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Editorial

Christelle Auriacombe

Chief Editor

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The third edition of this journal focuses on the key principles of good governance, participative governance, philosophical tools for good governance, best practice for public managers, the use of statistics to improve public management, teaching the subject and practice of Public Administration and Management. Furthermore, this volume looks at the important role ethics play in the labour relationship, public-private partnerships as solutions to service delivery problems, a new approach to Broad-Based Black Economic Empowerment, public private partnerships as a remedy for poor service delivery, as well as participation theory and practice.

Education forms the cornerstone of any discipline. In the first article, “Adding public value in teaching the subject and practice of Public Administration and Management Transforming classroom learning into work related knowledge”, Moses Sindane argues that the ultimate aim in the study of Public Administration and Management is to equip the learner for a career in the Public Service. The author states that a curriculum needs to be both theoretical and practice oriented. However, states Sindane, “bridging the theory-practice gap requires transforming classroom learning into work-related knowledge, which cannot be achieved through traditional teaching methods alone. For this reason, this article argues that teaching the subject and practice of public administration and management require innovative teaching, such as practice-based teaching (case method), group discussions and experiential training (active learning). This will help boost the employability of especially undergraduates who should add value to the Public Service as a service provider. Ultimately, this will bring about better leadership.

Information in its many guises and the ethical implementation thereof, plays a key role in public management. In the second article “Best practice in statistics for public managers”, Danielle Nel states that statistical methodology can enhance public management by providing guidance through empirical research, tools, as well as methods to collect, process and interpret information and knowledge. For this reason, the author sheds more light on the elementary concepts of statistical analysis, such as statistical techniques, data and analysis. According to the author, public managers can use the principles and standards of

statistical analysis as guidelines to improve the collection, review and application of statistical data. When derived and applied correctly, states Nel, “statistics can inform public management and decision-making”. However, warns the author, public managers need to be aware of the possible misrepresentations of statistics and use statistics correctly. Hence, public managers should identify levels of competency and proficiency in data analysis and the importance of ethical principles in data analysis.

Fanie Cloete assesses the problem of source attribution in scholarly writing in the third article titled “Dwarfs on the shoulders of giants: acknowledgement, attribution and plagiarism in public management scholarship”. He summarises the origins of plagiarism as theft of intellectual property, and explains the different competing conceptions of what plagiarism is, what the different types of plagiarism are and how it can be detected and managed to minimise the detrimental impact of this increasingly popular scourge in academic activities. He concludes that contemporary society necessitates the adoption of systematic electronic tools both as preventative developmental and disciplinary strategies to minimise plagiarism.

Shika Vyas-Doorgapersad and Keith Simmonds argue that, with the advent of the new approach to Public Management (NPM), Public Administration faces a paradigmatic shift. The authors draw a parallel between decentralisation and relativism on the one hand and accountability and responsibility on the other. In “The significance of philosophical tools for good governance, with reference to South Africa”, the authors explore the merits of philosophical tools to ensure ethical governance in a South African context. According to the authors, the public administration should implement the normative tools of ethics, integrity and honesty to create an environment of good governance, as well as an ethical society. “Using philosophical tools (taking a normative approach) helps public administrators to think rationally and to be ethical policy-makers,” says Vyas-Doorgapersad and Simmonds.

Leadership can play a critical role in transformation. Sival Kahn and Sagree Naidoo’s article provides an overview of the critical aspects for effective leadership that are needed in the South African public service to promote transformation. Specific reference is made to the South African National Defence Force (SANDF). The authors use a qualitative case approach to assess the feasibility of implementing the transformational leadership approach. The literature and findings of the study suggest the lack of an effective leadership approach has a negative impact on transformation in the SANDF. Hence, transformational leadership is critical for advancing transformation by the SANDF.

Effective leadership and ethics are inextricable. This also pertains to the labour relationship. In “Ethics as regulator of the labour relationship in the

public sector”, Gera Ferreira provides ethical guidelines for regulating the labour relationship in South Africa. According to the author, unethical behaviour within the South African public sector, and throughout the world, has reached endemic proportions. For this reason, strategies to promote and encourage ethical behaviour in the public labour relationship are indicated.

Participation often requires an interdisciplinary approach and case study management – especially when it comes to environmental management. In the last article of this edition, Sunette Van Eeden and Eric Nealer, use the Delmas and Merafong Local Municipalities as example to reflect on the interdisciplinary environmental challenges in South Africa’s dolomitic areas. The article discusses the two slowly developing crisis scenarios in these two municipalities, which is the product of irresponsible environmental management. The authors highlight the importance of not approaching environmental problems from a reductionist point of view (a one-expertise approach). Rather, according to the authors, human-land relationships require a holistic, multidisciplinary approach.

Zwelibanzi Mpehle approaches the labour relationship from another angle. In “Black Economic Empowerment in South Africa: Reality or illusion”, the author states that the introduction of Broad-Based Black Economic Empowerment (BBBEE) brought hope to many impoverished South Africans. This article, however, contests the effectiveness of the policy, and argues that although the concept of empowering the disadvantaged is a noble one, there is still a challenge in its implementation. The article warns that, if left unattended, it will lead to a state where the economic and social disparities will linger, while the intended objective will be lost in the process. In order for economic empowerment of the disadvantaged to yield fruit, the article provides specific guidelines that Government needs to consider, such as more clarity on the enforcing B-BBEE, its vigorous implementation by the Department of Trade and Industry (DTI) and human resource development.

In his article, “Adjusting good governance architecture to achieve public service excellence”, David Fourie argues that decentralisation plays a pivotal role in participative democracy. The author highlights that a common vision and delivery strategy, organisational change, co-operation and collaboration between partners and interacting networks will help ensure “better government”. One of the key challenges, says Fourie, is to establish an institutional framework that promotes decentralisation within a “flexible, integrative, innovative and dynamic modern delivery model, and which clusters services together in a seamless bureaucratic environment”.

As with economic empowerment, service delivery, as a constitutional right, poses a plethora of challenges. Sunette Steyn and Mike Van Heerden debate public-private partnerships as solutions to service delivery problems. This article argues that the loss of technical skills and the shortage of management skills

are the primary contributing factors to poor service delivery and the resulting protests. The article makes specific reference to the water and sanitation services and explores possible solutions that could alleviate the problems. It focuses on the role of the private sector as a partner to municipalities to help address these factors. The authors propose short- to medium-term PPP contracts as one solution that municipalities could pursue to address this challenge – specifically in the water sector.

Participation theory and practice has several meanings in democratic discourse. In “Dimensions of participation and implementation in South African Local Government”, Jayanathan Govender, PS Reddy and Pregala Pillay aim to categorise dimensions of participation that has not yet been a subject of participation in participation theory. Secondly, it examines participation in South African local governance from a policy perspective in order to prepare stakeholders for practice. According to the authors, identifying the theoretical dimensions of participation allows for better policy choices and implementation approaches, adaptable to local conditions. The hope is that local governance is improved. However, the article cautions that participatory democracy is best understood according to who is viewing it, and according to what functional imperatives are to be gained.

In “Community participation in rural housing development: The case of Mbhashe Local Municipality”, Vuyokazi Ngzubaza and Rozenda Hendrickse explore community participation on a practical level. The authors aim to ascertain whether community participation takes place in the housing delivery process in the Mbhashe Local Municipality. The case study revealed that the municipality’s current forms of community participation strategies prove inadequate. According to the authors, several reasons prevent the community from participating in the housing delivery process. These include inaccessible language; ineffective communication between the municipality and residents; high levels of illiteracy; and a general lack of knowledge concerning roles and responsibilities of various stakeholders in the rural municipality. One of the study’s recommendations is that municipalities should form partnerships with local universities. According to the authors, Learning Programmes can help facilitate data collection and information dissemination around housing development. In this way, the university, students, municipality and rural citizens will benefit in various ways.

Adding public value in teaching the subject and practice of Public Administration and Management

Transforming classroom learning into work related knowledge

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ABSTRACT

The ultimate aim in the study of the discipline Public Administration and Management is to equip the learner for a career in the Public Service. Therefore, the development of the curriculum is supposed to be both theoretical and practice oriented. However, the gap between theory and practice presents a problem. It is addressed more easily at the post-graduate level, where most of the learners are already in the service. At the undergraduate level, where learners are fresh from school, there is a high risk that emphasis will fall on theory, thereby depriving learners of the necessary practical orientation. Also relevant in this case is the knowledge-ability and experience of the curriculum designer in the discipline itself. Bridging the theory-practice gap requires transforming classroom learning into work related knowledge, which cannot be achieved through traditional teaching methods alone. Teaching the practice of public administration and management necessarily calls for tying learners' learning goals to the vision, mission, goals, objectives and strategies of public organisations. For the above reasons, this article argues that teaching the subject and practice of public administration and management may bear better fruits through innovative teaching, such as practice-based teaching (case method), group discussions and experiential training (active learning). This will help boost the employability of especially undergraduates who should add value to the Public Service as a service provider.

INTRODUCTION

Administration is as old as mankind. Considering that whenever two or more people are engaged in an activity to achieve an objective the phenomena administration takes place. Thus, it is safe to assume that even pre-historic humans must have engaged in administration. For example, it is inconceivable that an objective could be achieved without some form of organising, however chaotic, taking place; some resources – especially financial and human resources being utilised; some control measures being exercised to ensure efficiency and effectiveness; and some procedures being followed to ensure uniformity of action. In light of the above, it is also safe to assume that the organisation of mankind into government – however rudimentary – to administer public affairs on behalf of the public, signalled the birth of public administration. It is surprising that, as a field of study, Public Administration is of recent origin and developed after 1887 in the United States (US) and in South Africa (SA) even much later.

In South Africa, Public Administration was taught at most universities, technikons (now referred to as universities of technology), colleges as well as private institutions, such as Damelin. Although of recent origin, its widespread popularity is not surprising considering the extensive positions and activities of public sector institutions. Up to 1991, the generic administrative process had been the dominant paradigm in teaching Public Administration in South Africa.

Since the Mount Grace Conference in 1991, the advent of democracy and a new Constitution in 1996, there has been more Public Administration debate at an academic level. Subsequently, some institutions, maintained the title Public Administration; others, referred to this field of study as Public Management, Public Administration and Management, Public and Development Administration and Public Management and Governance. Thus, there is no uniformity in the naming of the discipline. A review of the literature further highlights the state of flux the discipline is in. It manifests in the problem of the existing gap between theory and practice. Hence, the article proposes a hypothesis of innovative transformation of classroom learning into work-related knowledge that transcends traditional teaching methodologies.

TEACHING PUBLIC ADMINISTRATION IN THE NEW DISPENSATION

The former State President, F.W. de Klerk's speech on 2nd February 1990 is normally considered of great significance in the South African political scenario. In this speech, De Klerk announced the unbanning of all previously banned

political organisations. It set the stage for a process of constitutional negotiations aimed at a political settlement.

In the same breath, it can be stated that the speech had profound implications for Public Administration and its practice in South Africa. Following De Klerk's speech, previously exiled people with qualifications and experience in civil services in foreign countries returned to South Africa. Upon their return, initiatives were launched aimed at transforming the discipline, as well as the institutions engaged in its teaching.

A landmark initiative was the founding of the New Public Administration Initiative (NPAI) held in Magaliesburg in November 1991. Resolutions of the conference, contained in the 'Mount Grace Resolutions' (McLennon and Fitzgerald 1991:23–24) were to set the teaching and practice of Public Administration in South Africa on a new course based on new approaches. Envisaged in the new approaches is a Public Administration that entailed, among others (Schwella in Wessels and Pauw, 1999:338–340):

An explicit normative focus that promotes democratic values of participatory governance and Public Service at all spheres of Government. Democratic values should form the basis of public administration, as opposed to the undemocratic values of the Apartheid regime.

- Promoting a just, equitable and non-racial society that enjoys equal access to societal resources to improve their quality of life. The teaching and practice of public administration should be tools to promote equity and non-racialism in the spirit of reconciliation and reconstruction.
- The pursuit of economic sustainability, political and social growth as well as development.
- Promoting values, such as efficiency, productivity, effectiveness, accountability, responsibility and responsiveness in meeting peoples' needs and expectations
- Promoting critical debate that is focused on development, pro-active and networks internationally.

As a point of departure, it needs to be pointed out that the above ideas are not the preserve of the NPAI. As early as 1987, most of these ideas were debated, for example, at the Winelands Conference in Stellenbosch (*cf.* Gildenhuys 1988). The political landscape of the time prohibited propagating these ideas in practice, hence also in the teaching of the subject. Thus, admitting to the fact that the teaching of Public Administration should not be confined to the teaching of skills alone, but should take cognisance of the practical environment within which students will perform their allotted function upon completing their studies (Thornhill in Gildenhuys 1988:272).

However, following the NPAI, and the eminence of political changes, programmes in public sector management were introduced at the University

of Witwatersrand; the Institute of Governance at the University of Fort Hare increased its capacity; the University of the Western Cape established the School of Government; and the School of Public Policy and Development at the University of Durban Westville was founded.

As can be inferred from the above discussion, South African Public Administration has moved beyond the generic administrative process and is set to be rigorous, dynamic, pro-active, accountable, responsive, transparent, developmental, efficient and effective. However, to achieve the above and to render public administration and its teaching accountable and ethical requires that those involved in public administration should embrace the rocky and rewarding road of change (Lovell 1994:00). The envisaged change should emphasise accountability and ethics in the teaching and practice of public administration.

It can be stated that the discipline of Public Administration should act proactively and thus be able to predict phenomena and act accordingly. This highlights the value of theorising in Public Administration. Reactively, the teaching and practice of Public Administration should address current issues in public affairs as they unfold. This line of argument suggests that the Public Administration curriculum should be the subject of frequent review with enough leeway for *capita selecta* of pertinent current issues. A failure to be flexible in the teaching of the subject would render the qualifying students obsolete – even before they enter the practice. For this purpose case studies and internships may be viable options.

The following section gives a breakdown of the current status quo with regard to the Public Service and higher learning institutions.

PUBLIC ADMINISTRATION AT TECHNIKONS (UNIVERSITIES OF TECHNOLOGY)

In South Africa, Colleges of Education, Universities of Technology, Universities and a host of other private institutions offer Public Administration as a post-matric subject. Colleges offer National Certificates up to N6 level. Syllabi cover a wide spectrum of introductory Public Administration subject matter, such as the development of the family, community and State; democratic principles; the right to vote and citizenship; hierarchy of authority; legislative, executive and financial authority, executive public institutions; and generic and management functions (Kröhn and Storm 1997:119). Public Administration is an important element of any civilisation that ensures order in a community. Furthermore, it also deals with the challenges brought about by the new political dispensation.

Universities of Technology offer three-year diplomas and four-year degrees in Public Management. Incidentally, the subject is called Public

Management, thereby capturing the spirit of the New Public Management movement. The New Public Management models and their characteristics are comprehensively presented by Ferlia *et al.* (1996:10–15). The four models are (Nolan 2001:xxv-xxvii):

- NPM Model 1 – the efficiency drive. Characterised by:
 - a strong concern with value-for-money, efficiency gains;
 - a stronger general managerial spine, management-by-hierarchy, clear target setting and performance monitoring; and
 - empowerment, more entrepreneurial, but tight retrospective higher-order accountability.
- NPM Model 2 – downsizing and decentralisation. Characterised by:
 - decentralisation, organisational flexibility and downsizing, a move away from management-by-hierarchy to management-by-contract; and
 - delaying and downsizing, thereby reducing the payrolls of public sector institutions.
- NPM Model 3 – in search of excellence. Characterised by:
 - emphasis on managing change; role of values, culture and rights;
 - influence of bottom-up and top-down approaches to change; and
 - importance of communication and results-based performance.
- NPM Model 4 – public service orientation. This model has a strong private sector inclination and is characterised by:
 - concern with societal development (c/f RSA, 1996; RSA 1994); and
 - concern with participation and accountability as pillars of democratic management in the public sector.

There is evidence of the applications of the above models in the South African Public Service. For example, the Public Service has embarked on downsizing (rightsizing) (Ncholo 1996:223). There is a strong concern for value-for-money, as prescribed in the *White Paper on Transforming Public Service Delivery* (RSA 1997), as well as a concern with development. Notably, ethics and accountability are constitutional prescriptions (RSA 1996:83). Analysis of advertisements for higher posts in the Public Service, such as manager (Director level), indicate that incumbents are required to sign a performance agreement, and in most cases the post is offered on a contract basis

From the above, it can be argued that Universities of Technology are engaged in educating and training hands-on public managers. According to Boston, Martin, Pallot and Walsh (1996:viii): “Management, whether in the private or public sector, is about the optimal utilisation of resources towards desired results, that is, the creation of things of value”. Notably, management values in the public sector differ from those in the private sector. The latter statement is valid, for the mere reason that the management of public institutions takes place

in a political milieu and within political constraints (Boston *et al.* 1996:viii). With the latter statement in mind, it is doubtful whether Universities of Technology with their managerial approach provide adequate theoretical background as basis for management in the public sector (See also Vil-Nkomo 1998:136). Terry Cooper (1998:198) also raises the concern as to the entrepreneurial management model's ability to uphold democratic accountability. He summarises the concern (in Nolan 2001:xxviii) as a "... genuine concern among those committed to democratic ideals as to whether the public entrepreneur is able or willing to abandon self interested behaviour in favour of the public interest...". Although they are entrenched in the Constitution, values such as professional ethics, fairness, equity, participation, accountability, transparency and representivity are not on the radar screen for entrepreneurs (RSA 1996:83). Incidentally, although universities of technology with their public management approach appear to be in line with what happens in the public service approach, the Constitution (RSA 1996:83) depicts the field as public administration.

PUBLIC ADMINISTRATION AT UNIVERSITIES

Universities are more autonomous and can determine the content of their courses. South African universities have used the administrative process approach in teaching Public Administration for many years, although with the option of adding to the content where this was deemed appropriate to their circumstances. The University of South Africa (UNISA) is the oldest South African university and was established in 1873 as the University of the Cape of Good Hope; it has examined Public Administration since 1919 and taught the subject since 1947. The composition of the UNISA student body was predominantly white in the early years, but subsequent to De Klerk's speech in 1990, the enrolment of black students increased. For example, in Public Administration, the number of black students grew from 63,47% in 1990 to 79,74% in 1995 (Clapper and Wessels 1997:47). This phenomenon may be explained with reference to employment opportunities in the Public Service that were ushered in by the new political dispensation. It must be remembered that in the Apartheid era, employment of any significance in the South African Public Service was the preserve of white, predominantly Afrikaner males.

The University of Pretoria streamlined its Public Administration courses along specialised paths. This includes specialisation in policy analysis, public sector economics, international management, intergovernmental relations and Local Government (Vil-Nkomo 1998:141).

The former Vista University changed its degrees to 'purpose-focussed' degrees that are more in line with new public service requirements. UNISA

was engaged in the transformation of the Public Administration curriculum and had consulted a wide range of sources for this purpose (Clapper and Wessels 1997:49–59). The reasons for the above changes are not hard to find. Public administration in the new political dispensation requires that practitioners be prepared to engage, firstly in a transformation process; secondly, that they adopt a participatory management style; thirdly, that they ensure that public administration serves a developmental purpose; and lastly, that public administration is practised according to constitutionally prescribed democratic values and principles. These requirements were foreign to the Public Administration and its teaching prior to 1994.

The requirements cited above serve to indicate attempts at making Public Administration and its practice accountable, ethical and in harmony with the wishes and expectations of the South African society, in line with the spirit of the new political dispensation. However, a striking fact is the dearth of highly qualified black academics at universities. For example, the former Vista University, which had the largest amount of Black academics in Public Administration, hardly had a black academic at a doctoral or professorial level by the year 2000. The latter statement suggests that highly qualified whites from the Apartheid era has spearheaded and refereed the transformation of the discipline.

THE NEED FOR NEW APPROACHES IN THE TEACHING OF PUBLIC ADMINISTRATION IN SOUTH AFRICA

The promotion of professional ethics and accountability in Public Administration requires that those entrusted with public administrative leadership are well prepared to assume such leadership. Tertiary institutions engaged in the teaching of the discipline are responsible for this preparation. The current syllabi offered at these institutions falls short of adequately preparing future public officials to take charge as practical idealists (Selden *et al.* 1999:10). Practical idealists can be compared with transformational leaders who are characterised by “...vision, planning, communication, and creative action...around a set of clear values and beliefs... to achieve a clear set of measurable goals...” (Anderson in Gouws and Schwella, 1998:111–116). Johnson, (2001:122) adds charisma, inspirational motivation, as well as the quest for high standards, intellectual stimulation and individual consideration as distinguishing characteristics of transformational leaders. Thornhill and Van Dijk (2010:95) take the argument for justification for theory and practice in Public Administration to an even higher level. According to the authors, efforts to compile Public Administration theory has to consider values, culture, social as well as the political environment within which the

operational activities are undertaken. This suggests that practice needs to play an integral part in the teaching of the subject.

PRESENT STATE OF THE ART

Presently, the state of 'Public Administration' in South Africa is confusing to the uninitiated to say the least. Recent South African literature in the discipline attests to the above statement. For example, is it Public Administration (Muller and Van Rooyen 1994; Wessels and Pauw 1999), Public Administration and Management (Cloete 1994; Botes *et al.* 1992; Du Toit *et al.* 1998) or Public Management (Schwella 1991; Du Toit and Van der Waldt 1997)? These titles are significant in that they are indicative of the approach adopted in the book itself. For example, it is correct to deduce that the title 'Public Management' implies that the managerialist approach is adopted and emphasised throughout the book. In turn, 'Public Administration and Management' may well suggest that administrative principles are emphasised, while not ignoring management principles.

Higher learning institutions also add to the above confusion. In some institutions the departments are called Department of Public Management, others Departments of Public Administration and Management, Public Governance or Planning and Development Management while others still cling to Department of Public Administration. The official *Journal of Public Administration* was formerly called the *Journal of Public Administration*, and the institution the South African Institute of Public Administration. The new institution hosting the *Journal of Public Administration* is now called the South African Association of Public Administration and Management (SAAPAM).

The public service is not innocent either, as the terms manager, management and director are used indiscriminately, for example, municipal manager for chief executive officer. The fact of the matter is, although the Constitution explicitly refers to the subject as 'public administration', in practise it suffers from terminological in-exactitude (RSA 1996:8).

The language of public management is more appealing and reflects international trends, although it has been criticised (Freysen 1998 and Cooper 1998:194–200). However, its success is well documented by Boston *et al.* (1996) in their book *Public Management: The New Zealand Model*.

In South Africa, the notion of a paradigm shift to public management appears dominant and certain issues need to be resolved. Literature in public management accentuates training above education. Hence there is a need to strike a balance between the two. Vil-Nkomo (1998:136) alludes to this dilemma and points out that, in the absence of an agreement on the relative weight accorded to education versus training, the approach may be reductionist

in the end. The end result of the management approach can lead to highly skilled individuals who lack an in-depth understanding of the underlying theory of Public Administration and its multi-disciplinary nature. From the above, it is also not surprising that Government-thinking regarding post-graduate education in Public Administration is along a Masters Degree that cuts across pure Masters in Public Administration (MPA) and a Masters in Business Administration.

