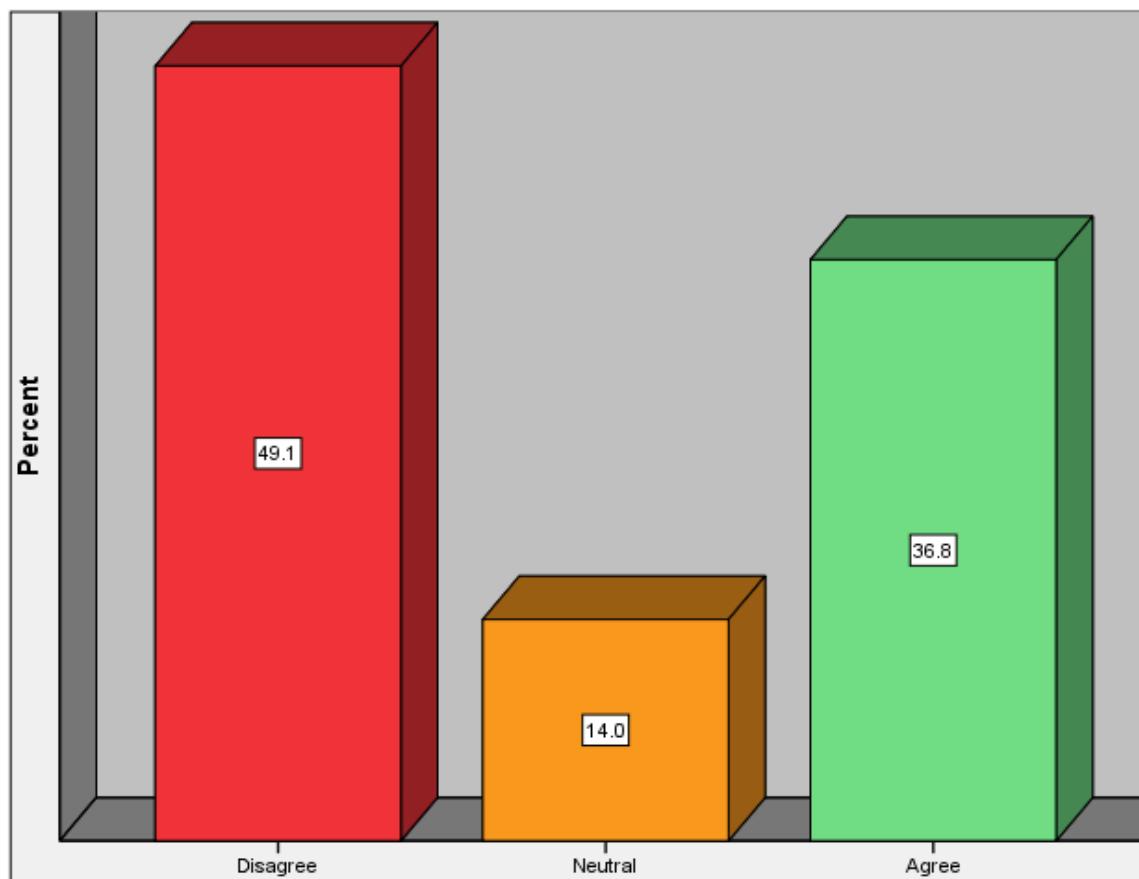


6.4.3.21 Distribution in the sample according to the statement: Ethics education is considered in my municipality

Preston (1994:145) defines ethics education as those processes and experiences that are designed to impart knowledge, understanding and skills to people to enable them to autonomously and authentically develop and maintain an ethical framework that is regarded as their own. The aim of ethics education, in other words, is to allow a person to claim ownership of his or her ethical principles and dispositions. Institutions that fail to provide ethics education are likely to run the risk of the foundation of training being undermined when individuals seek to develop autonomy either in isolation or in dialogue with others who have no appreciation of the setting in which the person has to operate. Figure 6.67 shows that 49.1% of the respondents disagreed with the statement

that ethics education is considered in their municipality. This indicates that the Capricorn District municipalities are not serious enough in their endeavours to foster sound ethical behaviour. Only 36.8% of the respondents agreed that ethics education is considered in their municipality; 14.0% were neutral.

Figure 6.67: Ethics education is considered in my municipality



6.5 SUMMARY

In this chapter the results of the questionnaires that were obtained from 58 respondents were discussed in detail. Statistical analysis, based on the information obtained from the questionnaires, was provided on biographical variables of the participating respondents. Sections A, B and C of the questionnaire were also processed statistically to make inferences that can

contribute to the enhancement of ethical conduct at Capricorn District municipalities through the use of a code of conduct. In the concluding chapter, the inferences made above are discussed. More specific and representative recommendations and conclusions are made that can contribute to the ethical conduct within local government.

CHAPTER SEVEN

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

7.1 INTRODUCTION

The study began by articulating the problem and also providing tentative answers by means of a proposal and this was discussed in Chapter 1. From Chapter 2 to Chapter 4, an attempt was made to present arguments about what is already known about the problem through a process of consulting authoritative sources. Chapter 5 provided the methodology that was followed in the designing and collection of the required data and once the data was collected, it was presented, analysed and discussed in Chapter 6.

The value of any scientific study should be reflected in the conclusions and recommendations it culminates in and must be contextualised in terms of the research problems and/or research questions on which the study was based. The purpose of this last chapter is therefore to draw the study to its end by presenting research conclusions derived from both the literature review and the empirical research findings; by suggesting further research avenues and providing a summary. This study was encouraged by the fact that the theoretical terrain of ethics in public administration and management posits that, despite the existence of a code of conduct that regulates the conduct of municipal functionaries and councillors at local government sphere, the outcomes of ethics in practice in general are still unethical and illusive. All this revolves around the main guiding research question for this study which is: what is the reception of a code of conduct at the Capricorn District Municipality in the Limpopo Province?

7.2 RESEARCH FINDINGS AND CONCLUSIONS ABOUT EACH OBJECTIVE

The purpose of this section is to discuss the findings that were revealed during the data analysis process so that their true meaning can be brought to the surface. What has been revealed by the survey? Or what was discovered by the investigation?

