The Extermination of Ethical Decorum within Local Government in South Africa: Is it a Total Fiasco?

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Abstract: This paper investigates the death of ethical integrity within the local government. In that, the purpose of the paper is to vigorously critique the weakening ethical behaviour in local government. The paper derives its thesis statement following the dilution on the effectiveness of local government to render services to its constituencies and the recurring monstrous misbehaviour of those occupying public offices. Meanwhile, at the current juncture, South Africa is sinking deep into the pool of tripartite grief of socio-economic aspects. What is of a concern is that the "ethics" which are part of leadership are overlooked because of self-ambition of public servants. Notably, the public office bearers continue to engage in evil activities that have a direct impact on the daily functioning of local government. A worrying factor is that tender-awarding processes and procurement are at the realm of the people whom in political line say, "They know processes". Such processes are the ones concealing corruption. Failure to adopt ethical integrity reveals a dysfunctional and moribund of local government. Pragmatically, the state of local government in the country is in crisis, wherein people persist to languish in dreadful conditions of life and remain destitute in an epoch of democracy. These elements are as the repercussions of the death of ethics in the municipalities. The paper is informed by the recent corruption and maladministration scandals transpiring in the different municipalities to empirically strengthen its argument. The paper uses literature-based methodology to critique in detail the extent in which the death of ethics affects the functioning of local government and service delivery. The paper further recommends mechanisms to strengthen internal governance to ensure the adherence to ethical fundamentals in local government.

Keywords: Democracy, Ethics, Local government, Public servants, Service delivery

1. Introduction

Unethical conduct by public officials has lately gained the attention of governments around the world (Zitha & Mathebula, 2015). According to Manyaka and Sebola (2013) unethical conduct by public servants has triggered a prevalent global discourse on good governance that is underpinned by a call for governments to be proactive in the fight against corruption. The South African constitution commands public officials to abstain from abusing public trust and conduct themselves in an ethical and respectable manner (Matsiliza, 2013). Notwithstanding the pieces of legislations and development of policy frameworks, there is an alarming quest to combat corruption and enact professional behaviour and the conduct of public officials. Hence, the society and scholars continue to witness unethical conduct in South African public sector (Manyaka & Sebola, 2013). Matsiliza (2013) postulates that the contemporary protests are reflected as a source of conflict when local government officials allegedly fail to discharge their duties and abuse public trust. According to Mathebula (2014), Matshabaphala (2014) and Theletsane (2014), Ethics refers to "a system guiding conduct, upholding such conduct in the workplace, while in theory is closely linked to professionalism in the public service and places more impetus on human conduct".

The adherence to the ethical norms equates to good governance. That means, when one follows the rules and procedures of the organization, the efficiency and effectiveness of the organization would be fulfilled. However, the guestion of ethical behaviour remains contentious as there is an increase of unethical cases in local municipalities (Ondrová, 2017). Hence, ethics in public administration are broadly discussed not only in literature but also from pragmatic point of view. According to Orlic and Ilica (2004) public administration is normally evaluated based on ethical or unethical conduct of public office bearers. Meaning, ethics are at the core of a functioning public administration. Thus, public servants should enforce and apply ethical behaviour in the execution of their duties.

2. Conceptualisation of Ethics within Local Government in South Africa

The term "ethics" is derived from the Greek term 'ethos' which means the characteristics' spirit of a culture, inner disposition or morality (Lategan & Le Roux, 2010). Ethics can be defined as moral system of a school of thought. It has to do with the application of morals and values of people's behaviour (Matsiliza, 2013), however, the term 'ethics' remains vastly argued as it has been defined differently by different authors (Manyaka & Sebola, 2013). This paper locates a discussion on public service ethics in a context of local government. The discourse on ethics propels public officials to be obliged by motives of duty and moral standards by considering the principles of accountability, responsiveness and commitment to public service duties.