Cloete (1997:197–200) ushers in an interesting perspective to the discourse ‘public administration or public management’. He argues (1997:200) that the functions performed in public institutions consists of two dimensions, namely:

- the political dimension; and
- the implementation dimension.

The political dimension is dominated by political values, such as responsiveness, accountability, justice and representivity. While on the other hand, the implementation dimension is dominated by ‘material values’, such as efficiency, value for money, productivity and cost-effectiveness. While these implementation values are subordinate to political values in a public institution they are of paramount importance in a private organisation. The question arises: What do you call the subject that deals with both dimensions simultaneously? Importantly, it must be resolved with reference to context. To call it Public Management, is both a misnomer and unconstitutional. An attempt to introduce management and entrepreneurial principles into Public Administration without due consideration of the discipline’s underlying theoretical principles and hope for the best in terms of accountability and ethics seems too far-fetched. To call it Public Administration, in line with the constitutional depiction, is to risk rigidity as exemplified by traditional bureaucracies that are typical of the closed organisational school of thought that remains unaffected by changes in the environment.

A more appropriate name might be “Public Administration and Management”. The arguments in favour of this title are two-fold. Firstly, the title admits to the political context as originally argued in classical literature (such as Waldo 1948, 1953, 1964, Urwick 1947, 1963, Gullick 1936, Simon 1950, 1976 and Hawley and Weintraup 1966). Secondly, it makes provision for changes and adaptations, as demanded by the times and circumstances that may be accommodated through interdisciplinary considerations. Ultimately, terminological in exactitude need to be minimised.

INFLUENCE OF THE NEW DISPENSATION

According to Schwella (in Wessels and Pauw 1999:34), South Africa has undergone many changes since its unification – especially in the socio-political sphere. The

changes have had a great impact on the practice of Public Administration. However, subsequent to De Klerk's speech of 1990, the momentum has increased. Discourse in Public Administration has also extricated itself from its 'straight jacket' (Gildenhuys 1988) and had opened up to international interaction, as exemplified by the Wineland Conferences held biannually since 1987. The international character of the South African Public Administration gained further momentum with the annual case study workshops conducted by the Kennedy School of Government since 1991 in South Africa (Schwella in Wessels and Pauw 1999:74).

However, the importance of Public Administration was solidified with the adoption of South Africa's Constitution in 1996 (RSA, 1996). This piece of legislation devotes an entire chapter, namely chapter 10, to how public administration must be undertaken in the country, together with the democratic values and principles upon which it must be based (RSA 1996:83).

In light of the Constitution, it can be argued that South African Public Administration is legally positioned for moral, accountable, ethical and just action in its practice (RSA 1996:83). Emanating from the constitutional prescriptions regarding Public Administration, the Public Service has been transformed (or is transforming) and a *White Paper* has been drafted for this purpose (RSA 1995). Guidelines on how services should be provided to the community to ensure accountability and correct conduct are in place in the form of a *White Paper* (RSA 1997). Optimistically, as the country passes through a period of transition, the impact of the constitutional prescriptions on Public Administration is still to be realised by both academics and practitioners.

TRANSFORMING CLASSROOM TEACHING AND LEARNING INTO WORK-RELATED KNOWLEDGE

Preparing students for a career in the public sector requires that those entrusted with the task (Public Administration educators) keep abreast of what is happening in the field of practice. On-going research in the subject field, collaboration with practitioners and keeping an eye on the political front are some of the pre-requisites and challenges of teaching that is geared towards transforming classroom learning into work-related knowledge. The comfort zone presented by the conventional teaching methodology can no longer be a panacea for the problems confronting the teaching and practice of Public Administration. The conventional teaching methodology, with its emphasis on the expert (the teacher) transferring knowledge or information to the novice (the student) (Garvin in Christensen, Gavin and Sweet 1991:3) is an intensely private and personal matter (Elmore, in Christensen, Garvin and Sweet 1991:xvi). The manner in which Public Administration educators think

about their subject, design their courses, deal with their students or learners in classrooms and evaluate them, are dimensions of teaching affected by personal beliefs. For decades, Garvin contends, the conventional teaching method has existed in uneasy peace with other teaching approaches. Normally referred to as a teacher-centred approach, it has existed (and endured) side-by-side with active learning approaches. However, the conventional teaching method, based on the idea of teaching as telling, may have limited practical purpose in a practice-oriented subject, such as Public Administration. There is no arguing that if the goals of teaching are information and the transfer of knowledge to a passive audience, then this mode of teaching is fairly appropriate. However, if the goals are practice oriented, the conventional teaching method lacks the necessary ingredients of exposing the learner to real-world problems. For these reasons, it is worth investigating other modes of teaching the practice of Public Administration in South Africa.

Based on the nine constitutional principles governing Public Administration in South Africa (RSA 1996), *the White Paper on Transformation of the Public Service* (1995) and *the White Paper on Transforming Public Service Delivery* (1997), as well as the *Skills Development Act of 1998* (Act 97 of 1998), it is clear that both the Department of Public Service and Administration and the South African Government envisage a particular role for Public Administration in the development and transformation of the country. From this reason, Public Administration as a discipline (by implication the teaching thereof) in South Africa can thus not afford to shirk its responsibility to collaborate with the practice of Public Administration (practitioners of public administration) in the design, implementation and continuous improvement of the subject field. For these reasons, it is essential to turn classroom learning into work-related or practitioner knowledge through active and/or case study learning. Active learning forces learners to partake actively in the learning process, while case studies expose learners to problems encountered in the real world of work. It may even foster decision-making, as good cases are conflict provoking; decision forcing; generalisable and realistic (see also Schutte in Fitzgerald, McLennan and Munslow 1997:304). According to Gibson (1998:3), pre-service case study teaching offers students the opportunity to apply theory to practice, take responsibility for their learning and acquire problem-solving skills. Conflict resolution and decision-making are two important aspects of management. With case studies, students learn to manage the ambiguity and uncertainty of not solving problems to everyone's satisfaction. Teaching the subject and practice of Public Administration should compel academics and learners to consider the discipline in the light of history and of the social sciences, as well as to relate the problems of the subject and its practice to the broader problems of society (Chandler 2002:376). It is worthwhile to ask

the following important question with regard to the teaching and learning of the subject and practice of Public Administration and Management: Does the teaching seek to educate the students with respect to theory, practice or both? What is the Public Administration educator's role and commitment, and how does s/he perceive this role and commitment – especially in light of academic imperatives of teaching and learning; research and community service? Given that the educational process typically involves close human interaction between educators and students (Dernhardt 2001:529), the dynamics of educator/student interaction is key to an effective and responsible teaching/learning interface. Discussion teaching through case studies can effectively bridge this barrier. Many South African universities, as well as the Public Administration Leadership and Management Academy (PALAMA) provide graduate certificates, diplomas and masters courses in public sector education. However, one wonders how well too highly prescribed management courses meet individual development and long-term public organisational needs (Armstrong and Rumpf 1999:114). Miller (2005:49) is of the opinion that "...the more tangibility students are given about the patterns engaged in by practitioners, the better equipped they will be to recognize (sic.) those patterns when they encounter them as practitioners in the everyday work of their chosen careers". Thus, if learners are exposed to these early on in their careers, they may just be better managers comparatively.

CHALLENGES AND CONCLUDING REMARKS

The challenges facing academics in transforming classroom learning into work-related knowledge are immense, but not insurmountable. Firstly, one has to realise that Public Administration is place and time bound and cannot be taught and practiced without regard to its social setting. Thus, the realisation or awareness of the Public administration's relationship to its social setting is the beginning of wisdom. Including successful models and modes-of-teaching from outside one's country may not necessarily be the best options, and they may have to be altered to suit local social settings. The latter statement should not be interpreted as a rejection of tried and proven practices from places outside one's country, but as wisdom emanating from thinking globally and acting locally.

Secondly, academics in South Africa need to resolve issues implicit in the relationship between teaching Public Administration in a general sense and training for administrative practice. To this end, observation in South Africa suggests that training for administrative practice is well underway at a post-graduate level. What is bothersome is the dearth of practice-oriented teaching at the undergraduate level, which is the Public Service entry-level.

Thirdly, the above paragraph suggests that entry-level requirements must be considered when designing the Public Administration curriculum with intellectual content and effort. For this reason, research on the requirements of this level, together with practitioner-based input, are important and must be undertaken on a continuous basis. The latter statement calls for action or participatory research. Academics need to determine the relevance of the intellectual menu offered by in-service training and marry it with the design of the university curriculum.

South African academics used to gather and network usefully at the case study workshops organised by the Kennedy School of Business Administration in South Africa. What became of such workshops? Maybe there is a need for a follow-up Mount Grace Conference, where role-players can come together to review the direction of the field Public Administration and Management and its teaching.

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Best practice in statistics for public managers

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ABSTRACT

Statistical methodology can inform the practice of public management by providing guidance through empirical research, tools, as well as methods to collect, process and interpret information and knowledge. Statistics is applied in most areas of public management, for instance in policy forecasting, case studies, performance measurement, monitoring and evaluation, ratings, impact assessments and tracking certain programme activities.

The aim of this article is to provide an understanding of the elementary concepts in statistical analysis. It does not aim to provide an in-depth analysis of the formulas, computation or calculation of certain statistical concepts.

This article will provide an overview of statistical techniques, data, analysis and the assumptions thereof. Firstly, the article will provide an outline of the elementary concepts that is relevant in statistics. Secondly, it will outline important considerations in the utilisation of data and surveys. Furthermore, the article will introduce some methods of statistical analysis. Lastly, it aims to provide guidelines for best practice in statistics.

This article addresses a wide audience that use statistics in research or in practice. For the purpose of this article, the researcher refers to a practitioner that is involved in the use of statistics or statistical analysis and a social science researcher or analyst. The article does not address mathematical knowledge or the advanced statistician. It aims to provide a basic introduction to statistics for the application in public management. Statistics is relevant in many areas of public management. A public manager may not require mathematical and statistical skills. However, understanding the origin, purpose and method of statistics could improve best practice in public management by providing public managers with the knowledge of how to scrutinise and representatively apply statistical

data. Hence, very little mathematical and statistical knowledge is required in order to utilise the guidelines that this article provides.

Public managers can use the principles and standards of statistical analysis described in this article as guidelines to improve the collection, review and application of statistical data.

INTRODUCTION

Many decisions that public managers make involve data and data analysis (Corbyn 2007:4–5). The uses of data and analysis is embedded in describing and analysing problems, describing policies and programmes, as well as monitoring progress and preventing fraud and evaluating outcomes through routine and administrative data analysis (Corbyn 2007:5–6).

Corbyn (2007:5) suggests that when working with statistics in public management, it is necessary to:

- appreciate the importance of using data in public management and analysis;
- identify levels of competency and proficiency in data analysis;
- describe strategies for increasing the proficiency in data analysis; and
- understand the importance of ethical principles in data analysis.

Generally, statistics are misused through inexperience and carelessness (Bless and Kathuria 2000:331). Public managers need to be aware of the possible misrepresentations of statistics.

Notably, a number of statistical software programmes, for example SPSS and MoonStats, are available for statistical analysis. However, in order to critically engage with statistical data and to ensure its correct use and representation, it is necessary to have a grasp of statistical concepts, data, methods and the analysis process in order to fully comprehend statistical information.

ELEMENTARY CONCEPTS

Statistics is the theory and method of analysing quantitative data obtained in order to study and compare the sources of variance of phenomena. Consequently, statistics aims to aid decision making in accepting or rejecting hypothetical relations between phenomena and furthermore to help make reliable inferences from empirical data (Roy 2001). Statistics is grounded in the empirical research

method and therefore statistics and statistical analysis apply the premises of this research method. In order to comprehend the nature of statistical analysis, it is necessary to provide an introduction to empirical research.

The basic steps of empirical research are to define the research objective and purpose, and accordingly construct a research design that identifies the suitable methodological, data collection and analysis approaches.

The researcher's main task is to find a procedure to utilise the data in order to serve the purpose of the research. The researcher requires a method of analysis and an instrument to process the information. Bless and Kathuria (2000:v) confirms that, "*social statistics is an application of mathematical statistics to the social sciences with the aim of facilitating the quantitative analysis of data*".

Statistical data consist of variables. Comprising of items that are measured (Nel 2007), variables can be defined as "*a quantity or force, which, throughout a mathematical calculation or investigation, is assumed to vary or be capable of varying in value*" (Byrne 2002:29). Inherently, in order to analyse data, it must first be measured.

Measurement implies the assignment of numbers as the units of analysis (Bryman and Cramer 2001:54). The empirical method strives towards manipulating variables, referred to independent variables, and measuring the effects of this manipulation on others. This measurement is only registered and is called a dependent variable (StatSoft n.d.). In order for data to be operationalised, it must first be standardised by means of categorisation. Importantly, measurement assigns a categorical value to variables.

Hair *et al.* (2005:5) explains that, "*data analysis involves the identification and measurement of variation in a set of variables, either among themselves or between a dependent variable and one or more independent variables*". The measurement of multiple variables is referred to as multivariate measurement or multivariate analysis (Hair *et al.* 2005:4). There are a number of techniques for multivariate analysis. These techniques include factor analysis, multiple regression, multivariate analysis of variance and covariance, conjoint analysis, cluster analysis, correspondence analysis, structural equation modelling and confirmatory factor analysis (Nel 2007). The most frequently used techniques include regression, correlation and variance, which will be described in this article.

Empirical research is always output-driven. Outputs are never absolute; there is always a differential margin and approximation. In order to derive outputs in the empirical method, hypotheses are generated.

A hypothesis is a statement that is tested. More specifically, it is an expectation about an empirical reality that is specified and testable and follows from a general proposition or suggestion. Empirical research is designed to test a hypothesis. In testing a hypothesis, this type of research will either accept or reject the hypothesis (Babbie 2010:46). A hypothesis will make a prediction

about certain variables that are based on probability that the prediction is correct. The hypothesis estimates the empirical reality and therefore the testing of a hypothesis is based on probability. There is chance to erroneously reject a hypothesis and the researcher should be aware of errors, such as missing values and misleading data in testing the hypothesis. Missing variables is important in statistics and should be handled in a special way. The researcher should never create a variable and not check it afterwards. Hence, the researcher is required to be aware of what happens to variables at all times.

Probability is expressed between zero and one and always represents some chance of a certain outcome. The calculation of probability can be compared to flipping two coins: There could be four possible outcomes of either head over head, head over tail, tail over tail and tail over head. Each $\frac{1}{4}$ would equal 25 out of 100%. It would then equal 25% for each possibility to occur. To get a probability to a percentage, multiply it with 10 (move two decimals). The researcher should always be considerate to conditions that could affect the probability and the percentage risk of error.

A sample (an observation or item derived from a population) is used to test a hypothesis. Importantly, a sample must represent the population proportionately and estimate the corresponding statistic in the population.

The research has to be guided by a sample plan, which includes the parameters of the population. To construct a sample plan, the task is to identify the various properties and characteristics of the population. The sample must be directly representative of the population. However, if the sample is not representative of the population, the researcher can redefine it. Nonetheless, the researcher must be honest about it, and not simply make inferences based on it. Hence, the researcher must declare the deviation or difference. The researcher should take care in reporting the limitations of the sample and sampling frame error in order to avoid bias.

In addition, the researcher should use the appropriate sample size. As the sample size increases, the closer the sample will progress to the population. However, this is not necessarily feasible due to size and time considerations in completing the research or analysis. If the sample is homogenous, you do not have to do statistics, because there is no real variance. The researcher should take care when selecting the sample. Sampling is not trivial – especially in the case of applied research, where, for instance, policy decisions are made based on these samples.

Considerations when engaging data

It is necessary to explore the validity, reliability and integrity of data applied in statistical analysis. The researcher should converse with the data and consider the source, relevance and accuracy of the data. In order for data to be relevant,

it must reinforce the purpose of the research. The researcher should ask questions, such as “What is the data you are dealing with?”; “Is the data normal when it is interpreted?” and “Can the data be explained?”. When preparing for analysis, a prerequisite is to know that the researcher can trust the data in order to generate reliable results.

The researcher should consider delimitations in dealing with data, and should manage data by considering the following:

- the volume of the data;
- understanding the data;
- quality of the data; and
- traceability of data and figures.

Considerations when conducting a survey

Established methods for survey design generally adhere to three principles. These include pre-specification and standardisation of all aspects of design; implementation of those specifications; and analysis that adhere to the design protocols. The traditional survey design options include various tools to reduce survey errors, but many have cost implications (Groves and Heeringa 2006:440). The researcher should ensure consistency in data collection and the methods should be exactant to the research design. In order to aid data management, the researcher should use a topic guide to prompt response, use a framework to plan and define the investigation method to facilitate thematic data analysis, and, where possible, consult an objective peer to verify all coding (Harcombe *et al.* 2011:1). The researcher should ensure that the data is monitored throughout the research process. After completing the data collection process, the researcher should evaluate the respondents’ participation. A follow-up survey can assist the researcher in providing post-survey feedback and assessing the quality and efficiency of the survey content, design and data collection. When conducting a post-survey assessment, Harcombe *et al.* (2011:3–4) suggest a number of factors that the researcher should use to evaluate the survey outcomes. A number of these factors are outlined below.

- Topic guide
 - Impressions when respondents were invited to participate.
 - Initial impression of the respondents of the survey.
 - Positive and negative aspects of the survey.
 - Aspects omitted or not allowing sufficient detail.
 - Physical work tasks not captured.
 - Method of following up on non-responders (Harcombe *et al.* 2011:3).
- Participation
 - First impressions when invited to take part in the research.
 - Why people participated in the survey.

- Acceptability of following up on non-responders
- Completion of the follow-up postal survey (Harcombe *et al.* 2011:3).
- Survey design
 - Respondents' first impression of the survey.
 - Survey length or time.
 - Presentation and comprehension of the survey.
 - Scales used to prompt responses in the survey (Harcombe *et al.* 2011:3).
- Survey content
 - Quality of overall content.
 - Time periods.
 - Functional tasks.
 - Physical work tasks (Harcombe *et al.* 2011:4).

Furthermore, Harcombe *et al.* (2011:1) emphasise the *“importance of clear communication aimed at the correct audience both when inviting potential participants to take part and within the survey itself”*. Moreover, in order to obtain a good response rate in a survey, the researcher should provide sufficient information about the research or study, as well as an explanation of the likely societal benefits of the study, when inviting respondents to participate in the survey (Harcomber *et al.* 2011:1). On the whole, the purpose of the research is the key and should be reinforced and integrated throughout the research process.

STATISTICAL ANALYSIS

There are a number of statistical analysis methods that can be applied when processing and testing statistical data. Accordingly, statistical software provides sophisticated data analysis and tools for processing and engineering statistical data. However, although most statistical analysis methods are inherent in statistical software, various methods carry unique assumptions about data. Thus, the researcher should ensure that data adheres to specific procedural assumptions and s/he should verify whether the data complies with those assumptions. The most frequently used statistical analysis methods include correlation analysis, Pearson's R, regression analysis and analysis of variance (ANOVA).

Correlation

Correlation is concerned with the association between two variables. Bryman and Cramer (2002:169) define correlation as entailing *“the provision of a yardstick whereby the intensity or strength of a relationship is gauged”*. Inherently, the association between variables implies that, *“the value of one variable can be*

predicted, to some extent, by the value of the other” (Anon n.d). Anon (n.d) explains that, *“the square of the size of the correlation coefficient is the fraction of variance of one variable that can be explained from the variance of the other variables”*. In addition, Koop (2000:33) confirms this association, by asserting that, *“correlation is a property that relates two variables together”*. Therefore, correlation analysis tests the connection between two variables. In analysing the association between variables, the statistical significance of a result is probed.

The statistical significance of a result is the probability that the observed relationship or a difference in a sample occurred by chance and that the relationship or difference exist in the population from which the sample was drawn (Nel 2007). In other words, *“statistical significance gives an indication about the degree to which the results are ‘true’”* (StatSoft n.d). Thus, it gives an indication of *“how likely it is to obtain a relation of a given magnitude, or larger, from a sample of a given size, assuming that there is no such relation between those variables in the population”* (StatSoft n.d).

Pearson’s R

Pearson’s Product Moment Correlation, more commonly referred to as Pearson’s R, is central to most multivariate analytical techniques. These techniques have been applied in, for instance, political studies in electoral coalitions on a frequent basis (Archdeacon 1994:106).

Pearson’s R is typically applied when working with non-metric data. The most common use of Pearson’s R is evident in working with interval or ratio variables (Bryman and Cramer 2002:170). Interval or ratio data implies that there are more than two categories of variables and that the distances between the categories are equal. The logical requirement of Pearson’s R is that the pattern of correlated values between the variables is a product of their relationship with each other – rather than of an isolated relationship with a common third variable (Archdeacon 1994:107).

Consequently, Pearson’s R determines the extent to which the values of two variables are proportional to each other. If a variable is proportionally related, it means that it is linearly related (Nel 2007). Also, Pearson’s R allows the strength and direction of linear relationships between variables to be calculated (Bryman and Cramer 2002:173). Thus, the logical premise of Pearson’s R is based on undeviating relationships.

Regression

Regression is related to correlation in the sense that it is concerned with the strength of association between variables; by comparison, regression is concerned

with specifying the nature of the relationship between variables (Levin and Fox 2006:358).

To illustrate, regression attempts to calculate the value of Y based on the value of X. Regression strives to utilise the correlation between X and Y to make very specific predictions of the Y value. Relative to correlation, the relationship between X and Y specifies how much information about Y is contained in X. The higher the correlation, the more information about Y is enclosed in X (Sprinthal 2003:389). Similar to correlation, the objective of regression is to establish whether a relationship between variables is positive (indicating a direct relationship between variables), or negative indicating an indirect relationship between variables) (Nel 2007). Regression analysis is thus used as a statistical forecasting method to predict the outcome of a given key variable, based on the interactions of other related variables (Nel 2007).

Analysis of variance

Analysis of variance (ANOVA) is concerned with the divergence between variables. Kirk (1999:459) defines ANOVA as *“a procedure for determining how much of the total variability among scores to attribute to various sources of variation and for testing hypothesis concerning some sources”*. In other words, ANOVA tests the variance among variables. Importantly, variance can be examined within or between groups of variables.

King and Minium (2003:390) define within-group variation as the *“variation of scores around the mean in a single treatment condition”*. King and Minium (2003:391) further contends that between-group variations imply *“variation among the means of the different treatment conditions”*. The definition of within-group variation implies that scores can vary only because of inherent variation. Conversely, with between-group variations means can vary because of inherent variation and treatment effect (King and Minium 2003:390–391). As a result, ANOVA is useful in multivariate analysis and for assessing complex designs and data sets.

