

CHAPTER 2: OPENING PROCEEDINGS

2.1 INTRODUCTION

During the opening proceedings introductory and welcoming remarks as well as the keynote address for the Summit were made. This helped to set the tone for what became an intense and engaging Summit under the sub-themes as well as the special plenary sessions. The debates which ensued focused delegates' minds on what later came to be adopted as the resolutions of the Third National Anti-Corruption Summit. The addresses made by speakers during the opening proceedings are reflected in this Chapter.

2.2 INTRODUCTORY REMARKS BY PROF STAN SANGWENI

We have been engaged in anti-corruption Summits since 1999. One of the resolutions at the first Summit called for the formation of a multi-sectoral organisation to address corruption in the country. This in turn led to the formal launching of the National Anti-Corruption Forum (NACF) in Langa, Cape Town, on 15 June 2001.

Hence, as I welcome and introduce you to this our 3rd National Anti-Corruption Summit, I can recall very vividly in my mind's eye, on the eve of the launch of the NACF, that morning in Cape Town, I was interviewed on Morning Live by a Ghanaian lady who was on loan from the BBC to the SABC.

Very upbeat about the initiative, and feeling positive and optimistic about the potential of the soon to be launched NACF, I confidently remarked to her, "Corruption will soon be contained, if not completely eradicated through this body representing South Africa in its totality, the NACF!" She looked at me quizzically and remarked, "But there is so much corruption in this country, how will you manage that?" A little ruffled by what sounded like a cynical quibble I responded passionately: "Today we usher in a new and unique weapon against corruption in South Africa. Next time you interview me on the first anniversary of the NACF I shall be telling you how we have contained corruption if not eliminated it. Watch this space," I said defiantly!

Today, I am sad to say that, from where I sit at the helm of the oversight function of the Public Service Commission (PSC), where through the National Anti-Corruption Hotline (NACH), launched in September 2004, we have seen no less than 5000 alleged cases of corruption involving persons in government departments and local government structures. However, such corruption obviously is with the connivance of persons from the private sector and/or civil society. We have forwarded these to the concerned departments for investigation, but the rate of completed investigations is dismally low.

The majority of the allegations relate to "unethical behaviour", which includes arriving late to or leaving early from work; theft of departmental property; abuse of telephones, computers and so on. This is followed by allegations of fraudulent/irregular procurement transactions as well as fraudulent claims and qualifications totaling just over nine hundred. While these are allegations, some of them have proved to be true. They nonetheless point to the serious state of affairs with regard to the prevalence of corruption across the board. By this I mean in the public sector, private sector and civil society, as indeed we have the phenomenon of cross-sectoral corruption.

Utat' u Madiba, our former President Nelson Mandela, saw this coming already in his opening address to Parliament in 1999, when he made the point:



Professor Sangweni is the Chairperson of the Public Service Commission (PSC). The Office of the PSC also serves as the Secretariat to the NACF under whose auspices this summit was held.

"Our hope for the future depends on our resolution as a nation in dealing with the scourge of corruption. Success will require an acceptance that, in many respects, we are a sick society. It is perfectly correct to assert that all this was spawned by apartheid. No amount of self-induced amnesia will change the reality of history. But it is also a reality of the present that among the new cadres in various levels of government you will find individuals who are as corrupt as, if not more than, those they found in government. When a leader in a provincial legislation siphons off resources meant to fund services by legislators to the people; when employees of a government institution that was set up to help empower those excluded by apartheid, defraud it for their own enrichment, then we must admit that we have a sick society. This problem manifests itself in all areas of life."

Mr. Programme Director, Distinguished Delegates and Guests.

Let me say this: This is "A rather chilling welcome and introduction to this Third National Anti-Corruption Summit". Today I see emerging before us two categories of people in our society: The one category of innocent men and women of virtue who have discharged their duties responsibly and accountably as stewards over the resources destined for alleviating poverty among our suffering masses. These we need to protect and preserve as best as we can. God Bless our land for these!!

