CIVIL SOCIETY AND THE FIGHT AGAINST CORRUPTION

A SOUTH AFRICAN PERSPECTIVE

Vusi Mavuso and Stiaan van der Merwe[i]

INTRODUCTION

South Africa had an historic first Anti-Corruption Summit in April 1999, bringing together people from the public sector, private sector and from organs of civil society. Civil society therefore played an important role in the run-up to the Summit as well as during the summit. One of the outcomes of the Summit was to establish a "cross-sectoral" task team to take the outcomes of the Summit forward. In this respect as well civil society has to play a role in the development of comprehensive, sustainable and well managed anti-corruption strategy in the country.

The role of civil society in the fight against corruption is often not realised or not used to its full extent. In order to understand the role of civil society it is necessary to step back and have a look at the bigger picture of the phenomenon of corruption and in view of that develop a broader and more comprehensive strategy against corruption.

BROADENING THE UNDERSTANDING OF CORRUPTION

Anti-corruption activists frequently compare the fight against corruption with the process of cleaning a staircase -- it starts from the top. The idea conveyed is that the tendency whereby the "big ones", namely the powerful at the top, often manage to get away or are allowed to get away with corruption should be stopped. This adage has to retain its place in our approaches, strategies and mechanisms to fight corruption.

One aspect of this metaphor has not received adequate attention as yet. The process of cleaning the staircase is organised from the bottom. In addition, quite often the dirt at the top comes from the bottom. The implication is that anti-corruption strategies should be more creative and wide ranging than what is often the case. At the heart of such a development is a call for a broader understanding of the problem.

The prevailing and dominant view on corruption and ways to address it include problems such as:

❑ The popular and simplistic understanding of corruption as a public sector specific problem.

❑ The general perception of corruption being confined to certain forms of corruption such as bribery and extortion within the public sector or where the private sector and the private sector interact (e.g. in awarding contracts and procurement). The current Corruption Act of 1992 is a good example of such an understanding.

❑ White collar crime within the private sector is seen as "something different though related to corruption".

- Fighting corruption is the function of the state and state agencies such as the police, the auditor general, specific anti-corruption bodies, the justice system and parliaments (e.g. promulgating policies, legislation, and procedures aimed at addressing corruption).

- Corruption is seen to be addressed when people see (political and bureaucratic) "heads roll" and when tough investigations and strict policing ("blood on the walls") take place.

- The focus (important as it is) seems to be the development of administrative and legal mechanisms and procedures to deal with corruption. Broader strategic thinking, in this instance, does not exist.

- Where broader strategic thinking does exist, talk of anti-corruption strategies involving role players from the private sector and from civil society amounts to proposals to rally around government attempts at addressing corruption within the public sector.

- Corruption in organs of civil society goes by and large unnoticed in the media. The role of corruption in this area within the larger picture of the problem is therefore ignored. In addition, the potentially powerful role of civil society in anti-corruption strategies is often ignored or overlooked.

- Whilst credit is due to the recent international and national public debate and actions on corruption as a major feat in itself, it cannot be ruled out that this limited perception of corruption and thereby limited strategies against corruption ultimately create and maintain zones of comfort which facilitate the perpetuation of corruption. The most aggravating suspicion is that the limited view on corruption is sustained by design. Anti-corruption politics is not always what appears on the surface.

- Whatever the case, it needs to be pointed out that the fundamental error in the current anti-corruption discourse, policies and strategies is that solutions do not fit the extent and nature of the problem. The result is that corruption strategies are, at best, only partially successful since only a part of the problem, albeit important, is addressed. Success is praised and celebrated while the problem in our society and the world at large is ignored or overlooked. It cannot be overstated that this situation in effect aggravates the problem of corruption and adds to the difficulties of developing adequate anti-corruption strategies. The fact that a limited and myopic view of corruption is maintained (and promoted) obviously begs the question: why? The suspicion, and justifiably so, is that a limited understanding of the problem perpetuates zones of comfort for corruption in the interest of those who benefit and at the expense of those who suffer. In view of such suspicion the prevailing and dominant view on corruption also from a practical and moral point of view is highly questionable and should be treated as such.

- Consequently the position of civil society (and the private sector), as part of the overall profile of the problem as well as the potential of civil society to play a constructive role in an anti-corruption strategy, is not realised.

- Cross sectoral participation in the fight against corruption can only be properly identified and shaped if general consensus on a broader understanding of corruption and concomitant broader and wider ranging strategies against corruption are established. Such general consensus does not exist. Neither in South Africa nor

internationally. Ad hoc and isolated, though well-meaning, measures will bring us nowhere.

