


## Promoting ethical leadership and good governance: Response to public sector corruption in South Africa

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### ABSTRACT

Corruption is endemic in public sector institutions in South Africa (SA) and internationally. Although much has been published on public sector corruption in SA in the media, a dearth of literature exists that addresses the subject matter from an empirical perspective. The aim of this paper is to determine the nature and extent of corruption in public sector institutions in SA. The objective of the paper is to provide a solution to address the increasing levels of corruption in the SA public sector. A descriptive research design was therefore deemed appropriate for this purpose. The data for this study was collected from multiple sources; mainly books, academic journals, reports, newspapers and other records. An extensive literature review was undertaken on the theoretical and conceptual underpinnings of corruption and the nature and extent of corruption in the SA public service. A thematic analysis was undertaken that Identified recurring themes or patterns in the data by categorizing and coding the data. The possible impact of public sector corruption in SA is reported on. Also, public sector institutions in SA including State Owned Entities (SOEs) encounter higher levels of corruption owing to various challenges encountered such as poor internal control mechanisms, a lack of adherence to public procurement policies, unethical procurement practices, weak whistle-blower's protection mechanisms, political interference for private gain, and a lack of overall good governance practices such as transparency and accountability.' Based on the findings of the study, recommendations are made to address the significantly increasing levels of corruption in public sector institutions in SA. An ethical leadership and good governance approach is recommended as part of a multi-pronged anti-corruption strategy to address corruption in the SA public sector, which entails amongst others aspects, the revamping or improvement of procurement policies, the strengthening of internal control mechanisms in public institutions; strengthening the adherence to public procurement policies, promoting ethical practices; establishing whistle-blower's protection mechanisms; enforcing anti-corruption policies, appropriate sanctions, the strengthening of good governance and the promotion of ethics, codes of good conduct and professionalism. The aim of the study is to address the fragmented approach and prevent and curb corruption in the SA public sector. The coordination and collaboration between the various law enforcement agencies, and the establishment of a special court for corruption, are other factors to be considered to curb and prevent corruption in the SA public sector. These recommendations could apply to all public sector institutions in SA and abroad.

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## Introduction

The South African (SA) public sector has been plagued by large-scale corruption involving political leadership, senior public servants, and well-connected prominent business networks. In this regard, in 2023, the SA Corruption Watch's (CW) reported the prevalence of corruption emerged as a key trend in the SA public sector. Five municipalities in SA were reported with the highest levels of corruption. The metropolitan municipalities of Johannesburg, Tshwane, and Cape Town in SA accounted for '71% of corruption cases in the public sector' (Neethling, 2024). These were followed by "Dannhauser and Matjhabeng municipalities at 15% and 14% respectively (Neethling, 2024). Since 2012, SA Corruption Watch'(CW) has received almost 50,000 complaints of alleged corruption in the SA public sector (Neethling, 2024). According to Neethling (2024) this is an average of '11 reported corruption cases per day'. In 2023, Neethling (2024) reported that the SA Corruption Watch's (CW) received more than 2000 corruption

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complaints of the SA public sector. The highest number of reported cases of corruption were in 'the South African Police Services which was recorded at almost 23% of the complaints received'. This was followed by the 'Department of Basic Education at 12%, and SOEs at 11%' (Neethling, 2024).

Researchers have found that the impact of corruption on economic growth and social welfare indicators, has high social and economic costs (Naidoo, 2024). One of the negative social consequences of corruption is that it erodes the legitimacy of public sector institutions. As a result, many South Africans feel disillusioned because public sector institutions were originally set up to make a positive change in society. When corruption prevails in public institutions, it has a damaging effect, attracting cynicism and a sense of helplessness, inhibiting citizens from reporting corrupt practices. The disrespect for the concepts of ethics, accountability and transparency by public sector institutions has undermined any feeling of solidarity, which prevents community development and further societal progress.

The economic impact of corruption in South Africa is predominantly characterized by 'declines in economic propensity, constraints to market competition, and a deterrent to investment' (Naidoo, 2024). It is also argued that declining investment contributes to inequality and suggest that corruption exacerbates the financial constraints because of the small tax base and fiscal deficits. Corruption has also been implicated in several economic indicators in South Africa (Naidoo, 2024). The 'anti-competitive effect' of corruption hinders research and development, which results in market distortions that negatively impacts economic growth. Thus, the literature suggests that the impact of corruption on economic growth is negative in South Africa. In South Africa's labour market, unemployment is mostly concentrated within black, female, youth, and lower-skill demographic strata. This is of importance to SA, because corruption deters income distribution and has a high impact on rural and black South Africans. The impact of corruption on the ability of public services to address unemployment and poverty also portends increased social unrest and protest action in South African communities.

Tsheola & Sebola (2023) suggest that "there is a direct relationship between the governing party's declining electoral fortunes, corruption and the erosion of public trust in public institutions. The ruling party's 30-years of state governance has created an ominous leadership vacuum, setting South Africa's democracy on the precipice of civil strife; and the ANC's declining electoral fortunes will persist into the foreseeable future because public trust is hard to regain and sustain once eroded." 'This perhaps explains 'how the ANC lost its majority by a considerable margin in the 2024 election, obtaining only 40% of the national vote culminating in the necessity of having to form a coalition with rival political parties to create the so-called 'Government of National Unity' (Naidoo, 2024).