The second category is that of wicked men and women, the corrupt fraudsters who have siphoned millions, if not billions of Rands for their selfish ends from the state coffers for which they are responsible, thus depriving millions of our destitute people. They may be listening or even looking at me as I speak. These we do not need in our society.

This is not the space I would like my Ghanaian lady to watch; indeed, I cannot stand tall today as I look at this space!!

Distinguished guests, in welcoming you and introducing you to our Third National Anti-Corruption Summit let me say I trust that we shall build on the integrity of the majority of our women and men of virtue to reinforce the bulwark against corruption, and at the same time consolidate our strategies for combating corruption so that we can root out the wicked, corrupt fraudsters who have no place in our society. Let me also say that we at the Public Service Commission, having seen the vision of the NACF and nurtured it from its inception, stand committed to promoting and upholding the high values which are the foundation of our national integrity and which the NACF stands for. This is what the NACF hopes to achieve for our people.

2.3 OPENING AND WELCOME ADDRESS BY MR M SHILOWA

One is aware of conferences of this nature that take place from time to time. It is due to the importance of the issues that surround the theme of this conference that we have come together, namely to address the problem of corruption. We need to find resonance in the country where all of us, black and white, young and old, civil society, public and private sector collectively frown on corruption.

If we do not as a society frown on corruption we will not be able to combat it. One tends to look at corruption at the level of the public servant - as those who steal much needed resources from the people. In this way social security benefits come under threat; one cannot pay pensions; and the construction of housing cannot be finished on time as public servants have "helped themselves".



Mr M Shilowa was, at the time of the Summit, the Premier of Gauteng Province

However, one also needs to look at who works with the corrupt civil servants. We need to be able to say that we frown on any corruption committed by civil servants or by the private sector. We must also be able to deal with corruption committed by politicians or by a CEO of a business. As a country we must take a very dim view of such issues and practices.

It is important that we talk about this because we want to ensure that when we talk about an anti-corruption strategy, it means that the battle is joined by all throughout the country.

Everyone has a role to play in combating corruption; it is not just civil servants, trade unions and the other sectors of society. Many of us have committed what is often referred to as “minor acts” of corruption, e.g. the bribing of traffic police to avoid a traffic fine. In fact, there is no “minor” offence or act of corruption.

We also need to ask whether the problem is just with ourselves or whether it is also with institutions. We need to take seriously the reports regarding the public sector not adequately following up on information provided by the public via the corruption toll-free numbers. Perhaps we need to consider that institutionally we may just not be sufficiently ready to meet these challenges.

I also ask myself the question whether the problem in fact relates to the type of society that South Africa presently is - a society in which it is perceived that it is not hard work that provides the success that is sought. The perception is that life is more about the lure of “easy” money and the “easy life”, better cars and material consumption. However, our society with its high poverty and unemployment sees that the ability to lead “the good life” does exist and this realization goes together with the assumption that it is not something that one needs to work for with the result that one is willing to use means that are less than honourable in order to succeed.

At this Summit we must start from the basis of what has been discussed and agreed thus far and ask the question if these aspects have been implemented. Also, where have we failed and what has been the cause of such failure? This should prompt us as a society to ask of ourselves and of our sectors: “Have I done something to combat corruption?”

What should be the conclusion of the Summit? Hopefully this Summit will have a programme of action. However, not one that says “We the people”, but one that says: “As the private sector this is what we commit ourselves to do and this is how we will be accountable.” The trade unions similarly can commit to combating corruption, while the same applies to employers. On the side of government – appropriate legislation can be put in place, among other things. And lastly, the question remains as to what institutions we as society will strengthen in order to move forward on the various corruption matters that we need to confront.

