

## *Corruption and Development in Africa: Critical Reflections from Post-apartheid South Africa*

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### **ABSTRACT**

*Corruption today has continued to inhibit development especially in Africa. Particularly in the case of South Africa since 1994, many have attributed the slow pace of development to the menace of sleaze that is widespread at different levels of governance in the country. This paper explores the impact of corruption on Africa's lack of development paying particular attention to the South African context. Within the broader context of Africa's inability to develop and move beyond its current poverty struck level as consequences of a corrupt ridden society the article examines the causes and effects of corruption on South Africa's development. Using mainly secondary data, the paper draws an analysis of the nexus between political corruption and development in South Africa. Mainly, we present evidence suggesting that the high levels of corruption in South Africa reduce public trust and confidence in the integrity and impartiality of elected representatives (political office bearers and public officials). We conclude with a discussion of the measures that South African can undertake to combat the increasing scourge of corruption.*

### **KEYWORDS:**

Corruption, development, police, sleaze, South Africa

### **INTRODUCTION**

For an enthusiastic follower of current trends on Africa's politics, hardly would a day pass without at least a news report on a case of corruption with both the print and electronic media raising alarm on the far reaching implications that the subject of corruption poses for political and economic development. The urgency to confront this menace should be seen as a matter of public emergency, regardless of the state of a country's development. The

subject remains highly sensitive and tends to invoke varied pattern of reactions. According to Gaston (2005:23):

Current debates among political scientists worldwide often center on the issue of corruption as a characteristic of non-Western countries. Bribery, extortion, police corruption, fraud, kickbacks, and collusion have resulted in retarded economies, predator elites, and political instability.

Gaston further asserts that while no one can deny that the magnitude of its incidence is one of the foremost problems in the developing world, and a preeminent problem in Africa, corruption remains a universal phenomenon, as it has existed throughout history (Gaston 2005:24). The economic and social devastation occasioned by widespread corruption could be attributed to African economic trouble. Corruption has had a devastating effect on general state performance, administrative delivery and more importantly economic and political development. Corruption is not only a major challenge to democratic efforts in Africa, but also probably the biggest factor that undermines its economic growth and democratic consolidation. As a result, the institutions of governance obviously are laid bare to all the corrupting influences that distort the essence of good governance, public service, and a sense of public morality, which are essentially the *leit-motif* of every state (Gaston, 2005:24).

For a number of reasons, South Africa offers a useful example to assess the impact of sleaze on its development. In the first place, South Africa has often been bandied as the most advanced and until recently, the most economically developed country in Africa. Post-1994 democratic experiences ushered many expectations from the international community of a 'new South Africa'. However, in over 20 years of democratic rule, South Africa's development trajectories have come full circle with the country lagging behind in many socio-economic indexes. Secondly, South Africa has always presented itself as a model state of African development and impenetrable to the several menaces affecting many countries in Africa. It is therefore interesting to see whether the evidences of corruption in the country have any implication for its giddy growth and development in the past couple of years. Thirdly, we believe that the South African experience can perhaps offers pragmatic experiences on the best models to tackle the scourge of institutionalized corruption within developing countries as Africa's. Finally, as South Africa moves a step closer to achieving the goals articulated in its most recent National Development Plan (NDP 2030), this assessment thus offers pragmatic insight into how corruption could be nipped in the bud in a manner that does not negatively alter its successful actualisation.

The overriding aim of this paper is to critically assess the impact of corruption on Africa's efforts at development with a particular focus on Post-apartheid South Africa. The impact of corruption on development is one that is negatively skewed and poses unbearable consequences on the already

downwardly mobile mass of people. In many ways, its effect may be very direct as Evans (2002:30) rightly points out for example that, "aid money is siphoned into private bank accounts, or bribes distort public spending." The masses also suffer indirectly when bribery and corruption becomes a stumbling block to public service delivery due to their high dependence on these public enterprises.

Divided into four sections, the first section of the paper explicates the concept of corruption while reviewing relevant literatures on corruption. The emphasis is to show how corruption has become a major stumbling block to economic development in Africa. Aside offering a useful analysis on the fundamental causes and effects of corruption in Africa, the section theoretically explores the patterns of corruption in Africa and how these shape negatively on Africa's attempt at sustainable development. The second section investigates the dynamics of corruption in South Africa. This section demonstrates how corruption has negatively impacted the performance of South Africa's political institutions. Drawing from both qualitative and quantitative insights, the section outlines the extent to which corruption has become entrenched as a way of life in South Africa, paying particular attention to police corruption. The third and final section of this paper draws an informed general conclusion from the arguments in the paper, while also making prescriptions on how the menace of corruption in South Africa can be effectively curbed.

### **CORRUPTION: A CONTESTED CONCEPT**

Corruption is a very broad term which is often difficult to assign a specific meaning. This implies that just as there are several authors on corruption, so also are there as many definitions. According to Evans (2002), it is not easy to define a corrupt deal in a few words because there are a number of elements to the transaction. One definition that has the virtue of simplicity (but which needs unpacking) is the act by which 'insiders' profit at the expense of 'outsiders' (Evans, 2002:5). This can convey the ideas of abuse of position, offending against relationships, and underhandedness. Mafunisa (2007) argues that corruption covers all illegal or unethical use of governmental authority for personal or political gain. Corruption is also conceptualized as the misuse of public office and authority in return for personal gain, which may be material (as in the case of bribery) or non-material (as in the case of favoritism). Heidenheimer (2001) refers to the Oxford English Dictionary that identifies political corruption as the perversion or destruction of integrity in the discharge of public duties by bribery or favor; the use or existence of corrupt practices, especially bribery or fraud, in a state, public corporation. Nye's widely used definition of corruption serves as a veritable working definition in this work as:

...behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of

certain types of private-regarding influence. This includes such behavior as bribery (use of reward to pervert the judgement of a person in a position of trust); nepotism (bestowal of patronage by reason of inscriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses (Nye, 1967:417-427).