7.2.1 RESEARCH OBJECTIVE ONE: To analyse and define ethics and code of conduct as variables influencing accountability of municipal functionaries and councillors in local government (Chapter 2)

From the outset it should be said that any literature review has limitations. This researcher read as many publications as possible, but time and resource constraints will always remain an obstacle in the pursuance of the epistemic imperative. The literature served a number of purposes. It provided a broad perspective on what has been published on a code of conduct, ethics and local government in international and local publications. Publications on ethics have increased in frequency and gained significant research prominence in international literature, especially during two periods in the recent history: the first period during the decolonisation and independence of many African states during the 1960's and the second period after the end of the Cold War, communism and the disintegration of the Union of Soviet Socialist Republics in the late 1980's and 1990's (Williams 2000: ix-xvi in Webb 2010:368). However, publications on ethics and corruption in South African local government have been normative and theoretical in nature focusing on the measures to enhance ethical conduct including statutory and policy prescriptions, the importance of a code of conduct and developing models for understanding the phenomenon of ethics and local government. Very few, if any, publications are based on empirical research into examining the perception of a code of conduct and the moral mind of the municipal functionary and/or councillor when making decisions. What is the

reception of a code of conduct and ethics? This researcher is one of the few who identified this void. Notwithstanding this research project, significant avenues for further research remain.

The literature review served a second purpose. At face value it could be argued that particular research has not as yet been carried out in the whole of South Africa. It is a practical contribution to issues with regard to how preventive systems are perceived and understood by municipal functionaries and councillors. In attempting to understand and explore the main question of this project study, the researcher developed an understanding of the concept "ethics" in Public Administration and further addressed the different concepts of ethics such as values and norms, morality, ethical conduct, ethical dilemma and accountability. These concepts were discussed in order to reach an understanding of the field in which this research is located.

The third purpose of the literature review was to examine the ethics theories. Ethical theories and principles are the foundations of ethical analysis because they are the viewpoints from which guidance can be obtained along the pathway to a decision (see section 2.5). The theories that were examined were consequentialism, deontological and virtue ethics. This was discussed by pointing out the different philosophical views and how they can be understood in the context of the moral mind at work when municipal functionaries and councillors make decisions. The researcher further investigated what the South African local government Code of Conduct for councillors entails, and how that affects their ethical conduct in the running of their daily duties.

7.2.2 RESEARCH OBJECTIVE TWO: To investigate the role of cultural aspects such as religion and language, among others, in enhancing the ethical conduct of municipal functionaries and councillors at Capricorn District Municipality in the Limpopo Province (Chapter 3)

The crux of the chapter lies with the investigation of those aspects of culture which in this thesis are community, tradition, traditional leaders, religion, communication and language. The rationale behind identifying these aspects was to explore the influence and ethical significance they have on culture and how they can be used to enhance ethical conduct within public administration. The need was to examine perception and understanding of what culture entails in order to assess the claim that the rightness or moral judgements and standards is and should be relative to culture.

Culture impacts behaviour, morale and productivity at work, and includes values and patterns that influence attitudes and actions (Harris *et al*, 2004:4). Culture is an inherited body of informal knowledge embodied in traditions, transmitted through social learning in a community, and incorporated in practices (Kottak 1991:17). Accordingly, a moral culture is such a body of morally relevant knowledge. To know culture is to know the informal codes of conduct. To be its member is to belong to those who know the codes and to be known as somebody who knows the codes. Culture is historically produced, globally interconnected, internally contested, and marked with ambiguous boundaries of identity and practice; a culture is often a hybrid, a product of realisation of views and practices (Eriksen 1993:1-12). People create and use culture when they try to adapt to changing social conditions (Haviland *et al*, 2007:346). Culture is the tool for communication and validation of actions (An-Na'im 1992:276-294). Culture may consist of ancient, local, as well as new and globally portable norms, ideals, perspectives and views (Xiaorong 2006:11) (see section 3.2).

From what has been explained, this researcher defines culture as a body of knowledge that is historically inherited and transformed in traditions, practised by a community and carried through generations.

7.2.3 RESEARCH OBJECTIVE THREE: To evaluate the mechanisms that enhance ethical conduct in South Africa (Chapter 4)

Policy makers have drafted a myriad of transversal policies to promote ethics and integrity in the public service. The more general policies include the *Public Finance Management Act*, 1999 (Act 1 of 1999) and the *Public Service Regulations*, 2001. More ethics-specific policies include the *Prevention and Combating of Corruption Act*, 2004 (Act 12 of 2004), *Protected Disclosures Act*, 2000 (Act 26 of 2000), and the *Promotion of Access to Information Act*, 2000 (Act 2 of 2000). These policy instruments have been supplemented by the *Public Service Anti Corruption Strategy* (2002), and the *Anti-Corruption Capacity Requirements: Guidelines for implementing the Minimum Anti-Corruption Capacity Requirements in Departments and Organisational Components in the Public Service* (2006). The Capricorn District municipalities have not yet drafted institutional-specific ethics policies to give effect to the above policy requirements.

From the findings it is evident that a myriad of corruption prevention policy measures in South African local government and initiatives have been established. However, the perception exists that policy implementation is hampered by a culture of non-compliance (Vollgraaff 2009: 1). An evaluation of a code of conduct as a prevention policy measure indicates an emphasis on the establishment of formal structures in public service and local government (Anechiarico & Jacobs 1995: 143–175; Hoekstra, Belling & Van der Heide 2008: 143-158; Rossouw 2008: 130-142).

7.2.4 RESEARCH OBJECTIVE FOUR: To determine the most appropriate research approach to examining the reception of a code of conduct by the Capricorn District Municipality in the Limpopo Province (Chapter 5)

The paucity of empirical research in ethics is discussed in Chapter one of this study. South African research into ethics in the public service and local government compares poorly to international efforts. The few local publications seem to rely mostly on interpreting secondary data; data emanating from government reports and some research institutions. It could be assumed that government research would not be too critical of their own efforts to prevent and combat unethical conduct. Research institutions, on the other hand, undertake commissioned research which implies that their work is not always motivated by the epistemic imperative. This served as a motivation for this researcher to spend time in the field and make use of primary data.