An important **practical** step would be to develop general consensus on a broader understanding of the problem of corruption and pursue the further practical implications in the development of a comprehensive and creative anti-corruption strategy and policy. These need to be accompanied by effective preventative and control mechanisms in different contexts. There is no nor should there be a blueprint for each situation.

The following brief comments are aimed at assisting us towards a broader understanding of the problem of corruption in South Africa and globally as a basis for developing adequate and effective anti-corruption strategies and mechanisms. The comments are suggesting aspects of the issue which need to be factored in our understanding of corruption.

A WORD OF CAUTION

It is imperative to sound a word of caution that, in the abstract, the word *corruption* has a very wide meaning.

Corruption is widely accepted as a reference to any thing, person, situation etc. which changed for the worse. Hence it could be said: *that person has been corrupted*; *that principle has been corrupted; the world and the moral fibre of our society is in a process of decay and corruption; data in a computer has been corrupted.*

In general the use of the word *corruption* in this way is certainly acceptable. However the development of practical policy and mechanisms requires some agreed parameters without unduly restricting or limiting the meaning of the word. On the other hand, due to the fact that anti-corruption politics are so highly charged, the meaning of the word *corruption* must not be stretched to become meaningless for practical policy and practical purposes. Not everything unethical in society should be seen as corruption.

CORRUPTION A SOCIETAL PROBLEM

The most basic aspect of understanding corruption is to understand it as a complex and all-pervasive societal problem. Once this (mental and conceptual) shift has taken place and internalised, our accepted definitions of corruption not only assume wider and different theoretical meaning. In addition these definitions prove to be more helpful to address corruption and in developing more creative and comprehensive strategies.

Corruption is widely accepted as:

The abuse of public power for private or sectional gain or sectional profit.

Robert Klitgaard, formulates it as follows:

Corruption (C) = Monopoly (M) + Discretion (D) - Accountability (A)

The analysis of corruption presented here is not regarded as definitive. It is aimed at unveiling aspects of the problem which remain hidden in the dominant understanding of corruption. As stated before, these aspects remain largely untouched by policy processes aimed at addressing corruption.

Seemingly, the problem in understanding corruption is not in the first place to agree on a definition of corruption. Definitions have the curious history of defining certain things in and other issues out. A more fundamental problem seems to one of an approach to and an interpretation of such basic definitions. It is more important to indicate which issues are covered by our understanding of corruption or to indicate which issues are allowed to play a role in our understanding of corruption.

For example, defining corruption as an act by an official in the public sector (the abuse of public official power for personal gain) needs to explain why for instance bribery in an organ of civil society is not covered by that understanding of corruption.

The following factors in broadening our understanding of corruption are worth exploring.

POWER AND POWER RELATIONS.

The old adage holds true: *Power corrupts, and absolute power corrupts absolutely*. Conversely, not all problems related to power should be seen as corruption or ascribed to corruption.

Issues of power include references to: military power; physical strength; position of authority or leadership in an organisation or in society; political power; economic power; cultural power; the power of information; technological power; gender power; even just the power to put a stamp on a document or hold a key to a cell door or the right to determine prices and interest rates unilaterally. Issues such as these must be factored into a profile of corruption.

For policy and strategy purposes, the word corruption should become an innate reference to problem areas in relation to the exercise of power or the functioning of power relations. Of particular importance is the focus on problems related to public power.

PUBLIC POWER AND RESPONSIBILITY.

Public power is not only to be understood as public service or government power. Public power is in the first instance referring to the exercise of authority and responsibility. As such public power is vested in or granted to individuals (e.g. leaders or managers, parents), groups (e.g. Board of directors) and institutions (e.g. watchdog bodies, police service, courts).

Such power must be exercised in the public interest, i.e. to the benefit or well-being of those affected by actions and decisions in exercising public power. Depending on the position of the individual or institution, power is for example exercised over employees, taxpayers, voters, customers, shareholders, family members, communities, countries, families, sections of populations, future generations, the environment, etc. These are publics affected by power exercised, be that in the public sector, private sector or in organs of civil society.

Public power is exercised on a number of levels such as: family, clan, tribe, local community, organisations, districts, provinces, national/country, international and on trans-national level.

We should not forget that cyberspace has also become part of our social reality. It has proved itself not only as a means of communication and for obtaining or exchanging

information. It has become a (virtual) "place to meet". A site to conclude various of transactions such a banking and shopping (cyber-sex seems to be more of a real than virtual problem). Cyberspace has irreversibly changed our understanding and experience of our social reality, and poses a particular challenge for the management of our society. Corruption and corruption-related practices (e.g. money laundering) are unfortunately part of what happens in this part or social reality as well.

PUBLIC POWER ABUSED FOR INDIVIDUAL OR SECTIONAL GAIN.