However Nye's definition has its own limitations as well. Even with clear identification of the elements of a corrupt transaction, it is not always possible to rule that a particular transaction is right or wrong.

Again, it may be necessary to examine corruption in the context of scale. This is because at some point on that scale, the transaction passes from being legitimate to becoming illegitimate. This, perhaps, prompted Evans (2002) to argue that the act of giving, for example, is natural to the human psyche and a gift can be a legitimate expression of thanks for a benefit received. Yet at some point on the 'scale' the size of the gift or the context in which it is given, may render that gift a bribe. Relationships are another case in point. Stable relationships (as business or political associates, for example, or as members of the same ethnic group) are valuable 'building blocks' of society. Yet at some point these relationships may degenerate into 'cronyism' or mere ethnicity (Evans, 2002:26).

Another context of understanding the nuances of corruption is that there may be some extenuating circumstances attached to corruption. The salary of the corrupt official may be wholly inadequate, or simply unpaid (because of mismanagement or theft by those higher up the government machine). Thus, his search for a bribe may be a rough-and-ready attempt to rectify the theft perpetrated against him. We end, then, with a difficulty which Evans again clarified that one person's perception of corruption may not be shared by another (Evans, 2002).

Lambsdorff (2003) notes that this lack of commonality of understanding adds to the difficulty of combating corruption. However, for a better interpretation of what should constitute direct or indirect acts of corruption, it is necessary to turn our attention to the following excerpts from Article 4, clause 1 of the African Union Convention on Preventing and Combating Corruption and Related Offenses:

- a) The solicitation or acceptance, directly or indirectly, by a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions.
- b) The offering or granting, directly or indirectly, to a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions.

- c) The diversion by a public official of any other person, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party, of any property belonging to the state or its agencies, to an independent agency, or to an individual, that such official has received by virtue of his or her position.

## **LITERATURE REVIEW**

Existing literatures on corruption are replete with various analyses of the meanings, nuances and manifestations of corruption. Several scholars have studied corruption from the vantage point of bureaucratic performance. Most of these studies were devoted primarily to the study of underdevelopment in the 'Third World' and the high prevalence of corruption especially within African states. According to Carl Friedrich (1990), individuals are said to be engaging in corruption when they are granted power by society to perform certain public duties but, as a result of the expectation of a personal reward or gain (be it monetary or otherwise), undertake actions that reduce the welfare of society or damage the public interest. Boone contends that corruption affects all sectors of society adversely corroding national cultures and undermining development by distorting the rule of law, the ethos of democracy, and good governance (Boone, 2003). Corruption equally endangers stability and security and threatens social, economic and political development. It also drains government of resources and hinders the inflow of international investments. Boone further states that whilst corruption is a universal problem, it is particularly harmful in developing countries. These countries are hardest hit by economic decline and they are also the most reliant on the provision of public services and the least capable of absorbing additional costs associated with bribery, fraud, and the misappropriation of economic wealth.

In comparison, Bayley (1966) argues that corruption, while being tied particularly to the act of bribery, is a general term covering misuse of authority as a result of considerations of personal gain, which need not be monetary. He links corruption directly to what can be called 'political prostitution', where the civil servant sells his public office to the highest bidder for personal gain (Bailey, 1966:720). Benefits accruing to the office holder from such a transaction may be both pecuniary and non-pecuniary. Werlin (1973) for his part sees corruption as the diversion of public resources to non-public purposes. Here, the office holder directly and illegally appropriates public resources for his own private use. Balogun (2003), states that there is evidence of corruption when approved codes or rules have been ignored to attain personal ends or manipulated to frustrate public intentions. For Wilson (1968), corruption occurs whenever a person in exchange for some private advantage, acts other than what his duty requires. Werlin (1973) articulates that corruption involves the accumulation of private gain from public office.

According to Bayley (1966), corruption, being tied particularly to the act of bribery, is a general term covering the misuse of authority as a result of

considerations of personal gain, which need not be monetary. Other pundits argue that corruption in developing countries derives from the conflict between traditional values and the foreign norms that accompany political and economic modernization. As Bailey (1966) puts it, corruption is seen as an inescapable corollary of development and modernization. According to Alam (1989) Corruption can also be seen as an attribute of all principal-agent relationships. This *quid pro quo* is palpable in each polity where the citizen or principal grants the government (or agent) via the constitution the power to monopolize the use of legitimate violence; in exchange, the agent provides the principal with public goods and service (See Osborne, 1990).