This researcher considered the attributes of both the qualitative and quantitative methodological paradigms. The guiding research question, as well as the study population identified from the outset of this research project, informed the choice of methodological paradigm and data collection methods. The main research objective was to examine the reception of a code of conduct at the Capricorn District Municipality in the Limpopo Province.

For this purpose, the Capricorn District municipalities were identified as the unit of analysis. For the collection of data, this researcher made use of human behaviour, orientation, and characteristics as units of observation. The unit of observation constituted the perceptions and experiences of municipal functionaries and councillors of the Capricorn District Municipality. Although various data collection methods were considered, it was believed that a survey questionnaire would be the most appropriate for this study. To obtain an insider understanding of the municipal environment, the researcher undertook piloting using a structured interview questionnaire. The rationale behind piloting was to

test the questions for the questionnaire prior to the research field work for quality assurance purposes. Debates and discussions were held with senior members of the staff in the Department of Public Administration and Management at the University of South Africa. These senior members are highly experienced in drafting structured questionnaires. The intention was not only to review the questions and to ensure that they are thorough in addressing the research problem of the study, but also to ensure that the general guidelines and concept clarification are understandable to the respondents. This process led to several changes being effected in both the guidelines and actual formulation of initial questions before they were administered to the respondents.

An ethics management structured questionnaire was then designed based on data emanating from these interviews, literature on ethics and unethical conduct such as corruption, as well as previous questionnaires on ethical conduct. Questionnaire items were partly encouraged by Webb (2010) who developed his questionnaire based on *inter alia* Kaptein's (2008) conceptual framework on ethical culture. The ethics and integrity work of Akaah (1992), the Dutch Office of Local Government Ethics/ Bureau Integriteit Nederlandse Gemeenten, Vrije Universiteit Amsterdam/Research Group Integrity of Governance, Van Tankeren (2007), and Kolthoff (2007) proved useful for the development of the questionnaire (see section 5.3.2). These questionnaire items were adapted to the work environment at the Capricorn District Municipality.

A final questionnaire with 66 items (excluding the biographical data) was drafted to be administered to a sample of respondents. The sample of respondents was identified using both purposive and random sampling methods. It was believed that the sample should represent respondents from the Capricorn District Municipality and its two local municipalities, Lepelle Nkumpi and Polokwane. On completion of the fieldwork, the data was captured by the Academic Research Support Unit (ARSU) at Unisa. The data results were then forwarded to a

statistics consultant who provided analysed results. This researcher interpreted the analysed data and the findings will be discussed in the next section.

7.2.5 RESEARCH OBJECTIVE FIVE: To describe the empirical research findings in respect of the reception of a code of conduct by the Capricorn District Municipality in the Limpopo Province (Chapter 6 and 7)

The responses to the questionnaire were interpreted and the findings are summarised below. The questionnaire responses were conceptually divided into section A - examination of the compliance and attitude towards the Code of Conduct by municipal functionaries and councillors at local government within the Capricorn District Municipality; section B - cultural aspects such as religion, language and communication, in order to explore the ethical significance that culture has on ethical conduct at local government, and section C - mechanisms that may enhance ethical conduct at local government (see section 6.4). These three sections and separate biographical data are summarised below.

7.2.5.1 *Biographical data*

A total of 58 respondents from the sample of 154 municipal functionaries and councillors completed the questionnaire: a response rate of 37.7%. The majority of 84.2% of the respondents were aged between 26 and 55. In terms of the racial distribution of the sample, 93% of the respondents were black and 7% were white. A total of 75.4% of the respondents' had Sepedi as their home language. There were 43.9% female participants in this research and 56.1% male respondents. The vast majority of respondents, 96.3%, possess a qualification of at least Grade 12, while 77.4% of the respondents have shown that they are in possession of a three-year diploma; 5.7% have acquired Grade 12 only. For the other respondents 1.9% are in possession of a Grade 10 only and another 1.9% are in possession of a Grade 11 only. The largest single concentration of respondents holds posts in the rank group of administration 42.9%. This group is followed by the managers who constitute 16.1%, and

supervisors who constitute 14.3%. Ward committee members, councillors and members of the mayoral committee jointly constitute 19.7% of the respondents. Directors constitute only 3.6% of the total percentage; 40.8% of the respondents have less than 5 years experience, whereas 26.5% have experience of between 4 to 6 years and 32.7% have more than 7 years experience.

7.2.5.2 *Section A: Examining compliance and attitude towards a code of conduct at the Capricorn District municipalities in the Limpopo Province*

The researcher has reported on the findings of the study designed to examine and understand the theoretical terrain of ethics in public administration and management that posits that, despite the existence of a code of conduct that regulates the conduct of municipal functionaries and councillors at local government sphere, in practice conduct is still unethical. The study has confirmed that the Code of Conduct is an effective document that the Capricorn District municipalities use as a guideline for conduct. Notwithstanding this fact, the respondents have confirmed that an effective system of ethical conduct should be introduced and explained to new employees and elected councillors immediately when they are employed by the Municipality. To support this confirmation, respondents have agreed that they know and are aware of what is expected of them in terms of the local government Code of Conduct because senior management often emphasises the importance of complying with municipal policies and procedures. It should be noted that respondents have expressed views that an atmosphere of respect and mutual trust exists in the Municipality. This could mean that the management of the Municipality encourages effective working relationships with colleagues and between departments in order to achieve valuable results. There were indications of concerns though, that different political parties that inform different political policies compete within the Municipality, and at times this could encourage mistrust between colleagues. People tend to invest energy and time on

scheming against each other and some respondents expressed the view that should there be any misconduct; compliance with the Code of Conduct should be achieved through forms of sanctions. It can be concluded that a Code of Conduct is concrete and practical and represents executive orders or legislatively defined and enforceable behavioural standards with sanction for violation. It contains a list of the kinds of behaviour required in a given set of circumstances and provides direction to those whose conduct it governs. A code of conduct is designed to protect the government employee, the client and/or the public at large.