Instead of using public power to the benefit and well-being of relevant publics it is used for selfish, greedy and ulterior purposes. Ultimately such abuse of public power takes place, directly or indirectly, at the expense of those supposed to benefit from exercising public power and responsibility. Public power is abused for individual gain of for sectional gain (e.g. my friends, my family, my race)

DIMENSIONS OF CORRUPTION

Two dimensions of corruption need to be identified.

These are:

the micro (behavioural) dimension of corruption, and

the macro (structural) dimension of corruption

The micro or behavioural dimension of corruption captures the behavioural aspects of corruption.

It refers to attitudes and actions of individuals and/or (exclusive) groups in the different sectors and on different levels of social reality in the abuse of public power for personal or sectional gain. The amounts or extent of the loot or illicit proceeds as a result of corrupt behaviour and attitudes should not be regarded as an essential indicator. What is important is to realise corrupt behaviour and attitudes constitute this dimension of the problem. The expressions "petty corruption" and "grand corruption" for example are used to indicate smaller (e.g. R50) and bigger (e.g. R1bn) amounts of illicit gain.

It should be noted that this dimension of corruption receives the most attention in reports and actions on corruption.

The macro or systemic dimension of corruption refers to the structural dimension of the problem. We can also refer to it as grand or systemic corruption. Grand or systemic corruption is that aspect of corruption whereby social systems such as political, organisational, economic, cultural, religious systems or organisations, (on all the different levels indicated) operate in such a way that power is allowed and justified to be abused for the personal or sectional gain at the expense of the variety of victims indicated above.

The grand or systemic dimension of corruption has not received adequate attention in most definitions or discussions nor reports and analyses on corruption. The term grand corruption is often used merely as reference to cross border bribery. It is of particular importance that we as South Africans should learn from our colonial and apartheid past (e.g. the references to "petty apartheid" and "grand apartheid" in order to be able to unpack this aspect of the problem. Structural corruption must be put squarely on the table for local and international anti-corruption discourse and strategy developments.

Undoubtedly, this dimension of the problem might cause the most discomfort and controversy, even to many who are at the moment very active in highlighting the problem of corruption and the need to address it in all its forms and wherever it rears its head.

The disconcerting aspect of this dimension of corruption is the use and abuse of power by the powerful economic and political players in the international and transitional or global arena. Monopolistic, discretionary and unaccountable practices and tendencies need to be unpacked and cited as corruption per se. This matter receives some attention in (calls for) organisational reform or transformation (e.g. reforms in or transformation of the public service, departments or units) under the general theme: reinventing the public service. Further exploration and action are clearly needed by all anti-corruption actors/activists.

The potentially controversial side of this dimension might come to the fore when ideological differences enter the stage to inform and guide analyses of problems and the processes to address structural corruption on all levels. This potential conflict should be brought to the surface or allowed to surface and be addressed. If not, the dominant limited understanding of corruption, with its undeniably conservative underpinnings and deficiencies will prevail. No wonder that more fundamental critical individuals and organisations often regard the issue of corruption as (a luxury) item on a conservative, individualistic, behaviouralistic agenda. Such attitude in effect aggravates the problem, as stated earlier, by not challenging and broadening the popular and dominant understanding of corruption and strategies to deal with it differently. A more critical structural approach (with its deficiencies) needs to enter the fray as well and co-own the problem and contribute towards more and effective ways to combat corruption.

SOCIAL SECTORS AND LEVELS OF CORRUPTION

Corruption, even in its most commonly known form of bribery, is not only a cross-sectoral problem in the sense that it found in the public and private sectors and in civil society.

Corruption also occurs on different levels of society or the social reality. This could range from individual or group attitudes and behaviour, local community, provincial level, national level, international (i.e. the relations between defined countries), to the transitional or supranational levels (where national state borders become incidental and almost irrelevant). As stated, cyberspace should also be accounted for as part of our social reality.

The following illustrates this point graphically:

Figure 1: A mind map for visualising multiple level, sectoral and cross-sectoral corruption in South Africa[1]

LEVELS	SECTORS		
	Public sector	**Private sector**	**Civil society**
Personal / Interpersonal	Personal actions and attitudes	Personal actions and attitudes	Personal actions and attitudes
Local	Local government	Local private enterprise	Community organisation
Provincial	Provincial government	Private enterprise operating on provincial level only or provincial structures of private sector	Provincial structures
National	National government	Business operating on national level only or national structures	National organisations or national structures
International-/trans national	Governments outside South Africa and / or inter-governmental bodies in relation to South Africa or South Africa interacting with these institutions.	Business outside South Africa interacting with South Africa or South African and/or South African based business operating outside South Africa	International organs of civil society and donors/partners interacting with South Africa and/or South African organs of civil society interacting with donors/partners and international affiliations or international organisations.
Cyberspace	Use in this area	Use in this area	Use in this area

THE GAINS, PROFITS OR PROCEEDS.