It is important to fathom that the code of ethics is a requirement for good governance in South African local government (Ababio & Vyas-Doorgapersad, 2010). Ababio and Vyas-Doorgapersad (2010) state that ethics are concerned with what is essentially human in our nature. Ironically, thinking and acting in an ethical manner means that individuals make themselves witnesses to what positively distinguish humans in as far as "the quest for dignity" is concerned. Ethics, therefore, are not about the self in isolation but fundamentally about treating people with dignity despite their social and economic standards. The concept of ethics in South African public sector has attracted substantial interest among practitioners, scholars, politicians and members of the society and the public in general (Manyaka & Sebola, 2013). The escalation in attentiveness can be credited by an increase in unethical conduct of most of the public servants, which undermines good governance. The South African municipalities have implemented a code of conduct for councillors to enhance the code of ethics. In that, councillors in all municipalities in the country have to abide by the code of conduct which requires them, among other things, to declare their financial interest, and to report back to the constituencies regularly (Ababio & Vyas-Doorgapersad, 2010).

3. The Death of Ethical Leadership in the Municipalities

The absence of ethical culture's possibility for corruption and maladministration can be in high levels (Matsiliza, 2013). Local government officials

are confronted by a variety of ethical issues and dilemmas. Ethical leadership has been the most considerable form of governance in both private entities and government sector (Tanner, Brugger, Schie & Lebherz, 2010). That is to allude that ethical leadership becomes a panacea to the recurring of ill-governance in the municipalities. It does so in curtailing the government employee absenteeism, corruption, maladministration, misconduct and enhances the performance of the local municipalities (Piccolo, Greenbaum, Hartog & Folger, 2010).

To be more pertinent to the current discourse about ethics, it is important to highlight that people who possess ethical leadership are more qualified and take on the opportunities to ensure the headway of the organizations (Rubin, Dierdorff & Brown, 2010). Ethical leadership provides a space for the adherence to the rules and principles that controls the moral decorum of the public servants (Wiid, Cant & Van Niekerk, 2013). In other words, ethical behaviour is doing what is morally right, following procedures and such would subsequently lead to the effectiveness of the local government (Okafor, 2011; Riley, 2012). Ethics could be the foundation of the functional entity and dictate the performance and the quality of services nor the outcomes of the municipalities in delivering basic services to the people.

Apparently, ethical leadership is disappearing given the issues of poor service delivery and massive corruption in South Africa. Hence, South Africa is built on the back of protests and a mass revolt against the local government in poor service delivery to the communities. Despite the assertions made by Brown, Trevino and Harrison (2005), Brown and Trevino (2006), Saban (2011) and Eisenbeiss (2012), that ethical leadership is seen as a fair, principled and follow ethical procedures, local government continues to languish in a pool of corruption because of poor ethical behaviour from public servants. Hence, the under-performance of the local municipalities continues to slow down the economic progress and poor service delivery. The primary reason for this is the absence of fairness, accountability, honesty, integrity, trustworthy and reliability in local government (Lu & Guy, 2014).

One can note with an objective view that the ethical standards which are set out in government to govern the affairs of the country are circumvented and creating a space for interference in political connections and thus leading to ill-governance, maladministration and nepotism to name a few. Wherever and whenever politics are involved in the affairs of administration, normal processes are compromised, flawed and violated to serve their own selfish benefits. Evidently, the Auditor-General of South Africa (AGSA) report indicates that the officialdom in 97 (42%) of the municipalities awarded tenders to the close members of their family (AGSA, 2018). That is because of the weakening of ethics in local government. Yukl (2002), states that ethical leaders are moral and responsible people. The author is corroborated by Brown et al. (2005) that such moral leaders distinguish themselves from a lay man in setting and promoting ethical standards, modelling them into actions and decisions and making effort to do their job right. Equally, ethical leadership would assist the public servants to reduce the destructive and loosing focus and refocusing their energy towards engagement and execution of their responsibilities (Lu & Guy, 2014).

It must be vehemently emphasized that leadership is aligned with the principle of social learning theory; that an ethical leader is a charismatic one, who persuade his/her followers to engage in ethical activities (Bandura, 1986). Conspicuously, the decorum of public servants in local municipalities antagonizes the latter point due to the ill-governance of local municipalities. Plinio, Young and Lavery (2010) extend this sentiment further to define the tendency as poor ethical decorum and absent ethical leadership. On the same line, public servants recruit and mobilise their fellow camaraderie into what is popularly known as "political factions" in South Africa not ethical leadership.