BEST PRACTICE IN STATISTICS

Statistical analysis should promote ethical standards of truth, objectivity, honesty and avoiding error and misrepresentation. Ethical standards promote best practice, professionalism and the values that are essential to collaborative work, such as trust, accountability, mutual respect and fairness. Ethical norms encourage respect for legality, intellectual property, confidentiality and anonymity. These guidelines for authorship, copyright and patenting policies, data sharing policies and confidentiality rules in peer reviews are designed to

protect intellectual property interests, while encouraging collaboration. Ethical norms help to ensure that public managers can be held accountable to the public. These norms are inherent in, for instance, policies dealing with conflict of interest and protecting the human subjects (Resnik n.d).

Corbyn (2007:13) summarises the main elements of ethical principles in statistical data analysis as honesty, completeness, usefulness and mindfulness. Firstly, in terms of honesty, Corbyn (2007:13) suggests presenting results in a straightforward and non-misleading fashion that does “*not hide facts, change data, falsify results, or use only data that support your conclusion*”. Secondly, report all data, sources, methodologies, shortfalls and not only the data that supports a particular argument. Moreover, in terms of usefulness, production of data and results that contribute to public management as a discipline, stakeholders and the public at large. Also, communicate data and results in a manner that makes it accessible to both experts and non-experts. Lastly, in terms of mindfulness, consider the consequences that certain data and results may carry, and ensure that the effects are not negative (Corbyn 2007:13).

There are a number of conventions, frameworks and policies to guide best practice, which provides codes for ethical conduct. For example, in South Africa, the *Intellectual Property Rights from Publicly Financed Research and Development Act, 2008* (Act 51 of 2008), the *Promotion of access to Information Act, 2000* (Act 2 Of 2000) and the South African Statistical Quality Assessment Framework (SASQAF).

In South Africa, the SASQAF aims to improve the quality of statistical data. To this end, the SASQAF (2010:9) advocates that quality implies that data be “*fit for use for the purpose for which it was designed*” and recommends eight quality dimensions to encourage best practice in statistics. These eight quality dimensions are outlined below.

- Relevance: This infers the degree to which the data meets the real needs of the research and that the data is aligned to the purpose of the research (SASQAF 2010:17).
- Accuracy: The degree to which the data correctly describes the phenomena it was designed to measure (SASQAF 2010:17).
- Timeliness: Activities should be within a planned timeline according to a project plan (SASQAF 2010:17). Data should be current for the purpose to which it is designed.
- Accessibility: This indicates the public availability of information and data (SASQAF 2010:17).
- Interpretability: The user should understand the statistical data with ease, and thus implicates the affluence of the data (SASQAF 2010:40).
- Comparability and coherence: Statistical data should be consistent and integrated. SASQAF (2010:41) explains the comparability and coherence

of data as, “the ability to compare statistics on the same characteristic between different points in time, geographical areas or statistical domains. The coherence of statistical information reflects the degree to which it can be successfully brought together with other similar statistical information from different sources within a broad analytic framework over time. It is the extent to which differences between two sets of statistics are attributable to differences between the estimates and the true value of the statistics”.

- Methodological soundness: This necessitates that the scope of the study is consistent with accepted standards, guidelines and good practices for research methodology and design (SASQAF 2010:46).
- Integrity: The integrity of statistical data denotes trust and ethical conduct. SASQAF (2010:51) contend that the integrity of statistics refer “to values and related practices that maintain users’ confidence in the agency producing statistics and are ultimately in the statistical product”.

Ethical standards are typically aligned to professionalism and best practice. Abiding to the practice of ethical conduct promotes good governance in public management. Ultimately, ethics is embedded in norms and codes of good conduct.

CONCLUSION

This article provided an introduction to the elementary concepts in statistics, statistical analysis methods and best practice in the use of statistics. When derived and applied correctly, statistics can inform public management and decision-making. However, public managers need to be aware of the possible misrepresentations of statistics and use statistics correctly. Hence, public managers should identify levels of competency and proficiency in data analysis and the importance of ethical principles in data analysis.

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Dwarfs on the shoulders of giants

Acknowledgement, attribution and plagiarism in Public Management Scholarship

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ABSTRACT

Plagiarism is an increasing scourge in the 21st century scholarly information society, as a result of a number of cumulative factors. These factors include the easily accessible information both in libraries and on the Internet, the impact of outcomes-based education (OBE) that trains learners and students to find information that they need, the increase in digital literacy among young people, and the widespread perception that information on the Internet is free to be used as seen fit. It is also aggravated in many cases by an inadequate level of ethical awareness of intellectual property rights and protection.

The combined effect of the above and other considerations, is that both a deliberate and unintentional presentation of other people's ideas and writings as one's own without acknowledgement of the original source of such ideas or writings have manifested in an exponential growth pattern of alleged plagiarism especially in higher education institutions across the globe over the past decade or more. This phenomenon has become so widespread that these institutions find it difficult to cope with such incidences. There is an increasing global concern and very divergent opinions about how to identify plagiarism, and how to deal effectively with it once it has been identified.

The article assesses the current state of international knowledge about plagiarism in the social sciences, including competing approaches to its conceptualisation, detection, regulation, penalisation and potential avoidance or reduction. It further includes an assessment of electronic tools to facilitate these processes in order to maximise the quality of scholarly teaching, research and writing in the field of Public Management. The experimental approach to plagiarism management recently adopted

by the University of Johannesburg's Humanities Faculty in this regard is also briefly summarised.

“Bernard of Chartres used to compare us to [puny] dwarfs perched on the shoulders of giants. He pointed out that we see more and farther than our predecessors, not because we have keener vision and greater height, but because we are lifted up and borne aloft by their gigantic stature.”

– John of Salisbury in 1159 (Salisbury 1955:67).

INTRODUCTION

Theft of another's property is generally condemned in all cultures and regarded as a criminal transgression of prevailing societal values, subject to different penalties, depending on the degree of triviality or seriousness of the offence. Initially, property was regarded only as physical objects (including both artifacts and live property – e.g. sheep, cattle, slaves, women and children). The emancipation of slaves and gender equality that emerged in the 19th and 20th centuries, narrowed the definition of property, although human trafficking is still regarded as a universal crime against humanity. The right to own property and the legal protection of such property rights against theft was over time also extended to include the recognition of the right to the protection of one's intellectual property. As early as 500 BC already the Sybarites in Greece allowed the chef of a superb gastronomic dish to have an exclusive right on the making of that dish for a limited period in order to benefit financially from his creation (Zeidman 2011:53). According to Zeidman (2011:54), a royal charter providing exclusive publishing rights was granted in 1557 to a small group of printers in England and a new formal category of property was recognised in 1787 in the USA Constitution: intellectual property, consisting of the products of creative intellectual thought: new ideas or inventions. These rights developed into current copyright and patent law regimes across the world. Zeidman (2011:57) refers to seventeenth century Jewish Law that already protected the contents of a prayer book as the property of the publisher (and not the author). Although the contents of national copyright and patent law systems differ, the principle that intellectual property exists and should be protected has been universally accepted.

Plagiarism is generally regarded as the theft of intellectual property in the form of ideas, and pretending that they are one's own original intellectual products (Culwin and Lancaster 2001:36, Hannabuss 2001:311, Gilmore 2008). It boils down to fraud. Plagiarism is also generally regarded as a serious problem in scholarly activities

concerned with the generation, transfer and application of knowledge in society. Learners are required to study the ideas of others and to build on or expand those ideas into new ones, or to produce their own original intellectual ideas. Passing off others' ideas as one's own is regarded as unacceptable.

The attribution of ideas and insights has always been an issue in scholarly activities, as is evident from the quote by John of Salisbury in 1159 that this paper opened with (Salisbury 1955:167). It compares scholarly work of that era to those of ancient Greek scholars, and clearly attempts to acknowledge the contributions of earlier scholars as the foundations of 'modern' thought during his time. The online database Phrases.org states that *"...(t)he phrase may even pre-date John of Salisbury, who was known to have adapted and refined the work of others"* (2011). Since feudal times, therefore, the issue of acknowledgement of and attribution of sources for academic insights and ideas to their original sources existed. This has recently started to become an even more serious problem across the world. Until the start of the prevailing information society when electronic storage, access, processing and manipulation of data became possible at mass level from the 1980s onwards, plagiarism and plagiarism detection were relatively cumbersome hit-and-miss activities. Before the information age, plagiarism was only possible if someone had direct access to an original idea or source through personal contact with the person or his/her writings in paper form to manually and directly copy those ideas under one's own name in another written form (Butakov and Scherbinin 2009:782). Before the information age, plagiarism detection was only possible through manually comparing an original source with an alleged plagiarised one, in order to compare the nature of overlap between them. It necessitates good personal knowledge of the ideas and writings in a specific sector.

The mass availability of affordable and powerful computers that are linked into a global electronic network in the form of the Internet and world-wide web, dramatically changed, stream-lined and facilitated these laborious processes of both plagiarism and its detection (Dee and Jacob 2010:27). Plagiarism now is as easy as electronically accessing an original classic formulation by someone else on the Internet, cutting-and-pasting different selected passages into a new electronic document, and thus seamlessly integrating it into one's own version that in an extreme form can comprise only a compilation of others' ideas with no original thought of the compiler included (e.g. Warn 2006:195). Or it can comprise downloading a complete paper by someone else from, or buying such a paper on the Internet and passing it off as one's own. This new technology has had a very serious negative impact on scholarly writing, and necessitates a new approach to plagiarism detection and management, because plagiarism appears to have grown exponentially over the last few years, and statistics before the advent of the information society are useless (Culwin and Lancaster 2011:36, 37).

Batane (2010:1) quotes Russouw's 2005 findings that "...*(t)he University of Pretoria reports that in a study on plagiarism conducted among 150 undergraduates, 80% of the participants admitted that they often plagiarized assignments directly from the Internet*". Batane contrasts these figures in South Africa with similar studies undertaken by other researchers which reported an exponential growth in the USA from 13% in 2001 to 23% in 2003 (2010:1).

Fortunately, a range of electronic content similarity or plagiarism detection software now also makes it possible to automatically identify different levels of overlap between different documents that are available electronically (Imran 2010:25, Warn 2006:196). In addition to aggravating the possibility of plagiarism, the Internet has therefore also ushered in a new era of potentially more effective management of this problem in scholarly activities. This is especially important in the public management sector, where values of integrity, professionalism and ethics are widely regarded as desirable principles to be pursued in good public management and governance.

The problems addressed in this article are two-fold: Firstly an increasing number of scholars reject the traditional view of plagiarism as theft of intellectual property, and promotes open source values at the cost of the prevailing paradigm of copyright protection of intellectual ideas (Wyburn 2009:42, De Kadt 2011:3). This debate is briefly assessed. The second problem that is addressed is the utility of current electronic plagiarism detection tools, and how to use them in the most cost-effective manner to minimise this probably perpetual scourge in academic writing in general, and in Public Management scholarly writings in particular. The article therefore assesses the current state of international knowledge about plagiarism in the social sciences and especially in the management sciences, including competing approaches to its conceptualisation, detection, regulation, penalisation and potential avoidance or reduction. It further includes an assessment of electronic tools to facilitate these processes in order to maximise the quality of scholarly teaching, research and writing. The approach followed at the University of Johannesburg in this regard is also briefly summarised.

COMPETING CONCEPTIONS OF PLAGIARISM AND HOW TO DEAL WITH IT

One of the main obstacles in dealing effectively with plagiarism is the existence of widely diverging views about what it is. Baggeley and Spencer (2005:57) refer to the controversial view that all Internet materials should be regarded as public property (quoting Mason 1998:8), and therefore free to use in any way and not subject to plagiarism. However, on the one hand this view is based on a confusion between copyrighted materials on the Internet and so-called explicitly authorised

shared or public domain written and other materials (e.g. software, documents, music, photo, video and film materials (Wyburn 2009:41). On the other hand, if one accepts the dominant conception of plagiarism that was summarised above, namely that it comprises the use of other's ideas as one's own, it does not matter whether those ideas are copyright protected or not in order for them to be plagiarised. This constitutes a crucial difference between copyright infringement and plagiarism. Even materials that are not subject to copyright protection may therefore be plagiarised if it is used as one's own.

Another potentially complicating view is the post-modern and deconstructivist view that texts are frequently collaboratively constructed, because the final author draws on many views by other authors to construct his own ideas, and ownership is therefore not so easy to determine. The quote by Phrases.org (2011) above of John of Salisbury's inclination to adopt and expand others' ideas, illustrates this point well. A text becomes intertextual in this way and becomes 'a negotiated reality' or an amalgam of different contents and authors, leading to a 'contested identity' for such a text (Hannabuss 2011:315, De Kadt 2011:11). From this perspective a text can have very different meanings and identities in different contexts (Hannabus 2001:314). This means that ownership cannot be identified easily, and traditional conceptions of plagiarism are therefore increasingly inapplicable, because it becomes impossible to identify ownership. The examples of Wikipedia, Sharepoint or Lotus Notes are cases in point: submissions may have multiple authors and the original text that was submitted might very soon be substantially rewritten by one or more different authors. Purdy concurs with this conceptual problem of authorship and points out that plagiarism detection software itself is probably the combined result of different 'authors', but that they nevertheless incorrectly assume in principle single authorship of a document that they test (2005:288).

This purist philosophical stance, however, makes the concept of plagiarism useless. The practical question to ask is probably only how to reference the contents of such a paper. Even this article that you are reading is put together from views and ideas of different authors that are referenced explicitly and combined with the views of the formal single author of the paper. A descriptive summary of the state of current knowledge on good public management and governance practices may not contain a single original idea of an author, but can only comprise a compilation of various different authors' views, ideas and statements. The content of that document then reflects only the inputs of those different authors, but the selection of inputs and the way they are linked together in the summary reflects the choices and interpretations of the student author. If its references are appropriate, such a document under the name of the student author only, cannot be regarded as plagiarism. The trick therefore seems to be in the referencing where inputs of others are explicitly acknowledged in different ways.

A different but related conceptual problem is the question to what extent the paraphrasing of other ideas and content in one's own concepts and words constitutes plagiarism? Warn warns against paraphrasing to avoid detection of plagiarism by electronic software by stating that "(t)he trajectory of behaviour encouraged by the software is for students to increase the amount of paraphrasing and tweak the level of direct copying until it falls under the sensitivity of the software detection tool. In effect the end-result is that students will become adept at 'Going under the radar'"(2006:196). Although paraphrasing is not the best solution just to avoid a plagiarism label, it is the most cost-effective strategy that exists now. Against the background of the above discussion it is clear that the final answer to the paraphrasing question probably depends on whether the paraphrased summary is appropriately referenced. Even though one might not copy text verbatim, if one takes over another's ideas without acknowledging the source, it remains plagiarism.

A last conceptual problem regarding plagiarism is about the right to privacy. The question is whether one may submit a document for potential plagiarism testing to third parties in the absence of explicit permission from the author concerned. Baggaley and Spencer refer to a case where a student successfully legally challenged the submission of his assignment on Turnitin in 2004 at McGill University in a Canadian court, on the basis of privacy considerations (2005:61), because the student concerned did not give permission that his work could be submitted to Turnitin, a third party that stores all such documents in permanent databanks (see also Purdy 2005:279 and McKeever 2006:162). The answer to this question probably depends on the legal system in each case. In South Africa it is a generic practice to require from students to sign a declaration that they will not plagiarise in their academic work, and it could be useful to include a formal statement agreeing to the principle of plagiarism testing in such undertaking in order to avoid any criticism of this nature. The question is what happens if a student refuses this permission? Section 36 of the SA Bill of Rights provides for a limitation of individual rights in cases where the nature and extent of the limitation, the importance and purpose of the limitation concerned and the relationship between the limitation and its purpose are reasonable and justifiable in an open and democratic society.

REASONS FOR PLAGIARISM

There seems to be general agreement on the main reasons why plagiarism occurs. The driving forces behind the manifestation of plagiarism can consist of a range of either utilitarian and/or moral considerations. The first category includes practical motivations like the desire to get higher marks, time pressures, the ease with which plagiarism can occur to achieve the above goals and opportunity costs (i.e. 'laziness': to spend one's available time in more attractive

ways (Badge, Cann and Scott 2007:433; Culwin and Lancaster 2001:36). On the other hand a deviance from generally accepted moral and ethical values is also in many cases to blame for this phenomenon. This includes the fact that plagiarism might be perceived as the norm in the environment where the student operates in, because everyone does it and it seems to be generally accepted.

In a recent empirical study of plagiarism at an American college, Dee and Jacob found that Asian American students are more likely to plagiarise, as well as academically weaker students (2010:20). The probable main cultural explanation for the Asian finding could be found in Baggaley and Spencer's finding that some cultures use others' materials as a sign of respect, whether they are referenced or not (2005:57). Wyburn calls this phenomenon 'reverse plagiarism', i.e. where authors are included in references out of respect for general advice and mentoring, but in fact they have not contributed to the outcome, as has happened in Japan (2009:, 38,43). Hannabuss (2001:316) explains it as an integral part of Chinese culture that regards intellectual property frequently more as collective than individual property, and therefore allows for borrowing without referencing more easily.

Dee and Jacob call this approach to plagiarism acceptable 'rational ignorance' (2010:1). They refer approvingly to the remark of Sir Thomas North in his translation of Plutarch, that we need more of Shakespeare's heavy reliance on themes in Plutarch in his play about Anthony and Cleopatra. Although it is probably correct that "*mimicry is a form of flattery*", the question remains when is taking over others' ideas in plays, dramas and books plagiarism and when not? Should one therefore apply different standards of plagiarism for different cultural contexts and regard the Chinese and Japanese cases mentioned above as acceptable and not plagiarism? This is clearly untenable, although the global application of Western standards of plagiarism to all cultures might be regarded as another illustration of Western imperialism in the form of "globalisation".

In a few extreme cases referred to below, it might also be a deliberate way of life in order to maximise personal benefits, irrespective of the strategies employed. As stated above, however, the solution seems to be in the direction of agreeing across cultures on the implementation and enforcement of a standardised form of technical referencing of all content of others in an appropriate and acceptable way.

FORMS OF PLAGIARISM

Different taxonomies of plagiarism exist, from traditional paper-based sources vs electronic sources, to individual vs collaborative transgressions and plagiarising others vs plagiarising oneself. The most authoritative one is probably

the 4C-typology of Culwin and Lancaster (2000), distinguishing between cooperation, collaboration, collusion and copying. These distinctions are not very useful, however, because cooperation is not plagiarism, while collaboration need also not be plagiarism if referenced appropriately. Collusion and copying are forms of plagiarism. The website stopplagiarism ([Http://stopplagiarism.wikispaces.com/](http://stopplagiarism.wikispaces.com/)) is a very useful single portal to the topic. It has an excellent compilation of Internet-based resources on the nature of plagiarism, remedies for it and references to dozens of plagiarism paper mills and plagiarism detection and management approaches and tools.

It seems better not to make a distinction between individual and group transgressions, but to focus on the nature of the act. The following distinctions are therefore proposed as more useful:

- **Innocent (unintentional) plagiarism:** This implies ignorance of the nature of plagiarism, e.g. individual copying without appropriate referencing or cooperation and brainstorming among members of a study group and reports that are very similar in nature and content, or even exactly the same, because it reflects a collective group result (Baggely and Spencer 2005:56). This form of plagiarism is probably the most innocuous, although this excuse is becoming increasingly untenable, because of the sensitivity of modern education systems in the information era for easy cutting-and-pasting. It is therefore reasonable to assume that some knowledge of the problem of plagiarism must exist, but it may just be that someone might have been really ignorant that he/she had done wrong for a number of reasons, including a vague or lack of clear instructions what and how to do from the lecturer or tutor's side. This implies a lack of adequate preparation, education and training. The problem with arguments of innocent transgression is the difficulty to prove that is or is not the case. It is therefore a popular excuse with students because of this difficulty to prove culpability.
- **Accidental (unintentional) plagiarism:** Accidental plagiarism is normally argued when someone allegedly just forgot to insert a reference for a variety of reasons, or there was a misunderstanding or bad communication between the lecturer/tutor and student, or among students. This is equally difficult to prove or disprove. It is, however, not as good an excuse as total ignorance, because forgetting or not ensuring that clarity and full understanding exists about the task at hand contains a culpability element that can reasonably form the basis for a negative conclusion about innocence or guilt (see also Baggely and Spencer 2005:56).
- **Deliberate deception (intentional plagiarism):** Deliberate plagiarism can be found in explicit evidence of copying or producing others' work as one's own products (e.g. large portions or a whole document obtained from a friend or purchased from another). Imran also highlights the cases

of data fabrication and fake references (2010:30–31). Baggaley and Spencer refer to the case of a serial plagiariser who routinely, systematically and professionally plagiarised all his academic assignments (2005:56). These types of transgression is the easiest to label, and are probably stereo-typical examples of what is understood as plagiarism. There is clearly an intent to deceive and this is normally regarded as a serious offence, that can easily be criminally prosecuted.

- **Auto-plagiarism/self-plagiarism:** This refers to an author who cites in a new publication his/her own ideas or products that have already been published earlier, without reference to those earlier publications (e.g. Imran 2010:29, Wyburn 2009:42–43, Culwin and Lancaster 2001). This type of plagiarism is controversial, because some scholars are divided about the need to reference elements of their own writings that they include in a new, more comprehensive or expanded version. However, there is a discernible trend in international scholarly and publishing circles that such acts are increasingly regarded as common plagiarism. Adhikari's distinction between four different types of self-plagiarism is a useful way of understanding the problem better (2010: 77). He identifies the following types of self-plagiarism:
 - **Salami-slicing:** This refers to the selection of disparate fragmentary phrases or paragraphs from other publications. This is not unique to self-plagiarists and is generally regarded as a milder form of plagiarism in contrast to taking over more substantial portions like pages or whole sections or even a whole document.
 - **Text recycling:** This form of self-plagiarism refers to the use of the same ideas or data and coming to the same or very similar conclusions in different publications, maybe differing only in the application on different case studies, for example it comprises the repetition of earlier research reports in a slightly different format, using the same data. This manifestation of plagiarism must be distinguished from the duplication of another's research, and coming to the same findings and conclusions. This last case, however, reflects more unoriginal research than plagiarism.
 - **Duplicate publication:** This refers to publishing the same or largely the same content in two different places without referencing, acknowledging or explaining the situation.
 - **Copyright infringement:** This overlaps with all the above categories of self-plagiarism, and refers to using content from one's previous publications without permission from the copyright holder who is normally the publisher of the book or journal in which it appeared. It is in fact not plagiarism at all, but rather a contravention of a specific statutory regulatory framework.

It is questionable whether the identification of a separate category of self-plagiarism is useful, because the same principles that apply to common plagiarism of others' work, also apply to plagiarism of one's own previous work. It comprises just a lack of appropriate acknowledgement and referencing that is consistently applied to content from oneself or from other persons or publications.