2.4 KEYNOTE ADDRESS BY MINISTER G J FRASER-MOLEKETI

Corruption reinforces the banality of evil and its conceit lies in its ability to implicate, its complicity, its ability to violate the laws of nation states, flout international conventions and treaties and undermine democratic values and the democratic ethos. It thrives among those who subscribe to Thomas Hobbes’ view that “... *the basic condition of man... is a condition of war of every one against every one; that in such a condition every man has a right to everything; even to another's body*”. (Thomas Hobbes, *Leviathan*, Collier Macmillan, 1974, p 103).



Minister Geraldine Fraser-Moleketi was, at the time of the Summit, the Chairperson of the NACF and the Minister for the Public Service and Administration.

But is this really the value system conferred on us from time immemorial? If we agree with Hobbes, then corruption is nothing more than an extension of this natural right in a world where we are at war with each other. This logic, much vaunted even today, seeks to justify a world in which wealth, profitability and conspicuous consumption is pursued by individuals and corporations at all costs. Hobessian logic negates the very existence of an alternate value system based on the principles of *ubuntu*, humanity, caring and compassion towards others.

Corruption is anarchy that has been loosed upon the world in which we live. Chinua Achebe and many other writers in Africa including Ngugi WaThiongo and Ousmane Sembene all point to the importance of fighting corruption because it erodes the social fabric, undermines community and perpetuates poverty, inequality and underdevelopment. For these reasons alone, we must be resolute and steadfast in our fight against corruption in all spheres of society.

Corruption has been manifest in all historical epochs. It was Plato who warned us to “do no service for a present”, and Aristotle who said that “we become just by doing just acts”. What both Aristotle and Plato are addressing is corruption of values, the corruption of the soul of the nation, the institutions of democracy and the corruption of the individual. But more so, they are actually speaking loudly and vociferously about those who either in the spirit of triumphalism or in a backlash against progressive ideas and the reality of transformation seeks to undermine the values upon which we have built our democracy.

Robert Klitgaard, a former professor at the University of Natal, uses the Guatemalan experience to reflect on corruption and its pervasive influence on values: “When in a society the shameless triumph, when the abuser is admired, when principles end and only opportunism prevails, when the insolent rule and the people tolerate it; when everything becomes corrupt but the majority is quiet because their slice is waiting... When so much “whens” unite, perhaps it is time to hide oneself, time to suspend the battle; time to stop being a Quixote: it is time to review our activities, re-evaluate those around us, and return to ourselves.”

As we reflect on the root causes of corruption in the contemporary era we must return to the central values which have shaped our struggle for national liberation, the democracy we have built and the historic transformation project we have undertaken. Those on the left or on the right who accuse this government of nepotism, of racism, of sexism and of not being quick enough to transform the institutions of governance and administration and who do so without a shred of evidence to support their assertions need to reflect seriously on the unwitting corruption of our ideals and values.

It was the Freedom Charter, which succinctly articulated the values of our democracy when it proclaimed that “South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people”; and that “our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities”.

The values of equality, social justice, the right to rule based on the legitimate will of the people, service to the people without fear or favour, transformation of all the institutions of injustice, and transformation of a public service, are all embedded in the Freedom Charter. These values formed the basis of our struggle for national liberation and they inform our democracy and our democratic practice today. And the Freedom Charter, with immense foresight said “All people shall be entitled to take part in the administration of the country”; is this not about transformation to which this government has been deeply committed?

When the Freedom Charter says “All people shall be entitled to take part in the administration of the country” it is referring to the radical transformation of public administration and in particular:

- That the public service must reflect the demographic make – up of the population that it serves – and in fifteen years I can confidently say we have transformed the administration with a swiftness that is unquestionable and transformation will continue apace.
- That a democratic ethos must inform the values of public servants and as Plato says they must “do no service for a present “. Again I say with confidence, these are the principles of “Batho Pele” which we seek to instil in all public servants. These principles include putting people first, being open, transparent and honest and not corrupt.
- The administration of the state must work to advance the core values of our country – the values of non-sexism, and non-racism. It must consciously eschew all forms of chauvinism and discrimination both in service delivery and in the hiring of personnel.