One can vividly note that leadership within the municipalities is convoluted and further contaminated with politics of camaraderie or comradeship, which means that the merit system of personnel is not taken into cognizance because of political interference. Apparently, when one assumes the position of leadership, they already had malice intent to accumulate as much as possible for their selfish interests. Consequently, the Bushbuckridge Local Municipality experienced irregular giving of vehicle registrations certificates and licenses by the officialdom of the municipality (Special Investigating Unit, 2015). This is corroborated by Padilla, Hogan and Kaise (2007) and Schaubroeck, Walumbwa, Ganster and Kepes (2007), with a stance that unethical and toxic leaders exploit the loopholes at the

managerial level and satisfy their personal needs at the expense of the organization. The paper submits that the behaviour is characterized by the spirit of narcissism and self-aggrandizement which kills the ideals and principles of moral and ethical behaviour.

In South Africa, leaders are seen as demagogue who chant the political slogans and when are interrogated on the local economic development of their areas of jurisdiction, they are unable to account because they are ignorant and selfish. Hence, all this fall and rises on ethical and moral degeneration. Toor and Ofori (2009) extend this further to say leadership that lacks ethical decorum is in fact dangerous, toxic and to a larger degree destructive. Moreover, unethical leadership instigate confusion and "anarchy" within the local municipalities. To that end, public servants become invincible and create a culture that they are permanent employees of their positions. However, Toor and Ofori (2009) postulate that religious leaders, community leaders, philosophers and the greatest "thinkers" of the antiquity vehemently put emphasis on the significance of ethics and morals for leaders if good governance was to be materialized. The subject of "morals and ethics" has been a discourse for the past decades (Dion, 2010a). What has caused interest of ethics in this paper is the dilution of local municipalities' under-performance to deliver services and ethical misbehaviour of the officialdom. The predicaments of ethics in the municipalities have become a focal point of engagement and a ubiquitous dilemma in South Africa for the executives and public office bearers (Fulmer, 2004). The aftermath of poor ethics and morals in the municipalities instigate innumerable corruption scandals which take place at the local municipalities.

4. Corruption of Ethics

Corruption is tantamount to unethical behaviour which provides a leeway for individuals to engage in sinister activities that impair on the performance of the municipalities and, to a larger extent, the government. Corruption implies the one who ill-uses his/her authority, power or position and normally contravene with the policies and legal principles that governs the organization. Dion (2010b) postulates an assertion that corruption is done in secret for personal accumulations in status, wealth or preferment of friends or colleagues. Corruption is a broad concept that is cumbersome to measure. Hence, there is a contestation around the phenomenon

of corruption recently about who is corrupt and who is not. For instance, the society or the public views those who steal and engage in ill-behaviours and shenanigans as corrupt, but those who receive from the corrupt as guiltless. That is why most of the scholars concentrate on corruption itself than the agents who are embroiled in this phenomenon (Dion, 2010b). Corruption is offensive and always detrimental to the performance of the organization.

The paper refers to Aguilera and Vadera (2008) to describe three types or organizational corruption. Firstly, there is a "procedural corruption" which is caused by employees not adhering to the legal and mandatory ethical and moral standards as set out by the organization; secondly, "schematic corruption" which implies that the organization engages in regular payoffs and bribery to politicians and government officials for establishing businesses. The researcher relates this case (schematic corruption) to the tender awarding processes wherein the politicians, friends and public servants would collude and conspire with bad malice interests to negotiate the tender processes in South Africa. Corruption at this level could be called *modus operandi*. Lastly, "categorical corruption" is the one that takes place in which the multinational corporation with divisions get business deal from other countries using corrupt or unethical behaviour to survive. In South Africa, such categorical corruption is tantamount to state capture. For example, a case of the Gupta's family who managed to unethically acquire the business deals from the government during the administration of former president Jacob Zuma becomes a categorical corruption (Bhorat, Buthelezi, Chipkin, Duma, Mondi, Peter & Friedenstein, 2017).