As any author with a significant number of publications to his/her credit has probably experienced, it is very difficult not to fall back on one's own thoughts and products in later publications on the same or similar themes. This is especially the case if one specialises in a specific field and attempts to cover as many dimensions as possible of such a theme. It is further complicated in South Africa by the National Research Foundation (NRF)'s adoption of the criterion of **coherence** as one indicator of suitability for grading as a professional research scholar. Coherence implies that there must be synergy within the whole portfolio of a scholar's publications, i.e. that later publications must preferably build on earlier ones to provide evidence of an increase in specialisation and academic depth. This requirement implies a crucial overlap of and an expansion on earlier themes in later publications, increasing the risk of allegations of plagiarism.

One of the most comprehensive policies to deal with self-plagiarism in the Management Sciences has been developed by the Operations Research/Management Sciences community (Powell 2009). This policy takes a very strict approach to the later use of previously published texts by an author, and accepts it only on condition of clear and appropriate referencing of the original source, including copyright permission from the copyright holder. It also has detailed procedures to deal with work that has been originally published in conference proceedings and is now again published in academic publications (Powell 2011). This is a useful guide for publications in the field of Public Management.

PLAGIARISM DETECTION

There are different traditional ways of detecting plagiarism. Baggaley (2002) is of the opinion that there are at least four indications that a work may be plagiarised: it is too good, it is long, it is off-topic or contains references not cited in the course materials. To this list one might add different writing styles, different page layouts, sources quoted that were not accessible to the student, and the recognition of a familiar text or ideas from personal knowledge, including one's own work.

Text-based plagiarism detection software normally attempts to identify similar strings or sequences of words that are used in different documents (McKeever 2006:156). Bull, Collins, Coughlin and Sharp have compared and rated a number of electronic plagiarism detection engines available in 2001, and

concluded that Turnitin is the best option for mass use, although other engines performed better at that time in terms of reliability, cost, speed of analysis and feedback and technical support (2001). In 2003 Turnitin became the standard electronic support tool provided by the Joint Information Systems Committee Plagiarism Advisory Service (JISC PAS) in the UK, after dramatically improving its performance (JISC PAS 2003). McKeever summarises and compares the similarities and differences of the main software packages available in 2006, and explains how they specialise in different approaches. Some only accept certain word processing formats (e.g. .txt), while others accept different formats. Some can only access open sources not protected by passwords, while others like Turnitin have access to password protected sources like academic journals. Other specialised functions include allegedly identifying different writing styles (GLATT) and collusion among authors (CopyCatch and Wcopyfind) (McKeever 2006:157). McKeever concludes that Turnitin (2011) and EVE (2011) are probably the most popular products, although they also operate in very different ways: Turnitin is *inter alia* web-based, while EVE is downloadable on an individual computer (2006:157). More recently published case studies involving Turnitin include Jones (2008) and Batane (2010).

All assessments of electronic textual plagiarism detection engines accessed agree that Turnitin seems to be the best option for an electronic fee-based plagiarism detection tool. Although its scope, sometimes slow performance, still restricted functionality and support services have improved significantly over the last decade, its remaining shortcomings (including that it can only identify textual overlaps and not plagiarism, that is under certain conditions still slow on generating similarity reports and that it does not have access to texts under many password protected sites), it still significantly alleviates the burden on academics to identify and investigate potential plagiarism cases manually, if it used appropriately. It is crucial, though, to understand that any decision whether a similarity finding is plagiarism, remains a subjective human decision. As is normal with electronic applications, plagiarism detection software also tend to rise, change and fall very fast, and another of Turnitin's strengths is that it is currently the undisputed global leader in this field, and a very stable platform to work on. Martin 2005:152 found Turnitin worked well in detecting and assessing plagiarism in Business Management (see also Gannon-Leary, Trayhurn and Home 2009 for similar views). Chew and Blackey confirmed Turnitin's status as global standard: 450 000 academics use it at 7000 institutions in 108 countries (2010:195. See also Thomas 2011). In 2005 already, JISC PAS submitted documents for plagiarism testing to 4.5 billion Internet locations on Turnitin (Baggaley and Spencer 2005:61). Luftig reports that the combination of an Honor Code and the application of Turnitin at the University of Colorado dramatically reduced plagiarism incidences at that university and initiated a

significant improvement in the integrity of academic submissions (quoted in Batane 2010:3).

Google is also recommended as a very fast and cost-effective free service for once-off restricted enquiries (Badge, Cann and Scott 2007:434). It, however, cannot detect collaborative efforts. The Orcheck software is based on Google, but only works with .txt formatted submissions (McKeever 2006:157, 161). A strong market leader in the form of the service www.plagiarism.org charged \$1 per submission in 2001, but only accepted .txt submissions and did not clarify the overlaps between documents to the user. The service www.Findsame.com tested only single submissions in 2001 (Culwin and Lancaster 2001:37, but doesn't exist anymore (McKeever 2006:159). Lancaster and Culwin 2004 and 2005 provide the most comprehensive comparison of electronic plagiarism detection software approaches that is currently available.

PLAGIARISM MANAGEMENT

It is clear from the above summary of various plagiarism issues that plagiarism is an extremely complex phenomenon that is difficult to conceptualise, that elicits widely diverging responses from students and scholars, and that is not easy to deal with effectively in a scholarly environment because its detection is not easy, and after detection one has a variety of potential counterstrategies available to deal with it. These strategies comprise generally avoidance/prevention on the one hand and deterrence to result in reduction of repetitive behaviour through a combination of detection, punitive and regulatory measures on the other.

The best avoidance or preventative approach seems to be based on a theory of value change from a culture of plagiarism to a culture of scholarly integrity. It has been suggested that the principles and processes of Social Cognitive theory might provide the best results (Singhal, Cody, Rogers and Sabido 2004, referenced in Batane 2010:1). This theory of change departs from the assumption that human beings can change their behaviour patterns in a rational way through changes in their environment and value systems (Bandura 1977, 1986, 1997, 2001).

Effective plagiarism management outcomes necessitate a systematic, multi-pronged approach based on clear problem identification, programme goal formulation, policy content, strategy implementation, evaluation and review (e.g. Batane 2010:1). This is just another example of a systematic public policy process approach which is still the prevailing paradigm in the policy sciences. Lukashenko, Graudina and Grundspenkis (2007:18) as well as Badge, Cann and Scott (2007:434 and Decco 2002) emphasise the importance of both plagiarism prevention and detection strategies in order to achieve a sustainable

solution to the problem. Purdy, however, warns as follows against the shifting of focus from the formative development of good writing practices, to the electronic tracing of transgressions with punitive intent: “..positive change in the classroom requires human effort, not new technology. Plagiarism detection technology is not the solution to eradicating plagiarism. Thoughtful pedagogy addressing plagiarism is” (2005:286). This educational strategy includes explicit inclusion of moral and ethical values about the acknowledgement of and attribution of others’ ideas and intellectual products in one’s own writings and in academic curricula for students, as well as training in how to write scholarly content in the most appropriate way to implement these values in a practical and effective manner (e.g. Collin 2007, Kreitner 2006). Dee and Jacob provide evidence that plagiarism has so far not been taken seriously in many American colleges, but that it is very significant (even as many as one third of students are involved according to self-assessments) and that the growing concern about it, necessitates more dedicated attention, especially in the form of preventative education (2010:3,6).

Baggaley and Spencer suggest that “it is important for institutions to have carefully wrought policies and procedures to deal with academic dishonesty, and that faculty members need detailed training in them” (2005:60). They further advise that once a student has been identified as a plagiariser, his/her work should be routinely tested for similar results, because a very small minority of individuals could be hard core plagiarisers who might attempt to systematically and fraudulently make their passage through their studies in this way. Students should be required to test their own work electronically on an electronic plagiarism detection engine in order to teach them formatively how to write a scholarly text without using verbatim material from others. Carroll and Appleton 2001 emphasise the importance of preventing plagiarism by educating students as early as possible about good scholarly writing practices.

General good practices that have emerged to deal with this problem therefore seem to be:

- A proactive rather than reactive approach, combining formative developmental as well as summative punitive strategies;
- Employing systematic electronic plagiarism detection, reduction and control strategies;
- Changing assignment topics every year;
- Checking the Internet regularly for model answers to prevent students selling their model answer papers;
- Requiring regular draft submissions to electronic plagiarism detection services by students themselves to test potential plagiarism levels before final submission (e.g. Carroll and Appleton 2001:42, Culwin and Lancaster 2001:37, Martin 2005:152, Batane 2010:8).

McKeever states explicitly that despite the constraints still inherent in electronic detection tools, traditional ad hoc approaches to plagiarism management are not sufficient anymore on their own, because “... modularisation, expansion of numbers, and anonymous marking mean that even the most astute tutors will find it hard to build up the familiarity with their students’ writing style which they could previously” and “..online detection can if handled judiciously, be employed as a beneficial educational tool rather than in solely punitive fashion, enabling a tutor firstly to assess the scale of a plagiarism problem , and then to work with students to deal with it in a constructive manner, particularly with some detection services offering rewrite and self-test facilities” (2006:163). Electronic plagiarism detection tools are therefore not only a disciplinary mechanism, but more importantly an educational tool that facilitates the pedagogical objective of engaging students in open debates about scholarly writing, plagiarism and academic integrity (McKeever 2006:163).

Dee and Jacob found in a recent field experiment that students who were systematically exposed to the nature of plagiarism, its detrimental implications and how to detect and reduce it, produced significantly lower levels of plagiarism than others who were not put through such educational and hands-on experimentation to reduce plagiarism (2010:27). They conclude that:

“(a)cademic integrity at colleges and universities resembles a ‘tragedy of the commons’ in that the individual incentives of both students and their instructors are not well aligned to support collectively advantageous institutional norms. However, our evaluation results also suggest that educationally themed interventions can meaningfully address this problem. In particular, the web-based tutorial evaluated in this study constituted a cost-effective and easily scalable approach to supporting a “hidden curriculum” of academic integrity and did so without necessarily relying on meaningful effort from instructors” (2010:28).

This finding reinforces the more constructive role of education in the reduction and management of plagiarism at lower levels than the deterring factor. It also provides evidence for the success of the social cognitive theory of change.

As mentioned above, Baggaley and Spencer (2005:61) warn that electronic plagiarism detection tools can only identify overlaps and does not identify plagiarism (the so-called ‘false positive’ finding – McKeever 2006:161). One can manually exclude certain sources on Turnitin and generate a new report to assess the impact of the new programming on the results. The decision whether an overlap constitutes plagiarism, however, always remain a subjective human decision that can only be taken after careful consideration of the specific facts, the context, merits and demerits of each individual situation. In order to

determine whether a similarity finding in fact constitutes plagiarism, Culwin and Lancaster's 4 stage plagiarism management model (collection, detection, confirmation, investigation) is a useful approach (2001:37). However, if a system of dual submission (electronic and paper-based) is used, there is a risk that a student might submit a sanitised version on Turnitin while the paper copy that is marked might contain more plagiarised content in an attempt to get better marks (Jones 2008:5).

UNETHICAL BEHAVIOUR, PLAGIARISM AND GOOD GOVERNANCE IN DEVELOPING CONTEXTS

Although plagiarism as defined in this study is in principle problematical as a behavioural pattern that deviates from accepted moral and ethical norms in Western society, it is even more problematical in professions where a high standard of moral and ethical behaviour is expected. This includes the public management and governance sector. Good governance is widely accepted as a democratic style of interaction between a government and its society that results in that society being developed to its fullest extent (Cloete 2003). The dimensions of good governance include attributes like responsiveness, participation, efficiency, effectiveness, equity, stability, transparency, accountability, professionalism and integrity. The last two attributes are directly relevant for this discussion. Honesty and integrity in the relationship between a democratic government and its population are crucial requirements to maximise the levels of trust between them.

Rampant cronyism, corruption, nepotism and theft are frequently attributes of the governments of developing countries. This leads to the loss or misappropriation of huge volumes of scarce resources and consequently to minimal or restricted development in those societies that tend to benefit mostly a small number of ruling elites rather than society in general. This is also the case in South Africa where a culture of unethical exploitation of the public sector system for personal benefit seems to be an increasing phenomenon not only among public management officials and politicians but also among academics in this sector. A recent news report about allegations of unethical behaviour in the purchasing of doctoral degrees from institutions that are not recognised as bona fide academic institutions, illustrates the nature and extent of the problem. The name of a prominent South African academic in the field of Public Management was mentioned in the report (MNet 2011).

Teferra reported the results of an investigation into the manifestations of plagiarism in an Ethiopian university (2001), while plagiarism among students in Public Management and Governance at the University of Johannesburg also seem to be on the increase. This is the case among both full-time undergraduate

students as well as part-time in-service training students comprising senior officials and politicians from municipalities across the country, and includes the normal manifestations of copied content consisting of single paragraphs to full documents without references as well as more serious incidences of collusion among students to submit the same documents under different names. It seems as if existing courses on ethics in the public sector are not effective enough to reduce or stop plagiarism. There seems to be increasing gaps in the minds of some students between the rhetoric of honesty and integrity on the one hand and the reflection of this rhetoric in their actions. The alternative generic explanations provided above for this problem seem to be all valid in these cases.

The South African government has also expressed concern about the lack of integrity and professionalism in public management, and has started to encourage a greater emphasis on ethics in public management education, training and practice. This approach is widely accepted, and the only question that remains is how to do it. The concluding part of this article is concerned with the answer to that question in public management and governance education and training at university level.

THE 2008 UJ PLAGIARISM POLICY

The University of Johannesburg adopted a formal plagiarism policy in 2008. The policy regards plagiarism as a serious academic transgression, and defines it as *“...the act of representing the ideas, writings, works or inventions of others as the fruits of one’s own original intellectual endeavours without adequately acknowledging the author or source. Within the copyright law, provision is only made for a limiting or legitimate curtailment of the copyright of the holder of the right if the infringement qualifies as ‘fair dealing’ which presupposes adequate and full acknowledgement of the source”* (UJ 2008:5). The policy also conceptualises three levels of plagiarism:

- Level One: Minor first time infringements – Innocent plagiarism
- Level Two: Repeated minor or first time infringements – Negligent plagiarism and confined in scope
- Level Three: Repeated offences and/or major offences that are possibly intentional and suggest collusion or deliberate dishonesty – Intentional plagiarism and broad in scope

The procedures how to deal with each of these levels of plagiarism are explained in detail in the policy: Minor transgressions are dealt with by academic faculties and departments, while major offences in terms of the policy are dealt with by the central Student Disciplinary Committee (SDC). Penalties are also specified

for each level of transgression (UJ 2008:15). The policy and procedures are, however, not comprehensive, and a number of gaps and overlaps exist among the different identified levels of transgression and who has to deal with them in what way. The three identified levels of transgression are not mutually exclusive and are difficult to implement in practice. The policy is also not fully implemented by all departments, probably partly as a result of the ambiguity still present in the above conceptualisation of the three distinct categories of plagiarism and how to deal with them. However, diverging views also exist among departments and faculties about plagiarism and how to deal with it, as was also noted above regarding the lax manner in which plagiarism is regarded internationally. Some departments seem to largely ignore or condone it and only seem to act when it becomes too blatant and serious to ignore any longer. Other departments act more strictly in accordance with the UJ policy. The central SDC has also recently been criticised for serious flaws in its composition and functioning. There is therefore no consistent approach that is followed towards the regulation of plagiarism at UJ, despite the existence of the policy.

The university invested in a site licence for Turnitin, and all departments have now access to this programme on the Internet via the university's electronic academic management system Edulink (a customized Blackboard/WebCT programme). The inconsistent implementation of the UJ plagiarism policy means that Turnitin is used in many different ways, depending on individual lecturers' preferences. This situation at UJ has now become untenable, and has inherent academic, legal and financial risks for the university. The UJ top management therefore recently decided to establish a Coordinating Working Group to recommend changes to the prevailing plagiarism regime and its implementation at UJ, convened by the Executive Director: Teaching and Learning (De Kadt 2011, Thomas 2011).

THE 2011 UJ HUMANITIES EXPERIMENTAL APPROACH TO PLAGIARISM MANAGEMENT

In 2010, 22% of all UJ student submissions on Turnitin, received similarity reports indicating between 25% and 49% overlap with other documents, while 8% indicated overlaps of 50 – 74% and a further 6% had 75 – 100% overlaps with other documents. This amounts to a total of 36% of submissions with overlaps with other documents of more than 24% (Thomas 2011:1). This situation is highly problematical, because Turnitin submissions are not compulsory, and one can therefore expect this figure to be potentially even higher if the remaining submissions were also tested on Turnitin. Thomas and De Bruyn also found in a survey of 450 academics from all faculties at UJ (2010)

that a majority of the respondents acknowledged that plagiarism among both students and staff is problematical, but also that a significant number of them are reluctant to report plagiarism because of *inter alia* too much effort required, a fear of not having sufficient evidence to prove their suspicions and a lack of clarity how to proceed. They concluded that UJ's policies and implementation process have to be revised and reporting of alleged plagiarism cases should be made easier and more effective.

The UJ Humanities Faculty, (the biggest faculty at UJ), identified a number of problems in the current UJ plagiarism policy some time ago, and initiated the development of a Faculty-specific plagiarism policy which is catered for in the UJ Plagiarism Policy but which had never been developed by any faculty since the UJ policy was promulgated in 2008. This situation further illustrates the lax attitude towards plagiarism that existed until recently within the university. The UJ Humanities Plagiarism Policy (HPP) was formally approved by the Humanities Board of Faculty on 27 July 2011, and is currently under scrutiny by the UJ top management. The Humanities policy deviates in a number of respects from the existing UJ policy, having attempted to stream-line that policy and make it more feasible, effective and user-friendly.

The HPP is based on the following points of departure (UJ HPP 2011):

- A database of recent international and local research findings and conclusions on the nature of plagiarism, how it is dealt with in different sectors and disciplines and what lessons may be learnt from these experiences, is contained on the Humanities Faculty Homepage on the UJ intranet. This database will be regularly updated with new sources, and faculty members are encouraged to expand it with new contributions that they come across.
- The approach to deal with plagiarism should be both developmental and disciplinary/punitive. Departments are encouraged to provide access to follow-up departmental training for students in the use of Turnitin so that an appropriate scholarly writing and self-evaluation culture can be established among students.
- All students in the faculty should undergo at least one compulsory training session during their studies at UJ on what plagiarism is, how to avoid it and what the consequences may be if they are caught plagiarising. This training should include the use of traditional approaches to plagiarism, its detection and dealing with it, as well as the software programme Turnitin as a scholarly writing development and plagiarism detection software aid. This training should preferably take place in the first year.
- All academic staff in the faculty, and, in the discretion of a department, also those administrative support staff who will be assisting academics to detect and manage plagiarism in that department, must undergo a briefing session

on the topic concerned. This includes explicit training on how to use Turnitin report results in an appropriate manner, where applicable.

- Plagiarism monitoring and detection can occur in different ways, and departments are encouraged to use traditional monitoring and investigative approaches as well as electronic software aids that are available for this purpose.
- All departments within the Faculty of Humanities must include presentations on ethics issues and research ethics in particular in their instructional programmes, and students should be provided with appropriate reference guides and other relevant documentation. These briefings should include a contextualisation of the problem of plagiarism in that department, how to detect it with the aid of traditional paper-based methods and also electronic software and how it will be dealt with.
- The HPP should foster *quick* turnaround time for decisions, avoid cumbersome, *time-consuming* bureaucratic procedures for staff, and put *control* of decisions in the hands of lecturers, rather than lawyers. This can be achieved if decisions are by and large decentralised, i.e., put in the hands of (Heads of) Departments, which are expected to report to their Faculties. Departmental decisions should be subject to an appeals process to the Dean. Policy should allow for a clear Faculty-identified approach to plagiarism, while also giving Departments some *discretion* over the amount and type of penalties imposed.
- Minor plagiarism infringements fall within the jurisdiction of departments to deal with in terms of the UJ Plagiarism Policy. Major transgressions are relayed by departments to the Humanities Plagiarism Committee (HPC), for referral to the central UJ Student Plagiarism Committee (SPC). This approach strikes a compromise between departmental institutional autonomy and academic freedom on the one hand and the need for Uniformity in approach to what is minor and major and uniform penalties in formal legal processes.
- The three levels of seriousness of alleged plagiarism as outlined in the UJ policy document on plagiarism have been revised as they are complicated, in many cases not very clear and possibly open to different interpretations. Two streamlined categories of infringements are proposed:
 - **Infringements by first and second year students:** A primary developmental approach is recommended here, where departments use both traditional and electronic methods of plagiarism detection and educate and penalise students depending on the severity of the infringement, as suggested in that section. Cases of deliberate deception and fraud, should, however, be referred to the HPC for referral to the SDC. All serious offences at undergraduate level should also be handled by the Student Disciplinary Committee (SDC).

- **Infringements by Third Year, Honours, Masters and Doctoral students:**

A primary punitive approach is recommended here, where departments use both traditional and electronic methods of plagiarism detection and penalise students depending on the severity of the infringement, as suggested in that section. Serious cases of plagiarism (major transgressions) and deliberate deception and fraud, should, however, also be referred to the HPC for referral to the SDC.

- The final decision about what constitutes a sufficient volume of plagiarised text to turn a minor infringement into a major transgression, rests with the Dean on the advice of the HPC.
- In cases where major alleged plagiarism appear to exist, the matter should be referred to the SDC, while the Chair of the Faculty Higher Degrees Committee and the Chair of the Faculty Ethics Committee should be informed of such referral in the case of postgraduate students.
- Once the matter is referred to the SDC, new role players enter the arena and the matter then runs its course in legal disciplinary hearings in which academic staff of relevant departments can participate.
- Research and departmental student assistants can and should play an important role in the management of the system in order to alleviate the work burden on academics in the effective implementation of the system.
- As a result of the potentially huge number of undergraduate assignments that are generated each semester, it is recommended that the Turnitin software programme be used as a voluntary plagiarism detection and scholarly writing development aid in the faculty at first and second year levels, although a department may decide to use it on a compulsory basis for these purposes at these levels.
- As a result of the reduced numbers of potential assignments at third year and post-graduate levels, and the serious implications of plagiarism at these advanced academic levels where students may complete their studies, it is recommended that the Turnitin programme be applied (where feasible) on a compulsory basis in the faculty at these levels, in addition to traditional tried and tested approaches. This implies that all assignments, dissertation and thesis submissions at these levels be (again as far as is feasible), submitted on Turnitin, in addition to hard copies that might be required by departments.
- The Turnitin plagiarism management programme's colour coding grading system that establishes five categories of overlap of the contents of a document submitted to it with the contents of other documents, should be used as far as is feasible for potential plagiarism detection.
- The above Turnitin overlap assessments should be customised to exclude a bibliography, verbatim quotes in quotation marks and strings/phrases of words that constitute technical descriptions, headings, etc.

- A Turnitin report does not constitute objective proof of plagiarism. It only provides evidence of overlaps/similarities between various documents, based on the parameters that the lecturer programmes into the assessment. The decision whether a Turnitin report constitutes proof of plagiarism, must in all cases be taken by the lecturer, motivated by the results of the Turnitin report.