Gains, profits or proceeds of corruption are often seen as financial or material gain only. However the gains or proceeds of corruption could be anything from financial to social (special privileges), political (e.g. power or position) and economic (e.g. unfair competitive advantage).

THE VICTIMS.

Corruption is often regarded as "*a victimless crime*".

Such a view would mainly focus on an act of bribery where both sides are supposed to gain from the transaction. Even a closer look at this position will indicate that somewhere along the line someone or some group become the victims, e.g. of poor quality of services or goods or even non-delivery of goods and services (such as learners in schools receiving poor quality books whilst others are not receiving school books at all, or the construction of a house is below standard).

In view of the broader understanding of corruption indicated above, *the victims* could be any or more of the publics mentioned earlier on. It is nevertheless widely accepted that

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[1] The matrix does not represent an accurate map of the problem, but should rather be regarded as a heuristic tool to conceptualise the nature, extent, occurrences, dimensions, trends and tendencies of corruption and good governance in the country.

the poor are, in the main, the ultimate victims of corruption. Notably the victims of this "victimless crime" hardly ever receive attention in the understanding of corruption or in anti-corruption strategies.

The significance of focusing on victims is:

Victims understand corruption the best, and do not have the luxury to deal with corruption in a limited or selective manner nor should they allow such a situation. Understanding and addressing corruption from this end provides urgency to any anti-corruption drive.

Given the fact that the greatest number of victims are the poor and the weaker members or groups of society and that these are the ultimate victims of corruption, the issue of corruption should be dealt within the broader framework of pursuit for socio-economic justice.

SOCIO-ECONOMIC JUSTICE AND SOCIETAL VALUES

Understanding corruption and commitment towards combating corruption should be driven by the commitment towards bigger ideals of socio-economic justice and to be part of the reconstruction of the moral fibre of society. South African society in particular has to face this process in the aftermath and legacy of our history of colonialism and apartheid. We must also face new challenges posed by the post-apartheid society coupled by the challenges to socio-economic justice posed by the dynamics of globalisation and concurrent moral challenges in society. If these challenges and values do not motivate us and others, then our ideals and measures towards institutional transformation face the real possibility of being meaningless and will fuel existing cynicism regarding well-meaning and serious efforts in this direction. In this way the generic meaning of the word *corruption* finds its function in anti-corruption policy development.

There should be no doubt that the social, political and economic phenomenon of abuse of public power for private and sectional gain is much bigger than many are aware of or are prepared to face. The challenge is that, either we tinker with the toenails of a monster or face the scourge in all its forms, aspects and dimensions as an undoubtedly multigenerational project. This process has to begin somewhere.

CORRUPTION: THE CHALLENGES

GENERAL COMMENTS

In addressing the challenge of corruption the following issues are worth noting:

❑ Any strategy must give adequate account of its understanding of the problem. The most fundamental flaw in any policy and strategy development is an erratic or a limited structuring of the problem.

❑ No simple and fragmented, quick-fix, ad hoc solutions should be attempted. Though what can and must be done immediately should be done, as long as it is seen as part of a broader multi-pronged strategy.

❑ The one mistake that should be avoided is a too narrow understanding and analysis of the problem. The preceding comments will hopefully assist us in avoiding this difficulty.

❑ Strategies to address corruption should be as inclusive as possible in the sense that as many role-players as possible should be allowed to play a part in respective areas and levels of expertise.

ANTI-CORRUPTION POLITICS

Once we embark on an explicit and comprehensive initiative to address corruption, we need to be alert on both local and international conditions, politics or dynamics driving and impacting on anti-corruption strategies in South Africa.

Some of the dynamics and problems are:

❑ There is a recurrent suspicion that the anti-corruption drive is a reactionary and mainly white pre-occupation now that we have a democratic and predominantly black government in place. Questions often asked include: where was this drive against corruption in the apartheid years? It therefore easily tends to be a black/white issue.

A response to this is that the possibility of reactionary sections and motives cannot be excluded. It is indeed strange that many currently prominent voices were silent during the apartheid years. This certainly affects the credibility of such voices and holds the potential of casting anti-corruption initiatives in that mould.

However, careful analysis of all voices and initiatives should indicate that the current mainstream anti-corruption drive is motivated by the need to maintain the integrity of the transformation process and to ensure the establishment of integrity in post-apartheid society.