On issues relating to the use of the consequentialism theory of ethics to examine one's duties in order to reach an ethically correct decision, respondents in general disagreed that they do things that have the best consequences for themselves even if this involves lying or stealing. It seems that municipal functionaries and councillors agree that consequences of action matter morally. However, according to the findings, there are also people at the Capricorn District Municipality, Polokwane and Lepelle-Nkumpi local municipalities who make decisions based on the best consequences for themselves and therefore it is expected that such people are not *act utilitarian*'s meaning they do not compare similar predicted solutions when making decisions. This is cause for concern. Respondents expressed views on the deontological theory of ethics by agreeing that adhering to one's obligations and duties is important when analysing an unethical dilemma. This is a confirmation that municipal functionaries and councillors have shown an awareness to fulfil obligations to society in terms of what is considered to be ethically correct. This means deontologists make decisions based on traditional values such as honesty, fairness and loyalty.

Furthermore, respondents also confirmed that the virtue theory of ethics could not be practised as it only gives space to judge people based on their character rather than their actions. This is a confirmation that municipal functionaries and

councillors base their decisions on values rather than the best consequences or duties for themselves.

It should also be noted that the only official document available as the Code of Conduct for local government can be found as part of schedule 1 and 2 within the *Local Government Municipal Systems Act and also in Schedule 5 of the Local Government Municipal Structures Act*. This finding is an indicative that South African local government does not have an official Code of Conduct as a separate document for ethical conduct.

7.2.5.3 *Section B: Investigating the role of aspects of culture such as religion, language and communication at the Capricorn District municipalities in the Limpopo Province*

In this section, the study confirms that to know culture is to know the informal codes of conduct (see section 3.2). This does not mean that one acts in an unethical way and then defends oneself by saying it is culture. It has also been confirmed by respondents that culture is learnt behaviour. What is important is that people should try to unlearn negative mental stimuli that will darken their judgement of others and rather focus on positive cultural stimuli. According to respondents, a lack of respect towards one's superior at home, in the community and at work implies lack of respect for the ancestors. This means that the African traditional religions can have a negative influence on abiding ethical systems in place; this is so because this religion classifies people into categories. For example, in appointing candidates for local government, preference is given to members of the royal family regardless of their skills and educational qualifications. This conduct is unethical and can affect the effectiveness and efficiency of the municipality. A significant number of respondents agreed that Christian values should serve as a guideline when dealing with unethical conduct, for instance forgiving each other should be the number one focus. This should not mean that people should not be disciplined because they will be

forgiven. Furthermore, respondents have confirmed that language reflects the nature and values of the society. This in turn can affect socialisation as most respondents agreed that they express themselves better in their mother tongue. When disciplinary activities for unethical conduct take place, language should be taken into consideration to facilitate a fair arbitration. Respondents have also confirmed that African languages are said to be viewed by many of their own speakers as symbols of being uneducated, traditional and rural.

This finding is quite meaningful in the sense that it might be indicative of a lack of self-confidence. It should also be noted that some respondents take pride in their language and do not find it inferior to speak it. Since the majority of people who live in Polokwane in the Limpopo Province are Sepedi speaking, it is only logical that the municipality respects community members and engages them in the language they best understand.

7.2.5.4 *Section C: Mechanisms that may enhance ethical conduct in the South African public service and local government*

In this section, respondents confirmed that there are adequate controls to ensure that one complies with policies and procedures in the Municipality (see section 4.2). Respondents confirmed that the *Constitution of the Republic of South Africa, 1996*; the *Public Service Act*; the *Audit Act*; the *Public Finance Management Act* and the *Code of Conduct* as part of schedule 1 and 2 within the *Local Government Municipal Systems Act* and also in schedule 5 of *Local Government Municipal Structures Act* fulfil a primary function in the fight against corruption and unethical conduct. Respondents expressed views that leadership and people in senior management positions are not necessarily ethical leaders demonstrating leadership but that emphasis should be put on creating a good culture for service delivery and enhancing accountability.

This study has confirmed that the Capricorn District municipalities have not appointed an ethics officer. Appointing an ethics officer is one of the effective strategies to enhance ethical conduct of municipal functionaries and councillors at local government, an important mechanism that seems to be lacking at the Capricorn District municipalities. Because of this, respondents have indicated that they feel discouraged when they have to report misconduct of employees because whistle-blowers' rights and protection have not been communicated to them (see figure 6.61).

Respondents did express views that an ethics audit team exists in the municipality. The researcher should indicate that there was a clear contradiction between respondents with regard to this statement. The ethics audit team should work hand-in-hand with the ethics officer, who at the moment has not been appointed at the Capricorn District municipalities. The ethics audit team should determine the ethical risks attached to the ethics strategy of the institution. The respondents have confirmed that should an ethics audit team be given an opportunity to perform their audit independently they will only be accountable if senior management takes their recommendations seriously. The study has also confirmed that there is no ethics-focused reward system at the Capricorn District municipalities that promotes and rewards ethical behaviour of municipal functionaries and councillors. Such formal performance ethics reward systems should be put in place according to which ethical and unethical conduct is investigated, rewarded or punished.

Ethics training was regarded as vital by the respondents. It is encouraging to learn that respondents are willing to engage in ethics training for it involves exercises such as the dissemination and discussion of a local government's code of conduct. Respondents have confirmed that ethics education is not considered at the Capricorn District municipalities. This finding is indicative that institutions that fail to provide ethics education are likely to run the risk of having the foundation of training undermined when individuals seek to develop

autonomy either in isolation or in dialogue with others who have no appreciation of the setting in which the person has to operate. It can then be concluded that ethics training and ethics education should be taken into consideration to allow improvement of ethical conduct at the Capricorn District municipalities.

7.3 MAIN RESEARCH OBJECTIVE AND RESEARCH PROBLEM: To examine the reception of a code of conduct at the Capricorn District Municipality in the Limpopo Province

In Chapter 1 (see section 1.5) it was argued that the primary objective of this study was to examine the reception of a code of conduct by municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province. Since the research problem was mentioned as being central to any research endeavour it was imperative that the findings emanating from the survey be evaluated against the stated problem for the purpose of ascertaining whether the problem was adequately resolved or not. The research problem was posited as:

The theoretical terrain of ethics in public administration and management posits that, whereas there exists a code of conduct that regulates the conduct of municipal functionaries and councillors at local government sphere, outcomes of ethics in practice are rather unethical and illusive. Therefore, what is the reception of a code of conduct by municipal functionaries and councillors at the Capricorn District Municipality in the Limpopo Province?