The HPP is a new experiment at UJ, based on the findings and conclusions of the research into plagiarism that have been summarised in this article. The new Humanities approach is still subject to approval by the UJ top management, and it remains to be seen whether it will in the end be implemented in the faculty and maybe even at university level, and how effective it will be. The main drivers of resistance against the new approach are twofold: Firstly the reluctance from staff members who see the new policy (incorrectly) as too much extra work for them, too bureaucratic and top down, too prescriptive about how to deal with plagiarism in their respective academic environments, and too reliant on technology that might be unreliable. Many academics' digital literacy levels are further very weak, and this increases the resistance against using electronic plagiarism detection tools. The second driver of resistance is the last factor mentioned here, namely the potential breakdown of the Blackboard/Turnitin technologies as well as the university network under the strain of restricted bandwidth and increasing volumes of submissions by 3rd year and postgraduate students. Past experience with the reliability of these technologies at UJ has been mixed, because they have gone off-line frequently in the past, which increases the resistance against their use. Students are, however, already familiar with Turnitin, and have so far accepted the combined developmental and disciplinary approaches followed on an ad hoc basis in a number of UJ faculties and departments. No serious resistance is therefore expected from students for the compulsory expansion of this approach throughout the Humanities Faculty. If it does work, it will be an incentive for the rest of the university to also adopt this approach.

CONCLUSION

The first conclusion in this article is that there are clearly very divergent subjective opinions about what constitutes plagiarism and how it should be treated. The most appropriate framework to deal with this problem is a flexible one that allows for different interpretations and actions within a flexible framework to accommodate different values, practices and applications, but that does have a minimum core uniformity in order to lay a foundation for potential disciplinary actions.

Secondly, the costs of adopting a new conceptual approach to plagiarism based on a rejection of the principle of individual intellectual ownership of texts and copyright protection, still outweigh the potential benefits of such a new approach. The only way out of the current dilemma is therefore to attempt to curb the negative impact of plagiarism on scholarly activities with more appropriate strategies.

Thirdly, it is clear that the exponential growth of plagiarism over the last two decades as a result of a combination of factors will not abate or stabilise soon, but that trends indicate an exponential growth in this phenomenon that will have to be countered more effectively and efficiently. This implies changing the traditional ad hoc, business-as-usual approach to the phenomenon into a systematic application of the same information support technologies that are largely responsible for the aggravation of the problem, namely electronic technologies.

Fourthly, general agreement exists that any approach to reducing plagiarism should combine developmental and deterring strategies in order to be most effective. This in essence a restatement of the tested carrot-and-stick approach.

Fifthly, Turnitin seems to be the most cost-effective electronic plagiarism education, detection and management tool on the market at the moment, and its systematic mainstreaming in academic student management systems can bring about both significant benefits in the development of scholarly values of integrity and good academic writing among students, and also in the reduction in unacceptable levels of plagiarism in such writings.

Sixthly, the appropriate use of the Turnitin programme, however, implies overcoming current levels of resistance among staff through systematic training of both students and staff as well as a potential transformation of academic management processes to synchronise these processes better with the new technology if needed, and to reduce the management burden of the new system on academics.

In the seventh place it is important to conclude that any electronic tool is just a tool like any other piece of technology (a hammer, spanner, pen or typewriter) that can facilitate and improve the quality of human decision-making, outputs and outcomes if it is used appropriately for the purpose for which it was designed. The software therefore does not make value judgments about whether plagiarism exists or not, but can only identify textual overlaps among documents on the basis of subjective criteria that were programmed into the system by the lecturer concerned or someone else. Lecturers should therefore themselves assess each case on merit, to determine whether plagiarism exists or not, and to what degree.

Lastly, new interpretations of the collective nature and ownership of texts rather than traditional individual ownership and copyright, could bring about a new perspective on plagiarism, but this will probably complicate the current

problematical situation regarding plagiarism, unless global cultural convergence on the nature of the issue and how to deal with it occurs, and agreement is reached on a standardised referencing approach.

Global knowledge accumulation seems to occur and coalesce incrementally over generations. Einstein is a rare exception to this rule. All other dwarfs clearly do need to perch on the shoulders of giants like him in order to see over the horizon...

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The significance of philosophical tools for good governance with reference to South Africa

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ABSTRACT

The breadth and complexity of issues that Public Administration deals with requires the pursuit of multidisciplinary approaches, rather than a singular orientation or perspective. The public administration's strength and promise lies in the tapestry of ideas that continues to evolve from the synthesis of a broad body of research in related disciplines. Perhaps its distinct niche as a field of inquiry is best identified by the attributes of intellectual chaos and conceptual untidiness (Ferraioli 2001:1). This article attempts to unravel the trans-disciplinary relationship of philosophy and public administration in order to determine the significance of ethical reasoning in decision-making structures. Due to the advent of New Public Management (NPM), Public Administration faces a paradigmatic shift towards decentralisation and relativism that demands more accountability and responsibility. The authors aim to explore the merits of philosophical tools to ensure ethical governance in a South African context. The article philosophises that a normative approach is necessary to induce ethical structures in Public Administration/Management. It concludes that it is vital for Public Administration to work in conjunction with the normative tools of ethics, integrity and honesty to create an environment of good governance, as well as an ethical society.

INTRODUCTION

“Is there a philosophy of public administration (sic.)?” Having posed this question, Simmons and Dvorin (1977:186) proceed to provide a categorical reply: “The answer is an unqualified ‘no’. No administrative philosopher or theoretician has yet succeeded in synthesizing (sic.), in the grand Aristotelian manner, the vast content of administrative thought into a unified and systematic framework”. The authors concede that “[s]ome theoreticians have attempted, with varying degrees of success, to strengthen the conceptual basis of the administrative process” (Simmons and Dvorin 1977:186). However, these studies are found across a wide spectrum of separate fields of knowledge and are scattered far and wide in numerous books and professional journals. Notably, no sense of unity has yet been achieved (Simmons and Dvorin 1977:186). Further, Simmons and Dvorin (1977:186) explore the opinion that, “[n]othing in administrative theory today approaches the general unity of thought or the consensus professors of political theory held as to the content of their subject matter during the late nineteenth and the first half of the twentieth centuries. A syllabus on the philosophy of public administration today in all probability would reflect few commonalities either in major figures and their works or even the strategy of approaching the subject”.

The philosophical approach to Public Administration may perhaps be the most difficult of all to master because of the intangible nature of its key concern: the moral justification for the exercise of public power and coercion in a democratic society (Simmons and Dvorin 1977:186).

The authors believe that the philosophical foundation of Public Administration contributes less to the overall thrust of this article. This is largely because the traditional philosophical concerns of Public Administration appear to have little significance these days for scholars – the empiricists who clearly dominate the field of Political Science and hence Public Administration. The empiricists, who pretty much dominate the field of Public Administration, find that the issues of morals and philosophy of Public Administration are not “user friendly”. Furthermore, it is argued that the philosophy relationship is yesterday’s news, which has already been settled. The reality is that not only Public Administration but also its “parent”, Political Science, are in a race with their other brethren, Economics, to be seen as the “most scientific” social science discipline. Instead of dwelling in the sphere of irresolvable and the out-of-focus arguments of the past, empiricists prefer to explore the “significance of philosophical tools” in Public Administration. The concept of efficient administration evolved from the increased use of scientific management theories and the acceptance of generally accepted principles and practices of good governance. The latter are verifiable and thus can contribute to demonstrate efficient administration.

Public Administration ought to operate within democratic prescriptions that influence the execution of public sector activities, as well as the implementation of measures that promote normative governance. Despite efforts by the South African Government to uphold transparency and accountability, unethical conduct in various forms has persisted in recent years. It has been stated authoritatively that, since the first democratic elections in 1994, achieving good governance and fighting corruption have become two of the most important challenges for the country in the post-Apartheid era. However, there is a widespread perception that corruption has in fact increased during the period of political and economical transition. Thus, the South African Government regards the fight against corruption as top priority (United Nations Office on Drugs and Crime 2004:68).

It is also a purpose of this article to explore the level of unethical conduct in South African public administration. It discusses the measures to combat misadministration and proposes the utilisation of philosophical tools to instil normative values for a morally and ethically inclined South African public administration.

HISTORICAL OVERVIEW OF PHILOSOPHY IN GOVERNANCE

It is worth noting that the decisive moment that marked the transition from physics to ethics in philosophy is credited to Socrates (who is regarded as the founder of moral philosophy), as ethics and concern with the inner, rather than the outer world, became the chief object of thought and inquiry in the fifth century BC (Makrydemetres 2002:3; and Vyas-Doorgapersad & Ababio 2006:386). Aristotle situated ethics (*techne ethike*) within practical philosophy as related to politics (*techne politike*), thereby placing it in opposition to Plato's identity between both fields (Capurro 2002:2).

In Aristotle's first book *Aristotle's Politics* he deals with "economics" – questions concerning the administration of the house (*oikos*) and the family. Furthermore, Socrates denies the Platonic conception of speaking synonymously about community (*koinonia*) with regard to the city, as well as to the family. Later on it became a scholarly approach to conceive practical philosophy as consisting of three sub-disciplines, namely ethics, economics and politics (Capurro 2002:2).

Aristotle created the *telos* democracy that is described as "liberty of oligarchy, wealth aristocracy, culture and right conduct" (Day & Chambers 1962:56) and further stressed the idea that, "the passage between the moral and the political sphere is done through language as the constitutive medium of

the *polis*. We are naturally a political being (*anthropos physei politikon zoon*)” (Capurro 2002:3). The polis of Aristotle was a philosophical and ethical society that operated under administrative laws. Later on, in 1660, Hobbes’ *Leviathan* approached the concept of ethics and morality with rationality and objectivity, where the issues of state and common wealth were explored within the domain of political philosophy. In addition, Kant differentiated the law in its relation to an external action (legality), and with the internal motivations of such actions (morality) (Capurro 2002:4).

Currently, westernised governance is facing challenges of corruption, financial misconduct and dishonesty, which complemented by the lack of moral values. The virtue (*arête*) and effort to become a good citizen (*polites spoudaios*) of Aristotle (1943) are supplemented with political greed for power and authority and personal benefits for more materialistic luxuries. Table 1 explores this shift in ethical components, as identified by Sardar (in Clapper 1999:149; Raga and Taylor 2007:9 and Vyas-Doorgapersad & Ababio 2010:412).

Table 1: Traditional and Modern Public Service Ethics

Twentieth-century ethics	Twenty-first century ethics
Determinants – ruling elites.	Determinants – authentic discourse among all who will be affected.
Common ethical code – belief in final solutions.	Constantly managing code(s) – based on continuous authentic discourse.
Support guaranteed through coercion.	Support guaranteed through consensus.
Dissenters subject to punitive measures.	Dissenters subject to punitive measures.
Western (colonial) ethics.	Ethics based on anthropological and sociological pluralism.
Corporate accountability (amounts to non-accountability).	Personal accountability
Exercise of personal morality stifled and discouraged.	Exercise of personal morality encouraged.
Exercise of personal discretion discouraged.	Exercise of discretion encouraged.
Public interest nebulous, determined by governing elites.	Public interest(s) disparate but relatively distinct, determined with all involved (authentic discourse), constantly redefined.

Table 1 demonstrates that in the twenty-first century we are experiencing ethical, moral and philosophical dilemmas. Public policy-makers, practitioners

and scholars are more concerned with personal gain, professional success and ego-centred status. In the words of Makrydemetres (2002:3), *“at the beginning of the new century we are surrounded by new questions, uncertainties and doubts resulting from the overarching processes of the globalization (sic.) of market economies and information technology, as well as localization of political conflict, authority systems and culture”*.

Overall, a more balanced view of what may have occurred is that there was a much larger pool of political operatives and academics in the latter half of the twentieth century than during the first few decades. Although it might seem as though there was a greater inclination toward self-centred theorising or self-serving practitioner-oriented behaviour towards the end of the twentieth century and the beginning of the twenty-first century, there is no empirical evidence to support this impression.

Public administration practitioners today need to reconsider and re-adopt the ethical values established by Socrates. He viewed ethics as the *“rational way that a thoughtful man could follow in order to achieve morality, which was, in turn, defined as the actual choice of the good – ‘well doing’ – after deliberation”* (in Vyas-Doorgapersad & Ababio 2006:386). In particular, Socrates related morality to knowledge; in particular the knowledge of what is truly good (not simply phenomenally good) and useful to man. The rational foundation of ethics is found in the quest for and reasoning about virtue. It is in this sense that *“virtue is knowledge”* and unless one has or acquires knowledge one cannot be virtuous. Even more importantly, one can achieve true and lasting happiness through reasoning about morality (Makrydemetres 2002:3). Evidently, the predominance of virtue in the Socratic disclosure is predicated on the concept that only conscious and purposive action can be judged and evaluated from an ethical point of view and on the basis of moral standards. Indeed, Socrates advanced a unified and comprehensive idea about morality and happiness, arguing that ethics is about the knowledge of the good things in life (Makrydemetres 2002:4).

In the history of philosophy, ethics was not among the earliest issues to be examined in a systematic manner; rather it was among the last. A similar trend can be observed in the history of administrative thought about moral standards in governance and administration (Makrydemetres 2002:3). In philosophy, concern about the physically observable world preceded concern about the inner world. However, in the evolution of administrative thinking, attention shifted gradually from the purely structural and functional aspects of organisation, to the management of questions about leadership and motivation, and then turned to proper conduct on the grounds of certain ethical and normative standards (Makrydemetres 2002:3).

PHILOSOPHICAL TOOLS FOR GOOD ADMINISTRATION AND MANAGEMENT: THEORY VERSUS PRACTICE

There is a philosophy, a logic behind everything; every action and every subject or discipline. The branches of philosophy include logic (a study of the rules of appropriate thinking that leads to rational thoughts); epistemology (which deals with rationalism, that is, valid knowledge that comes only through the mind – the truth); ethics (a study of the moral values of human behaviour); metaphysics (a study of ultimate reality); and political philosophy (which examines the nature, evolution and aim of government). One of the important branches of philosophy is theology, the philosophy of religion. Spirituality is a coordination of body, mind and soul and religion is a means of attaining spirituality. To study the relationship between Public Administration and religion, “a theory of soul”, conceived by Lynch and Lynch (1999:138–164) is relevant, as it deals with the philosophy of being a professional in Public Administration. Their theory presents three pairs of opposites:

Ego versus oneness: When people within the structures of an organisation think that it exists for its employees, and take the stance that performing services for the public is simply not important (or worse still, is an intrusion), then the organisation is without soul due to the overriding ego of the employees. The negative association of the word “bureaucratic” captures that meaning (Lynch and Lynch 1999:141). The polar opposite of ego is oneness. A public servant always serves more than simply “clients’, although the word does capture some of the essence of public service. A deeply committed public servant defines him/herself in terms of the larger oneness or wholeness of the organisation and wider society, while acting out of altruism (Lynch and Lynch 1999:141).

Body versus spirit: Lynch and Lynch (1999: 142–144) point out that: “...*in the organizational (sic.) context we experience the body through organizational (sic.) loyalty such as being a member of a clan, a gang, a church, a corporation, a nation, or some group ... Spirit is the uplifting learning opportunity that moves us to new levels that usually are just a little higher than our present place but are seemingly without limit.*”

In organisations, as is the case with individuals, spirit is uplifting and in every way remarkable. With spirit, being part of the organisation is in itself motivation and often inclusion is part of the reason why an organisation has spirit. We feel enriched by “belonging’, because there is dynamism, style, grace and a sense of harmony that only exists if an organisation has spirit (Lynch and Lynch 1999:143–144).

Mind versus heart: The third and final pair of opposites that form part of the theory of soul, is explained as follows: “...*throughout the new organization (sic.) a new higher level of ethics and morality based on heart must exist if*

civilization (sic.) is to sustain itself... We use the analytical tools ... in harmony with guidance from the heart to understand and eventually decide what we as individual or organizations (sic.) should do in a given circumstance" (Lynch and Lynch 1999:148).

Then we should reflect, and from that reflection we can learn positive lessons. With organisations, heart is particularly important. In an organisational context, leaders must "listen, be patient; listen, suggest solutions; listen, revise; listen and move forward to ensure that leaders keep not only their promises but their credibility" (Lynch and Lynch 1999:148).

In order to put the above theory into practice, it is necessary to consider the "four-fold grouping adopted by the South African Institute of Management (SAIM), using the terminology of SPIRIT, HEART, MIND and BODY, which became fashionable during the 1990s" (Dalton 1998:358). This is shown in Table 2 below.

Table 2: Soul of Management

Aspect	Attribute/Skill	Examples
Spirit	Personal Attributes	<ul style="list-style-type: none"> ● Self-actualisation ● Self-management ● Beliefs/values/ethics ● Risk-taking ● Willpower
Heart	Interpersonal Skills	Communication, empathy, trust, motivate, inspire, listen, coach
Mind	Cognitive Skills	<ul style="list-style-type: none"> ● Learning to learn ● Analytical thinking ● Lateral thinking ● Problem-solving ● Decision-making ● Memory abilities
Body	Technical Managerial Skills	<ul style="list-style-type: none"> ● Plan/lead/organise/control/ ● TQM (Total Quality Management)/ ● MBO (Management by Objectives)/ ● JIT (Just-In-time Ordering)/ ● BPR (Business Process Re-engineering)

Source: Dalton 1998:358

Public Administration/Management also deals with facts and values. The philosophy of Public Administration is concerned with the intricacies of Government and its workings. The values of philosophy are practicable in Public Administration, because they influence the moral, social, political

and administrative aspects of every organisation and the country as a whole. Philosophical tools are thus significant for any organisation, as reflected below in Table 3.

Table 3: The soul of an organisation ‘The Living Company’

Grouping	Component	Comment
Spirit	“Persona”	<ul style="list-style-type: none"> • Corporate identity. • Company ethos/ culture/ ability to build an “employee community”. • Organisational values.
Heart	Ecological Awareness	<ul style="list-style-type: none"> • Ability to build constructive relations/alliances/ decentralisation and tolerance. • Acquisitiveness and mergers/ job mobility and social propagations.
Mind	Learning	Economic success and learning/ rapid external change requires rapid internal responses/ scenario planning/ inventing the future/ decision making as a learning activity
Body	Self-Management	Financial conservatism/ money governs company evolution/ effective distribution of power

Source: Dalton 1998:364

The development of the attributes or skills associated with the SPIRIT, HEART, and MIND of management, occurs most effectively in the workplace (practice), while the acquisition of the BODY (knowledge) of management is most rapidly acquired through short formal courses (training) (Dalton 1998:360).

In practice, the theory of soul enables public administrators/managers to control their behaviour and adapt their management techniques accordingly for the benefit of the administrative organisation. Furthermore, it requires that public administrators/managers should: be able to use his/her heart (consciousness) – a judgement ability to find out what is right and what is wrong; form rational opinions and make suggestions regarding policies and programmes to be executed; be able to determine his/her actions that meet with moral standards; believe in result-based ethics because his/her actions and decisions must have positive results in order to develop an honest relationship with society; believe in virtue ethics in order to be scrupulous; be able to formulate and implement policies that reflect values, morality and embody principles of ethical conduct; possess ideological attributes to overcome unacceptable thoughts, such as corruption and think about his/her moral and ethical duty as an administrator towards the society; and finally,

develop an ethical culture in the administrative organisation in order to affect him/herself and associates in a positive way.

PHILOSOPHICAL TOOLS FOR GOOD PUBLIC ADMINISTRATION, WITH REFERENCE TO SOUTH AFRICA

A total of 868 cases of financial misconduct in the South African Public Service were reported for the 2007/2008 financial year. Notably, the Public Service experienced a significant increase to 1204 in the 2008/2009 financial year (Public Service Commission [PSC] 2009:2; 2010:2). The *Fifth Consolidated Public Service Monitoring and Evaluation System Report* for the year 2007/2008 further highlights the following findings (PSC 2008:11):

"[T]he average performance of departments regarding management reporting on cases of misconduct dropped from above 60% in 2000/05 and 50% in 06/07 to below 40% in 07/08. This is a cause for concern since this is an indication that management does not effectively handle cases of misconduct; the time taken to deal with cases remains a concern. When officials see that cases of misconduct do not get finalised timeously this may send a message to them that unethical behaviour is tolerated, and could thus result in a breakdown in discipline."

Table 4 assesses the professional ethics per department on the basis of information provided in PSC 2008.

The total cost reported by the national and provincial departments emanating from unauthorised, irregular, fruitless and wasteful expenditure, as well as losses resulting from criminal conduct reported, was R100,111,076.82 in the 2008/2009 financial year (PSC 2010:8). This is quite costly – particularly in an emerging, democratic country. It is even more costly if one considers that such costs deny the Public Service the opportunity of achieving a higher level in terms of the quantity and quality of service to citizens. However, one must be careful to establish the accuracy of statistical reports. Valid findings or reports are influenced by, among other things, the statistical tools employed, the objectivity of the measurements used, as well as the degree to which “politics” is absent from a commission’s investigative report on an administrative conduct or activity. Nevertheless, these published statistics raise concerns on the morals, values and ethics in the South African Public Service.

The following segments deal with the significance of philosophical tools to enhance a normative environment in the South African Public Service in particular, and public administration in general.

