

**REPORT**  
**UNDP/UNDESA ROUNDTABLE ON ETHICS IN THE PUBLIC SERVICE IN**  
**AFRICA**  
**12<sup>th</sup> FEBRUARY 2001, PRETORIA**  
**SOUTH AFRICA**

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## **Background**

During 1999/2000, the UN Department of Economic and Social Affairs (UNDESA) carried out a regional project on public service ethics in Africa, funded by the UNDP Regional Bureau for Africa. Ten Sub-Saharan countries (Cameroon, Gabon, Ghana, Kenya, Madagascar, Namibia, Nigeria, Senegal, South Africa and Uganda) participated in this project.

The aim of the project was to support the Governments in these countries to improve the management of ethics in the public service through surveying existing policies and programmes, and through systematically collecting information on areas of concern and reform proposals. The findings and regional recommendations of this project are disseminated in the form of a comparative regional report, ten country reports and a database application which contains the survey findings, background documents and address material.

At the country level, the information collected in the course of this project offers a platform for further discussion of concrete policy and funding recommendations in the field of public service ethics and the fight against corruption for the participating national governments and their development partners. To facilitate this discussion process, the UNDP country offices will host national roundtables in each country.

## **Executive Summary**

In South Africa, the UNDP country office represented by Mr Dumisani Mngadi, hosted a Round Table discussion on 12<sup>th</sup> February 2001 in Pretoria. This was the first such national report-back to participant countries in the study and forms a pilot for other such meetings to be held in the region. Representatives of government institutions, NGOs and other stake-holders, identified in the study as the key institutions in the national ethics infrastructure, were invited to attend the meeting (see end for agenda and list of participants). The meeting provided both

a feedback mechanism to stake-holders who had participate in the study and created the opportunity to update sectors on various initiatives being championed in specific areas to prevent corruption.

Having welcomed the 20 participants to the meeting, a presentation on the project findings for South Africa in their regional context was given by Dr Stefan Lock from UNDESA with input from the national consultants, Lala Camerer and Salim Latib. A substantial part of the roundtable chaired by Dr Daryl Balia of the Public Service Commission, focused on a discussion of the ten recommendations listed in the country report.

This report captures the discussion relating to recommendations made in the South African country report by the national consultants which highlight a number of significant challenges and potential areas of intervention and support for government and UN agencies.

### **Discussion of Recommendations**

The main purpose of the meeting was to collect specific recommendations and identify areas for further programme and project activity in South Africa for future considerations for funding and implementation. It is hoped that feedback from participants on the draft report will provide further detail on how to carry forward the country recommendations by interested parties.

This report reflects the systematic approach adopted in the workshop where each of the ten recommendations were discussed and an opportunity provided for updating respective projects and activities relevant to each recommendation. Where there are potential areas for UN agency support, these are highlighted. The ten specific recommendations that feature in the South Africa country report and provided a framework for the general discussion are:

- 1) Research on ethics and anti-corruption controls in local government.
- 2) A comprehensive national survey of corruption to capture base-line data on the nature and extent of corruption within the public service in South Africa.
- 3) A comprehensive review of legislation and the training of prosecutors around the enforcement of the existing criminal code on corruption.
- 4) Investigation and implementation of a regularised system of disclosure for certain classes of officials, including the disclosure of political party funding.
- 5) A review of the impact of the current devolution of accountability and responsibility in the public service on ethics and corruption.
- 6) An audit of the available codes of ethics at different levels of government, in different departments and amongst professional associations.
- 7) Focused training supported by clear and simple guiding manuals for officials acting against corruption and unethical practices.
- 8) Support for the establishment of an anti-corruption co-ordinating mechanism at the national government level

- 9) Training in investigating corruption and promoting ethics for journalists.
- 10) Educational packages for public information campaigns on the negative impact of corruption.

### **1: Research on ethics and anti-corruption controls in local government.**

The prevalence of corruption at local government level was noted in particular with regard to its impact on service delivery. Concerns were raised about the ethical framework which regulates this level of government (see recommendation 5) for it appears that with governance trends towards decentralisation, there is a broad regulatory framework within which local councils initiate their own unique regulations. Recent examples in South Africa of councilors raising salaries were mentioned as disturbing trends. The Public Service Commission noted that whilst they formally have a national and provincial mandate there is nothing, other than resources, that is stopping them from extending their mandate, in particular their work around the code of ethics to local government. The South African Local Government Association (SALGA) has recently developed a code of conduct for councilors. Within the public service as a whole the Department of Public Service and Administration is making efforts to align all regulations including the new Municipal Systems Act.

With regard to research on ethics and anti-corruption controls in local government there may be scope to tie in with the ongoing UN programmes on local governance and capacity building and work in partnership with UNDP projects focusing on results-based management for governance.