It is this essence of the Freedom Charter that has found its way into our Constitution which is transformative and speaks of recognizing “the injustices of our past”. But this recognition brings with it obligations for the state and for public administration. In adopting the Constitution the state has to heal the wounds of the past, respect democracy; rule, based on the will of the people; respect fundamental freedoms and human rights; and improve the quality of life of all the people of South Africa, and realise the vision of a non-racial, non-sexist, democratic and prosperous South Africa where the wealth and assets of the country are more equitably shared by all.

The Constitution, like the Freedom Charter proclaims the equality of all and is highly transformative for it recognises that “To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken”. This is about making both public and private institutions representative of the people being served by these institutions.

The importance of governance and administration based on democratic principles including the rule of law and administrative law finds its most cogent expression in the Constitution. The basic values and principles governing public administration, enjoins us as follows: Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:

- 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 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 to achieve broad representation.

As a country we need to guard against the corruption of our values and we must exercise vigilance over self proclaimed guardians who corrupt our democratic ethos by labelling those they disagree with as sexist, racist and engaging in practices of nepotism. Corruption does not only take the form of the cash nexus; it takes the form of the corruption of values.

Early in our democracy when he was still Deputy President, Thabo Mbeki decried this very form of corruption at the 1999 Anti-Corruption Summit when he said: “The culture of entitlement, so prevalent in our community, has contributed to the “name it, claim it” syndrome where individuals seek an elusive moral justification for engaging in criminal activity. The deepening crisis in public values is largely visible in the lack of professional conduct from so many wearing the badge of public honour in the civil service. To meet the challenge of stemming the tide of corruption we need to march to the tune of a new song, the song of regeneration and rebirth, the song of our renaissance, the song signalling the birth of the “new public servant”.

At the Africa Forum on Anti Corruption in March 2007, we outlined seven important premises related to corruption. The first premise is that while corruption manifests itself in the relationship between individuals and institutions, corruption as a practice is rooted in the operation of market forces, the pursuit of individual prosperity and gain as opposed to the common good. This possessive individualism has undermined the goals and objectives of national and community-level development.

Our second premise is that corruption is fundamentally undemocratic; it undermines the legitimacy and credibility of democratically elected governments and of responsible and accountable civil servants.

The third premise is that corruption is about the interface of political and economic elites at a global, national and regional scale.

Our fourth premise is that the intentional preoccupation in the global corruption discourse with bribe takers and bribe - givers and particularly with bribe takers is disingenuous, ideologically loaded, and simplistic and certainly serves other agendas that are not linked to developmental goals. This discourse needs to be challenged precisely because it overlooks the complexity of the social forces, systems, processes and structures which underpin acts of corruption. It also needs to be challenged because as democratic states in Africa continue to strengthen the fight against poverty and underdevelopment, this preoccupation detracts from the broad goals of development.

The fifth premise is that corruption is a direct impediment to Africa's development. Corruption hurts the many and benefits the few. It inhibits the ability of government to respond to citizens' needs and to utilise scarce resources in the most efficient and effective manner. It takes away resources from priority areas such as health, social development and education. It also hampers the continent's efforts to instil sound political, socio-economic and corporate governance.

The sixth premise is that corruption is systemic, and the focus must therefore be on effects rather than intentions. The effect of corruption is that it undermines the value system, the norms and the very cohesion of society. It may not be the intention of the corrupter to engage in practices that undermine the values of the nation state and the values of community; but it has this effect, regardless of intent. Corruption distorts and undermines the value systems of all societies and their peoples and possessive individualism overrides any sense of the common good.

The seventh premise is that an anti-corruption strategy must be articulated by leaders in the political, economic and civil society spheres and must engage all sectors of society on the basis of a core set of leadership practices and values. If, as we have argued, corruption has a deep and lasting impact on the very core values of society, then an anti-corruption strategy must articulate an alternative ethos and value system.