Table 4: Professional Ethics: Departments' score per standard

Department	Standard										Total out of 5		
	*A		*B		*C		*D			*E			
	1	2	1	2	1	2	1	2	3	4		5	
Northern Cape: Department of Agriculture & Land Reform	0.50	0.50	0.50	0.00	1.00	1.00	1.00	-	-	-	-	1.00	4.50
Eastern Cape: Department of Sport, Recreation, Arts & Culture	0.50	0.50	0.50	0.00	1.00	-	-	-	-	0.25	-	1.00	3.75
National Department: Public Service & Administration	0.50	0.50	0.50	0.00	1.00	-	-	-	-	-	0.00	1.00	3.50
Eastern Cape: Department of Transport	0.50	0.50	0.50	0.00	0.00	1.00	-	-	-	-	-	1.00	3.50
Gauteng: Department of Agriculture, Conservation & Environment	0.50	0.50	0.50	0.00	0.00	1.00	-	-	-	-	-	1.00	3.50
KwaZulu-Natal: Department of Transport	0.50	0.00	0.50	0.00	1.00	-	-	-	0.50	-	-	1.00	3.50
Northern Cape: Department of Tourism, Environment & Conservation	0.50	0.00	0.50	0.00	0.00	1.00	-	-	-	-	-	1.00	3.50
Western Cape: Department of Transport & Public Works	0.50	0.00	0.50	0.00	1.00	-	-	-	0.50	-	-	1.00	3.50
National Department: Public Works	0.50	0.50	0.50	0.00	0.00	-	0.75	-	-	-	-	1.00	3.25
Free State: Department of Public Works, Roads & Transport	0.50	0.50	0.50	0.50	0.00	-	-	-	-	0.25	-	1.00	3.25
National Department: Environment Affairs & Tourism	0.50	0.50	0.50	0.50	0.00	1.00	-	-	-	-	-	0.00	3.00
North West: Department of Public Works	0.50	0.50	0.50	0.00	1.00	-	-	-	0.50	-	-	0.00	3.00

* Legend
<p>A. Policy on process</p> <ol style="list-style-type: none"> 1. A policy document is in place that sets out the procedure and time frames to be followed when handling cases of misconduct. 2. All five senior managers surveyed have a working knowledge of the system. <p>B. Management reporting</p> <ol style="list-style-type: none"> 1. Cases of misconduct are reported in management reports. 2. Evidence on management's response/actions on these reports is available. <p>C. Time taken to resolve cases</p>
<p>D. Capacity to handle misconduct cases</p> <ol style="list-style-type: none"> 1. 100% to 80% of the managers are highly competent to deal with cases of misconduct; or 2. 60% to 79% of the managers are highly competent to deal with cases of misconduct; or 3. 40% to 59% of the managers are highly competent to deal with cases of misconduct; or 4. 20% to 39% of the managers are highly competent to deal with cases of misconduct; or 5. less than 20% of the managers are highly competent to deal with cases of misconduct. <p>E. Training and awareness</p> <p>The managing of cases of misconduct is reflected in training materials and is covered in capacity building processes.</p>

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Department	Standard										Total out of 5		
	*A		*B		*C		*D			*E			
	1	2	1	2	1	2	1	2	3	4		5	
North West: Department of Sport, Arts & Culture	0.50	0.00	0.50	0.00	1.00	1.00	-	-	-	-	0.00	1.00	3.00
Western Cape: Department of Health	0.50	0.50	0.00	0.00	1.00	1.00	-	-	-	-	0.00	1.00	3.00
National Department: Transport	0.50	0.50	0.50	0.00	1.00	1.00	-	-	-	-	0.00	0.00	2.50
Limpopo: Department of Sports, Arts & Culture	0.50	0.00	0.00	0.00	0.00	1.00	-	-	-	-	-	1.00	2.50
National Department: Sport & Recreation	0.50	0.00	0.00	0.00	1.00	1.00	-	-	0.50	-	-	0.00	2.00
KwaZulu-Natal: Department of Agriculture & Environmental Affairs	0.50	0.00	0.50	0.00	0.00	0.00	-	-	-	-	0.00	1.00	2.00
Limpopo: Department of Education	0.50	0.50	0.00	0.00	0.00	1.00	-	-	-	-	-	0.00	2.00
Mpumalanga: Department of Culture, Sport & Recreation	0.50	0.50	0.00	0.00	0.00	0.00	-	-	-	-	-	0.00	2.00
Mpumalanga: Department of Roads & Transport	0.50	0.50	0.00	0.00	0.00	1.00	-	-	-	-	-	0.00	2.00
Gauteng: Department of Gauteng Shared Services	0.50	0.00	0.00	0.00	0.00	0.00	-	-	-	-	-	0.00	1.50
Total	11.0	7.5	7.5	1.0	11.0	7.0	0.75	2.00	0.09	0.02	0.00	0.73	2.92
Average score per standard (total divided by 22 departments assessed)													0.50

*** Legend**

A. Policy on process

1. A policy document is in place that sets out the procedure and time frames to be followed when handling cases of misconduct.
2. All five senior managers surveyed have a working knowledge of the system.

B. Management reporting

1. Cases of misconduct are reported in management reports.
2. Evidence on management's response/actions on these reports is available.

C. Time taken to resolve cases

1. 100% to 80% of the managers are highly competent to deal with cases of misconduct; or
2. 60% to 79% of the managers are highly competent to deal with cases of misconduct; or
3. 40% to 59% of the managers are highly competent to deal with cases of misconduct; or
4. 20% to 39% of the managers are highly competent to deal with cases of misconduct; or
5. less than 20% of the managers are highly competent to deal with cases of misconduct.

E. Training and awareness

The managing of cases of misconduct is reflected in training materials and is covered in capacity building processes.

D. Capacity to handle misconduct cases

1. 100% to 80% of the managers are highly competent to deal with cases of misconduct; or
2. 60% to 79% of the managers are highly competent to deal with cases of misconduct; or
3. 40% to 59% of the managers are highly competent to deal with cases of misconduct; or
4. 20% to 39% of the managers are highly competent to deal with cases of misconduct; or
5. less than 20% of the managers are highly competent to deal with cases of misconduct.

Source: PSC 2008:102-103

The role of ethics in public administration

The legislative measures in South Africa to combat unethical conduct include: the *Investigation into Serious Economic Offences Act of 1991* (Act 117 of 1991); the *Reporting of Public Entities Act of 1992* (Act 93 of 1992); the *Prevention of Corruption Act of 1992* (Act 94 of 1992); the *Audit Act of 1992* (Act 122 of 1992); and the *Public Service Act of 1994* (Act 103 of 1994). There are also formal mechanisms in place to ensure ethical governance, such as commissions of inquiry appointed to look into specific issues; standing committees of Parliament that are set up if circumstances demand it; the Human Rights Commission and the Public Protector (Ombudsman). These measures require the public official to fulfil his/ her duties in an ethical manner.

Public officials and government ethics

It is essential that an effort is made to ensure effective governance in all sectors and at every level of public administration. Furthermore, attention should be paid to the values that are of importance to the community. Such an approach will ensure that the proper value system and norms are followed in all official duties. An acknowledgement that sound values and norms prevail in public administration will imply that public officials carry out their appointed tasks in an ethical manner (Hanekom 1977:11). To this end, section 210 of the *Constitution of South Africa, 1996*, made provision for the establishment the Public Service Commission that is competent to conduct enquiries regarding the organisation and administration of the various Government departments and the Public Service. It also regulates the code of conduct applicable to all members of the Public Service.

Conformity and the public official

There are measures to ensure that public servants in South Africa adhere to the ethical standards of professional institutions in terms of guiding principles. This conformity is achieved, for example, through public sector auditing, where the Auditor-General of South Africa is appointed to curb misadministration. The Auditor-General's functions and responsibilities are set out in the *Constitution*, as well as in the *Auditor-General Act of 1995* (Act 12 of 1995).

Statutory guidelines and codes of conduct

Laws and regulations outline the fundamental values of the Public Service and should provide the framework for guidance, investigation, disciplinary action,

and prosecution. In South Africa, the *Executive Members' Ethics Bill*, No. 64 of 1998, was drafted to provide for a code of ethics governing the conduct of members of the cabinet, deputy ministers, and members of provincial executive councils. *The Public Service Act of 1994* includes a code that gives guidelines to employees on what is expected of them from an ethical point of view – both in their individual conduct and in their collegial relationships with others.

Code of ethics in public administration

A code of ethics is a measure to control and minimise indiscretions and corruptible behaviour and its primary aim is to channel the public official's individual morality and integrity. It should ensure that a public official does his/her work in accordance with acceptable moral principles. On the empirical level, South Africa has developed indicators to measure good governance. A comprehensive explanation of these indicators is available at http://info.worldbank.org/governance/wgi/pdf_country.asp.

THE WAY FORWARD

In the South African context, the monitoring of ethical conduct is a reasonably strong agenda that is guided by the National Public Sector Anti-Corruption Strategy, “...which emphasises the need for more active ethics management; most public and private organisations have some form of Ethics Code. A Code of Conduct for the Public Service has been developed and communicated, with training and manuals. Most departments have implemented it; an Ethics System and Code of Conduct for parliament (sic.) has been implemented; and senior management members in the Public Service are required to disclose their interests” (Department of Public Service and Administration 2003:91).

However, managing discipline in the Public Service, including some senior managers' reluctance to take disciplinary action against unprofessional employees continues, and this has become a major weakness in the public sector.

All Public Service personnel need a new mind-set and a paradigm shift that appreciates and values above all else the public interest, interconnectedness and oneness. In other words, South Africa needs an organisational culture that not only supports ethical behaviour, but also sees that it defines and underpins right and wrong conduct at both an individual and an organisational or institutional level. This concept of inter-relatedness largely corresponds with the African concept of “Ubuntu” or brotherliness and good neighbourliness. What affects your brother, directly or indirectly, also affects you (Hilliard & Lynch 2011:2).

Furthermore, society needs to inculcate moral virtue in all public functionaries by enforcing good moral habits. Good habits could, in the long term, ensure that a person reacts “automatically” and intuitively to being virtuous and upholding high ethical standards that are closely akin to a set of globally recognised ethics, instead of submitting to parochial regime values. Society needs to reject the latter values, taking heed of the sordid socio-political past of Apartheid from which the new South Africa emerged (Hilliard & Lynch 2011:3).

It is additionally recommended that: “...*public service unions must be mobilised to advocate professional ethics to members; it is essential that the employer as personified by executing authorities at the political level and public service managers at all levels create an appropriate environment in which values are established and exemplary models set for emulation by all employees; and management support is crucial because management attitudes play a significant part in shaping the organisational ethos of a work environment*” (Department of Public Service and Administration 2003:92).

This article is informed by data and analysis, which contend that professional performance, activities and behaviour are embodied with values and ethical measures. Furthermore, according to Denhardt (1988:126), “*in some cases public officials have to make certain individual judgments about whether the emerging social values are appropriate and acceptable, and this responsibility cannot be underestimated. Specific values to which public servants should pay attention are equity, freedom, justice, fairness and various individual rights*”. Every group or individual develops norms and values pertaining to ethical behaviour. This enables the other members of the group to predict one another’s behaviour. Norms and values are a collective form of communication and also facilitate cooperation. They constitute a collective agreement about what is necessary to survive, what works, and what needs to be done to ensure cooperation (Moeller 1988:120). It is also important to establish how a public official interprets the role that ethical behaviour should play in the execution of his/her duties.

The methodology of a normative approach to ethics requires deductive reasoning from a deontological perspective. In such an approach, reasoning from the general to the specific sense about the rightness or wrongness of an action is determined by existing rules, societal principles, and one’s own values and personal beliefs. In essence, a public administrator searches for some principle that guides his/her decision-making or provides justification for his/her decisions (Kavran and Wyman 2001:8). This approach provides a framework to guide and justify managerial decision-making. However, decisions are in the final analysis, the end-product of various factors, including structural codification. Most importantly, this approach employs values inherent in the society, political system and governance in which the individual resides (Kavran and Wyman 2001:8).

CONCLUSION

Over time, there are social constructs that people of power and position have decided to use to ensure societal conformance and (political) system balance. These norms, rules and expected behavioural patterns have found their way into politically sacred constructions known as ‘constitutions’ and, subsequently, constitutional law. If we follow the rules, citizens at all levels of society are regarded as moral and ethical. If we do not do so, we are punished, even ostracised. Generally, values are social constructs that serve as a codified societal rulebook for individuals, communities, organisations and nations to follow. Presumably, thinking or acting in accordance with the “rules of the game” validates one’s behaviour. Therefore, over time, the collectivity develops norms, morals, conventions and expectations that are subsequently ascribed as the basis of societal “ethics”. Conformance to these prescribed rules defines an individual as moral or ethical and thus possessing integrity of behaviour. Adoption of, and adaptation to, administrative rules of the game are expected because the administrative practitioner would have been socialised or inculcated through the normal process of political socialisation. This occurs *via* the universal mediums of socialisation, such as the home, school, place of religious worship and values of one’s academic discipline. This is the frame of reference we as professionals (academics or practitioners) use to determine the level of integrity in ourselves and in others.

Therefore, practitioners (or academics) must realise that Public Administration occupies a unique position in society and that its first priority must be to promote the general welfare of the community. Public officials are therefore honour-bound to adhere to the ethical standards integral to a system of moral principles. The values and morals by which the official lives as an individual in a community have a direct influence on his/her position as a public official.

Consideration must continually be given to the values and morals that the public regards as sound and desirable; these will provide the background for sound and transparent administration. When performing their duties, public officials must acknowledge and manifest the value norms of Public Administration. Ethics are essential for transparent public administration, and when viewed in conjunction with values and morals, they serve as the cornerstone of accountable and responsible Public Administration.

Using philosophical tools (taking a normative approach) helps public administrators to think rationally and to be ethical policy-makers. The relationship between the disciplines of Philosophy and Public Administration is important to enhance an ethical administrative culture. Public Administration is undoubtedly a universal subject and its trans-disciplinarity makes it more dynamic and unique.

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Transformational leadership in the South African National Defence Force

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ABSTRACT

This article provides an overview of the critical aspects for effective leadership that are needed in the South African Public Service to promote transformation. The aim of this article is to determine whether the transformational leadership approach promotes transformation in the SANDF. It analyses the feasibility of implementing the transformational leadership approach in the South African National Defence Force (SANDF). This article examines the transactional leadership approach adopted in the SANDF and proposes the transformational leadership approach as an alternative. The authors argue that it would be challenging for the SANDF to implement transformational leadership as a dominant leadership approach in a military environment that has traditionally been autocratic in nature. The findings suggest that transformational leadership is critical for advancing transformation by the SANDF and the lack of an effective leadership approach has a negative impact on transformation in the SANDF.

INTRODUCTION

In the military environment, soldiers are not allowed to question orders as a result of the prevailing autocratic leadership style. Autocratic leadership is very directive and allows no participation (Luthans 2005:548). The absolute control that military leaders have over their followers is fuelled by the power of command that is vested

in them by a military warrant (Department of Defence 2009c:B5). Command is the legal authority vested in an individual for the direction, coordination and control of military forces (Department of Defence 2009c:D3-4). Command is an element of military leadership that separates it from civilian leadership (Van Dyk and George 2006:777). However, in a military context, military leadership and command are inseparable.

The literature suggests that, without the adoption of an effective leadership approach, transformation in the SANDF would be hindered (Cronje and Willem 2010:3–4). Researchers (Naidoo 2009; Cronje and Willem 2010:3; McLennan and Seale 2010:5) agree that, more than a decade after the end of apartheid, nearly half of South Africa’s communities do not receive adequate delivery of public services. These authors are of the opinion that this manifestation of the lack of an effective leadership approach has resulted in a high incidence of violence, and a consequent deterioration in service delivery in South Africa. The literature also suggests that some public service departments in South Africa adopt a relatively effective leadership approach, while the approach of others in this respect is simply appalling (Wright, Noble and Magasela 2007).

Section 195 of the *Constitution of the Republic of South Africa, 1996* (hereafter referred to as “the 1996 Constitution”) (Republic of South Africa 1996a:111), provides normative guidelines for the transformation of public administration which impact on leadership, command and management. The authors investigated the equitable implementation of the premise of transformational leadership, namely “change, innovation and entrepreneurship” that would benefit all the integrated armed forces equally (Van Wart 2008:74). They interrogated the transformational leadership approach – which is in contrast to the predominant (autocratic) leadership approach that prevailed in the former integrated armed forces (the South African Defence Force [SADF], the former homelands of Transkei, Bophuthatswana, Venda and Ciskei [TBVC], the Non-Statutory Forces [NSF], Mkhonto we Sizwe [MK] and the Azanian People’s Liberation Army [APLA]) (Department of Defence 2009c:D1-1) – that would be implemented and how military leaders would respond to it.

An empirical study was conducted by the researchers into the SANDF. The article is based on a qualitative and desktop research to determine the impact that transformational leadership would have on the transformation of the SANDF. Semi-structured questionnaires were used in interviewing 35% of the senior officers in the Directorate: Corporate Services in the SANDF to determine the prevailing leadership approach and its impact on transformation in 2010. The article analyses the effectiveness of transformational leadership in the SANDF as a means to promote transformation and addresses, first, a theoretical approach to leadership; secondly, the methodological approach; thirdly, the two leadership approaches, namely transactional and transformational; fourthly,

leadership in the South African public service; fifthly, contextualising leadership in the SANDF; and, lastly, the research findings.

The first part of this article provides the method of research data collection, the research problem, the aim and the limitations of the study. The last part of the article focuses on the discussion and results, and on the implications of such results for further research.

The main research questions addressed are: Is the SANDF effective and will the institutionalisation of a transformational leadership approach promote transformation and to what extent will this approach promote transformation in the SANDF? Secondary questions include: Is it possible for a traditionally autocratic institution to implement transformational leadership? How content are autocratic leaders to implement transformational leadership? Which leadership approach (transactional or transformational) will speed up transformation in the SANDF? How will transformational leadership promote transformation in the SANDF as a formidable force in sub-Saharan Africa?

The integration process at the SANDF unified the seven armed forces into a larger, more diverse officers' cadre of the SANDF. This diverse officers' corps has a wider spectrum of competencies and personalities, which can be used to solve complex problems and provide better services. Therefore, the research objective was to determine the achievability of institutionalising the transformational leadership approach as the prevailing approach in the SANDF and to determine its impact on transformation. This study focussed on one of the arms of the security cluster, namely the SANDF. Furthermore, it should be noted that the sample of this study, which comprises experienced and long-serving senior officers of the SANDF, may be inadequate to provide a phenomenal input on leadership and its impact on promoting transformation in the SANDF. Despite the limitations, this study provides a basis for future research.

CONCEPTUAL OVERVIEW

Leadership is about influencing, motivating and enabling others to contribute to the effectiveness and success of the institution. Leaders use various forms of influence, from subtle persuasion to direct application of power, to ensure that followers are motivated to achieve institutional goals (McShane and Von Glinow 2007:213–214). Public leaders should not only adopt private sector leadership skills, but also require a broader spectrum of knowledge, skills and abilities, as well as a solid grounding in public sector values and ethics (Raffel, Leisink and Middlebrooks 2009:330). This means that military leaders should not only be well trained in military warfare, but should also be knowledgeable about political, social, business, technical and communication dimensions (Veldtman 2010). Kee,

Newcomer and Davis (in Morse, Buss and Kinghorn (2007:154) concur, stating that public leaders require heightened creativity and initiative, a concern for the larger community, and careful management and leadership of change.

Conceptualisation of leadership

According to Raffel *et al.* (2009:5), a leader is an individual who can be referred to, among other things, as transformational, transactional, charismatic, inspirational, innovative and sensitive, while leadership is individualised – that is, it rests with an individual who is expected to influence others. Leadership is a process – it is about change, moving people in new directions, realising a new vision or doing things differently or better (Denhardt and Denhardt 2006:8). McShane and Von Glinow (2007:213) concur, stating that leadership is about influencing, motivating and enabling others to contribute to the effectiveness and success of the institution. Korac-Kakabadse and Korac-Kakabadse (1998:13) underscore this, claiming that leadership may involve the interaction of leaders on behalf of an institution; therefore, leadership may or may not be exerted by those in positions of authority.

Huxham and Vangen (2000:160) assert that leadership is concerned with “a formal leader who either influences or transforms members of an organisation in order to achieve specific goals”. Leadership involves collaboration within the two groups, namely the leaders and the people being led. Both parties can consider working together towards achieving the desired goals of the institution. Ingraham (2009:364) adopts a similar stance by acknowledging that the leader can attempt to work to develop in-group relationships with followers. The developments will include recognising the leadership style, which, within the context of this article, is transformational. “Approach” refers to the manner in which military leaders relate to their subordinates, tasks, situations and challenges (Department of Defence 2009c:D1-3). The leaders should adapt, or be able to develop several leadership approaches and use them when a situation demands such usage (Ingraham 2009:364). Van Dyk and George (2006:781) concur, stating that the complex and dynamic nature of different military operations (joint, departmental, international and peacekeeping) requires flexibility on the part of military leaders in different situations. Therefore, transformational leadership is particularly relevant to the SANDF when one considers the different situations (peacekeeping and combat operations) that military leaders have to manage: among others, the integration of the seven armies of the armed forces into a single South African Army; the transformation of the South African Army in achieving the government’s social goals (affirmative action, equal opportunities and gender equality); and the role of the SANDF in peacekeeping operations in Africa (Department of Defence 2009c:D1-4).

According to Van Wart (2003:214), effective leadership involves higher-quality goods and services, personal development, higher levels of satisfaction, direction and vision, innovation and creativity, and an invigorating organisational culture. While leaders are expected to lead, they should also provide an enabling environment by considering the elements outlined by Van Wart (2003). A sense of belonging enhances an institution's productivity and the achievement of the objectives formulated. Given the diverse groups and the democratic nature of South Africa, leaders are confronted by the challenges of satisfying the various individuals involved. This, in turn, involves assessing what has been done and what still needs to be done. Barrington (1984:285) propounds a similar idea by stating that leadership involves intellectual and moral content in order to analyse what needs to be done, and then to act on that analysis. Effective leadership leans towards the transformational leadership approach, and all the qualities that make a transformational leader are not mutually exclusive – they blend into one another in unexpected ways.

Various authors (Raffel *et al.* 2009:330; Korac-Kakabadse and Korac-Kakabadse 1998:13; Holzer in Morse and Buss 2008:23–24) emphasise that leadership is a process which influences followers in achieving organisational goals. However, military leadership differs from civilian leadership, because it focuses not only on vision and charisma, but also on the command and control dimension of the military environment (Van Dyk and Van Niekerk 2004:324). Military leadership is the art of influencing and of directing people to an assigned goal in such a manner as to command obedience, confidence, respect and loyalty (Department of Defence 2009c:B5). Command is the authority that a commander in the armed forces lawfully exercises over subordinates by virtue of rank or assignment. Command includes the authority and responsibility for effectively using available resources and for planning the employment, organising, directing, coordinating and controlling of military forces for the accomplishment of assigned missions. It also includes responsibility for the health, welfare, morale and discipline of assigned personnel (Department of Defence 2009c:B5).

The changing environment, normative theories, and leadership approaches will be ineffective if they are not appropriately situated and adapted in a complex and changing South African environment. Within the context of this article, it is suggested that leadership should aim at promoting transformation of the SANDF.

Transactional and transformational leadership

According to McShane and Von Glinow (2007:221), transactional leadership allows institutions to achieve their current objectives more effectively by linking

job performance to valued rewards and ensuring that followers have the resources needed to get the job done. It takes the form of an exchange of valued goods between leaders and followers (Van Wart 2008:78–79). Therefore, subordinates strive to achieve these expectations because of their fear of failure or desire for rewards (Donohue and Wong 1994:28). Transactional leadership affects the employee's motivation by exchanging rewards and by establishing an atmosphere in which there is the perception of closer links between efforts and desired outcomes. It focuses on the effects that leaders' behaviour has on followers, for example recognition, motivation and performance (Anderson 1992:51).

Transactional leadership is based on contingent reward. The leader finds out what employees value and then uses various incentives to motivate them in doing what their leaders require of them. The weakness of the contingent reward system is that it may be viewed as a tit-for-tat system, where what is rewarded is that which is accomplished; it rewards individual performance and not group achievement; and it limits leaders' options when financial resources are scarce and the institution's needs are increasing (Van Wart 2008:78). For example, within the context of this article, commanders will ensure that troops have all the necessary equipment before engaging in a military operation. In contrast, transformational leadership entails "leading", that is, changing the institution's strategies and culture so that they have a better fit with the external environment (Korac-Kakabadse and Korac-Kakabadse 1998:79–80). It is clear that transactional leaders manage followers so as to advance their own as well as their subordinates' agendas. Subordinates increase their performance as long as they get rewarded.