Corruption has therefore seriously undermined the capacity of the South African state to fulfill its developmental role and in meeting its mandate, thereby threatening the sustainability of SA public sector institutions and service delivery commitments to communities. It has also severely weakened the SA economy, squandered public resources and resulted in gross inefficiencies. In this regard, the '10-year review of National Development Plan (NDP)' reflects that inequality remains high in SA with almost '32,6% of the population living below the food poverty line, while 32,9% people are unemployed due to the low GDP growth rate in the first quarter of 2024 in the country' (National Planning Commission, 2023; Trading economics, 2024).

The aim of the research is to determine and report on the nature and extent of pervasive corruption, report on findings of the possible impact of public sector corruption in SA and to provide recommendations to curb the problem in the SA public sector including SOEs. To achieve this aim, the objectives of the study were:

- i. To conduct a literature review on the theoretical and conceptual underpinnings of corruption;
- ii. To review and report on the nature and extent of public sector corruption in SA;
- iii. To report on the findings of the possible impact of corruption in the SA public sector; and
- iv. To provide recommendations to address corruption in the SA public sector.

The article therefore provides a conceptual and theoretical underpinning of corruption. A literature review on corruption in the SA public sector was undertaken. The underlying nature and the extent of corruption in the SA public sector are reviewed and reported on and the findings of the impact of corruption in the SA public sector are discussed, analyzed and reported on. The discussion then shifts to the approach that could be used to address public sector corruption in SA. The promotion of ethical leadership and good governance as part of a multi-pronged strategy is recommended to curb and prevent further corruption in the SA public sector.

## **Literature review**

### **Theoretical and conceptual underpinnings of corruption**

In developing countries, public sector corruption poses a challenge. In SA corruption has crippled State Owned Enterprises (SoEs), such as the power utility Eskom, the SA Post Office and Ports and Rail operator - Transnet (Msiza, 2023), as well as the South African Broadcasting Company (SABC) and the Passenger Rail Agency of South Africa (PRASA) (The Zondo Commission, 2022). The SOEs were pillaged by tender irregularities and cadre deployments under the ANC led government during the Zuma administration in SA.

'Political interference', the 'lack of management skills', poor governance and leadership challenges have been evident in SOEs. Mahmood (2010) in Naidoo & Magakwe (2023) asserts that a major cause of corruption in the SA public sector is the lack of a competent management, ethics and professionalism. Over the past three decades, corruption has spread rapidly and is now pervasive in SA public sector institutions.

So, one may ask how is corruption defined? According to Varraich (2014), "corruption is an umbrella term that links concepts such as clientelism, patronage, state capture, particularism and patrimonialism". Varraich (2014), indicated that the literature on corruption suggests that "the application of these concepts may however differ geographically."

A closer review of the terminology reflects that that 'clientelism' is the main form of corruption, occurring in South-East Asia, Latin America and in post-communist states. While Hopkin (2006) in Varraich (2014) describes "political clientelism as the distribution of selective benefits to individuals or clearly defined groups in exchange for political support." The benefactor provides benefits such as jobs or opportunities in 'exchange' for political support. The politician delivers benefits to the clients that support him or her, and the client supports the politician that delivers on his or her promises." (Varraich, 2014). It was found that the terms 'clientelism' and 'patronage' are often used inter-changeably and some scholars claim 'patronage' is a type of 'clientelistic exchange'. For example, a 'client's vote' in exchange for a public office position (Varraich, 2014).

While 'patronage' is a form of corruption that is found in both developing and developed countries and often prevalent in African countries. In developed countries, 'patronage' is a form of 'legal corruption' that goes hand-in-hand with 'the politics' of the ruling party." (Varraich, 2014). Patronage is 'an exchange of resources' such as jobs, promotions and contracts between key public officials in government and influential individuals or leaders and businesses.' In return for these resources, the ruling party, government or state receives monetary and political support.

"State capture" on the other hand is the "shaping of laws, rules, and regulations through illicit and non-transparent private payments to public officials" (Hellman & Kaufmann, (2001). There is therefore an interaction between the private and public sectors, i.e. a predatory group of individuals, for example businesses or prominent 'local elites' or groups and the state itself. The state is captured through policy mechanisms and decisions being made and being dictated by, and in favour of, the private individuals or actors (such as businesses, prominent local people or groups or local elites) at a significant cost to the state. Effectively, such private individuals dictate to the public sphere, for their own benefit.

'Particularism' is another form of corruption and refers to individuals who are part of an 'exclusive group' who have 'exclusive interest' for their own benefit. The group members treat 'insiders' differently to 'outsiders' of the group. Barriers are therefore created for outsiders by particularism and privilege and opportunities are created for insiders in the group. There is therefore an exclusive focus to a particular interest in the groups (Susomrith & Suseno, 2017).

The term 'patrimonialism' is often used in conjunction with patriarchy, since one of the earliest forms of governance in small groups may have been patriarchal. Patrimonialism is "a form of public organization in which authority is based on the personal power of a leader." 'Patrimonialism' is also said to be a form of governance in which authority rests on bureaucratic power where that power is formally arbitrary and under the direct control of the leader or the head of state," (Bakker, 2017). In SA, to restore the integrity and legitimacy of traditional leaders, in line with the African indigenous law and customs, the traditional leaders (chiefs) play a meaningful role in public institutions and state affairs in accordance with constitutional imperatives. This is an example of 'patrimonialism'. The traditional leaders play a prominent role in national and provincial government and municipalities. In the 20th century, the German sociologist Max Weber adopted the term, patrimonialism to describe the concentration of political power, the award of personal favors and the misuse of state resources by senior public officials (Masenya, 2017).