The entire research study was undertaken for the purpose of resolving this problem and it is clear that the problem was packaged in question form and contained three related sub-questions. The finding to this main question is that the Code of Conduct is an effective document that the Capricorn District municipalities use as a guideline for conduct (see figures 6.2; 6.3; 6.4; 6.5; 6.6; 6.8; 6.9; 6.10; 6.11) although senior management must implement certain ethics

initiatives and programmes so that an **entire** ethics environment is created at the Capricorn District municipalities to enhance ethical conduct in **all** services provided to the community (see section 7.5.4).

7.4 RESEARCH CONCLUSIONS

From the evidence of this research study, it is possible to reach conclusions, some of which confirm theorists' views, which are:

- A code of conduct is considered to be an effective document to enhance ethical conduct;
- Municipal functionaries and councillors at the Capricorn District municipalities have explained what a code of conduct is and how they should conduct themselves in the Municipality's business;
- Senior management often emphasise the importance of complying with municipal policies and procedures;
- Ethics deals with what is right or wrong and to be ethical is to carry out socio-professional acts in a manner defined as acceptable;
- Compliance with the Code of Conduct can be achieved through forms of sanctions;
- Municipal functionaries and councillors at the Capricorn District municipalities confirmed that the consequences of action matter morally and it is better to adhere to obligations and duties when analysing an unethical dilemma rather than looking at a person's character;
- Mutual trust does not always exist between the employees and management at the Capricorn District municipalities;
- Councillors report back at least quarterly to constituencies on council matters including performance of the Capricorn District municipalities;
- Municipal functionaries and councillors at the Capricorn District municipalities confirmed that they are aware of instances in the municipality where positions or privileges or confidential information obtained are used for private gain;

- Culture gives people a sense of who they are, of belonging, of how they should behave and of what they are doing because it is a learnt behaviour;
- Culture '*kgotla, pitso, imbizo* or *meeting*' is important and can be used as a mechanism to enhance ethical conduct at local government;
- Ethical conduct is also encouraged by African religion. This was shown to mean that a lack of respect towards one's superior at home, work and in the community implies a lack of respect for ancestors;
- Municipal functionaries and councillors at the Capricorn District municipalities do not work because it is their duty to do so; they work because they want a good life;
- Respondents confirmed that language reflects the nature and values of a society;
- The language used in the Code of Conduct and employment contract is understandable and clear;
- There are adequate controls to ensure that municipal functionaries and councillors comply with policies and procedures at the Capricorn District municipalities in the Limpopo Province due to the fact that there is an awareness of a statutory and regulatory framework such as the *Public Service Act*;
- It is concluded that leadership should assist in establishing ethical local government but people in senior management positions are not necessarily ethical leaders demonstrating ethical leadership;
- Senior management has not clarified the rights and protection of a whistle blower to the municipal functionaries and councillors at the Capricorn District municipalities;
- The Capricorn District municipalities do not have an ethics officer;
- The Capricorn District municipalities do not have an ethics audit team;
- The Capricorn District municipalities do not reward ethical behaviour because there is no formal performance system that is ethics-focused;

- Municipal functionaries and councillors at the Capricorn District municipalities regard ethics training important; and
- Ethics education is not considered at the Capricorn District municipalities.

7.5 RECOMMENDATIONS

Recommendations can be compared to a vision that provides tomorrow's solutions to today's problems. This implies that the value of any research project is contained in the recommendations or proposals that are advocated by the researcher and those recommendations must be packaged in such a way that they show clearly how the new information has been able to add value to the advancement of knowledge in that particular research field in line with what was discussed in Chapter 1 (see section 1.5). These proposals are presented below:

7.5.1 The Code of Conduct for the South African local government

The only official document available as the Code of Conduct for local government in South Africa can be found as part of schedules 1 and 2 within the *Local Government Municipal Systems Act* and also schedule 5 of the *Local Government Municipal Structures Act*. This finding is an indication that South African local government does not have an official Code of Conduct as a **separate** document. This is not conducive to ethics being taken seriously at local government sphere. Hence the researcher sees a need for a **separate** Code of Conduct to be established, formulated and emphasised. The expectation that ethics is a priority should be woven into all communications to municipal functionaries and councillors.

7.5.2 Aspect of culture

People's cultures, languages and religions should be taken into consideration at the Capricorn District municipalities when cases of unethical conduct take place.

This is due to the fact that consequentialism, deontology and virtue ethics have shown that people can behave unethically without meaning to because in their culture it is their duty to do so. Religion has also indicated that, Islam, Muslim, Christian and African religions have beliefs that are different. Hence people are guided by different principles and should be respected when they are disciplined. On the other hand, there is an indication that culture is learnt. Even though there are still concerns that what seems uncivilised to one person might not be seen as uncivilised to another. Language should be taken seriously as well; it cannot be assumed that people can speak English. When disciplinary cases take place, interpreters should be employed by the municipality to support the accused.

7.5.3 Management of ethics and a code of conduct at local government sphere

The municipal manager and first line managers and/or supervisors are most likely to receive reports about observations of misconduct, so they need to be prepared to recognise these reports as ethics-related and to respond appropriately. If they are not properly trained to address reports, incidences of misconduct may be addressed inadequately or senior management may not even be informed about ethics problems that exist. When the municipal manager handles reports in consistent and relevant ways, municipal functionaries may perceive that their report makes a difference and are more likely to report in the future. Clear communication of the process for handling of ethics violations also increases the likelihood that senior managers will be made aware when misconduct problems arise.

A sizeable percentage of municipal functionaries and councillors believe that senior management and leadership are weak on ethics. Leaders need to be trained and encouraged to create strong ethical cultures. In particular, municipal functionaries and councillors need to be convinced that their management doesn't just "talk the talk"; the commitments leaders make especially when they

talk about the importance of ethics and support for whistleblowers need to be followed with action.