Transactional leaders rely on certain types of power (legitimate, reward and coercive) not only to manage subordinates, but also to ensure the achievement of institutional goals. They focus on basic self-interest and the immediate needs of followers, which range from clear instructions to adequate working conditions (Van Wart 2008:80). Legitimate power is derived from the hierarchical position that a person occupies in an institution (Gomez-Mejia, Balkin and Cardy 2005:546). Reward power is based on a person's ability to control resources and on rewarding others (Luthans 2005:414). Bateman and Snell (2004:369) state that coercive power consists in a manager's ability to punish subordinates for wrongdoing.

According to Adair (2003:23–24), transactional leadership consists in "managing", that is, in helping institutions to achieve their current objectives more effectively. Korac-Kakabadse and Korac-Kakabadse (1998:17) concur, stating that interactions between individuals and groups within a certain context allow for incremental adjustment; therefore, transactional leadership can be equated with management. They argue that managers are not necessarily good leaders, but favour proven technologies and hierarchical structures which

are predictable and constitute forms of control. Van Wart (2008:81) concurs, claiming that transactional leaders are content with the existing systems and structures of the institution, because they seem to provide acceptable performance; therefore, there is no desire to adapt them. Leaders who are innovative and able to empower followers are needed (Korac-Kakabadse and Korac-Kakabadse 1998:51).

Transformational leaders motivate their followers to perform above their own and the leader's expectations. Such leaders accomplish this by raising the importance of certain goals, by demonstrating the means to achieve them, and by inducing followers to transcend their self-interest for the achievement of goals (Reggio and Murphy 2002:106–107). Transformational leadership allows leaders to change teams or institutions by creating, communicating and modelling a vision for the institution and by inspiring followers to strive for that vision (McShane and Von Glinow 2007:221). It motivates subordinates to work for transcendent goals and for higher-level self-actualising needs, instead of working through a simple exchange relationship (Anderson 1992:51). Self-actualisation becomes the primary motivator of subordinates' behaviour, rather than external rewards. Visioning, inspiration, and intense and honest concern for the welfare of subordinates constitute the cornerstone of transformational leadership (Donohue and Wong 1994:29).

Transformational leaders create a strategic vision of a realistic and attractive future that bonds followers together and focuses their energy on a superordinate organisational goal (Korac-Kakabadse and Korac-Kakabadse 1998:79). Visions are typically described in a way that distinguishes them from the current situation, yet makes the goal both appealing and achievable (Wright *et al.* 2007:215). Transforming a vision into reality requires followers' commitment. Transformational leaders use words, symbols and stories that build a contagious enthusiasm which energises followers to adopt the vision as their own (Wright *et al.* 2007:216–217). Their persistence and consistency reflect an image of honesty, trust and integrity. They build commitment by involving followers in the process of shaping the institution's vision (Reggio and Murphy 2002:109).

Transformational leadership influences followers to transcend self-interest and commit themselves to excellence. It focuses on the followers' emotional responses, self-esteem, and trust and confidence in their leaders, and on the followers' values and motivation to perform above and beyond what is expected of them (Luthans 2005:562). The vision and empowerment of leaders enable followers to transcend their own self-interest for the sake of the leaders and the institution (Reggio and Murphy 2002:106). Transformational leaders can relate to their followers' need for identity, and are able to strengthen their self-concept and become part of the followers' identity (Van Wart 2008:80). It is clear that transformational leaders constantly motivate followers to increase

their performance by stretching them to achieve above their own expectations. They show a keen interest in the wellbeing of followers and create conditions that allow followers to achieve organisational and individual goals. By satisfying followers' needs, transformational leaders are able to inspire followers to use their competencies to increase their performance, which, in turn, results in better service delivery (Bass and Avolio 1994:11).

Transactional leadership relies on a sense of reciprocity between leaders and subordinates. It does not individualise the needs of subordinates, nor does it focus on their personal development (Rost 1993:140). Transformational leadership, however, changes people, affects their outlook on individual and collective life, and allows them to commit to a new identity and shared values (Morgan, Green, Shinn and Robinson 2008:301). This kind of leadership challenges the old order and breaks the continuity of the traditional way of doing things; it is a risky adventure that fosters change (Reggio and Murphy 2002:108). Followers are inspired to use their innovative and creative skills to produce better goods and services. This makes followers optimistic and enthusiastic about future work activities. Transactional leadership improves institutional efficiency, whereas transformational leadership steers institutions to a better course of action (Conger and Kanungo 1998:13–15).

Transformational leadership is preferred because it inculcates in followers commitment, inspiration, self-esteem, intellectual stimulation and individualised consideration (Tucker and Russell 2004:2–3). It instils in them a desire to improve their performance and to increase productivity. It encourages followers to internalise the leaders' vision and mission and use competencies to achieve organisational and individual goals. It also motivates followers to use their personality to build sound employee relationships (Van Wart 2008:74–75). Transformational leaders are agents of change who energise and direct followers to a new set of corporate values and behaviours (Reggio and Murphy 2002:108).

Esterhuysen (2003:2) is of the opinion that transformation can bring about second-order change in an institution which fundamentally transforms its basic structure, culture and defining values, including the overall form of the organisation. Esterhuysen (2003:2) states that, in order to steer an institution through second-order change, leaders must be willing to act as visionaries and leaders of change and have the appropriate skills of a coach, trainer and facilitator. Morgan *et al.* (2008:302–303) concur, claiming that transformational leadership is more pertinent in managing transformation. When comparing the characteristics of transactional and transformational leadership, it is clear that the latter possesses the qualities that will promote transformation; therefore it is to be preferred (Morgan *et al.* 2008:302–303; Bass and Avolio 1994:11; Van Wart 2008:80). In this context, military leaders, as transformational leaders, would create an enabling organisational culture that would promote transformation in

which, among other things, gender equality and equity would be promoted; and followers would be motivated not only in exceeding the effectiveness of the former armed forces, but also in becoming a formidable force in sub-Saharan Africa.

The difference between transactional and transformational leadership is that the former can be referred to as “managing”, while the latter entails being a leader of innovation (Tucker and Russell 2004:103). Transformational leaders work to change the institution, whereas transactional managers work within the existing structures (Van Wart 2008:81). Transactional leaders use existing power and authority to achieve goals, while transformational leaders motivate people to work for new and greater achievements which lead to change. Transformational leaders appeal to higher motivation and add to people’s quality of life and that of the institution. Transformational leaders provide energy-producing characteristics that generate new change for an institution, which transactional management cannot do (Tucker and Russell 2004:104).

Leadership in the South African Public Service

In his State of the Nation Address (Zuma 2009), President Zuma indicated a number of challenges in public service institutions in South Africa. The citizens of South Africa are adversely impacted by the state of leadership in the public service. While a number of valid reasons can be advanced for this phenomenon, the adverse situation invariably points to ineffective leadership in the South African public service (Cronje and Willem 2010:4; McLennan and Seale 2010:5). This is evident from ongoing protests by communities against the lack of service delivery. Cronje and Willem (2010:3) argue that many public service leaders do not work for the common good of society. The lack of effective leadership manifests itself in an inability to provide the services that citizens expect from an effective state. There is also a lack of inclusive government in South Africa. In this regard, Cronje and Willem (2010:4) argue that leaders reveal little accountability to their constituents. Moreover, few efforts are made to engage citizens in meaningful consultation in order to address the service delivery problems or to create realistic expectations of what is possible. Instead, matters drift along until communities’ behaviour becomes problematic, out of sheer frustration. This lack of inclusion is also demonstrated by the lack of active engagement by the leadership cadre with communities in furthering economic development and addressing other social problems (Cronje and Willem 2010:4).

Directors-general (DGs) in the South African public service contend that human resource (HR) issues, such as the lack of management and leadership capacity, skills and experience, as well as personnel conflicts, continue to pose

problems (Naidoo 2009:318). Despite large amounts invested by government in leadership development, many initiatives are regarded as failures (Naidoo 2009:318). The investment in leadership development has arguably created greater dissonance and frustration among managers benefiting from leadership development, as they start to realise the poor quality of senior management services (SMS) leadership in the public service. The greatest challenge is that it is highly likely that the current administrative leadership component has not been selected into these positions on merit alone, but on the basis of their political affiliation to the government of the day (Naidoo 2009:319; Naidoo 2010:113–116). Malan and Smit (2001:45) refer to these political appointments and point to incompetence and a lack of exposure. Preferential policies such as affirmative action cause imbalances and fail to maintain a standard of efficiency. There is also a lack of training, or no time is set aside to train newly appointed leaders and give them the necessary exposure in their respective institutions. Ott and Russell (2001:397) argue that government tends to be more effective and efficient when leaders have flexibility and the power to choose qualified people who can implement policies with little interference. It is important to note that a leader's freedom is limited by bureaucratic laws, regulations and rules (Frederickson 2005:37). Occasionally, political sensitivities have inhibited the decision-making of DGs, as can be seen, for example, in their reluctance to dismiss non-performing public servants because of political considerations (Naidoo 2006:257).

Related to ineffective leadership is the lack of effective policy implementation, which impacts on organisational efficiency and performance. This, in turn, impacts on service delivery outcomes. Fraser-Moleketi (2007:3) suggested that non-performance by public servants took the form either of not delivering services or of goal displacement by complying with rules and regulations instead of achieving governmental goals. Moynihan and Ingraham (2004:429) concur, stating that leaders are failing to find a way of integrating management systems in order to achieve organisational goals. On the same note, Eliassen and Sitter (2008:149) adopt a similar view to that of Frederickson (2005:3). They highlight challenges around public institutions' objectives and goals, rules and regulations. There is undoubtedly a need for the South African Public Service to ensure that there is effective leadership to promote policy implementation and therefore improve service delivery (Rotberg 2004:29–30). All this highlights the importance of building effective administration, management and leadership capacity to drive the goals of government and meet the goals of ensuring a better life for all (McLennan and Seale 2010:5).

The sentiment, "A better life for all", in the SANDF translates into the transformation of the SANDF, which is the responsibility of military leaders. Leadership in the SANDF is addressed in the next section.

CONTEXTUALISING LEADERSHIP IN THE SOUTH AFRICAN NATIONAL DEFENCE FORCE

The military leader's ultimate leadership test occurs during combat operations, which are characterised by the "dynamics of battle" that include danger, chance, exertion, uncertainty, apprehension and frustration, as well as the "psychological effects of combat" (Department of Defence 2009c:D1-4). The SANDF needs competent leaders at all levels, because soldiers must be led into battle (Department of Defence 2009c:D1-5). Therefore, military leaders should have courage, willpower, the right temperament, and flexibility of mind so that they can take decisive action under difficult and dangerous circumstances (Fursdon 1999:42–43).

Military leadership induces compliance and commitment by subordinates, and exerts influence on others (Department of Defence 1995:1:18). Three key factors can be derived from this definition. First, its implicit obedience in executing orders and influencing others requires effective relationships between leaders and followers which lead to better understanding of their respective roles in achieving individual and institutional goals. The effective relationships are based on trust, respect and mutual obligation, and generate influence between leaders and followers, which are reciprocal activities (McShane and Von Glinow 2007:78). This means that leaders and followers mutually affect one another (Van Wart 2008:210). Therefore, good relationships between leaders and followers are an indication that sound interaction exists between them (Venter 2004:9–10). Such interaction breaks down the barriers of suspicion and mistrust, which is necessary for an effective superior–subordinate relationship. The *Labour Relations Act 66 of 1995* promotes effective labour relations in the private and public sectors in South Africa (Republic of South Africa 1995). Effective relationships allow leaders to motivate followers to use their potential in achieving military missions, especially during war. Secondly, there is unity, which is one of the elements that is needed in building a new SANDF which consists of soldiers who were formerly enemies. The Preamble to the 1996 Constitution (Republic of South Africa 1996a:1) rightly states that unity is one of the components that can bring diverse cultures together, as well as build a democratic South Africa. Thirdly, motivation is the driving force that inspires followers to commit to the SANDF and use their potential in achieving self-actualisation (Bateman and Snell 2004:398), and individual and organisational goals (Swanepoel, Erasmus, Van Wyk and Schenk 2000:344–345). Soldiers have a common goal in defending the sovereignty of the Republic of South Africa (Republic of South Africa 1996a:7), and the democratic values of human dignity, equality and freedom of all South Africans (Republic of South Africa 1996b:6).

The military leader's approach is essentially authoritarian and not persuasive, although there are occasions where the persuasive style can be feasible (Nkone 2010). Military leadership means that the officers execute the assigned mission in such a way that, by their actions and methods, they command the obedience, respect and loyalty of their subordinates. It is also apparent that military leadership should be considered as a "means to an end", that is, a means of carrying out the mission (Department of Defence 1995:1:18). This is evident in operational situations where commanding is applied and orders are executed implicitly (Gqoboka 2010). Superiors may use their hierarchical positions, rational persuasion or technical expertise and insight to persuade their subordinates to accept their authority (Chuter 2000:88–90). The approach of leadership in the SANDF varies from autocratic, which is prevalent (Mafheda 2010), to accommodative and situational (Rudman 2010), and participative (Veldtman 2010). These leadership approaches are contrary to the transactional leadership approach that was adopted by the SANDF (Department of Defence 2009c:D1-1). They are also in contrast to the predominant leadership approaches that prevailed in the former armed forces (Department of Defence 2009c:D-11). Transactional leadership is an exchange process – the followers' needs are met when they meet the leader's expectations, and this depends on the leader's power to reward subordinates for their successful completion of tasks (Tucker and Russell 2004:103–104).

Case for transformational leadership

Van Wart (2008:74) claims that transformational leaders change institutions and people in three ways. First, they recognise the need for revitalisation. The competitive environment in which and the speed of responsiveness at which institutions operate require vitality of operations and processes (Pfeffer 1994:7). Transformational leaders influence followers to transcend their own self-interest for the sake of the institution. They motivate ordinary people to extraordinary heights (Podsakoff, MacKenzie and Bommer 1996:1). Yukl (2005:272–273) concurs, stating that followers feel trusted, respected and motivated to exert themselves to do more than what is expected of them. Secondly, they create a new vision. New ways of doing business should be contemplated, researched, rehearsed and widely articulated. Transformational leaders engage followers and transform their vision of the world (Van Dyk and George 2006:786).

Transformational leadership is proactive and operates beyond a particular context. The boundaries of a context may be extended, or dismantled and rebuilt, taking into consideration the effect on people. Transformational leaders actively search for new frontiers and place a high emphasis on values, creativity, intelligence, integrity and cooperation (Korac-Kakabadse and Korac-

Kakabadse 1998:17, 52). Thirdly, they institutionalise change. Understanding and acceptance of the new vision will lead to the implementation of new structures, systems and procedures. This means that employees should be motivated as they continue to accept and adapt to new structures and processes of doing business.

Transformational leadership is fundamental in identifying and pursuing a vision, enhancing dialogue, and promoting values in order to transform to a new and better world (Korac-Kakabadse and Korac-Kakabadse 1998:79). Transformational leaders provide change and movement in an institution. They change the existing structure and influence people to buy into a new vision, a new direction, new possibilities, a new inspiration and new behaviour. They use authority and power to inspire and motivate people to trust and follow their example (Van Wart 2008:78).

According to Tucker and Russell (2004:106–107), transformational leaders influence two areas of an institution's culture. First, they influence the internal mind-set of the people in the institution. Transformational leaders engage people's self-concepts, which allows for people to know who they are and how they connect to the mission of the institution. This allows for employees' self-development and self-actualisation and enables them to achieve what they desire to become in the institution. Podsakoff *et al.* (1996:2) concur, claiming that transformational leaders positively influence employees' satisfaction and job performance. Transformational leaders have people skills, which they use to influence followers' unique human qualities by emphasising purposes, values, morals and ethics. They align internal structures to reinforce values and goals. They influence the way employees think by introducing new processes and by giving new directions (Van Wart 2008:228–229, 234). Transformational leaders encourage self-development and provide positive feedback to improve employees' performance. They inspire followers to become leaders themselves (Bass and Avolio 1997:17). The behavioural aspect of the transformational notion suggests that change needs to be modelled in people rather than in cultural or organisational forms. However, the leader's role in constructing corporate culture is pivotal (Korac-Kakabadse and Korac-Kakabadse 1998:81). Secondly, transformational leaders influence the culture among the people of the institution through teams, innovation and productivity. Leaders can serve as a role model for team members and increase the level of cooperation among them. Tucker and Russell (2004:5) concur, stating that transformational leaders influence the culture among people and motivate teams to higher levels of performance. Bass and Avolio (1997:19–20) underscore this, claiming that transformational innovation leads to increased productivity.

Tucker and Russell (2004:104) assert that leaders should first experience personal transformation before they can help to transform others. They claim that

leaders' own development provides internal changes that produce an emotional bond between them and followers. Changes in behaviour are necessary in order to change the organisational culture. Thus, leaders' relational behaviour affects followers and the institution (Van Wart 2008:81–82). Transformational leaders are capable of providing a new vision and energy that will bring about change in an institution (Korac-Kakabadse and Korac-Kakabadse 1998:19–21; Tucker and Russell 2004:106–107; Van Wart 2008:74–76).

Transformational leadership in the SANDF

Institutional conditions in the SANDF require transformational leaders who are able to operate in unstable and uncertain organisational conditions, unlike transactional leaders who prefer to function in a stable organisational environment with properly functioning systems (Van Wart 2008:80). Korac-Kakabadse and Korac-Kakabadse (1998:81) concur, stating that leaders are responsible for creating an organisation's culture. Van Dyk and George (2006:785) claim that transformational leadership empowers military leaders with the knowledge, competencies and experience necessary for managing transformation in the SANDF. They argue that transformational leadership would permit military leaders to create an organisational culture that would allow for the formulation of a new doctrine, and for open and honest communication and administration, and which would furthermore facilitate trust and promote cohesion in a culturally diverse workforce. Gildenhuis (2010) supports this, stating that an enabling organisational culture would contribute to creating unity among former armed forces and allow employees to use their competencies in contributing to the effectiveness and professionalism of the SANDF.

The SANDF needs transformational leaders who focus on institutional and employee development. Organisational-oriented leaders tend to focus on external and internal factors that may impact the effectiveness of an institution (Van Dyk and George 2006:786). More attention should be given to organisational culture and change management (Van Wart 2008:234). Transformational leaders would have managed the disbandment of military units differently. They would have reduced the number of combat units, but would have maintained the military capabilities of those units (Buthelezi 2008:191–193). Van Wart (2008:228–229) argues that people-oriented leaders tend to focus on the relationship, on development, on motivation and on subordinates' involvement in institutional decision-making processes.

Since its inception in 1994, the SANDF has changed its HR system three times. The majority of the change imperatives identified in the 1996 Constitution, the White Paper on Defence, and the Defence Review have a direct or

indirect influence on the SANDF's human resources (Department of Defence 2001:9–11). Retrenchment (Voluntary Severance Package [VSP], Employer Initiated Package [EIP] and Mobility Exit Mechanism [MEM]) of employees would not have resulted in excessive loss of intellectual capital and knowledge management that negatively affected succession planning, mentoring and coaching in the SANDF, particularly at the infancy stage of the integration (Yon 2010). This means that the previous HR systems did not adequately address the “African soldiers’” needs. For example, the leave policy did not make provision for soldiers to attend a cleansing ceremony at or near the place of an accident where an individual had died (Mdlulwa 2010).

The practice of annually appointing military leaders to various positions in the SANDF does not automatically confer upon them the qualities of leadership (Korac-Kakabadse and Korac-Kakabadse 1998:13) that are needed to perform their duties and functions, because leadership rests with an individual who is expected to influence others (Raffel *et al.* 2009:5). Leadership development as proposed by Van Dyk and George (2006) is the solution. The SANDF invests a large percentage of financial resources in training and development of military leaders (Department of Defence 1997). Military leaders spend a total of four-and-a-half years undergoing military training (Preller 2010), which excludes young officers who study full-time (are reading for a Bachelor of Military Science [BMil] degree) at the South African Military Academy in Saldanha, Cape Town (Veldtman 2010). Military leadership training empowers military leaders to become experts in military warfare, contingency, and humanitarian and peacekeeping operations (Department of Defence 1997; Reed and Sorenson *in* Morse *et al.* 2007:125). These competencies empower military leaders not only to change the military landscape, but also to transform the SANDF (Rudman 2010).

Reed and Sorenson (*in* Morse *et al.* 2007:126) argue that leaders with experience and a track record of success should be entrusted with increased hierarchical authority, that is, be appointed to SMS positions. Clearly, this advice was not heeded by the SANDF. Experienced military leaders were overlooked and less qualified ones were appointed to SMS positions (Department of Defence 1994:3; Zwane 1995:33; Links 2010). The appointment of former NSF contract soldiers to permanent appointments, while excluding former SADF-contracted Statutory Forces (SF) (Department of Defence 2009a:1), resulted in persons being excluded who had contributed to the military professionalism and formidability of the SADF (Kahn 2009:85, 89). However, it is expected of former SADF members not only to mentor NSF members, but also, in certain instances, to perform functions on a senior level (Yon 2010). This means that leaders at lower levels of the organisational hierarchy are finding themselves in situations where they must make decisions previously reserved for more

senior members (Reed and Sorenson in Morse *et al.* 2007:130). Such drastic decisions by leaders, favouring one group over another, defeated the purpose of transactional leadership (Van Wart 2008:78), because these members were rewarded without performance or meeting leaders' expectations (Lourens 2010; Tucker and Russell 2004:3–4). Such actions promote exclusiveness at a time when inclusiveness is needed in unifying the SANDF and for nation-building in South Africa. This clearly shows the SANDF's preferential policy (Department of Defence 2009b:3–6), which is contrary to that of the 1996 Constitution (Republic of South Africa 1996a:7), which promotes equality of all people, and to the *Employment Equity Act 55 of 1998* (Republic of South Africa 1998), which endorses the 1996 Constitution. This is underscored by Zwane (1995:34–35), who argues that the SANDF can only adequately fulfil its service delivery if racism and sexism are no longer barriers to the appointment of the most capable candidates to relevant positions (Republic of South Africa 1998:50–51).

Transformational leaders are innovative and are able to empower followers, nurture followers' skills, develop followers' talents and build followers' trust in them (Van Wart 2008:74–75). Transformational leaders are also able to inspire followers to become leaders (Bass and Avolio 1997:17); they provide energy-producing characteristics that generate new change for an institution, which transactional management cannot do (Tucker and Russell 2004:104). Therefore, transformational leaders would not only empower women military leaders, who find it challenging to acquire operational and strategic skills, to be deployed as operational commanders in combat and peacekeeping operations (Department of Defence 2009a:7), but would also be instrumental in developing leaders who would direct the SANDF for generations to come.