What is often lacking in this drive is the lack of learning from the past in citing corruption in the present situation. The fact that apartheid was a massive social, political and economic form (structure) of corruption (*Monopoly + Discretion – Accountability*) is not adequately used to assess the current internal situation and broader international dynamics. It is in this respect that note need to be taken of corruption as a social systemic problem as well. It was this form of systemic corruption which legitimised and covered-up forms of corruption which often are not associated with corruption. E.g. the killing of people by the state to maintain a corrupt system was in itself an act of corruption. We as South Africans could be accused of collective amnesia if our learning from our past is lost in our analysis of the present-day situation. In addition it is this process of learning from apartheid and colonialism as a powerful case study in corruption which could and should also be a South African contribution towards understanding corruption in other contexts but also in the international theatre.

❑ One important aspect of the international anti-corruption dynamic is the power relations between North and South. This the broader dynamic is not adequately surfacing in anti-corruption discussions and strategies. The current international anti-corruption agenda is by and large dominated by the North and myopic thinking in the North and in many ways uncritically accepted in many an anti-corruption initiative in the South.

One important aspect is that the economic and political abuse of power towards weaker countries and economies in the South and its impact on such countries have not entered the discourse or anti-corruption strategies. This renders the Northern-driven anti-corruption drive of a technicist emphasis on the public sector systems and actions of individuals (politicians and civil servants) in the public sector suspect. Questions to be asked include: to whom are strong governments, multinational companies and international financial institutions accountable? Why would democracy be so high on the anti-corruption agenda for the sake of global economic prosperity if the current global political and economic environment (mostly benefiting the countries in the North) is anything but democratic? What chance of success would democratic political systems if the global and national economic environments are not democratised as well? Why the big drive towards good governance (in governments) and the reinvention of government (and rightly so) is there is not an equally passionate call and action towards the transformation of the global economy? Is it so difficult to see that the disparities between poor and rich in the world is not only due to corrupt governments or corruption in "development" programmes? Ultimately the question is whether the probably well-meaning Northern driven focus on corruption is not perhaps part of the power play and abuse of power towards the South? To say the least: initial impressions make it difficult to see it in any other light.

Notably and to their credit, the governments of the Organisation for Economic Co-operation and Development (OECD) have recently signed a convention against cross border bribery. However, the dragging of feat to enact it in legislation sends a clear signal about the levels of commitment to the convention. In addition, the question is whether the OECD will be engaging with countries in the South (e.g. the Non-Aligned Movement) to broaden their understanding of corruption on national and transnational levels, rather than merely urging these countries to become co-signatories of the convention. Ultimately, why was the "non-OECD countries" not part of the process?

It is the responsibility of anti-corruption activists in the South and anti-corruption initiatives from the South, also in South Africa, to ensure that this dimension of the international problem of corruption does surface in international anti-corruption discourse and strategy developments. Constructive dialogue between the North and the South need to be entered into. Such action from the South should not be executed in a way that may create the impression as an attempt towards a denial or watering down of the scale and impact of the problem in our own societies.

STRATEGIC CHALLENGES

Given the broadened understanding of the nature, extent and impact of corruption as a societal issue and the politics surrounding an anti-corruption initiative, the suggested development of a South African integrity strategy and system of integrity[2] against

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[2] The concept of an integrity system is borrowed from the general thrust of Transparency International's (TI) programmes and as elaborated in the TI SOURCE BOOK. However the source book unfortunately still reflects the dominant understanding of corruption as, in the main, a problem in the public sector. A discourse on this matter is taking place within this network. TI-SA is one of the actors trying to stimulate and promote this discourse. The use of terminology

corruption must be explored. The challenge put to the cross-sectoral task team would be to lay the foundation towards developing, establishing, strengthening and sustaining such a strategy.

An integrity strategy is a statement of a positive approach towards dealing with the issue of corruption. It positively states that *the strategy is aimed against corruption for integrity* (including issues such as transparency, accountability, good governance, etc.) *towards socio-economic transformation and justice*.

An integrity strategy would include:

❑ **Regulatory frameworks.** This part or aspect of an integrity strategy is to develop systems and procedures internal to organisations ensuring integrity. It refers to adequate measures such as the constitution, laws, policies and procedures. The aim is to establish or promote integrity (personal, organisational and societal values) and good governance in the different sectors and applicable to different levels as indicated in the mind map. Such organisational initiatives hold the potential of contributing to the building and restoration of integrity in society at large as well.

A first glance at the South African situation indicates that quite a lot has been put in place in this area already.

As far as government is concerned the Constitution and the Bill of rights, the law forcing politicians and senior public service managers to declare their assets, the anti-corruption Act of 1992, the Act on the forfeiture of proceeds of crime (and corruption) are just a few examples. Clearly there is obvious room for improvement in some of the laws and their application. The resolution at the National Anti-Corruption Summit to provide an audit and review of all legislation relevant to dealing with corruption should be seen as a step in this direction. A well packaged set or sets of Acts and policies need to be developed. Acts like the Labour Relations Act and the Employment Equity Act should be seen as part of such a package. Legislation should also include participation in regional and international treaties and conventions against corruption and enactment in law.