Corruption engenders perverse political dependencies, lost political opportunities to improve the general well being of the citizenry and fosters a climate of mistrust particularly of public officials. The losses that accrue from a culture of permissiveness with respect to corruption include a loss of revenue, loss of trust, loss of values, loss of credibility and legitimacy and a loss of the democratic ethos and impulse within institutions and organizations.

Corruption erodes the "common good" and the "People's Contract".

Under conditions of democracy, the state needs to take the lead in combating, preventing, managing and eliminating corruption. The political cost of corruption is that it undermines democracy, weakens the developmental state and undermines responsibility, accountability and legitimacy. In eroding the "People's Contract", corruption alienates citizens from the very officials they have elected and also alienates people from each other. Corruption weakens democratic processes, public order and undermines the ability to fight for reform. Corruption destroys trust and erodes both the sense of global citizenship and the sense of shared responsibility as well as national citizenship and the sense of social cohesion.

Developmental states are about the interface between the political, economic and the bureaucratic elites. Democracy keeps politicians honest and accountable while sound corporate governance and systems of accountability keep the economic and bureaucratic elites honest. Central to the developmental state is the strong interface between key state actors, institutions, business and civil society. As the

developmental infrastructure is created, the interface intensifies, and there must be requisite levels of trust to ensure that public goods and resources are well managed and not squandered. The interfaces between politics, economics and the bureaucracy must be kept clean.

Critical to this is firstly reclaiming a value system that sees the individual as part of a broader community. In the South African context we talk about *ubuntu*. In kiSwahili we talk about *ujamaa*, the values that relate to neighbourliness and *utu*, possessing the values of a human being, humanity and cooperation. The word *ubuntu* comes from the Zulu and Xhosa languages. A rough translation in English could be “humanity towards others.” *Ubuntu* also means “I am what I am because of who we all are”. The Zulu maxim is *umuntu ngumuntu ngabantu* (“a person is a person through other persons”). *Ubuntu* is “The belief in a universal bond of sharing that connects all humanity.”

By combining the many complementary meanings of *Ubuntu*, we are in fact saying that we are human by virtue of doing for others and not just ourselves. This must be the essence of a value system that underpins our commitment to anti-corruption. This is the spirit we must continue to encourage in all sectors of our society. This is the spirit that is necessary for the creation of a socially cohesive and inclusive Africa.

Secondly, we need strong robust democracies where all sectors of society including the media and organizations of civil society, private sector, trade unions and faith based organisations have a responsibility to educate and promote the values of *ubuntu* and anti-corruption.

Thirdly, there is the need for the establishment of a professional meritocratic public service that is able to uphold the values and principles of democracy, good governance and *ubuntu*.

Government intervention in the economy to promote development implies extensive interaction between politicians, bureaucrats and business people. The interaction could take the form of collaboration, collusion and corruption, or all of these. The experience of developmental states across the globe has problematised the close relationship between government and business. It can be seen as benign collaboration or crony capitalism or corruption. In pursuing a development agenda the collaboration between government and business is critical, because information exchange is a prerequisite for effective policy formation and implementation. A professional, meritocratic bureaucracy is a key condition for preventing collaboration from degenerating into collusion and corruption. But the bureaucracy itself must also be steeped in a strong code of conduct and a code of ethics. These codes need to be implemented and rigorously enforced. Similar codes must be established, implemented and rigorously enforced for elected officials and for the corporate sector.

The public interest which is central to public administration has to be an integral part of the democratic process. The standard by which we address the public good is the dual imperative of historical redress and socio-economic improvements in the well being of all our people. Judged against this dual imperative, public servants are under a constitutional obligation to assess their performance and conduct as well as their discretionary powers against their effectiveness in meeting the moral imperative that is serving the public with integrity and free of corruption. But this also requires an examination and re-examination of performance and this kind of introspection allows one to get at the corruption of values and allow for an honest assessment of service to the people.