Corruption is viewed by most people in Africa in more practical terms as theft of national resources; embezzlement of funds from public accounts; illegal taxation by public servants with the benefits accruing to them and their relatives and friends; nepotism and the granting of patronage; and extortion of bribes in the distribution of public goods and services. For example, some patients bribe doctors and nurses who work in public hospitals before he or she is treated. It could also be prostitution of one's public office in an effort to create extra-legal compensation; capricious and selective enforcement of state laws and statutes in an effort to generate benefits for the office holder; and differential treatment of private business enterprises in the expectation of an illegal payment from the business owner whose enterprise is granted favorable treatment (Mbaku, 2000). Most literatures on corruption seem to suggest that bribes paid to bureaucrats in exchange for state favors constitute corruption. For example, business owners who bribe civil servants in order to enhance their ability to gain access to foreign exchange, secure import, export, investment, and production licenses, are regarded as engaging in corrupt activities (Rasheed, 1995). The civil servant who receives the bribe may offer the enterprise owner a reduction in taxes owed the state; reductions in the amount of paper work required by law; exemption from certain rules and statutes; and full exemption from the payment of certain taxes (Nye, 1967).

Recently, there has been a flurry of empirical research on the causes and consequences of corruption. Some observers argued that corruption can have positive effects, under certain circumstances, by giving firms and individuals a means of avoiding burdensome regulations and ineffective legal systems for instance. However, counter-arguments are widely accepted. A number of studies for instance by Rose-Ackerman (1999) show that corruption leads to economic inefficiency and waste, because of its effect on the allocation of funds, on production and on consumption. Therefore, corruption is generally seen to be inimical to development, for it has prompted the collapse of regimes in many African countries. This perhaps informs the postulation made by Bottelier (1998); where he advanced an inverse relationship between corruption and economic growth.

## **DIMENSIONS AND MANIFESTATIONS OF CORRUPTION**

There are a several typologies of corruption. This is corroborated by Gaston's (2005) position that corruption can manifest, in one form or in another but the forms that are the most identified and considered in corruption literature include bribery, embezzlement, fraud and extortion, perceived to be at the root of some basic varieties of corruption. This study draws insights from Andvig and Fjeldstad's (2000) typologies of the forms of corruption one expects to find in any given administration, including:

- 1) Bribery and graft (extortion and kickbacks),
- 2) Kleptocracy (stealing and privatizing public funds),
- 3) Misappropriation (forgery, embezzlement, misuse of public funds),
- 4) Non-performance of duties (cronyism),
- 5) Influence peddling (favor brokering and conflict of interest),
- 6) Acceptance of improper gifts ("speed" money),
- 7) Protecting maladministration (cover-ups and perjury),
- 8) Police corruption, Political Versus Bureaucratic Corruption,
- 9) Abuse of power (intimidation and torture),
- 10) Manipulation of regulations (bias and favoritism),
- 11) Electoral malpractice (vote buying and election rigging),
- 12) Rent seeking (public officials illegally charging for services after creating faux shortage), clientelism and nepotism (politicians giving material favors in exchange for citizen support),
- 13) Illegal campaign contributions (giving unregulated gifts to influence policies and regulations).

While the focus of this study is mainly on political corruption, it is important to clarify the ambiguity that exists between bureaucratic and political corruption, as both are located within the institutions of government such as legislature, courts, bureaucracies and statutory bodies. In examining particularly the context of political corruption, as Gaston's (2005) pointed out, political corruption has received considerable attention worldwide. Although its existence is acknowledged everywhere in the world and throughout history, it is obviously more common in some societies than in others and more common at some times in the evolution of a society than at other times. We recognize Gaston's (2005) position that political corruption is the use of state resources for personal use or political legitimating. It is the abuse of entrusted power by political leaders for private gain with the objective of increasing power or wealth.

Bureaucratic or administrative corruption on the other hand is the incidence of corrupt practices in the interaction between citizens and officials in the public service. But the interaction occurs at 'low level' or 'street level' known as petty corruption, at the implementation end of politics (Gaston 2005). This type of corruption involves those who execute government policy or low-level officials such as agency bureaucrats, immigration and customs officials, policemen, etc. Petty corruption is what citizens will experience daily in their encounter with public administration and services like

hospitals, schools, licensing department, taxing officials, and so on. One can understand why it is frequently referred to as 'routine corruption' (Gaston, 2005:79).

### **CAUSES OF CORRUPTION IN AFRICA**

Several factors can be gleaned from the literature as significantly contributing to corruption in Africa. Camerer (2001) identified weak checks and balances and mismanagement; greed and self-enrichment; general decline in morals and ethics; the recruitment process and affirmative action policy; socio-economic conditions, mainly poverty as most common reasons identified by scholars as the causes of corruption. Passas (1997) equally identified other root causes ranging from structural disjunctions, mismatches and inequalities in the spheres of politics, culture, the economy and the law.

Corruption and its effects on economic growth and development in Africa have been examined by many researchers such as Werlin (1972); LeVine (1975); MacGaffey (1983); Gould (1980); Mbaku (1996); and Mbaku (1998). Today, political economists, policymakers, as well as international financial institutions such as the World Bank (WB) and International Monetary Fund (IMF) generally acquiesce to the fact that corruption poses a real menace to both political development and economic growth (Rose-Ackerman, 1999). Whereas corruption in the post-independence period has allowed a few individuals to amass enormous wealth for themselves, it has generally impoverished and marginalized the African peoples and prevented the government from devising and implementing effective poverty alleviation programs, especially in South Africa (Mbaku, 2000). As Balogun affirms, depending on its form and gravity, corruption is capable of rewarding indolence and penalizing hard work, undermining morale and esprit de corps, compromising a nation's external security, threatening internal order and stability, and generally slowing down the pace of economic growth and sustainable development (Balogun, 2003).