'Clientelism', 'patronage', 'state capture', 'particularism', and 'patrimonialism' have entered and influenced the SA public sector mostly during the 'Zuma' administration. In SA, a prominent example was that of the 'Gupta network,' three brothers who ingratiated themselves into the family and business affairs of then President Zuma as well as that of other prominent businesses individuals, and commanded influence over the state in terms of public procurement processes, high-level strategic decision making and political and administrative appointments in government, impacting on the integrity of the SA state. In addition, it is evident that private sector companies in SA unlawfully benefitted from government tenders.

Naidoo & Magakwe (2023) argued that "corruption in the SA public sector involved laws and regulations being broken, ethical and moral codes being destroyed; and state resources stolen from public institutions for private benefit." While, Khan, *et al.*, (2019), argued that corruption in the SA public sector was closely associated to "a lack of enforcement of the rule of law."

The World Bank (2020) defines corruption as "the abuse of public office for private gain". This definition encompasses a wide range of aspects, from 'bribery of politicians or public servants to 'petty' corruption when low-paid public officials extort money from citizens to make up for low wages or it can also involve 'grand corruption', such as 'state capture'. Corruption can also occur because of "poorly formulated policies or inefficient measures intended to limit the possibility of bribes or collusion from individuals to commit wrongdoing in processes such as public procurement" (Naidoo & Magakwe, 2023).

The term 'corrupt activities' in the SA public sector is any activity which amounts to the 'misuse of power or authority to derive a private benefit, financial or non-financial, to an individual or group.' Public sector corruption can therefore be broadly defined as the misuse of public office for private gain. Corruption in the SA public sector institutions occur through amongst others, "the theft of state resources, 'irregular expenditure' bribery, embezzlement, nepotism, favoritism and mostly procurement fraud" (Pillay, 2022; Pillay 2024).

Considering the definitions of corruption mentioned, there are four broad categories that can be used to demonstrate the scope of public sector corruption namely 'political corruption', 'bureaucratic corruption', 'grand corruption', and 'petty corruption' (Heywood, 2002). Political corruption is often at the heart of the problem in SA and is defined by the 'abuse of government power in high-level decision making, often by politicians and their closest advisors' (Heywood, 2002). This can lead to policies and regulations being altered or ignored to suit the needs of politicians or their network. More often it includes the capture of state institutions and processes for personal or private benefit. Naidoo & Magakwe (2024) reiterates that this is the case with public procurement processes in SA public sector institutions as was pointed out by the findings in the Zondo Commission in SA. The literature therefore suggests that both 'petty' and 'high profile' corruption are prevalent in the SA public sector.

In this regard, the SA public procurement legislation and policies are fragmented, outdated and prone to different interpretation and challenge, leading to maladministration and corrupt practices in public institutions (Naidoo & Magakwe, 2023; Preferential Procurement Policy Framework Act (2000), The more blatant forms of corruption involve the distortion of decisions to ensure that policy and regulation benefits 'the corrupt' at the expense of the public interest. This can involve policy choices that may not be legitimate.

High-profile cases have revealed that politicians and public servants often use their office to extract gains for their private benefit. It is also evident that there has therefore been a substantial growth in corruption over the past three decades. The complexities of corruption have been reflected in the difficulty of finding solutions to curb corruption.

Corruption however has a particular significance in the SA Public Sector. It should be noted that the SA public sector is however not unique in its experiences of corruption and can learn a great deal from other countries. There is now a significant amount of literature on corruption that includes detailed case studies of instances of corruption, analysis of corruption in certain countries or territories, comparisons between countries, and attempts to measure levels of corruption, and analysis of features of corruption. This can be a useful resource for understanding the nature of corruption in the SA Public Sector and suggesting ways to combat it.

## **Findings: Corruption in the SA public sector**

The issue of corruption in SA came to the fore in 1995, when several newspapers reported that a senior public official, the Director General of the Department of Minerals and Energy, had accepted a bribe to influence the awarding of a mining concession. In June 1995 the Premier of the Eastern Cape province, appointed Judge Heath to chair a special commission of enquiry into fraud, corruption and maladministration in that province. The commission became known as "the Heath Commission". Judge Heath was then appointed to head the Special Investigations Unit (SIU) by former SA President Mandela in 1997. Between 1997 and 2000, various investigations on corruption in the SA public sector under the auspices of the SIU were conducted successfully.

In October 2016, in another issue around high-level corruption in SA, the former SA Public Protector Dr Thuli Madonsela published a report on the 'State of Capture' in SA, in connection with the 'alleged improper' and 'unethical conduct' relating to the appointments of Cabinet Ministers, Director Generals and senior leadership and awarding of state contracts and other benefits linked to companies controlled by the Gupta family (Public Protector, State of Capture, 2016). The key recommendation thereof was that a judicial commission of inquiry be appointed, (subsequently challenged by Former President Jacob Zuma in court).

In 2017, a Judicial Commission of Inquiry (the Zondo Commission) was established to investigate allegations of 'state capture', corruption and fraud in the SA Public Sector and organs of state. The Commission was concerned with "senior politicians tasked with having authority over the management of the government, such as the president, cabinet and senior leadership, and the nature of their relationships with private individuals such as the Gupta enterprise." In terms of its mandate, the Commission also had "to investigate whether the SA President or any member of the National Executive or employee of any SOE breached or violated any relevant ethical code or legislation by facilitating the unlawful awarding of tenders by SOEs or any organ of state to benefit any family, individual or corporate entity doing business with government" (Government Gazette, Proclamation No. 3, 2018).