To be more specific, procedural corruption and schematic corruption are picked to briefly describe and characterize the state of the local municipalities due to poor ethical behaviour. It must be stressed out that the prevalence of procedural corruption in local municipalities subsequently becomes the corruption of principles (Zekos, 2004). In that, ethical principles are swept under the carpet and public servants in the municipalities fail perpetually to adhere to the "Batho Pele Principles" as their daily guidelines to perform the functions of the government. Ethical dilemmas are alarming in South Africa as there are rampant corruption cases, all because of corruption and extermination of ethics being a total fiasco. Moreover, the schematic corruption provides a leeway for political factions to convolute and contravene the legal processes of getting business deals from the municipalities. Hence, the AGSA report indicates the 92% of the municipalities do not comply with the key legislations (AGSA, 2018). As a result, there are corruption cases in the municipalities because of violating the legislations in South Africa.

5. The Prima-Facie Corruption Cases in South African Local Municipalities

It would appear to the public eyes that public servants particularly in municipalities have found solace in stealing (Dion, 2010b). Corruption Watch (2018) found out in their investigations that corruption is rampant in local government, particularly in the current democratic dispensation. The investigations from the Corruption Watch (2018) revealed that corruption is so massive and inevitable in the process of procurement irregularities which makes 45.3%, the highest as compared to all other associated types of corruption. Secondly the report indicates that 20.9% of corruption cases are found to be in the irregularities of employment. Unequivocally, the report is further substantiated by the findings of the Auditor-General.

The Auditor-General of South Africa (AGSA), Kimi Makwetu, in a report, presented incontrovertible evidence that the South African municipalities are at their weakest point in terms of financial management. Accordingly, the Auditor-General in a report indicates that from 257 municipalities only 18 municipalities received clean audit report (Mthetwa, 2019). That is because of the normalization of corruption within local government. A lot of suspicions and alarming corruption have been raised in different local municipalities.

The Democratic Alliance (DA) in 2019 has logged serious allegations and corruption scandals in Greater Tzaneen Municipality; that the municipality had two tenders as the Maloti and Codesa access road project. The combined money amounted to R37 million but, ballooned to approximately R75 million. The Municipal Manager then, Serapelo Matlala put an end to the tender after finding out that the fraudulent claims made by tenderer. That was not enough as corruption impedes and leads to service delivery backlogs in Greater Sekhukhune District Municipality in Groblersdal. Yende (2020) indicates that the money in the municipality is being stolen in tranches from little amounts of R2.2 million,

R5.4 million and R12 million. It is still not yet clear about the money for the residents of the municipality as they were promised a water project that amounted to R560 million in 2010 (Yende, 2020). Corruption is not always about money, as the Emalahleni Local Municipality had a program of training the traffic cops. In that, acts of nepotism was the order of the day wherein the program employed friends, relatives and "girlfriends" of the powerful politicians (Mpumalanga News, 2020).

6. Legislative Mechanisms to Combat Unethical Behaviour in Local Government

There is a myriad number of well-established legislations in place to curtail the ongoing ill-governance as a result of lack of ethical compliance in local government. The forest of legislations requires only a "political will" to bite and respond to malicious behaviour by accounting officers in government. Government officials all over the world are compelled to promote ethics in decision making while discharging their duties and responsibilities in organizations reflected by organization's well-defined value system (Matsiliza, 2013). The society looks upon the government to develop mechanisms for fostering ethical culture that will restore public trust on government. Below discussed, are legislative mechanisms, but not limited to combat unethical behaviour in local government.

6.1 Protected Disclosure Act (26 of 2000)

The South African government promulgated the Protected Disclosure Act (26 of 2000) to encourage disclosure of informing concerning wrong-doing in public service, and to provide protection from retaliation for employees and citizens who whistle-blow about the wrong-doings. Whistle-blower is a person who discloses legal violation, mismanagement, a gross waste of funds, and abuse of authority or a danger to public health and safety, whether the disclosure is made within or outside the chain of command (Matsiliza, 2013).

6.2 The Constitution of the Republic of South Africa, 1996

The constitution is generally referred to as "the supreme law of the republic", which means that it supersedes any other form of legislation because it is the cornerstone of democracy. Mle and Maclean

(2011) allude that Section 195 of the constitution of the republic of South Africa provide values and principles governing public administration which are binding to all public servants. The constitution, in section 195 1(a), states that "A high standard of professional ethics must be promoted and maintained". As such, public officials are expected to strictly adhere to the supreme law of the country in order to effectively and efficiently deliver services to the constituencies. In fact, this clause is obligatory to all the public servants in execution of their duties.