Far from being a victimless crime, corruption infringes the fundamental human right to fair treatment. All persons are entitled to be treated equally, and when one person bribes a public official he acquires a privileged status in relation to others. Dieter Frisch (1994:19-21) tackles this issue by explaining that:

...by diverting scarce resources to low or non-priorities, corruption is in large part responsible for the neglect of fundamental needs, particularly basic needs such as food, health, and education. Corruption therefore becomes the cause of underdevelopment and poverty in general. The result is a vicious cycle: corruption is the cause of underdevelopment and poverty; on its part, poverty contributes to an extension of corruption, for he who cannot honestly meet his basic needs may be constrained to resort to less honest means of subsistence.

Corruption results in biased decision-making, as considerations of personal enrichment take precedence over the establishment of rights for all. Government expenditure will be prioritized according to opportunities to extort bribes rather than on the basis of public welfare, and companies will be preferred on the basis of their willingness to pay. The poor may then pay the cost of bribes indirectly through higher prices for essential services. If a company pays a bribe to secure a contract to supply electricity or water, for example, and the poor buy the electricity or water, then they will be paying an artificially high price for that service. With this background on the types and levels of corruption and their impact on the wider society; the four major causes of corruption in Africa are identified as: (1) the phenomenon of the 'soft state'; (2) dependence on a single commodity; (3) inefficiency and bureaucratic incompetence; (4) disproportionate income distribution and wealth; and (5) ethnic loyalties.

The phenomenon of the soft state is one that is directly linked to widespread corruption especially in Africa. In such a state, citizens are said to have a weak or diffuse sense of national interest" and do not have a commitment to public service (Gould and Mukendi, 1989:427-457). This school of thought views the absence of an efficient, professional, competent, and committed bureaucracy as an important contributor to corruption in Africa. Further, exponents of this perspective on corruption argue that African civil servants view public service as an opportunity for self-enrichment. As a result, national elites have turned state structures into instruments of plunder, which they use to extract benefits for themselves and their families. Thus, the civil service have neglected its traditional functions, which include the promotion of national development and advancement of the national welfare (Mbaku, 2000). Against this backdrop, the welfare of the hegemonic class, not that of society, becomes the benchmark for determining the efficacy of economic and social programs.

Dependence on a Single Commodity is one of the causes of corruption in Africa. The patterns of trade developed during colonialism and which continued until today, have also contributed to state weakness. As was the case during colonialism, today most African countries derive most of their foreign exchange earnings from the export of environmental resources produced with relatively cheap, unskilled, and poorly educated labor resources (Mbaku, 2000). To be sure, the export sector in several African countries is almost completely dominated by one commodity. Nigeria is a prime example of a mono-cultural economy since the 1970s, depending largely on rent derived from the exploitation and exportation of its oil resources (Adedeji, 1972).

Corruption serves three important purposes in such a circumscribed political and economic environment: (1) it provides the resources that the incumbent government needs to purchase regime security; (2) it serves as a framework through which the state can redistribute bribe money to government supporters and competitive elites who are capable of destabilizing

the government; (3) it can be used to compromise important competitive elites, destroy their political clout and effectively minimize their ability to affect the government. It is for this reason that scholars are not in doubt that although corruption has provided the platform for many individuals to amass wealth, it has nevertheless generally pauperized and marginalized the bulk of the African people (Brennan and Buchanan, 1985).

Inefficiency and Bureaucratic Incompetence is one of the causes of corruption in South Africa. According to Chipkin and Lipietz (2012) effective bureaucracies have been widely perceived as essential for ensuring order, delivering services on a large scale and, more broadly, in underpinning the workings of a modern state.

Substantial amount of research has been done to determine the causes of bureaucratic corruption in Africa. According to Apter (1963), African civil servants may be obliged to share the proceeds of their public offices with their kinfolk. The African extended family places significant pressure on the civil servant, forcing him to engage in corrupt and nepotistic practices (Apter, 1963).

According to Mbaku, bureaucrats are believed to exploit their public positions to generate benefits for themselves, their families, and their ethnic or social cleavage. Thus, in studying corruption in Africa, researchers have tended to place emphasis on the structural and individual conditions that contribute to corrupt behavior (Mbaku, 1998). Mbaku states that Nigeria is not the only country in Africa where the apparatus of government has become an instrument for the enrichment of members of the politically dominant group. South Africa, long regarded by many scholars in the West as a bastion for free enterprise in Africa, has for many years promoted laws that allowed the white minority to use the redistributive powers of the state to enrich itself while sentencing the black majority to perpetual poverty and deprivation (Mbaku, 1998). Throughout Africa, bureaucrats and politicians promote perverse economic policies, which while impoverishing most of society, provide concentrated and significant benefits to the national elites and interest groups.