Different initiatives to improve policies and procedures in the private sector and in organs of civil society addressing good governance are in place or in different phases of development. Such developments need to be encouraged and consolidated.

❑ **Institutional or statutory mechanisms.** These mechanisms are aimed at ensuring integrity in areas such as decision making on, monitoring and implementation, evaluation and revision of regulatory frameworks (e.g. parliaments, councils, boards, executive committees, independent statutory bodies). They are also there to ensure proper functioning of integrity and good governance within organisations in all sectors but also in society at large.

South Africa is well endowed with such institutions and mechanisms.

As for the state these include the Constitutional Court and other courts of law; anti-corruption agencies such as the Auditor General, the Public Protector, the Independent Directorate for Serious Economic Crimes, the Police Anti-corruption

here is therefore also an attempt at reinterpreting this very useful concept and strategic approach.

unit, the Commercial Branch of the Police, the Independent Complaints Directorate in the Police, the Heath Investigation Unit, the Public Service Commission and in particular the Chief Directorate Ethics, Public Accounts Committees on different tiers of government, standing committees of different government portfolios or issues, various chapter 10 Statutory Commissions (e.g. Human Rights Commission, .Gender Commission, Youth Commission to name a few)

In the private sector there are almost innumerable ombuds offices, regulatory boards and organisations for a wide variety of sectors and professional services aimed at ensuring integrity in the private sector.

As for the numerous organs of civil society Boards, Trustees or Councils are generally the mechanisms to ensure integrity and good governance. In addition networks, coalitions, forums on national, provincial and sub-regional levels are established to play some monitoring role vis-à-vis the participants or members of such co-ordinating bodies.

Despite the fact that these institutions do formally exist, corruption is rife in all sectors of society. Without attempting to over-legislate or over-structure society there are clear needs to be addressed in this area. Some of these include:

- ❑ The required will to address corruption in all its forms by all role players.

- ❑ Lack of support systems, mechanisms to protect whistle blowers.

- ❑ Lack of adequate incentives for whistle blowers

- ❑ Problems related to the independence of some of these institutions

- ❑ Lack of capacity, particularly in statutory anti-corruption mechanisms

- ❑ Lack of co-operation and coherence particularly in state institutions resulting in fragmentation and duplication of efforts and capacity.

❑ ***Informal (non statutory) bodies and networks.*** This aspect is a "third element" consisting of a variety of role players and actors in the public and private sector and organs of civil society (e.g. political parties, media, religious bodies, human rights institutions, sports bodies, watchdog bodies, NGOs, CBOs, employer organisations, labour unions, educational and research institutions).

The idea is to develop an unregulated multiplicity of interactions between relevant role players be that individuals or formal and informal organisations in any given area. The rationale is to acknowledge in a practical manner the complex nature of corruption. It also recognises, encourages and creates room for the rich multiplicity of contributions by a variety of role players in their respective areas of expertise. Ultimately it allows for an organic and dynamic process of social engineering to address the problem in something of a social front against corruption. The anticipated result would be to provide creative and lateral options, beyond "a legalistic and bureaucratic approach of discipline and policing" for dealing with corruption in our country and beyond our borders.

Once again, the rationale for this overall approach is that corruption is a very complex and broad ranging, cross cutting, systemic and societal problem. As a result a comprehensive and coherent anti-corruption strategy should be developed as a massive process of social engineering or transformation. It should be acknowledged that no single individual, group, organisation or institution can deal with corruption

comprehensively and effectively on its own. All efforts need to be seen as part of a broader strategy and dynamic.

It is the task of the multi-sectoral task team emanating from the National Anti-Corruption Summit to develop such a strategy.

Finally strategies and mechanisms to address the problem in preventative and reactive as well as in hard and softer ways need to be included. The idea is to hit high, wide and deep. Both hard and soft.

The responsibility of the cross-sectoral task team will be to establish a management structure and process to manage an organic nature of such an integrity strategy and system.

POLICY CHALLENGES

In view of the above some of the major and fundamental anti-corruption policy challenges are:

❑ To reach generic consensus on the nature and extent of corruption both locally and internationally, at least transcending the myopic and questionable preoccupation on the public sector, without letting it off the hook in any way.

❑ To identify the composition of a South African integrity systems on national, provincial and local levels.

❑ To agree on ways and means to make an integrity system work in an effective and co-ordinated integrity strategy, on national, provincial and local levels.

❑ To ensure that processes are in place to give effect to such agreements.