7.5.4 Establishment of a comprehensive ethics and compliance programme

Having a well implemented programme is a vital step in establishing standards for local government conduct and detecting when misconduct is taking place. Merely having a code of conduct or an all-employee training programme does not guarantee its usefulness. Employees need to be committed. A comprehensive ethics and compliance programme should be established and include six of the following:

- The appointment of an ethics officer as a mechanism through which municipal functionaries and councillors can seek advice on ethical matters should receive high priority;
- A formal performance system that is ethics-focused should be established as a mechanism to discipline, punish and reward municipal functionaries and councillors;
- A way to report observed violations should be created;
- Ethics training for all employees on a code of conduct and ethics policies should be promoted;
- Ethics education for all employees on a code of conduct and ethical conduct in general should be encouraged; and
- Evaluation of ethical behaviour as a crucial part of regular performance appraisals should be emphasised.

7.6 LIMITATIONS TO THE STUDY

Every study has its limitations. This means that there are factors which contribute to limiting the study which should be taken into consideration to clearly

understand its context. The following indicate limitations of this study, especially during the data gathering stage:

- Since a structured questionnaire was used in the purposive sampling, as one of the important aspects of the non-probability sampling technique (Babbie 2001:212), some experts may have been excluded in the study thus limiting the maximisation of the collected data.
- It was also difficult to access some councillors (especially the speaker and the executive mayors). This was indicated as being because of the busy schedules of senior officials.
- While this study considers an input from researchers from the academic community, consultants in government, municipal functionaries and councillors in South African local government, and the public as victims of unethical conduct were not interviewed, since the empirical basis of the study focuses on ethics implementation. This may disadvantage the view of ethical conduct in terms of culture, community and religion since the community is the primary victim of unethical conduct.

7.7 SUGGESTIONS FOR FURTHER RESEARCH

This research project was implemented at the Capricorn District municipalities in the Limpopo Province. The findings are applicable only to this district. Various avenues for future research exist and these are referred to below.

- Formulating and designing an official separate document concerning a ‘Code of Conduct for South African Local Government’.
- The challenges facing municipalities in the Limpopo Province responsible for implementing ethics programmes.
- Continuous research into the relevant qualifications and knowledge required by ethics officers in the Limpopo Province.

- Exploration of ethics training and education in the Limpopo Province.
- The findings of this research study are only applicable to the Capricorn District Municipality, Lepelle-Nkumpi and Polokwane municipalities. Further research endeavours could include all the District municipalities in the Limpopo Province to examine and test how municipal functionaries and councillors perceive a code of conduct.

7.8 SUMMARY

The objective of this final chapter was to provide a summary of the research questions that have guided this researcher for the past four years. Answers to these questions were provided with varying degrees of success. Many new research questions in the field of ethics management will arise that will serve to initiate further research studies in the future. In this researcher's view, a focus on the code of conduct and ethical culture in an effort to promote integrity and the ethical behaviour of municipal functionaries and councillors provides the South African local government with various intervention strategies.

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APPENDIX 1

PERMISSIOIN REQUEST LETTER TO

CONDUCT RESEARCH AT THE CAPRICORN

DISTRICT MUNICIPALITIES

MEMO

From: Ms Victoria Pholoso Disoloane
Public Administration and Management Department
University of South Africa
P O BOX 392
0001

To: Executive Mayor and Municipal Manager
Capricorn District Municipality
Limpopo Province

Sir/Madam

REQUEST FOR PERMISSION TO DISTRIBUTE QUESTIONNAIRES TO MUNICIPAL FUNCTIONARIES AND COUNCILLORS AT THE CAPRICORN DISTRICT MUNICIPALITY

Permission is humbly requested from Executive Mayor, Municipal Council and Municipal Manager before the contact with participants is made. The purpose of this request is to collect primary data for a Doctoral qualification in the Public Administration and Management field of study at the University of South Africa. The title of this study is '*The reception of a code of conduct at Capricorn District Municipality in the Limpopo Province*'. The Capricorn District Municipality, Polokwane and Lepelle-Nkumpi have been chosen as survey samples for this study. The interest is to examine the theoretical terrain of ethics in public administration and management through the use of a code of conduct that regulates the conduct of municipal functionaries and councillors.

PURPOSE OF THE QUESTIONNAIRE

The means of collecting data will be in a form of questionnaires. The questionnaires will be distributed and conducted in person to respondents. In cases where questionnaires have only been distributed, the researcher and her team will collect them in person during the same week of distribution. While the dissemination of the results will be done through a doctoral thesis, municipalities in need of such results may forward their individual requests.

CONFIDENTIALITY

As indicated above, your responses will be used for scholarly purposes only. Your personal details and feedback will not be shared with any other person. Confidentiality and anonymity on individual responses will be maintained.

CONTACT DETAILS

Ms Pholoso Disoloane
012 429 6286 (office); 082 041 3736 (cell): disolvpp@unisa.ac.za

I trust that you will kindly grant me the consent in distributing my questionnaire to municipal employees and councillors within your municipality.

Regards, Ms Pholoso Disoloane

APPENDIX 2

PERMISSION GRANTED LETTER TO

CONDUCT RESEARCH AT THE CAPRICORN

DISTRICT MUNICIPALITIES



CAPRICORN DISTRICT MUNICIPALITY

41 Biccard Street
P O Box 4100
POLOKWANE
0700

Tel: (015) 294 1076
Fax: (015) 295 5346
e-mail: ramabus@cdm.org.za

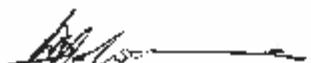
Ref:1/1

To: Ms Victoria Pholoso Dioloane
Public Administration Department
University of South Africa
P.O.BOX 392
0001

Re: Request for permission to distribute questionnaires to municipal functionaries and councilors within Capricorn District Municipalities.

1. Above matter bears reference.
2. Please note that the matter raised in your undated letter received on the 04th October 2011, was attended to by Capricorn District Municipality management.
3. Your request to collect primary data for a Doctorate qualification in the Public Administration and Management field is granted.
4. Please note that confidentiality clause mentioned on your letter should be adhered to at all times.
5. Should you have any further queries, please do not hesitate to contact our office.

Kind regards


MR NGOAKO MOLOKOMME
MUNICIPAL MANAGER.