Investigators have recognized numerous structural factors that contribute to bureaucratic corruption in Africa. Incompetence and inefficiency among civil servants have been given as other institutional issues associated with bureaucratic corruption in South Africa. Sustainable economic and social development requires an efficient and professional civil service (Gould and Mukendi, 1989). To effectively carry out national development plans and promote entrepreneurship and innovation in the economy, the government bureaucracy must be responsive to the needs of the entrepreneurial class. Additionally, public goods and services should be delivered efficiently. The implication is that the nation's civil service must be competent and possess a significant level of professionalism. Hiring decisions should be based on merit and qualification, and senior positions should be awarded only to candidates who have distinguished themselves and possess the ability and expertise to efficiently perform the duties assigned them (Mbaku, 1998). Civil

service positions should not be used as rewards for political support or swapped for bribes, or used to meet obligations to one's ethnic cleavage. Incompetent, unqualified, and unprofessional civil servants contribute significantly to failures in development and force the country to remain essentially underdeveloped.

In order to promote sustainable growth and development, each country needs a competent, efficient and professional civil service. The bureaucracy, in general, and those who serve in it, in particular, ought to prioritize the needs and demands of the business class in order to encourage and enhance investment and productivity in the economy. Thus, if one is to improve productivity in the economy and, subsequently macroeconomic performance, the efficiency of the public service must be improved. At the least, therefore, the expectation from the bureaucracy is that they are able to equitably and efficiently deliver public goods and services to the general public. Disproportionate income distribution and wealth is also one of the causes of corruption in Africa especially South Africa. Income and wealth in Africa are concentrated in the hands of the esoteric and privileged few.

The roots of corruption lie in the unequal distribution of resources in a society. Corruption thrives on economic inequality which is a fertile breeding ground for corruption and, in turn leads to further inequalities (Hall, 2006). Poverty and inequality are global phenomena and the wide gap between the poor and the rich characterizes the societies in developing countries. Poverty is characterized by the inability of individuals and households to command sufficient resources to satisfy a socially acceptable minimum standard of living.

The specificity of the unequal distribution of income and wealth in South Africa is that of four decades of apartheid legislation built on the earlier policies of the Colonial and Union Government directed at the extraction of cheap labor. This history has to be taken into account when analyzing the path that South Africa chose to take. South Africa's history introduces a number of context specific causes of our challenges some of which are still happening in South Africa today. These include:

- i. The impact of apartheid which stripped people of their assets, especially land, distorted economic markets and social institutions through racial discrimination. This resulted in violence and destabilization;
- ii. The undermining of the asset base of individuals, households and communities through ill health, over-crowding, environmental degradation, the mis-match of resources and opportunities, race and gender discrimination and social isolation;
- iii. The impact of a disabling state, which included the behavior and attitudes of government officials, the absence of information concerning rights, roles and responsibilities, and the lack of accountability by all levels of government (Hall, 2006:2).

These factors have shaped the nature of South Africa's economy and society, and represent apartheid's legacy of inequality and poverty.

According to Hall (2006:2), when the new government took over in 1994 the gap between the rich and the poor increased due to corruption:

- i. Estimates of the housing backlog ranged from 1.4 million to 3 million units and people living in shacks numbered between 5 million and 7.7 million;
- ii. Sixty percent of the population of South Africa had no access to electricity;
- iii. Six million people had no access to clean water;
- iv. Twenty-two million people did not have access to adequate sanitation;
- v. There were 17 fragmented departments of education with a disproportionately high allocation of resources to white schools; and
- vi. 70% of those who should be in secondary schools.

The South African Constitution says that "human rights must be protected, but pervasive corruption leads to systemic human rights violations. Corruption is never 'victimless'; the source of corruption in South Africa is rooted in the country's bureaucratic traditions, political development, and social history (Hall, 2006). Corruption has thrived, firstly, due to institutional weaknesses and abuse of power. According to Hall (2006), the Minister of Cooperative Governance, Sicelo Shiceka, has been reported to have built a new house in his home village of Ingquza Hill in the Eastern Cape. The area is one of the poorest in the country, and has been the focus of protests by the local community about poor service delivery. In this context, the building of the Minister's house attracted criticism. Specifically, it was alleged that municipal trucks had carried water to the building site whilst water was not delivered to most of the local community. Furthermore, a tarred road costing R32 million was routed past the house while many of the nearby residents lacked even dirt roads to reach their villages. The house was also alleged to be among the first in the area to receive electricity (Hall, 2006:3-10).

## **REFLECTIONS ON CORRUPTION AND DEVELOPMENT IN POST-APARTHEID SOUTH AFRICA**

In 1994, South Africa experienced a transitional period from authoritarian control of the apartheid regime to a new democratic era. Given such circumstance, when oppressive structures are being replaced by democratic ones and by legitimate and accountable institutions, the level of corruption will most likely increase and reach a peak before it is reduced by increasing levels of democratic checks and balances. Corruption occurs in South Africa, when an employee forsakes his or her duty for benefit; puts personal interests above those of the people and ideals he or she is pledged to serve. In its simplest form, corruption exists when any form of unearned compensation or benefit is given to a person for any act or omission related to his duty for which he receives a salary (Gardiner, 1993). According to the Transparency International Corruption Perceptions Index (CPI, 2010), there is a high rate of

corruption in Africa and South Africa ranked 54th in 2010 is today ranked 67th on the world corruption index scoring 4.4. A score of zero indicates high corruption and 10 a low level (CPI, 2014). This is a significant drop by 13 positions suggesting South Africa's struggle with combating corruption at all levels.