The findings of the commission provided strong evidence of 'state capture' in SA, that was facilitated by some senior leadership in both the public and private sectors and that "The Gupta network and family members of the Zuma administration had considerable influence over key appointments and dismissals to Cabinet, and an array of state entities and government departments." The Commission also exposed widespread corruption in the awarding of contracts by SOEs and government departments. The Gupta network also had tremendous influence over the awarding of mining licenses and providing tender contracts to 'Gupta family linked companies.' It became also evident that the 'Gupta enterprise' had extensive control over procurement processes in SOEs and other government departments in the SA Public Sector. Moreover, the proper procedures were not followed with the appointment of advisors, senior leadership and public officials to positions in state departments such National Treasury (The Zondo Commission 2022). Corruption by this network of individuals, public servants, private entities and businesses (such as fraud, money laundering,

racketeering and various other illegal activities) were so pervasive in SOEs and it had infiltrated many spheres of the SA government including the revenue collection service and prosecution authority.

In 2000, the SIU received allegations of corruption in relation to the acquisition of large quantities of weaponry by the SA government for the SA National Defense Force from Ms. Patricia de Lille (then a sitting Member of Parliament and a former Mayor of the City of Cape). Collusion within the arms market served to increase the real cost of the arms deal and is a form of grand corruption. The 'Arms Procurement Commission', was tasked with investigating allegations of fraud, corruption, irregularity and impropriety in the 'arms deal'. Several of these allegations were proved, which led to the successful prosecution of former ANC 'chief whip' Tony Yengeni and politically connected businessman Schabir Shaik for fraud and corruption. Due to both massive overspending and wasteful political defense expenditure, it can be argued that there is less money for the SA government to spend on social services including housing, education, health, and welfare programs, which are more likely to benefit the majority of South Africans. Wasteful military expenditure and debt servicing on arms loans may thus have restricted the country from fully meeting its service delivery commitments.

In 2022, the Zondo Commission identified several key features in 'state capture' in SA, especially with the SOEs which were (The Zondo Commission, 2022):

- i. *"the allocation and distribution of state power and resources not for the public good but for private and corrupt advantage;*
- ii. *a network of individuals inside and outside government who acted illegally and unethically in furtherance of 'state capture';*
- iii. *improper influence over appointments and removals;*
- iv. *the manipulation of the policies, rules, regulations and procedures in decision-making in government in order to facilitate an unethical and corrupt advantage;*
- v. *a deliberate effort to undermine or render ineffectual oversight bodies and to exploit regulatory weaknesses to avoid transparency and accountability for wrongdoing;*
- vi. *a deliberate effort to subvert and weaken law enforcement and intelligence agencies at the commanding levels to shield and sustain illicit or unethical activities, avoid accountability and to disempower opponents;*
- vii. *support and consent to facilitate corrupt activities by senior leadership in the political sphere, including members of the ruling party;*
- viii. *the assistance of professional service and consultants from the private sector, such advisers, auditors, legal and consulting firms, in masking the corrupt nature of 'state capture' and protecting and even supporting illicit gains; and*
- ix. *the use of disinformation and propaganda to manipulate the public discourse, to divert attention away from their wrongdoing and discredit opponents or whistleblowers."*

The Zondo Commission documented corruption and 'political patronage' as pervasive challenges that have undermined the capability of the SA state and its institutions. According to Harvey (2024) "the governing party's policy of cadre employment actively hollowed out the state capability and facilitated 'state capture'." Swanepoel (2021) states that 'a disturbing level of 'grand corruption' occurred mainly in SOEs in SA, whereby individuals were placed in various strategic senior positions in SA public institutions to manipulate the procurement processes to siphon-off large amounts of money for a network of unethical and greedy politicians, public servants and businesspeople.' Swanepoel (2021) and Naidoo & Magakwe (2023) argued that 'cadre deployment' has undoubtedly been an 'enabler' for much of the corruption in the SA public sector, including SOEs.

Furthermore, it can be argued that the 'moral laxity' and unethical conduct by mostly the Zuma administration had led to widespread corruption in the SA Public sector. In this regard, the findings reflect that the state had been complicit, in that illicit financial practices were common in the SA public institutions, including SOEs. For example, the paying of bribes to the 'right' public officials were common practice to secure lucrative government contracts in SA. A study in the South Korean public sector highlighted the negative link between a performance-based reward system and a bureaucrat's susceptibility to accepting bribes (Msiza, 2023). Governance decisions by the state have therefore been influenced in favor of private individuals and businesses or business networks (Harvey, 2024). It can be noted that the decline of the SA Public Sector including SOEs was most prominent during the administration of former SA State President Zuma.

Corruption in the SA public sector revealed distinct configurations. It is evident that individuals who were part of an 'organized network' were placed in strategic leadership positions in the SA Public Sector, including SOEs to 'unethically benefit' from state contracts and benefits. Governance rules, regulations, processes and structures were either adjusted or manipulated to centralize power in the hands of these corrupt individuals. Also, it is evident that the checks and balances to ensure fair public procurement process were deliberately bypassed or the rules were simply ignored.