### **2: A comprehensive national survey of corruption to capture base-line data on the nature and extent of corruption within the public service in South Africa.**

In South Africa no real data on both levels and incidence of corruption in the public service exists. Whilst a number of public opinion/perception surveys such as those conducted by the Institute for Democracy in South Africa, Institute for Security Studies and Transparency-South Africa exist, a comprehensive national survey focused on corruption issues is considered a priority intervention for information driven policy reforms.

The United Nations Office for Drug Control and Crime Prevention noted that as part of the Global Programme Against Corruption in South Africa they would be conducting a comprehensive assessment of corruption. The Public Service Commission reported back on the Transversal Integrated Monitoring and Evaluation System (TIMES) where all departments would provide information to the Public Service Commission in order to enable them to manage risk, including corrupt practices. In addition, the Office of the Auditor General reported on information they had available on the number of corruption cases over a specific

period which had occurred in particular departments and the type of action which had been taken.

Designing the appropriate tool to capture base-line data on the nature and extent of corruption within the public service in South Africa will require co-operation and expertise from existing agencies such as the Public Service Commission and the Office of the Auditor-General. It is clear that this recommendation will build on the findings of the UNDESA survey and country report for South Africa.

**3: A comprehensive review of legislation and the training of prosecutors around the enforcement of the existing criminal code on corruption.**

The necessity to review the broad range of corruption legislation including for example legislation such as the administrative justice act was noted. In particular the ineffectiveness of convicting people under the existing Corruption Act was referred to. There have been some recent initiatives to review legislation with the tabling of several private members Bills in parliament on corruption-related legislation. As part of the Global Programme Against Corruption in South Africa UNODCCP will be conducting a review of corruption legislation, including special anti-corruption laws. The Open Democracy Advice Centre (ODAC) in Cape Town whose purpose is to offer advice to citizens and training to organisations wanting to access information using the Access to Information Act, or make disclosures of information about corruption in the workplace, using the Protected Disclosures Act, was referred to.

Training of prosecutors around the enforcement of anti-corruption legislation is a recommendation that might be able to benefit from existing UN criminal justice programmes.

**4. Investigation and implementation of a regularised system of disclosure for certain classes of officials, including the disclosure of political party funding.**

Systems of financial disclosure amongst public officials are in place in order to prevent conflicts of interest from arising. Current systems in South Africa for certain categories of politicians and civil servants are not uniform. Efforts are underway to ensure effective implementation of the disclosure requirements which might benefit from international experience. Whilst the current disclosure requirements only extends to individuals, disclosure around the sources of party political funding forms part of an international trend and is something which the report recommends. The recent civil society campaign launched by the Institute for Democracy in South Africa (IDASA) to promote transparency around who funds political parties was noted.

**5: A review of the impact of the current devolution of accountability and responsibility in the public service on ethics and corruption.**

Various public service reforms in South Africa are based on assumptions of a mature and common ethos of public service, something which cannot be assumed in the South African context. As such the implications for corrupt behaviour amongst public servants if various powers and authorities are devolved to managers and institutions without the necessary training and experience was discussed at some length.

This may be a potential area for UNDP/UNDESA intervention, drawing on comparative experience of the challenges posed by devolution of power and accountability mechanisms in place internationally within the public service to prevent corruption.

**6: An audit of the available codes of ethics at different levels of government, in different departments and amongst professional associations.**

The discussion highlighted a variety of different codes of conduct which operate at various levels within the public service. Codes of professional associations such as the Institute for Personnel Management also prevail and in certain instances public servants may be affiliated to other professional codes such as medical doctors. The Office of the Auditor General is currently undertaking an audit of the data available in all government departments on various codes. This will be completed within the next few months once physical verification has taken place. The Ethics Practices Survey for South Africa involving the accounting firm KPMG, the Public Service Commission and Transparency-South will reveal further information on ethical practices in all sectors. Since April 1999, the business sector has developed a code of business ethics known as SANCODE which has been widely publicised. The King Committee on Corporate Governance is currently developing a new report on corporate governance and business ethics which will be available in June 2001.

**7: Focused training supported by clear and simple guiding manuals for officials acting against corruption and unethical practices.**

Officials within the South African public service do not have clear and simple guiding manuals outlining action to be taken against corrupt practices. The comparative expertise of Australia and Hong Kong in producing this type of training material was noted.

Supporting training initiatives and developing training manuals for public service officials is an important area which UN agencies could potentially support.

## **8: Support for the establishment of an anti-corruption co-ordinating mechanism at the national government level**

Participants agreed that there was a strong need to co-ordinate the various bodies, agencies and institutions who were engaged in anti-corruption activities. The Ministry of Public Service and Administration and Justice are in charge of co-ordinating the government's anti-corruption strategy and will work with the National Anti Corruption Forum, a cross sectoral initiative based on a Memorandum of Understanding aimed at building a national consensus around the fight against corruption.