Many agree that corruption has negatively impacted South Africa's development. On the political front, corruption undermines the ethos of democratic governance which eventually results in the erosion of public confidence and trust in the democratic process (UN Report, 2003). This ultimately results in citizens' unwillingness to cooperate with government, which is the start of a vicious cycle resulting in a type of anarchy benefitting no one (Farnaroff, 2002). Corruption furthermore serves as an obstacle to the rule of law as it eventually results in the judicial system, police and others acting largely in the interests of those willing to pay bribes. The primary beneficiaries of this are those who already possess power and wealth. On the economic front, corruption in South Africa creates inefficiencies in markets. It is particularly damaging to small and emerging entrepreneurs who can much less afford the cost of bribes than large corporations who often budget for bribes. Corruption also creates uncertainty in markets already affected by volatility and is a deterrent to both foreign and local investment, thereby sabotaging opportunities for job creation (Mbeki, 2005).

According to Evans, policing and corruption go hand in hand and the fact that the two are inextricably linked is a grave matter as the police organization is the prime agency of the state for law enforcement and social control (Evans, 2002). Corruption undermines and ridicules democracy and criminal justice, thereby fueling crime, poverty and associated evils. When we think of corrupt police officials, the image which usually comes to mind is one of the 'greedy cop' shaking down a motorist who should be getting a traffic fine, taking a bribe from a drug dealer or being on the payroll of the racketeer. However, police corruption is in fact more complex and takes on many different forms and guises, ranging from abuse of power to outright criminality. Police corruption in its narrow, legalistic sense generally refers to an officer knowingly doing or not doing something that is against his or her duty for some form of financial or material gain, or promise of such gain (Basdeo, 2003).

Corruption exists when a member of a police force illegally puts personal interests, or the interests of others, above those of the people he or she is pledged to serve. According to Sayed and Bruce (1998), police corruption is any illegal conduct involving the use of occupational power for personal, group or organizational gain. In a general sense, police corruption involves misuse of authority by police officers in a manner designed to produce personal gain for themselves or others. Basdeo (2003), an American criminologist summarized the contributing factors to corruption in the police as greed; personal motivations, such as ego, sex, or the lust for power; cultural intolerance; socialization from peers or the organization; poor selection of

officers; inadequate supervision and monitoring of behavior; lack of clear accountability of police officers' behavior and no real threat of discipline or sanctions.

Police corruption may occur in an active or passive form. Passive corruption occurs where a police official is approached with a 'favor or a request'. For instance, a person may offer money or gifts in exchange for a police official to not investigate a crime. In passive corruption, the police official may be the recipient of an advantage without specifically having sought it (Basdeo, 2003:96).

Police in South Africa are increasingly perceived as being corrupt. Research indicates that corruption is especially common in the area of traffic regulation enforcement which, in the main urban centers, is mainly the responsibility of Metropolitan Police Departments (MPD) Chikwanha and Sibanyoni (2006:12). This is so because organs of local municipal MPD are directly responsible for general crime prevention and crowd management as well as joint duties with the South African Police Services (SAPS). National victims of crime surveys by the Institute for Security Studies (ISS) show that in all public service departments, it is the two spheres of "traffic fines" and 'policing' in which bribes are most frequently asked by officials. Transparency International's 2007 Global Corruption Barometer demonstrate that on average police are more than twice as likely as other public servants to demand petty bribes (Lambsdorff, 2003:60). Louw gave an account of the most recent survey of the public's perception of police performance while the Afrobarometer Survey released in 2006 showed that 48 percent of respondents believed that most police are corrupt and 50 per cent trust them 'not at all' or 'just a little' (Louw, 2005:12). This data also showed that perceptions of corruption have the greatest influence in eroding public trust in the country's policing organizations (Chikwanha and Sibanyoni, 2006).

To a greater extent corruption is a way of life for South African government officials. This was shown by *The Star* newspaper which exposed a MPD officer requesting a bribe from one of its reporters. In response, the chief declared that disciplinary action was taken against 21 licensing officials for engaging in fraudulent activities (Rondganger, 2007). Later in 2001 five police officers were reportedly found guilty of corruption practices committed while working in the former traffic department in 1999 (Rondganger, 2007). In October 2003, the television program *Carte Blanche* showed alleged abuse of power and nepotism by the Tshwane MPD chief and three deputies (Burger, 2003). Following investigations resulted in the MPD chief and his deputies being charged with fraud and abuse of vehicles and petrol cards (Lewis, 2004). In 2008, an off duty officer was arrested for hijacking vehicles under the deception that he was pulling them over for police business and another officer was sentenced to five years in prison for accepting a bribe (Tshidino, 2008). In South Africa, the transformation of the police organization has witnessed cries, internally as well as externally, of poor management and lack of discipline of police officials. This causes a sense of impunity to develop amongst police officials as

well as perceptions of individual accountability starts to erode and vulnerable and already corrupt police officials are webbed deeper into the curse of corruption.