It is also evident from the literature review that "a lack of training and capacity building in the procurement environment is one of the factors contributing to the maladministration. This vulnerability contributed not only to the increase of non-compliance to the public procurement policy provisions but also creates a misunderstanding or misinterpretation of the policy procurement policy (PPP) outcomes" (Naidoo & Magakwe, 2023). Also, some individuals, public officials or networks simply undermined the procurement

processes for their own private benefit. Furthermore, corruption has been exacerbated as public sector institutions failed to disbar corrupt suppliers.

The 'Harvard growth Lab 2023 report' also highlighted 'the inability of SA government to deal with corruption'. In this regard, the Zondo Commission (2022) reported that SA was not fighting corruption effectively. Furthermore, public officials who spoke against improper and unethical behaviour were victimized, marginalized, threatened, and in some cases even murdered. Swanepoel (2021), Harvey (2024) and Naidoo & Magakwe (2023) further indicate that the leadership in the SA public sector involved in corrupt practices seemed to be politically protected. Also, oversight bodies such as the revenue collection service and prosecution authority have been inhibited from effectively detecting and deterring corruption, and the law enforcement and state intelligence agencies had been weakened or 'captured' during the Zuma administration (Naidoo & Magakwe 2023). The Zuma administration had therefore enabled "state capture" and was embroiled in corruption at every level of government. Furthermore, the 'politicization' of the SA public sector including SOEs, through 'cadre deployment', provided a fertile ground for pervasive corruption and "state capture" to take place. Additionally, an increasing number of negative audit reports for a growing number of SA public sector institutions at all spheres of government, including municipalities and their leadership are indicative of corruption and "require urgent intervention". The 'Harvard Growth Lab 2023 Report on SA' indicated that state corruption had undermined good governance, ethical leadership, service delivery and development.

In the latest in a string of senior ANC politicians, to be embroiled in corruption scandals in SA in 2024 is the former speaker of the South African Parliament, who had been charged with corruption and money laundering (The Guardian, 2024). Mapisa-Nqakula is accused of allegedly soliciting 2.3 million rands in bribes from a former military contractor during her previous tenure as defense minister (The Guardian, 2024).

It can be argued that corruption can be attributed to the poor governance practices such as a lack of transparency and accountability in procurement practices, weak governance structures, processes, and policies, political interference, opportunistic individuals and businesses, inadequate anti-corruption measures in the SA public sector and unethical practices (Naidoo & Magakwe, 2023). Didia (2007) in Msiza (2013) states that corruption undermines ethical leadership and the principles of governance such as the rule of law, accountability and transparency.

### **Analysis: Impact of Public Sector corruption in SA**

In SA corruption has become the norm in public sector institutions, including SOEs. The impact of public sector corruption in SA is far reaching. The pervasive impact of corruption on the SA public sector and organs of state are understood to have several consequences. The question remains: how can the damage caused by corruption be assessed? The problem of corruption is that there are serious negative implications such as low economic growth. It also undermines democracy, mainly the rule of law.

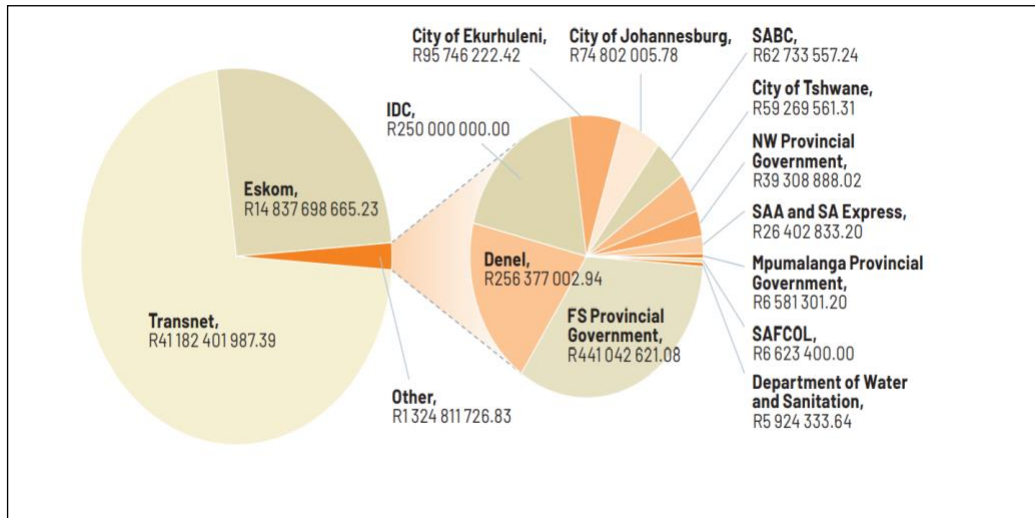
The World Bank (2020) indicated that corruption destroys the 'rule of law' in countries. The rule of law can be described as "...the extent to which agents have confidence in and abide by the rules of society", (Harvey 2024). Also, 'the rule of law' refers to services provided by public institutions such as the police and the courts. It refers to the maintenance of 'law and order' by the state. 'If businesses pay their way to win government tenders, obtain licenses illegally and if the judges take bribes to turn the other way, then the very foundations of the rule of law are shaken' (Harvey, 2024).

'State capture' in SA, through the SOEs has 'undermined the entire fabric of the SA nation and hollowed out quality of public institutions.' Furthermore 'state capture' in SA has immensely impacted on the SA economy. Corruption has undoubtedly impacted the slow pace of economic growth, higher levels of poverty and growing unemployment. According to Harvey (2024) economic growth in SA has closely tracked the government's ability to control corruption. As corruption increased in public institutions in SA, economic growth declined. Although it may be argued that the global economic crisis of 2008 may have had an impact on the economic growth rate in SA, Harvey (2024), argues that a more compelling correlation is with the onset of "state capture" and corruption in SA. Corruption affects economic growth, service delivery and sustainable development and growth.