Corruption is more likely to be found under conditions where policy failures have increased redistributive pressures to address inequality than where development policies have been successfully implemented by a meritocratic bureaucracy, thus decreasing inequality. The deepening of democratic institutions is likely to reduce corruption due to enhanced monitoring and accountability mechanisms. These are critical elements of National Integrity systems that link values and principles of good governance with the institutional structures and practices that give effect to these values.

Good governance is a prerequisite to preventing and combating corruption, while corruption undermines good governance. Corruption can therefore be viewed as a governance challenge. The concept of a National Integrity System is fundamental to the development of an anti-corruption discourse. It comprises the building blocks necessary for the long-term fight against corruption and other forms of unethical and anti-social behaviour. Its core elements are constituted by a society's value system.

The National Integrity System's values must permeate the structures, practices and principles of the state, the corporate sector and civil society. These values include accountability, transparency, equity, efficiency, developmentalism, and fundamental rights and freedoms including freedom of speech, access to information, democracy and participation.

A national integrity system must of necessity be built on the following:

1. A strong code of ethics in the workplace;
2. The political will to enforce this ethos;
3. Transparency and accountability of public servants both for the service deliverer and for their work ethic – for to work inefficiently and ineffectively while our people stand interminably in queues is to be unethical;
4. Rewarding exemplary conduct;
5. Managers should lead by example and they must abide by the highest of ethical standards;
6. Subjecting misconduct to disciplinary sanctions.
7. The training of public servants in integrity, conflict of interest and a democratic ethos should be a high priority;
8. The training of public servants in both administrative and constitutional law; and
9. According a high priority to the public interest and serving the public.

These are the essential preconditions for the elimination of corruption, conflicts of interest and malpractice in the public sector. As President Mbeki said, "Recent years have seen corruption become the misdirected juggernaut of society. In our country, it has succeeded in infesting our shared value system with moral decay and winning the hearts and minds of many a public servant. Not only those who exercise public power but large sections of the citizenry as well have been engulfed by the corrupting tentacles of this wayward beast that is threatening to destroy the soul of our nation and the very basis of our democracy."

I would like to acknowledge initiatives such as "Know Your Services Rights" launched by our Government early this year. This initiative is instrumental in educating and creating awareness about the rights of our people to services provided by Government. The NACF launched an awareness and communications campaign in 2007 and 2008. The aim is to create awareness around our anti-corruption legal framework. This initiative of the NACF is highly commended, as is its many other achievements since the last national Summit.

I trust that this important Summit will help us in coming up with a new and vibrant plan of work with defined responsibilities and accountability arrangements that will allow the NACF to rise to the challenge of a national consensus against corruption. Most importantly, the work plan should include indicators to assess the efficacy of the NACF as an inter-sectoral mechanism to raise awareness, prevent and fight corruption.

Conclusion

We can all agree that corruption undermines democracy and negatively impacts on sustainable growth and development. The most effective antidote to corruption therefore has to be a strengthened National Integrity System (NIS) that puts issues of good governance in all the spheres of society, the political sphere, the corporate sector and in civil society, thus at the very heart of the anti-corruption project.

The perception discourse that focuses on the corrupted and the discourse of blame that focuses on the North do little to illuminate the complexities hidden beneath the surface. They are simplistic and glib and avoid a more holistic approach that is structural and systemic and looks at social forces that are conjunctural. A structural approach to corruption is a far better point of entry into the debate for it locates corruption precisely at the interface between the public and private sectors and thus allows us to focus our attention more sharply on the critical issues that confront us today.

As we engage more rigorously in our analysis of corruption, let us imagine a world that exists without corruption. Let us exercise leadership and judgement in the building of a world that rests on the principles of *ubuntu*. This is not impossible; it must be our reality.