In 2001, the Directorate of Special Operations (DSO or Scorpions) came into operation as a multidisciplinary agency that investigated and prosecuted organized crime and corruption. It was a unit of the National Prosecuting Authority of South Africa with staff consisting of some of the best police, financial, forensic and intelligence experts in the country. This was a good initiative by the South African government as statistics show that corruption was at its climax at that time in the country (Cull, 2009). In its quest to fight corruption, the Scorpions raided houses of public officials, NEC members of the ANC and their associates. For instance, the house of President Jacob Zuma was raided by the Scorpions on allegations of corruption with regards to the Arms Deal. The arms deal is a strategic defense package or a South African military procurement package. It involved US\$4.8 billion purchase of weaponry by the African National Congress government finalized in 1999. It has been subject to repeated, seemingly practical, accusations of corruption (Cull, 2009). Shortly after these events, the Scorpions were disbanded in 2009 and the ANC decided to merge them with the South African Police Service (SAPS). Clearly the African National Congress (ANC) and Congress of South African Trade Unions (COSATU) were displeased by the action of the Scorpion and these political parties believed that the Scorpions violated South Africa's constitution and the rule of law. Others have argued that the decision to disband the Scorpions was a political one and was meant to protect the high profiled politicians who were investigated. Thus, by merging the Scorpions with the SAPS, this made the Scorpions weak and practically of no relevance.

In another incident in 2009 the Minister of Transport in South Africa, Sbusiso Ndebele received a Mercedes Benz worth R1 million from Vukuzakhe contractors. The Mercedes Benz was supposedly intended as a gift to honor the Minister for his contribution in creating a platform for small contractors to emerge. But Ndebele's acceptance of the Mercedes caused a public furor. The gift was received amid calls from the KwaZulu-Natal Democratic Alliance (DA) to return the vehicle, who claimed that the gesture could be a conflict of interest (Lewis, 2004). This situation poses the question on what constitutes corruption? Few days after receipt of the gift the Minister made a statement to the media explaining why he returned the gift. The Minister explained in his statement that:

The Executive Code of Ethics states that, a member who has received in the course of his or her duties a gift with a value of more than R1000 must request permission from the President to retain or accept the gift. If permission is granted, the member can retain or accept the gift but must disclose particulars of it in terms of the Code (Lewis, 2004:12).

In addition, the Minister further mentioned that he had no idea he was going to receive the gift. In retrospect, the fact that the Minister had to explain to the public and the media shows that the issue of bribery in South Africa is a serious problem especially with regards to public officials.

Another corruption case that received a great deal of attention was the one of Jackie Selebi (now late) who was the former South African Ambassador to the United Nations and the head of Interpol. He went on trial on the 5th of October 2009 after a court delay of close to two years. This senior member of the ANC was accused of accepting bribes from a tycoon murder suspect (Tshabalala, 2009). In 2010, he was found guilty of corruption and faced 15 years in prison. Among other things, the court found him guilty for obstructing the administration of justice. This raised the question, if the National Commissioner of the South Africa Police Service, a leader of a body entrusted with the responsibility of protecting citizens from criminals, is found guilty of corruption and guilty of obstructing the administration of justice, what hope is left for safeguarding the citizens of South Africa from corrupt activities? The findings of this case regarding the former National Commissioner of South African Police service proved to the South African community that no man is bigger than the law. Ironically, it is argued that this case was driven by political agenda as Jackie Selebi was the Head of Scorpions which investigated the current President of the country.

Between 1996 and 2002, Schabir Shaik and President Jacob Zuma engaged in what the trial court appropriately called a generally corrupt relationship which involved frequent payments by Shaik to or on behalf of Zuma and a reciprocation by Zuma in the form of the bringing to bear political influence on behalf of Shaik's business interests when requested to do so (Moyo, 2009). The original High Court judgment found Schabir Shaik guilty of contravening section 1 of the Corruption Act of 1992. According to The Mercury newspaper, only 51 percent of ANC supporters believe that party president Jacob Zuma was innocent of fraud and corruption charges that were levied against him, while 71 percent of its supporters say they support him unconditionally. Similarly, the figures revealed in the latest Ipsos Markinor Survey which looked into how South African voters perceive the ANC president found that "39 percent of those interviewed are of the view that Zuma is innocent of the charges against him while 31 percent conclude that he should be made to face the charges (Moyo, 2009). The Congress of the People (COPE) and Democratic Alliance (DA) voters were more sceptical about the ANC leader, with 77 percent of COPE supporters believing he is guilty along with 75 percent of DA voters (Moyo, 2009). Going from the above, we can conclude that corruption activities often occur by government officials who have the power and the money to violate the rule of law of the country.

### **COMBATING CORRUPTION IN SOUTH AFRICA: POSSIBLE SOLUTIONS**

In the Post-Apartheid era of South African democratic experience, achieving good governance and fighting corruption are among the most important

challenges that the country faces. Since 1994, the new government has introduced numerous anti-corruption programs and projects. The starting point for curbing police corruption is for leaders and society at large to take cognisance of its prevalence, recognizing its seriousness as a problem and expressing commitment to combat it. Krounkamp, notes rightly the imperative of leadership to ensure sustainability, strong government, leadership policies, that should be dedicated to champion anti-corruption in South Africa (Krounkamp, 2006). Unfortunately the conviction of the former SAPS National Commissioner, as well as senior officers on corruption charges leaves much to be desired in respect of police leadership. Policing requires competent leaders who can lead confidently at all levels of the institution, which means that we should not be mesmerized only by leadership at the top.

Combating corruption furthermore requires a dynamic and multi-faceted strategy or strategies that use scarce resources effectively on a constructive, shared basis. In developing such a strategy, it should not purely be to comply with legislative frameworks, but to ensure that the outcomes and outputs address the corruption. If corruption is to be fought successfully, the objectives of an anti-corruption strategy should be to: improve efficiency, effectiveness and accountability; improve the application of systems and policies; support a good corporate culture; reward exemplary conduct; put public interest first; inform the reinforcement process with a shared commitment; facilitate the reporting and monitoring of incidents of corruption; and strive for the deterrence, prevention and detection of corruption (Boone, 2003).