2011/10/07
DATE

APPENDIX 3

STRUCTURED QUESTIONNAIRE

**UNIVERSITY OF SOUTH AFRICA**

College of Economic and Management Sciences
Department of Public Administration and Management

FIELD OF STUDY

DLITT ET PHIL (Public Admin)

YEAR OF STUDY AND COMPLETION: 2012

QUESTIONNAIRE FOR RESEARCH TITLE

RECEPTION OF A CODE OF CONDUCT AT THE CAPRICORN DISTRICT MUNICIPALITY IN THE LIMPOPO PROVINCE

PERSONAL DETAILS OF STUDENT

Name: Ms Victoria Pholoso Disoloane

Student number: 4446-171-2

CONTACT DETAILS

Telephone number: 012 429 6286

Mobile number: 082 041 3736

E-mail address: disolvpp@unisa.ac.za

PROMOTER FOR THIS STUDY

Prof. Eddie Ströh

Dear participant

I am a student at the University of South Africa in the College of Economic and Management Sciences. As part of my studies towards my Doctoral Degree in Public Administration and Management, I am required to submit a thesis in partial fulfilment of the degree. The study research is conducted under the promotion of Professor Eddie Ströh from the Department of Public Administration and Management at Unisa.

My research interest is to examine the theoretical terrain of ethics in public administration and management through the use of a code of conduct that regulates the conduct of municipal functionaries and councillors at local government sphere within Capricorn District

Municipalities. It is for this reason that despite a code of conduct, outcomes of ethics in practice are rather unethical and illusive. It is for this reason that there is a need to intensify implementation of ethical guidelines for municipal functionaries and councillors and promote professional conduct.

This study has been designed, reviewed and undertaken with a view to analyse and addressing ethics and a reception of a code of conduct by local government at the Limpopo Province in South Africa. The study has great potential to strengthen policies dealing with ethics within the South African local government sphere.

With regard to ethical issues guiding this study, the researcher pledges strict adherence to ethical conduct as it applies to municipal functionaries and councillors in municipalities. This means that:

- Respondents are not required to disclose their identity meaning saying their names. Confidentiality is guaranteed;
- The information collected from the respondents will be used for the research purposes only; and
- Respondents have the right to participate and withdraw their participation in the study at any time.

GUIDELINES TO PARTIPANTS

This research survey is aimed at studying and identifying an understanding about the perceptions of municipal functionaries and councillors on the reception of a code of conduct. There is no right or wrong answers and your honest, anonymous opinion will be appreciated.

- Please read the statements carefully before indicating your choice in the appropriate block.
- Please indicate only **ONE choice per statement** by marking the relevant box with an **X**, **circle** or a **mark**.
- Ensure that you complete **ALL** the statements at **ALL** the sections.
- Please do not complete anything in the grey boxes as they are for office use only.

THANK YOU SO MUCH FOR YOUR INVALUABLE CONTRIBUTION

QUESTIONNAIRE

1. BIOGRAPHIC INFORMATION

Age

18-25	1
26-35	2
36-45	3
46-55	4
56-65	5
Other please specify	6

Race

Black	1		
White	2		
Indian	3		
Coloured	4		
Asian	5	Other, please specify	6

Home Language

isiZulu	1
isiXhosa	2
Tshivenda	3
Xitsonga	4
Setswana	5

Siswati	6
Sesotho referring to Southern Sotho	7
Sepedi referring to Northern Sotho	8
isiNdebele	9
English	10
Afrikaans	11
Other, specify	12

Gender

Male	1	Female	2
------	---	--------	---

Highest Qualification

No formal schooling	1	Grade 3/ Standard 7/ Form II	4	Grade 12/ Standard 10/ Form v	7
Primary school	2	Grade 10/ Standard 8/ Form III	5	Post-matric technical qualification	8
Grade 8/ Standard 6/ Form I	3	Grade 11/ Standard 9/ Form IV	6	Degree/Diploma	9

What is your current position in your local municipality?

Administration	1
Supervisor	2
Manager	3
Senior Manager	4
Director	5
Ward committee	6
Councillor	7
Member of the Mayoral Committee (MMC)	8

Please state the years of service in your local municipality.

Years	Months		

2. RECEPTION OF A CODE OF CONDUCT AT CAPRICORN DISTRICT MUNICIPALITIES

Instructions

In this questionnaire you are requested to answer a number of questions with regard to your experiences and perceptions in your municipality over the past 5 years. Your answers should not reflect what you believe should be the correct answer, but rather an honest reflection of your actual experiences. This questionnaire is anonymous and your answers will be treated with absolute confidentiality.

Section A. The following section deals with compliance of the Code of Conduct by municipal functionaries and councillors. Please indicate how strongly you agree or disagree with each statement. Mark the number that best reflects your choice.

Your own observations, experiences and perceptions of the Code of Conduct in the immediate working environment within your municipality Please mark the number that best reflects your choice	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For office use only
COMPLIANCE						
1. The Code of Conduct for Local Government is an effective document	1	2	3	4	5	
2. When I was appointed and/or elected, I was told and had explained too what a Code of Conduct is and how I should conduct myself in the municipality's business	1	2	3	4	5	
3. I know what is expected in terms of the Local Government Code of Conduct	1	2	3	4	5	

4. Senior management often emphasises the importance of complying with municipal policies and procedures	1	2	3	4	5	
5. The major responsibility of employees in this municipality is to be accountable	1	2	3	4	5	
6. Senior management often does not comply with municipal policies and procedures	1	2	3	4	5	
7. Ethics deals with what is right or wrong	1	2	3	4	5	
8. To be ethical is to carry out socio-professional acts in a manner defined as acceptable	1	2	3	4	5	
9. Public administration ethics refers to the determination of what is right and just in the decisions and actions that affect members of the public	1	2	3	4	5	
10. Compliance with the Code of Conduct can be achieved through forms of sanctions	1	2	3	4	5	
11. I do things that has the best consequences for me and it doesn't matter if that involves lying or stealing	1	2	3	4	5	
12. I adhere to my obligations and duties when I analyse an unethical dilemma	1	2	3	4	5	
13. I judge people by their character rather than by their actions	1	2	3	4	5	
14. The Code of Conduct provides behavioural guidance	1	2	3	4	5	
15. Everyone is committed to the values and norms of the municipality referred to in the Code of Conduct	1	2	3	4	5	
16. An atmosphere of respect and mutual	1	2	3	4	5	