❑ To play our role in relevant international processes to combat corruption as a global problem.

❑ To identify broad areas of work and responsibility by different role players.

❑ To establish adequate formal and informal measures for variety of research, monitoring, and policy intervention initiatives.

❑ To ensure the independence of the initiative to remain a citizens:state initiative. As far as its accountability to government is concerned, it should be accountable to parliament as agreed in the National Anti-corruption summit.

CIVIL SOCIETY AND CORRUPTION

As indicated before, quite a lot of attention is often given to the actions of the state and state institutions in anti-corruption discussions. Very little attention and recognition is given to the position and the potentially powerful contribution of civil society in anti-corruption strategies both locally and internationally.

Part of the reason is that the focus in anti-corruption strategies has been on the role of the state and addressing the problem internal to the public sector. Civil society receives attention in this respect as a watchdog of the state and/or as a critical partner rallying around government. Again we see the influence of a limited understanding of the

nature and extent of corruption and a limited view on adequate strategies in dealing with the problem.

It is important to realise that civil society is both part of the problem and holds potential to be part of and ally in a comprehensive solution.

PART OF THE PROBLEM

One is often appalled by the extent and forms of corruption in different organs of civil society. Therefore cognisance has to be taken of the prevalence of corruption in civil society and as such being part of the overall problem of corruption in our society. The occurrence of corruption in civil society include:

❑ Attitudes and actions of citizens (individuals and groups) regardless of the sector in civil society or the level on which the problem occurs.

❑ The way different organs of civil society are functioning.

❑ Mismanagement of funds and other assets of an organisation

❑ Harassment and other threatening behaviour by persons and structures of authority, particularly towards actual and potential whistleblowers.

❑ Lack of accountability towards stakeholders like staff, boards, members, (supposed) beneficiaries, donors, etc.

❑ Donors demanding accountability and transparency from organisations, but not displaying the same or similar levels of transparency towards recipient organisations.

❑ Donors abusing the power of money to interfere unduly in the management and agenda of an organisation.

Unfortunately very little hard information is publicly available on the extent and impact of corruption in civil society.

The point is taken that during our recent past much "struggle bookkeeping" took place in civil society, as a reference to the fact that circumstances did not always warrant the required standards of accountability and transparency. In fact proper accountability and transparency could and in fact did put the lives of people and the existence of organisations at risk. Such a situation does not exist at the moment. The struggle against apartheid was not meant to be a reason for abuse of power by anyone or any structure, be that during the time of the struggle or during the current dispensation. It should also be noted that "struggle bookkeeping" took place in the public sector and in the private sector, such as accounting for expenses related to "sanctions busting".

Much work will have to be done to develop a profile on the forms, nature and extent of corruption in civil society in general and with reference to different sectors of civil society (e.g. service delivery, education, sports, religious bodies, media, youth groups, women's groups, community organisations, political parties, unions, employers organisations, etc.).

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Civil society also has the obligation to deal with the issue of corruption as a new area of formal and informal social activism. This should be seen as in line and interlinked with initiatives on a variety of social issues such as: racism, gender issues, religious

concerns, development/transformation of society, democratisation, socio-economic justice, consumer issues, the debt of the South, environmental concerns, HIV/AIDS, etc.

South Africa is in the fortunate position that it has a wealth of different types of institutions and organisations seen as organs of civil society, as indicated above. All of these could and should make a contribution towards addressing this complex and all-pervasive problem.

A comprehensive and properly managed integrity strategy in the country would assist different role players in this sector to realise their current and potential role in terms of their expertise and areas of focus. In fact much of the suggested activities mentioned below are already taking place. The area of further focused networking and explicit participation in a comprehensive anti-corruption initiative needs to be realised.

Some of the work that can be done by organs of civil society (media included) could be:

❑ Identify the issue of corruption as an area for social activism.

❑ Take explicit and visible steps to put its own house in order as far as it is part of the problem of corruption.

❑ Different organisations and formations commit themselves towards playing their roles in local, provincial, national regional and international networks of integrity against corruption.

❑ Outcome-oriented networks of anti-corruption initiatives, organisations and structures in civil society with the same or similar focus areas to co-operate as far as possible and augment each one's efforts. e.g. religious communities, sports bodies, women's organisations, developmental organisations, research organisations, consumer bodies, educational institutions and organisations, unions, employer organisations.

❑ Outcome oriented networking with relevant institutions and individuals in the public and private sector on different levels.

❑ Policy interventions. On the one hand internally to organs of civil society (e.g. to improve internal systems and cultures of integrity and individual behaviour), and externally towards the public sector (e.g. relevant policy and legislation on different tiers and departments and agencies of government, political ethics, public sector ethics) and the private sector (e.g. on corporate governance, business ethics, economic ethics).