In a research study conducted by Haung Mo (2001) it is evident that "...a 1% increase in the corruption level in public institutions reduces the economic growth rate by 0.72%." Hung Mo (2000) further argues that political interference and corruption accounts for more than 53% of the total effect. With respect to the corruption indexes, the World Bank (2022) has indicated that SA has fallen from a score of 76,3% (quite good) in 1996 to 44,8% in 2022. While in 2023, in the Transparency International Corruption Perception Index, SA ranked 83<sup>rd</sup> out of 180 countries measured (Kaufmann & Kraay, 2023).

In 2008, the results of a survey done by Afrobarometer reflected that 40% of respondents indicated that the management of public sector corruption by the SA government was not being managed effectively or was totally non-existent, and subsequently in 2021, the results of a survey increased to 60% of respondents. According to Harvey (2024) "there is a correlation between the increased levels of corruption in the SA public sector and the deterioration of core functions in public sector institutions including SOEs and the collapse of state institutions". Harvey (2024) further states that "corruption deeply underpins public institutions mismanagement and financial distress." Corrupt businesses, unethical public officials and individuals have exploited poor governance structures in public sector institutions for their own personal gain and have further deepened corruption.

Significant damage has occurred within SA public sector institutions. Naidoo & Magakwe (2023) argued that corruption in the SA public sector diverted resources away from policy implementation that would otherwise promote development and service delivery. The resulting inability of these public institutions to fulfil their mandates has had a significant effect on SA, and on the lives of people. For example, “PRASA’s inability to provide reliable transport for those who need it most, or the South African Revenue Service (SARS)’ inability to identify and recoup illicit financial flows,” (Zondo Commission Report, 2022). The enormous impact of corruption is reflected in Figure 1 below on public funds spent on ‘state-capture’ related contracts as estimated by the Zondo Commission namely in SOEs, provincial government and national departments.



**Figure 1:** Public Funds spent on state-capture related contracts; *Source:* The Zondo commission: A bite-sized summary (2022)

The public funds spent on ‘state-capture’ related contracts by Eskom, Transnet, Industrial Development Corporation of South Africa Ltd. (IDC), Denel, Free State Provincial government, the City of Tshwane, Northwest Provincial government, SAA and SA Express, Mpumalanga Provincial government, South African Forestry Company SOC Limited (SAFCOL), Department of Water and Sanitation and other entities are enormous as reflected in Figure 1. The Zondo Commission (2022) estimated “the total amount of money spent by the state which was ‘tainted’ by state capture to be around R57 billion. More than 97% of the R57 billion came from Transnet and Eskom. Out of these funds, the ‘Gupta enterprise’ received at least R15 billion. The total loss to the state is difficult to quantify but would far exceed that R15 billion.”

It can be argued that ineffective prosecution against corruption derives from a lack of political will (Nicolaidis & Manyama, 2020). According to Naidoo & Magakwe (2023) “due to the lack of enforcement of policies and guidelines and risk management strategies corruption is evidently on the increase in SA public institutions.” Corruption has also become systemic which has led to a loss of institutional integrity in SA public institutions.

In this regard, it can be argued that weak governance structures in law enforcement and sanctions against corruption has only fueled corruption. According to Msiza (2023), legislation to protect whistle-blowers in SA is not effective. Despite the Protected Disclosures Act 26 of 2000 (PDA), commonly known as ‘The Whistleblowers Act’, is the main legislation applicable to the protection of whistleblowers. ‘The Protected Disclosures Act’ provides protection for individuals who blow the whistle on corrupt activities, whilst the Amendment Act expands the scope to provide greater protection and assistance to persons who make protected disclosures about irregularities when they decide to reveal unlawful activity in the workplace.

Despite the legal framework, whistle-blowers are often targeted by perpetrators in SA, and in some cases are severely harmed or even assassinated. Babita Deokaran was a whistleblower who was murdered for reporting irregular payments at the Gauteng Department of Health in SA. Also, Cloete Murray and his son, who were liquidators of ‘corruption-acquired assets’, and linked to high-profile corruption cases such as Bosasa and Eskom were also assassinated. Bosasa was a SA business that provided services to government, such as to the Department of Correctional Services. The company was liquidated in 2019 over malfeasance in its alleged corrupt relationship with the governing party. These murders would undoubtedly leave whistle-blowers, lawyers and liquidators hesitant to handle such cases in SA.

Transparency and accountability are weapons to combat corruption and are enabled – or disabled – by the ease of exposing perceived abuses, which in turn depends on the courage of, and ease with which, actors in public sector entities are able to report, expose or disclose non-ethical conduct, corruption, illegal, immoral or illegitimate practices that they witness or have participated in. The efficacy of this facility is as Bauhr and Grimes (2017) contend, a function of the robustness of whistleblowing protections.

Whistle-blower protections are intended to shield individuals who disclose confidential, but potentially incriminating, proprietary information, despite their individual connection or involvement. A protective shield enshrined in corporate policy and legislation

should obviate a whistle-blower from being vulnerable to threats from those wielding power within an organization. However, the risk of retaliation can deter internal whistleblowers. Retribution can range from intimidation, bullying, threats to possessions, persons, family members, caps on career promotions, even amounting to prosecution for (unauthorized) disclosure of confidential corporate information.