trust exists in the municipality						
17. Everyone has the best interest of the municipality at heart	1	2	3	4	5	
18. Mutual trust exists between the employees and management	1	2	3	4	5	
19. Councillors are accountable to local community and to the municipality at large	1	2	3	4	5	
20. Councillors report back at least quarterly to constituencies on council matters including performance of the municipality	1	2	3	4	5	
21. I have disclosed to the municipal council any direct or indirect personal private business interests that I or my spouse may have	1	2	3	4	5	
22. I am aware of instances in the municipality where position or privileges or confidential information obtained are used for private gain	1	2	3	4	5	
23. When elected or appointed, a municipal functionary or councillor must within 60 days declare in writing to the municipal manager about his/her private interests and/or businesses	1	2	3	4	5	
24. Working full time does not enable me to do other paid work	1	2	3	4	5	
25. Municipal functionaries and councillors are seen as the tone-setters of society	1	2	3	4	5	

Section B. The following section deals with aspects of culture such as religion and language and communication. The rationale behind exploring these aspects of culture is to explore the

influence and ethical significance they have on culture and how they can be used to enhance ethical conduct within public administration and local government.

Your own observations, experiences and perceptions of aspects of culture within your municipality Please mark the number that best reflects your choice	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For office use only
CULTURE						
26. Culture impacts behaviour, morale and productivity at work	1	2	3	4	5	
27. To know culture is to know the informal codes of conduct	1	2	3	4	5	
28. Culture gives people a sense of who they are, of belonging, of how they should behave, and of what they should be doing	1	2	3	4	5	
29. Culture is learnt behaviour	1	2	3	4	5	
30. In my culture '<i>kgotla, pitso, imbizo or meeting</i>' is important	1	2	3	4	5	
31. Lack of respect towards my superior at home, work and in the community implies a lack of respect for the ancestors	1	2	3	4	5	
32. My supervisor is more concerned with treating offenders with dignity and respect than with compliance with policies and procedures	1	2	3	4	5	
RELIGION						
33. Municipal functionaries and councillors are informed that no one is more important than another	1	2	3	4	5	
34. Any punishment relating to unethical	1	2	3	4	5	

conduct is treated equally among functionaries and members of council						
35. Being content with one's wages, loving one's neighbour and enemies, respecting and obeying one's manager, should be a Christian moral value that should serve as a guideline by Christian municipal functionaries and councillors	1	2	3	4	5	
36. I, as a service provider put myself in the position of the client and have empathy for others	1	2	3	4	5	
37. I only work because it is my duty to do so	1	2	3	4	5	
LANGUAGE AND COMMUNICATION						
38. Language reflects the nature and values of society	1	2	3	4	5	
39. Language used in the Code of Conduct is understandable and clear	1	2	3	4	5	
40. The language used in my municipal contract state my tasks effectively	1	2	3	4	5	
41. I express myself better in my mother tongue	1	2	3	4	5	
42. I prefer the municipality should be having meetings in my mother tongue	1	2	3	4	4	
43. It is best to engage with someone in a language he/she understands well	1	2	3	4	5	
44. African languages are said to be viewed by many of their own speakers as symbols of being 'uneducated, traditional or rural'	1	2	3	4	5	
45. The municipality takes into account the language usage and preferences of their	1	2	3	4	5	

residents						
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Section C. The following section deals with mechanisms that enhance ethical conduct in South African local government and public service in general. The rationale behind exploring these mechanisms is the theoretical terrain of ethics in public administration and management that posits that, despite there exists a code of conduct that regulates the conduct of municipal functionaries and councillors at local government, outcomes of ethics in practice are unethical and illusive.

Your own observations, experiences and perceptions on mechanisms to enhance ethical conduct within your municipality Please mark the number that best reflects your choice	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	For office use only
MECHANISMS TO ENHANCE ETHICAL CONDUCT						
46. There are adequate controls to ensure that I comply with policies and procedures in my municipality	1	2	3	4	5	
47. The Constitution of the Republic of South Africa, 1996 encourages that the actions of public officials to be in line with the values and principles in public administration	1	2	3	4	5	
48. The Public Service Act promotes a high standard of ethical behaviour and further stipulates procedures to be followed when dealing with ineffective and inefficient officials	1	2	3	4	5	
49. The Auditor-General functions independently in my local government administration	1	2	3	4	5	
50. The Public Finance Management Act (PFMA) require officials to disclose their financial interests	1	2	3	4	5	

51. The Code of Conduct fulfils a primary function in the fight against corruption and unethical conduct	1	2	3	4	5	
52. Leadership assists in establishing an ethical local government	1	2	3	4	5	
53. People in senior management positions are not necessarily ethical leaders demonstrating ethical leadership	1	2	3	4	5	
54. The way leadership is exercised is likely to create a good culture for service delivery and enhance accountability	1	2	3	4	5	
55. My municipality has appointed an ethics officer	1	2	3	4	5	
56. An ethics officer plays a pivotal role in driving the ethical environment within local government	1	2	3	4	5	
57. I often feel discouraged when I want to report misconduct of employees	1	2	3	4	5	
58. When I report misconduct, I am often seen as a troublemaker or an informer	1	2	3	4	5	
59. I know the rights of a whistle-blower	1	2	3	4	5	
60. Senior management and council have clarified the rights and protection of a whistle-blower	1	2	3	4	5	
61. I feel that I am still not protected even if my rights and protection have been clarified to me	1	2	3	4	5	
62. An ethics audit team exists in my municipality	1	2	3	4	5	
63. My ethical behaviour is often rewarded through a performance formal system that is ethics-focused	1	2	3	4	5	

64. Senior Management should implement recommendations made by the ethics audit team	1	2	3	4	5	
65. Ethics training is regarded as vital in my municipality	1	2	3	4	5	
66. Ethics education is considered in my municipality	1	2	3	4	5	

THANK YOU VERY MUCH FOR YOUR TIME AND FOR PARTICIPATING IN THIS SURVEY