UN agencies may be in a position to support South Africa with this co-ordination task.

## **9: Training in investigating corruption and promoting ethics for journalists.**

The role of the media in fighting corruption was highlighted. There is an international trend where government's in some countries run training programmes for journalists on how the public administration system and the institutions of public service actually work. The UNODCCP noted that as part of their regional mandate they would be running a seminar in SADC countries on anti-corruption investigating strategies which would include journalists. The Australian government through AUSAID is sponsoring a 2-3 day capacity building training initiative with the public service on anti-corruption issues in July 2001.

Training and capacity building for journalists and the media in general around corruption issues is an area of possible intervention for UN agencies.

## **10: Educational packages for public information campaigns on the negative impact of corruption.**

Training manuals for schools were highlighted as an important public education tool. The Government Communication and Information Service (GCIS) has done some research on this and it was proposed that in collaboration with National Anti-Corruption Forum the media, schools and the public at large be informed of the government's anti-corruption campaign.

Dedicated public information and education campaigns to fight corruption will be a task of the National Anti-Corruption Forum which could benefit from UN agency support.

An additional recommendation was the following:

## **Review of salaries within the public service**

A suggestion was made to assess how much the public service participates in the total employment rate of the country in order to recommend policies around public service compensation vis-a-vis economic structure as a whole. The Department of Public Service and Administration has a number of documents reflecting the public service impact on the economy including wage gap issues.

In the course of the discussion, other anti-corruption initiatives underway both regionally and internationally were mentioned. These include:

- An international convention against corruption which will build on various regional conventions and include sections on prevention and control.
- The SADC Protocol on Combating Corruption is in its final stages of development. At the end of March a ministerial meeting on both corruption and transnational organised crime issues will be held within SADC.
- The establishment of the Southern African Forum Against Corruption (SAFAC).

## **Conclusion**

From the meeting three key issues emerged, namely:

- The co-ordination of anti-corruption initiatives
- The implementation of existing public service reform initiatives
- The need for training programmes on public service ethics issues and corruption for all levels of government.

Attention was drawn to the Windhoek Declaration committed to by 38 African countries and the leading role that South Africa through the Ministry for Public Service and Administration had played in the overall conference process. In this regard it was important to hold government accountable in terms of commitments made to the fight against corruption.

The UNDP in South Africa's governance point of contact thanked participants for their attendance and noted that the key issues which had been raised such as implementation and co-ordination did not surprise UNDP. Co-ordination was vital as well as leadership of the anti-corruption initiative.

UNDESA expressed the hope that the findings of the study were useful to the countries involved and could stimulate further activities.

## Appendix 1: Agenda

**AGENDA**  
**National Report back on Public Service Ethics in Africa**  
**12<sup>th</sup> February 2001**  
**HSRC Forum B**  
**Pretoria**  
**South Africa**

- 9h30**            **Tea and Welcome of Participants**
- 10h00**            **Introductory Remarks**
- Mr Dumisani Mngadi, UNDP South Africa  
Dr Stefan Lock, UNDESA New York  
Ms Lala Camerer, ISS, National Consultant
- Chair: Dr Daryl Balia, Public Service Commission
- 10h15 -**            **Overview of Project and its Context**
- Dr Stefan Lock, UNDESA New York
- 10h45**            **Selected Findings and Recommendations: Comparative Overview and Focus on South Africa**
- Dr Stefan Lock, UNDESA New York  
Ms Lala Camerer, ISS, National Consultant
- 12h00**            **Discussion on Recommendations in Country Report**
- 12h55**            **Closing Remarks**
- Mr Dumisani Mngadi, UNDP South Africa  
Dr Stefan Lock, UNDESA New York  
Ms Lala Camerer, ISS, National Consultant
- 13h00**            **Lunch**

## Appendix 2: List of Participants

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Lala	Camerer	ISS	021- 461 7211	021- 461 7213	<a href="#">La</a>
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Sune	Griesel	Public Protector	083 284 2848	322 5093	<a href="#">Su</a>
Stefan	Grobler	SAPS	421 0773	421 0782	<a href="#">Gr</a>
Arie	Hoekman	UNDESA	338 6772	338 6747	<a href="#">Ah</a>
Ruan	Kitshoff	DPSA	314 7009	321 6946	<a href="#">Ru</a>
Salim	Latib	DPSA	082 789 3938	082 131 789 3938	<a href="#">Sa</a>
Stefan	Lock	UNDESA	212 963 4533		<a href="#">Lo</a>
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Dumisani	Mngadi	UNDP	338 3740	338 4353/4	<a href="#">Du</a>
Sibongile	Mzinyathi	IDSEO	320 6000	320 6155	<a href="#">Sn</a>
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Ugi	Zvekic	ODCCP	341 8971	341 8969	<a href="#">Uz</a>