A survey conducted by the Association of Certified Fraud Examiners (ACFE 2022) revealed the largest contributor to fraud detection (42 %) were anonymous tips from whistleblowers. Conversely fraud detection that was reliant on management review, audits, data monitoring and surveillance only revealed that 30% of frauds were detected by government agents. Thus, if whistleblowers can be encouraged to report, the ability to detect fraud increases dramatically.

According to Bauhr & Grimes (2017) specific whistleblower protection legislation has been formally established in over 30 countries, and in others, protections have been incorporated into labour laws and public sector HR policies. These legal provisions vary in the extent to which they permit, protect or encourage the release of confidential information via either internal channels (e.g. anonymous phone, email or 'tip-lines', often independently monitored), or to external parties (such as the media). The strongest protections encourage rewards for exposing abuses and proscribe any form of retaliation in order to protect the whistleblower.

For whistleblowing to be effective Dyck et al., (2008) concluded that incentivizing putative informants with a monetary reward motivated people with information to submit their allegations, but did not precipitate specious, baseless or frivolous allegations. Of course, the ultimate protection might be continued employment, promotion or reward, but sadly the reality is less than re-assuring as the testimonies of South African whistle-blowers as narrated by Wiener (2020) reveal. International whistle-blowers have also been publicly vilified by their 'host countries' as acting in bad faith. Corporate retaliation has manifested in persecution (Woodford, 2012), prosecution, imprisonment without trial, (Kostov & McLain, 2022), and threats of assassination, (Browder, 2015), and such persons have felt compelled to remove themselves from the juridical tentacles and deep pockets of their erstwhile international employers.

According to the Association of Certified Fraud Examiners the most effective reporting channels are dedicated 24 hour-a-day hotline phone numbers or email channels and the top considerations cited by respondents for a successful hotline programs were awareness, anonymity, follow-up action and anti-retaliation protection (see further The Institute of Internal Auditors (The IIA) and the Association of Certified Fraud Examiners (ACFE) 'Building a Best-in-Class Whistleblower Hotline.'

It is evident that corruption has flourished in SA public institutions because of weak governance structures and unethical leadership. Furthermore, the current structures in the SA public sector including SOEs allow for patronage and corrupt public procurement opportunities. However, the corruption in the SA public sector, including SOEs such as Eskom and Transnet have 'not disappeared simply because there was a commission of enquiry.' It is recommended that ethical leadership and good governance as part of a multi-pronged strategy is therefore critical to address corruption in the SA public sector.

### **Ethical leadership and good governance as part of a multi-pronged strategy to curb corruption in the SA Public Sector**

It is critical that corruption be curbed in the SA public sector including SOEs. The Prevention and Combating of Corrupt Activities Act 12 of 2004, provides provisions criminalizing corruption-related activities in the SA public sector. In addition, there are various other laws and regulations (Naidoo & Magakwe, 2003). In 2005, the SA government passed the Promotion of Access to Information Act 2 of 2000, allowing citizens to request information, including on corruption. Regulation exists in SA to curb corruption but is often structured in such a manner that legislative improvement is required. It is evident that current laws and regulations are supportive, but not adequate to curb or prevent corruption. Significant progress in SA to date, is rather slow. The South African legal framework therefore requires legislative improvement. An effective legal framework and institutional prevention architecture must therefore be established to eradicate corruption. A structured and deliberate legal framework will have a positive impact on prosecutions. The success of an anti-corruption strategy depends, to a considerable extent, on the law enforcement framework.

In addition, several scholars have argued that good governance and ethical leadership in a public sector 'is the absence of corrupt practices or corruption' (Msiza, 2023). Ethical leadership and good governance are very important at the time when the disastrous impact of corruption in the SA public sector is widespread. Implementation of good governance and ethical leadership within public sector institutions as part of a multi-pronged approach to combat corruption is therefore very critical in SA. There are many principles that are fundamental to adopting ethical leadership and the promotion of good governance. "To promote exemplary public sector institutions, it is essential 'to lead by example' to promote good governance (Naidoo, 2012).

First, it is important that the concept of ethical leadership should be understood. Ethical leadership can be seen as 'leadership that is guided by respect for the truth and with an interest in genuinely serving the people.' This approach to leadership is based on 'moral principles and values.' Also, the effect of the leader's choices on all stakeholders should always be considered with this approach. Ethical leaders always consider and respect public opinions of their constituents. The principles that are best practiced in ethical leadership are 'honesty', 'integrity', 'responsibility', 'accountability', 'transparency', 'fairness', and 'justice'. Ethical leaders are 'moral leaders. Integrity should be integral to the leader, and then only can it be promoted. These principles highlight that an ethical leader should always be 'conscious' about the needs of the public (Naidoo, 2012).



On the other hand, good governance is a “central aspect in ensuring well managed, sustainable institutions” (Naidoo, 2012). The quality of governance is also based on the leaders and public servants appointed. Good governance aims at having a wider positive effect on institutions. Its main objective is to ‘create well-managed, efficient and sustainable institutions’ (Naidoo, 2012). The aim of good governance in public institutions is to promote the welfare of the citizens. This can only be done with sound strategic decision making and building stable public sector institutions. An approach from the ‘grassroots level’ up to senior leadership is thus essential. The leaders of public sector institutions are the main catalysts in implementing and promoting good governance. This includes leaders having a clear vision and mission and an excellent strategy for their organizations and putting in the extra efforts to achieve their mandate.