6.3 The Public Service Act. Act no 103 of 1994

The Public Service Act no 103 of 1994 is regarded as the important piece of legislation that has a direct bearing on the conduct of public servants. Hence, it seeks to promote high standards of ethical behaviour and further states the procedures that ought to be followed when dealing with inefficient and ineffective public officials (Manyaka & Sebola, 2013).

6.4 Auditor-General of South Africa

As per Section 48 of the constitution of the republic of South Africa 1996, the office of the Auditor-General of South Africa must audit and report on accounts, financial statements and financial management of all government departments in all spheres of government (Dassah, 2018). The office of the Auditor-General in its capacity has an oversight role in managing public finances and promotion of transparency and accountability in the public sector. As such, its primary role lies in prevention of corruption as opposed to investigation or detection. However, the role of Auditor-General recently met criticisms labelled as "toothless" because its responsibility is limited to preventing corrupt acts and providing investigation reports and not make arrests.

6.5 Prevention of Organized Crime Act of 121 of 1998 (POCA)

POCA is the body that seeks to salvage any tendencies to do with organized crime. Equally, the purpose of the act is to promulgate mechanisms to prevent money laundering schemes, syndicate activities and any organized crime that may arise (Govender, 2015). Goga (2014) extends this further to say that the primacy of the act is to deal with three categories of offences that is organized crime, illegal activities and money laundering scheme.

7. Conclusion and Recommendations

The guestion of ethics has been the most contentious and at the centre of attention for the past few decades particularly in public sector, the reason being the dilution of ethics in the municipalities and poor governance. South Africa continues to languish in a pool of service delivery backlogs, wherein people dwell in dire conditions of poverty; the primary reason being the death of ethics and the under-performance of the South African municipalities. The corruption cases in the municipalities provide clear evidence that there is an absence of ethics and lack of adherence to the ethical procedures. This is corroborated by a plethora of reports from the SIU, AGSA and Corruption Watch which indicate how corruption and mismanagement affect the municipalities. However, one could consolidate these different reports and make a stance that the weakening of ethics in local government is exacerbated by poor accountability.

The problem that continues to haunt South African government is poor policy implementation or no implementation at all. This resonates with view of Van Schalkwyk (2017) who states that "South Africa is commitment-rich, but implementation-poor". There are many policies and legislations which were developed and never implemented, which if they would have been implemented and enforced, the country would have been the best with good governance. It could be vividly annotated that the plethora of legislations alone cannot ameliorate the problems of unethical behaviour. Hence, it requires a "will" to enforce such legislations to respond to the illness of ethical behaviour. Therefore, the existing legislations must be strengthened and enforced with alacrity and zeal to enhance the behaviour of public servants in the municipalities in the execution of their duties.

In the light of the above discussion, it is safe to conclude that public officials continue to overlook ethics when executing their office mandate. However, it can be argued that while the existing legislative frameworks play an important role in shaping the conduct of officials, there is however, a lot and with urgency that need to be done in order to rescue ethical conduct in local government. Therefore, it could be concluded that there is a death of ethics in local government given a plethora of corruption scandals and poor service delivery. Hence, the paper cited corruption cases to make a conclusion that there is a death of ethics in local government.

In addition, one suggests that chapter 9 institutions such as Auditor-General should have prosecution powers in order to combat the dying of ethics in local government. However, recommendations to ensure the adherence to the rule of law and ethical standards could be made based on the objectives of the paper which includes amongst others that:

- There must be a series of prosecution by the law enforcement agencies for those implicated and proved to have acted out of the scope of their authority.
- Government should introduce a program to frequently review employee's performance.
- A risk management strategy should be constantly monitored and evaluated as a precautionary measure to curtail ill-governance.
- Ethical workshops and pedagogies should not only be for photo-shoot and gallivanting for public servants; particularly "politicians", but to be symposiums for inculcating and instilling ethical standards.
- "Batho Pele Principles" must be enforced and exercised with caution to maintain ethical behaviour and good governance.

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