❑ Monitoring and research. Each citizen has the obligation to monitor the abuse of power as encountered. Adequate and trusted complaint structures (e.g. toll free numbers) could be put be in place and managed. Different types of research can be done from collecting raw data, investigative research, case studies, best practices, prominent failures, analyses of trends and tendencies towards policy research . The scope of the problem could also indicate the need to broaden the scope for research and monitoring beyond the narrow focus of the public sector, as is currently the case. In fact, as implied in the preceding discussions, we have not even begun to understand the phenomenon of corruption. What we know is said to be the ears of a hippopotamus. The question is: How do we know these are ears and whether these are the ears of a hippopotamus?

There is therefore space and a role to be played by different individuals, research institutions, journalists, the media etc. Corruption-related research is still by and large untapped apart from "high profile" public sector and private sector scoops. Research in corruption should not only be on corruption taking place but also on what is being done about it (good governance), whether anything is being done, and what can or should be done. It should also include the development and use of practical tools to address corruption.

❑ Public awareness. Different focus groups could in their own way undertake or participate in public awareness campaigns by different means (posters, stickers, leaflets, reports in the media, publications, etc.). Of particular importance here are community based organisations (including political parties) to mobilise a responsible groundswell against all forms, aspects and dimensions of corruption. It would be vital to ensure that public awareness and public discourse and actions to follow be well informed and to go beyond public outcry and public hysteria, mudslinging or political point scoring. Results of research and monitoring therefore need to be accessible to people in terms of content, format, language etc.

❑ Support services and networks to victims of corruption and whistleblowers. Such victims are often traumatised and need psychological counselling, strategic and legal advice and legal assistance. Therefore counselling services, legal and paralegal bodies, advice centres, mediation services etc. should play a part here as well. In case there is no formal protection service available, civil society may have to think of such a service as well or if and where it does exist to act in partnership with such services. The importance of support services and networks to victims of corruption and whistleblowers (citizens, journalists, civil servants, workers, managers, etc.) is to provide an incentive for standing up against corruption. Otherwise the personal or even societal will to act against corruption will be jeopardised.

❑ Training and education. Corruption and corruption related issues could for a start be incorporated in existing training and education initiatives such as civic education, human rights education, voter education, democracy education, good governance training, integrity training, ethics training, by different programmes and organisations in civil society. Joint ventures with departments of education (for schools), management training, occupational training institutions could be undertaken. Different types of material and mediums of presentations must be developed to suit different target groups. Such training should ideally not be stand-alone modules, but integrated into broader training related to ethics and good governance.

❑ Develop and promote best practises. The promotion of best practices (locally and internationally) could be part of research, public awareness and material for education and training. Give prominence to actions of individuals and initiatives in different sectors that do not make the media or which might need more attention. The unsung heroines and heroes need recognition and to serve as encouragement that something can be done.

❑ Civil society can and must play its role as part of a broader integrity strategy against corruption. It is hoped that such efforts should not be restricted to or exclusively focused on South Africa. They should connect with similar initiatives and actions internationally. We must learn from what is done in other contexts and develop

much more of a culture of solidarity with others, as others had with us. On the other hand, South Africa can and must play its role in sharing our experiences with others whereby we may just make a positive contribution towards efforts in contexts outside the country.

❑ Civil society should ensure that it is formally recognised as an essential role-player in developing, implementing and sustaining an anti-corruption strategy. Civil society should not allow a situation whereby it is treated as an afterthought or be on board for the sake of political correctness.

❑ Finally, organs of civil society can only play their role if adequate capacity and pools of resources (funds, skills, human resources) are developed and are in place. In this respect civil society should demonstrate the will and commitment to take on corruption as an area of activism. Local and foreign donor bodies should therefore render serious attention and substantial support to initiatives and activities in civil society as part of the capacity to make a comprehensive anti-corruption strategy viable and effective.

It is gratifying to note that movements towards addressing corruption in a more systematic and coherent manner are beginning to develop. The National Anti-Corruption Summit and the role that civil society played in the run-up and during the summit is an important step in this direction. The explicit inclusion of representation of civil society in the inter-sectoral task team provides an opportunity for civil society to play its role in the emerging anti-corruption initiative.

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[i] **Vusi Mavuso** is the Chairperson of the Provincial Service Commission of Gauteng, Member of the National Public Service Commission, and member of the cross-sectoral anti-corruption task team and also a founding member and Chairperson of Transparency International – South Africa (TI-SA). **Stiaan van der Merwe** is the Chief Executive Officer of TI-SA and part-time lecturer in Public Service Ethics Management at the School of Public and Development Management at the University of Witwatersrand, South Africa.