This study therefore proposes nine considerations to combat and prevent corruption in South Africa. First, there should be a review and consolidation of the legislative framework. This requires the existing Corruption Act to be replaced with an effective and modern anti-corruption law, and other related legislation to be refined. This legal framework requires a new arrangement for the Prevention of Corruption Act that provides a workable definition of corruption that replaces the common law crime of bribery, that creates presumption of prima facie proof to facilitate prosecution, and that extends the scope of the Act to all public officials and private citizens and their agents. Second, there should be increased institutional capacity that effectively increases anti-corruption capacity for courts, existing national institutions that have anti-corruption mandates, and departmental anti-corruption capabilities. This should result in the improved efficacy of existing departments and agencies to establish and maintain appropriate mechanisms to co-ordinate and integrate anti-corruption work. Third, there should be increased encouragement and access to report wrongdoing. As such, there should be protection of whistleblowers and witnesses because this focuses on improving the application of the protected disclosures legislation, witness protection and hotlines.

Fourth, is the prohibition of corrupt individuals and businesses. This proposes that mechanisms be established to prohibit employees who are

convicted of corruption from employment in the public sector and businesses identified as corrupt from doing business with the public service. The fifth consideration is for improved management policies and practices, i.e., practices pertaining to procurement systems, employment arrangements, the management of discipline, risk management, management information and financial management. Proposals for this consideration include the extension of the system of disclosure of financial interests, screening of personnel, establishing mechanisms to regulate post-public service employment and strengthening the capacity to manage discipline.

The sixth area that has been identified is the need to manage professional ethics. This requires a renewed emphasis on managing ethics, including the establishment of a generic ethics statement for the Public Service that is supported by extensive and practical explanatory manuals, training and education. The seventh consideration is the need for partnerships with stakeholder partnering envisaged as a major cornerstone of the establishment of a national anti-corruption strategy. In this regard, the National Anti-Corruption Forum will be used to promote Public Service interests. Partnerships will be established with the Business and Civil Society sectors to curb corrupt practices, while Public Service unions will be mobilized to advocate professional ethics with members.

The eighth consideration is the need for social analysis, research and policy advocacy. This consideration proposes that all sectors be encouraged to undertake ongoing analysis of the trends, causes and impact of corruption. All the sectors are required to advocate preventive measures. Lastly, the need for appropriate levels of awareness, training, and education to support the above developments is identified. This is important in order to launch a public communication campaign. It is proposed that the campaign would be aimed at the promotion of South Africa's anti-corruption and good governance successes both domestically and internationally. The Public Service Anti-Corruption Strategy should be used as the guiding framework to benchmark and measure the progress of government's anti-corruption reform efforts. It consolidates existing anti-corruption initiatives and in part, replaces the work done in terms of the resolutions adopted at the various summits and committees. A high standard of professional ethics includes efficient, economic and effective use of resources; services must be provided impartially, fairly, equitably and without bias.

People's needs must be responded to and the public must be encouraged to participate in:

- policy making;
- holding public administration accountable for their activities;
- fostering transparency by providing the public with timely accessible and accurate information;
- cultivation of good human resource management and career development practices,
- sectoral representation in public administration, and

- the rectification of the imbalances of the past to achieve broad representation (Boone, 2003:38).

## **CONCLUSION**

This paper has critically assessed the nexus between corruption and underdevelopment in Africa paying particular attention to the South African context. It is true that corruption has a negative impact on development and imposes serious consequences for the poor especially in Africa. Given the reality that the poor are the most dependent on good public services, it is clear that the poor people are at the receiving end of an environment where bribery and corruption damages the economy and public services. The study highlights the effects and causes of corruption, which include but are not restricted to weak checks and balances, poor governance, greed and self-enrichment. It also points out how corruption negatively impacts South Africa's progressive development trajectories. Using selected cases, the paper also investigates the dimension of corruption within South Africa's police institution by examining documented corrupt practices within the police institution.

We have argued that South Africa's efforts to successfully fight corruption would be dependent on the improvements of its anti-corruption strategy with emphasis on efficiency, effectiveness and accountability; improvement in the application of systems and policies; and the black listing of convicted culprits (individuals, businesses and organizations) that are proven to be involved in corrupt practices. As a consequence, effective corruption control must begin with a modification of the incentive structure implying the implementation and promotion of social research and analysis and policy advocacy to analyze the causes and effects of the growth of corruption.

Overall, the arguments considered in this paper show that without improved efficiency and effective accountability in the government or public sector, it will be difficult to combat corruption in Africa and particularly in South Africa. Thus, there should be anti-corruption structures in place to fight against corruption in African states for checks and balances across economic, political, and public service activities. To conclude, for effective corruption clean-ups to be achieved and sustained in South Africa, political officials at all levels of government, including the judiciary must be sensitized to the imperative of institutionalizing legal and constitutional rules about the conduct of all political officials and organizations. Without effective systems that can provide checks and balances to the presumptuous power of governments, a state can become vulnerable not only to corruption and the abuse or misuse of public office and resources but also to the negation of democratic principles and values.

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