It is argued that ethical leadership and good governance is essential to the fight against public sector corruption in SA. It is essential to revive the system of governance, which is ‘clean, effective and efficient and rests on the principles of transparency, accountability and sound ethical standards. As revealed earlier, corruption has been a feature of public administration in SA for many years. The human resources process such as cadre appointments, has created the breathing ground for corrupt activities to permeate throughout the public sector institutions. This form of patronage commonly occurred when public officials were appointed into key strategic positions in SA public institutions. In this regard, it is evident that public officials served their own self-interests and those of the ruling party or their network. However, Thorne (2024) argues that “the appointment of suitably qualified and ethical leaders to key institutions in SA is of critical importance in addressing corruption in the country,”

It is also essential to strengthen governance processes, structures and principles to ‘empower citizens’ to hold the government accountable. It is also critical for the state to initiate effective prosecutions against the perpetrators with appropriate sanctions.

## **Conclusions**

A literature review on the theoretical and conceptual underpinnings of corruption was provided in this article. The nature, extent and impact of corruption in the SA public sector was investigated and reported on. Based on the findings of the study, recommendations are made to address the significantly increasing levels of corruption in public sector institutions in SA. An ethical leadership and good governance approach is recommended as part of a multi-pronged anti-corruption strategy are essential to curb corruption in the SA public sector, which entails amongst others:

- i. Strengthening of the independence and accountability of the judiciary is the most crucial factor to prevent and curb corruption. Also, a strong investigation ability strengthens the prospect of successful convictions of corrupt suppliers and public officials. Oversight should also include overhauling the legislative framework, specifically the role of the Auditor General to ensure enforcement of audit findings together with penal repercussions if the recommendations are continually ignored (Naidoo & Magalwe, 2023).
- ii. Strengthening anti-corruption agencies and enforcing disciplinary and/or legal measures against public servants who are corrupt. The Prevention and Combating of Corruption Act (PRECCA) criminalizes corruption in public and private sectors and codifies specific offences, making it easier for courts to use the legislation. The Public Finance Management Act (PFMA), and Prevention of Organized Crime Act (POCA) and any other anti-corruption legislation and policies should be used to enforce the law against corruption. The National Prosecuting Authority’s (NPA) Asset Forfeiture Unit should also ‘take the necessary steps to recover monies paid as part of irregular and unlawful procurement processes.’ The NPA should also deal with corruption in public procurement processes and other areas of corrupt practices. The NPA and the Anti-corruption unit namely the Special Investigative Unit (SIU) and South African Police Services Anti-Corruption unit should ensure that steps are taken to deal with corrupt practices.
- iii. Adopting clear norms and regulations, accompanied by strong and efficiently enforced fines imposed by the courts, which are also effective deterrents to bribery and corruption in public procurement. Regarding non-compliance, it is also proposed that a zero-tolerance approach to corruption should be adopted.
- iv. Adopting more regulations in the procurement process. Strengthening of public procurement policies, and practices to ensure adherence thereof. Continuous training and upskilling on procurement processes are essential interventions to build confidence and trust amongst procurement managers and practitioners.
- v. Strengthening systems and internal controls to identify and detect elements of corrupt practices and non-compliance in procurement policy. It will also ensure that corrective measures are implemented once non-compliance is detected. This requires public procurement practitioners and managers to implement the procurement policies and assess whether the conduct of officials is in line with the code of conduct (Naidoo & Magakwe, 2023).
- vi. Strengthening the whistle-blower’s protection mechanisms. Whistle blowers should be protected so that they can assist the state in curbing and preventing corruption.
- vii. Strengthening of good governance practices (accountability and transparency in public procurement and other processes).

- viii. Appointment of ethical leaders and public officials. The promotion of ethics, a code of conduct and professionalism. Training in integrity and ethics should therefore be provided to public servants.
- ix. Appointment of managers with the necessary skills, expertise and capability to implement policies and processes aligned with the key objectives and minimise public procurement risks and corrupt practices.
- x. Improvement of salaries and benefits of public officials to curb corruption (Rose-Ackerman & Palifka, 2016).
- xi. Debarring or disqualifying of corrupt suppliers from bidding for or otherwise obtaining government contracts. More training on the debarment of suppliers needs to provide to procurement practitioners.
- xii. Reporting mechanisms should be strengthened to ensure the public can report corrupt activities to hotlines and other anti-corruption agencies.
- xiii. Lifestyle audits should be conducted which are fraud prevention and detection system to curb corrupt practices (Ochieng & Kamau, 2021).
- xiv. Collaboration with international institutions, such as the World Bank, the Transparency International, and World Trade Organisation Agreement on Government Procurement (GPA), are significant in providing guidelines and best practices relating to procurement processes. The risks of corrupt practices in the SA public sector can be minimised through collaboration and implementing best-practices.
- xv. Ethical leadership principles and codes can be embedded in the public sector HR processes, namely recruitment and training.
- xvi. Public sector institutions need to make the tender recipient information available publicly. Payments to public sector institutions by private companies and SOEs should also be made public to disclose details of payments to governments.

Leadership should lead by example, thus ensuring good governance and ethical leadership in the SA public sector, including SOEs. The public sector should be kept 'honest', 'transparent' and 'accountable'. It is critical to ensure that public servants always act ethically in the public interest, and not their private interests.

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