Pesonen, Tienari and Vanhala (2009:4) claim that leaders care more about their own race and gender rather than those of others. Therefore, they are inclined to promote their own to SMS positions. Could this be the reason why the executive structures of the SANDF are not reflecting the demographics of South Africa (Department of Defence 1994:2–3), particularly women (Kahn 2010:73–77)? The SANDF can only achieve the government's imperatives of affirmative action, gender equality, gender equity (*Employment Equity Act 55 of 1998*) and its own mission of a non-racial, non-sexist and non-discriminatory institution (Republic of South Africa 1996b:28–29) if it adopts a transformation leadership approach that can transform the SANDF (Rudman 2010). Radical action that is needed in transforming the SANDF can only come from transformational leaders (Reed and Sorenson in Morse *et al.* 2007:127–129; Tucker and Russell 2004:104; Van Wart 2008:80). The need for transformational leadership is evident when one examines the challenges that military leaders are facing. These challenges, among others, include an aging military force, resource

constraints (armament, technology and capital investment), relationships with stakeholders (employees, government and trade union), government's imperatives, globalisation and technological advancement, and involvement in peacekeeping and humanitarian operations in sub-Saharan Africa.

Reed and Sorenson (in Morse *et al.* 2007:126) claim that the military has been instrumental in successfully informing and advancing formal studies of leadership. A change in the approach to leadership in the SANDF may be a means of inspiring the South African public service and the defence forces in sub-Saharan Africa to follow suit. A change of this magnitude may: 1) speed up the achievement of the government's imperatives (health, education, basic services and rural development) (Malefane 2010:8–9); 2) advance women's representation within SMS positions in the public service, and more especially in the SANDF (Kahn and Louw 2010:677–678); 3) afford equal opportunities to previously disadvantaged members of the SANDF (Xundu 2010); and 4) affirm previously disadvantaged blacks of the former SADF (Soldaat 2010).

Transactional leadership is practised at training units, particularly at the lower hierarchical levels (Makgwe 2010). For example, the company commander may reward a platoon with a long weekend for winning the SANDF's shooting competition. Adair (2003:24) is of the opinion that the management components of transformational leadership should have allowed not only the SANDF to achieve the government's target of 50% women in SMS positions, but also top leadership echelons to reflect the demographics of the South African population. Luthans (2005:562) concurs, stating that transformational leadership would have prompted military leaders to take corrective measures in addressing past imbalances.

Was the recent labour strike by soldiers a result of ineffective leadership or a breakdown of transactional leadership? Has the leadership allowed a situation to develop where soldiers can strike or refuse to do military duty when their grievances are not addressed? Are soldiers being forbidden to exercise their individual rights? Soldaat (2010) is firmly convinced that the SANDF should not have been allowed to form a union, as this will contribute to an increase in labour strikes, which will negatively impact transformation of the SANDF. According to Kubu (2010:72–73), South African Navy members have refused (since 2000) to be relocated to other provinces. These members have argued that relocation to another province is a violation of their individual rights and that there is no guarantee that their spouses will be employed in other provinces. Such behaviour was unheard of, and was unacceptable, prior to 2000, but is becoming the norm (Kubu 2010:73–74). It is clear that transactional leadership has limitedly contributed to transformation in the SANDF, in that it has only benefited the NSF, rather than creating an environment that allows for a win-win situation for all employees of the SANDF. Therefore, transactional

leadership as a dominant approach has not been very effective in achieving the transformation mandate of the SANDF.

FINDINGS AND CONCLUSIONS

The literature shows that transformational leadership not only brings about change, innovation and entrepreneurship, but also changes the attitude of followers, motivating them to transcend their own self-interest in making the institution their first priority.

This means that the SANDF should not only create an enabling environment in which leaders' competencies can be developed, but should also empower and enable them to become leaders (Bass and Avolio 1997). The study reveals that effective leadership is a key element in attaining transformation goals, including improved service delivery that would benefit all followers. The need for effective leadership is underpinned by leaders' attributes, including courage and determination in ensuring that followers are treated fairly.

The results reveal that autocratic leadership was prevalent among the former integrated armed forces (Department of Defence 2009c:D1-1). The implementation of transactional leadership in the SANDF was a means of changing the culture of leadership and promoting transformation (Department of Defence 2009c:D1-1). Transactional leadership is prevalent at military training institutions, particularly at lower hierarchical levels (among juniors – privates to corporals). The premise of exchanging services for rewards seems to be extrinsic and tangible. The results show that transactional leadership has had racial undertones. The dominant race and gender (Africans, and whites and males) benefited, while minority groups (Asians, and coloureds and females) were marginalised. It is clear that, after 16 years, the transactional leadership approach has failed to transform the SANDF, because executive management does not reflect the demographics of South African society.

The findings clearly show that transformational leadership is to be preferred above transactional leadership, because it fundamentally transforms institutional strategy, structure, culture and values (Reed and Sorenson in Morse *et al.* 2007:127–129; Tucker and Russell 2004:104). Transformational leadership is capable of transforming the culture of the SANDF to one in which the competencies of the diverse workforce can be developed and optimally utilised, which, in turn, would contribute to the SANDF being a formidable force in sub-Saharan Africa (Kulu 2010; Links 2010; Preller 2010). The results suggest that transformational leadership could be instrumental in creating a non-racial, non-sexist and non-discriminatory organisational culture. Such an environment would allow followers to excel not only in developing their competencies, but also in utilising them

optimally, which would thus allow them to achieve higher institutional and individual goals (Morgan *et al.* 2008:301–302; Van Wart 2008:80).

The results further explicitly show that transformational leadership is about change, a new vision and new possibilities that will promote the professionalism and transformation of the SANDF, which, in turn, will result in employees' satisfaction, better service delivery to stakeholders, and an improved quality of life for all South Africans. Transformational leaders would develop a leadership cadre that would lead the SANDF for generations to come. These leaders would have a strategic mind-set that would allow them to create an institutional culture with an underlying premise of a "can do attitude" that is inclusive of all former armed forces. Transformational leadership would allow the SANDF to set the course for transformational leadership in the South African public service, which, in turn, would change public servants' attitudes to service delivery in South Africa.

The above results provided noteworthy insights into introducing transformational leadership in a military environment that is traditionally autocratic in nature. First, it has shown that effective leadership is fundamental in ensuring transformation mainly with the implementation of equitable policies. It confirmed the argument by Ingraham (2009) that leaders should adopt different leadership approaches when the situation demands such usage. It is suggested that transformational leadership can create an enabling environment that allows for leadership development and for the empowerment of employees (Tucker and Russell 2004).

Secondly, this research suggests that autocratic leadership was prevalent in the former integrated armed forces. This contributed to the SANDF grappling with institutionalising transactional leadership that would aid transformation. The results have shown that the dominant race groups have benefited, while the minorities are being marginalised. It is suggested that the SANDF consider implementing transformational leadership that would allow it to create an enabling environment which could help it to achieve its strategic goals and the government's imperatives.

Thirdly, the study has shown that the challenges which the SANDF is facing require transformational leaders – leaders who would ensure that all employees benefit from affirmative action, equal opportunities and gender equality; leaders who would make sure that employees enjoy employee satisfaction and use their competencies to achieve self-actualisation and institutional goals; and leaders who are able to transform the SANDF into becoming a public employer of choice and a formidable force in sub-Saharan Africa.

The findings of this study focused on the implementation of transformational leadership and are related only to one service of the security cluster, namely the SANDF. The impact that the institutionalisation of transformational leadership would have had on the SANDF will only be known in the future, when adopted.

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Ethics as regulator of the labour relationship in the public sector

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ABSTRACT

The action, reaction, status and roles of the parties to the labour relationship are often determined by their common interest in the continuation of the institution. Traditionally, custom regulated the relationship. This led to stagnation and the relationship became out of touch with the progress within the labour environment. Because of unequal relationships and the power distribution between the parties, it became necessary to establish a legal framework within which the labour relationship could be conducted. The parties increasingly resorted to mutually agreed-upon rules and regulations to guide their interactions through collective bargaining and joint systems of negotiation. Due to the increasing conflict, and the sometimes-hostile outcome of the conflict, the parties became aware of a need to conduct the relationship along ethical guidelines. The lack of trust between the parties needs to be conducted along ethical guidelines to ensure that existing conflict is resolved in an environment that is conducive to fair labour practices. The parties should respect one another and have faith in the integrity of all parties involved. Fair labour practices should be legislated and ethical guidelines should be postulated to guide reasonable interaction between parties in the labour relationship. The role and involvement of the State in determining the rules and regulations pertaining to the labour relationship depend on the society in which it functions. The nature of the society also determines the value, power ability and legitimacy of the parties to this relationship. The conduct of the labour relationship along ethical guidelines, and in particular fairness, in both the private and public sector, is of considerable importance. In this article the

ethical guidelines in regulating the labour relationship in South Africa – specifically in the public sector are discussed and strategies to promote ethical behaviour in the public labour relationship are indicated.

INTRODUCTION

The labour relationship is regulated and facilitated by an intricate system of laws, policies and procedures. Labour relations study the roles and interactions between the parties to the relationship, the various rules, acts and regulations which govern that relationship, as well as the environment in which the relationship plays out, while explaining the practice in which values and principles regulate this relationship. There is a need to conduct business along more ethical lines, which permeates the labour relationship because of a lack of trust between employers, employees and the public. There is growing discontent at disruptive and corrupt labour relationships in the South African public and private sectors. This highlights the need for a system that redirects the dynamics of, and values in, the labour environment. This article investigates the role of a system of ethics and formal strategies that addresses issues of unethical behaviour in the labour relationship within the South African public sector. Ethics, and more specifically public ethics, provide the moral habits that guide actions. Furthermore, it provides rules to hold others accountable for corrupt actions and also to praise acceptable behaviour. The following paragraphs discuss the ethical framework and tailor-made strategies that address issues of unethical behaviour within the labour relationship.

Most counties do not have a single code of conduct document that codifies the principles and standards that ensure good behaviour by public officials. Rather, it is distributed across various laws, regulations and other guidelines. Various questions arise, such as: will a code of conduct ensure ethical behaviour in practice? Will a good official ensure ethical behaviour in the public sector? And consequently, will this then ensure ethical behaviour in the labour environment? Can codes of conduct and rule-oriented approaches to directing the labour relationship promote ethical behaviour on their own? Or are there other supporting instruments that should be in place to ensure their effectiveness?

The place and role of codes of conduct to revamp the public labour relationship are indicated in this article as well as the efficiency of regulating employee behaviour on a moral level within the labour relationship, as part of administrative ethics in public administration.

Legislation that is enacted and institutions that were created in an attempt to curb corrupt and dishonest acts and behaviour by public officials and all other employees in the labour environment are indicated and an ethical framework that is written into law, as well as those aspects that cannot be written into law, are discussed. Furthermore, aspects such as culture and morality that influence the contents of laws and ethical codes to guide behaviour are explained. Internationally established standards for this relationship that guide the establishment of labour legislation are also indicated. Reference is made to these basic principles for the conduct of the labour relationship that provide the bases for a sound labour relations system in any country as well as the power of the parties to the labour relationship and how conflict is handled. Finally, the place of the Labour Court, in the ethical regulation of the labour relationship and possible strategies to promote ethical labour relations within the public sector are discussed.

BACKGROUND ON THE ETHICAL FRAMEWORK FOR THE CONDUCT OF THE LABOUR RELATIONSHIP

Worldwide, there is a vast interest in matters of ethics, as well as in the role that ethical conduct can play in sound labour relationships. This especially rings true for public sector service delivery in existing and emerging democratic cultures, such as South Africa. According to Fox (2010:4), ethics is a system of moral principles and rules of conduct recognised with respect to a particular class of human actions or governance. It also concerns the ‘goodness’ and ‘badness’ of motives and ends. Ethics is derived from the ancient Greek word *ethika*, which means the study of habits, as well as from the term *ethos*, as a shared or a personal habit that refers to a way of choosing what is right and what is wrong, or merely as a way of life (Fox 2010:2). Public sector ethics refers to how humans choose to live and work together with their fellow human beings or employees. This is done within the networks of relationships within their environment, as well as within the work situation in the public sector. To guide this public sector ethics relationship, some standards of practice, such as rules, regulations and laws are developed. An example of these rules is rules of conduct within the work environment. These boundaries and guidelines are imposed to ensure respect for justice within the community and workplace.

Moodali (2001:16) explains ethics as three different concepts, namely:

- Systematic thinking or reflection of morality, a common morality (in the labour relationship this can be explained as how the parties to the relationship consider and debate issues of morality in the labour environment – even if the individual member’s personal morality is questionable).

- A person's morality (for example the members of the meeting on labour issues are people of high integrity – even if they are not committed to the outcome of the negotiations).
- Professional ethics or morality as an agreed-upon view of what is permissible for the practitioners of a profession (such as the doctors in the Department of Health stick to the code of conduct of their profession. This does not necessarily mean that they are of exemplary character or that they are good theoreticians. The professional ethics in a professional relationship, is supposed to take precedence over personal morality) (Pauw *et al.* 2009:340).

Professional ethics is usually stated in a formal code and is a set of norms that determines an individual's position towards professional duties, professional relations with other employees and towards society as a whole. This includes activities related to medicine, engineering and legal sciences (Harris *et al.* 2009:9). Administrative ethics, in turn, refers to all moral aspects of private and public administration employee activities. Three basic components are relevant in administrative ethics, namely values, standards and norms. With regard to norms, aspects such as laws, codes of conduct, ethics and rules that guide employees' actions and behaviour that depend on social values, come into play.

Principles, norms and values are often used as synonyms of the concept of ethics.

- **Principles** are permanent values in human conduct, such as trust, respect and integrity. No respect for the other party or faith in its integrity will result in a relationship based on conflict and difficulties. Principles in any relationship, such as the labour relationship in the public and private sector, should include aspects such as fairness, integrity, honesty, human dignity, quality service delivery, excellence and growth potential (Covey 1992:34).
- **Norms**, social codes and customs, are so called hidden laws, as opposed to formal laws and procedures (Berkley *et al.* 2009:15). Public service ethics is based on moral norms. These norms are approved by society, who determines the values connected to public administration.
- A **value** pertains to what is desirable or what should be. It represents an ideal to which an individual subscribes and it can develop into an attitude (Amos *et al.* 2004:132). Attitudes, expectations and actions towards one another in the workplace are determined by morality and ethics.
- Morality refers to the rules about what people ought to do and what not. How individual employees' professional values are satisfied, that is, a high morale, is indispensable to the institution and to the public sector in general. Maintaining a high morale is generally accepted as one of the overall objectives of a personnel policy. Morale is the inner strength and energy that enables the employee to live up to high expectations. Furthermore, it eliminates

indifference towards even the most menial task that needs to be performed. Moral attributes, such as honesty, devotion to social duty and principles, as well as responsible actions are important for public servants. Labour morality includes professional and administrative ethics in all spheres of public activity.

Moral regulation of behaviour has always been a necessary element in a group's wellbeing. Through the ages, morals have developed through ethical thinking. People from ancient civilisations developed ethical systems to regulate relationships in society. Endeavours to explain and direct these relationships resulted in the development of systems as bases for ethical conduct within the public environment. Public officials' ability to act and behave ethical determines the public opinion of the Public Service and Government activities.

Among other service delivery functions, Government has the function of being projective and coercive (Loxton 1994:96). This function is deduced from every human's right to life, liberty and property. Subsequently, Government has a duty to provide everyone with a secure environment to pursue and satisfy their needs in safety, peace and good order. The following section will explain the necessary actions that need to be undertaken to provide a fair and secure environment to work and live in.

FOUNDATION OF ETHICAL CONDUCT IN THE PUBLIC SECTOR

Ethics can be written into law, but it can also not be written into law. As explained in the previous paragraphs, ethics constitutes the moral quality of the people within a specific environment (Fox 2010:5). Notably, the labour environment is characterised by a lack of fairness and fair labour practices and therefore needs to be legislated. Fairness is usually seen as a perception based on the context of particular circumstances. However, certain neutral and universally accepted standards of fairness can be postulated (Bendix 2010:18). An example of accepted standards of fairness written into law is the *South African Constitution of 1996*. It provides basic norms, values and principles that guide the way in which our democratic governments, and all its spheres and agencies, should conduct their day-to-day business. Ultimately, Government's main purpose is to deliver public goods and services to the South African society in a fair, effective, efficient, economical, responsive, developmental and sustainable way. All actions undertaken to provide goods and services, by for example the public officials, must comply with the Constitution. The South African Constitution is based on the principles and values of Western cultures and on democratic experiences over many centuries (Fox 2010: xi-xii).

Whose ethics and whose morality should be reflected in official documentation guiding day-to-day activities in the South African context, with all its different cultures and beliefs? There are many different views on what is right and wrong in our society. Post-colonial, true African thought is also present, as seen in the applied *Batho Pele* principles and the culture of *Ubuntu*. Cultural diversity and different philosophical approaches to ethics influence the morality and ethics within the work place. The three main philosophical approaches to ethics, as identified by Moodli (2001:96 *et seq.*), are:

- The rule-oriented approach implies that doing good means obeying the rules or doing your expected task irrespective of the consequences or motives. All official actions should therefore obey regulations and codes of conduct in the public sector. Some rules and norms that need to be obeyed are so well known that they need not be formalised. An example may be deliberate absenteeism when an employee was expected or instructed to work. According to the *Labour Relations Act 66 of 1995*, the employer can regard this as unethical behaviour and reason for summary dismissal. Another example of this is legal abortion, which should be done on request – irrespective of the values and beliefs of the nursing and medical staff.
- Utilitarianism refers to the outcome of an action based on its consequences. The measure of the goodness of an issue should be defined as *the greatest good for the greatest number*. This rule is also known as “...the greatest happiness principle”. Rules are therefore not as important as the outcome. In his book *Leviathan* (1651), Thomas Hobbes (in Fox 2010:31) argues that human life “...in the state of nature... is solitary, poor, nasty, brutish and short...” and “...it is a war of all against all”. The individual was seen as the fundamental component of society and needed to be freed to pursue his or her own interests, which would eventually benefit society as a whole. This then leads to people entering into a social contract where each person’s natural and original power is yielded to a sovereign who regulates conduct. This implies that all human beings are evil and need a strong state to control them. According to John Locke in his *Two Treatises of Civil Government* (1690) (Fox 2010:31) the social contract needs to reduce the absolute power of authority and promote individual liberty. The application of utilitarianism depends on the moral agent’s full range of wisdom and experience, as well as social and life skills (Fox 2010:33).
- In practice, institutions often reward behaviour that violates ethical rules and standards. For example, corporate citizens or officials blowing the whistle on institutional wrongdoings may fear punishment for their actions. Although societal standards of ethics and morality dictate the appropriateness of certain actions, counter-norms that encourage and support opposite practices often develop within institutions. As a result, these counter-norms that is

contrary to prevailing ethical norms become acceptable practices. Baron and Greenberg (1989:431) explain the societal norms versus organisational counter-norms as ethical conflict in Table 1 as follows:

Table 1: Societal norms versus organisational counter-norms as ethical conflict

Societal norms or ethics VERSUS	Organisational counter-norms
Be open and honest.	Be secretive and deceitful.
Follow the rules at all costs.	Do whatever it takes to get the job done.
Be cost-effective.	Use it or lose it.
Take responsibility.	Pass the buck.
Be a team player.	Take credit for your own actions; grandstanding.

Source: Baron and Greenberg 1989:431

There are therefore many counter-norms that promote morally and ethically questionable practices. Managerial values may exist that undermine integrity within the workplace. These may include a *bottom-line mentality* that focuses on maximising short-term output, an *exploitative mentality* where others are used to one's advantage and the *Madison Avenue mentality* where others are convinced that the person's unethical actions are actually moral.

- Virtue ethics focuses on the good that resides in the character of the person. The task of ethics is then to contribute to the virtuous disposition in individuals and organisations (Pauw 2009:340). This should contribute to core values, such as *Batho Pele* (putting the People first), legality, transparency and the virtues of empathy, conscience, self-control, respect, kindness, tolerance and fairness (Fox 2010:15). All situations are not necessarily covered by a code of ethics. However, the known principles of a person's character should give the necessary guidelines to act ethical.

Throughout history, moral behaviour has been regulated to ensure the well-being of the group. This was done by means of rational decisions, religious considerations, habits or customs. These considerations led to theories about moral behaviour and the subsequent development of philosophical ethics. Fox (2010:20–37) categorises these philosophical ethics into Greek ethics, Stoicism and Epicureanism.

According to the **Hellenistic (Greek) philosophy**, there are logic, physics and ethics. Reflection on moral ethics began in Greece with the Sophists in the 5th century BC. They were sceptical of moral absolutes. Socrates opposed the Sophists and argued that virtue is knowledge and evil is the result of ignorance.

He further believed that education could make people moral. Four Greek schools of ethics originated among the disciples of Socrates. These included the Cynics, who maintained that self-control is the essence of virtue and it can be taught; the Cyrenaics, who identified pleasure as the chief good and no one pleasure is superior to another; the Megarians, who held that good can be revealed through logical inquiry that may be called God or reason; and the Platonists, who viewed good as an essential element of reality. **Stoicism** argued that nature is orderly and rational and life should be led in harmony. According to this view, independence could be achieved through practicing cardinal virtues, such as wisdom, courage and discretion. The Greek philosopher Epicurus developed **Epicureanism**, a system of thought that identified the highest good with pleasure and more specifically intellectual pleasure (Fox 2010:20–37).

Fox (2010:21) differentiates between the religious and secular ethical philosophies. **Religious** ethics are categorised as follows: Jewish ethics, Hinduism, early Greek religion, Christian ethics, Islamic ethics and ethical atheism based on the different beliefs of the religion groups. **Secular** ethical philosophies are divided into ethics and geometrical order, Newton's laws, Utilitarianism, Evolutionary ethics and Hegelian ethics.

As already indicated in this section, in South Africa the foundation of public ethics is enshrined in the *South African Constitution of 1996*. This is regarded as the supreme law of the country that establishes a society based on democratic values. These democratic values include representation, legitimacy, transparency, responsiveness and accountability (Schwella *et al.* 1996:15). In a democratic society, the Constitution provides for the rights and obligations of citizens, as well as for the State and its officials. Public sector ethics focuses on the moral requirements of public servants/officials in the services that they are paid to render and expected to offer the people in the country they serve. It therefore pertains to the personal morality of officials, codes of conduct and the theory of what is permissible and not permissible in public life (Pauw *et al.* 2009:340).

Article 196(2) of the *Constitution* determines that the Public Service Commission in South Africa is responsible for promoting a high standard of professional ethical behaviour in the public administration. If the parties to the labour relationship agree to the rules, processes and substantive issues, they will not have to rely on the jurisdiction of external instances to guide this relationship. High trust between management and union representatives is an important ingredient in *good labour relations*. The absence of an ethical code to which the parties to a labour relationship subscribe leads to a lack of trust, which hampers the labour relationship (Bendix 2010:18). Notably, trust is an asset in all labour actions and negotiations (Farnham 2002:230). Trust is confirmed when managerial and administrative activities take place

in the public domain and it is important that these processes are transparent. Therefore, transparency should also be a required as part of ethical conduct. Transparent and moral behaviour is an essential ingredient in the success of public service delivery and the key to a safe and prosperous environment. Sets of moral values should be developed to direct business in the public service through some form of ethical rules and codes of conduct.

ETHICAL CODES OF CONDUCT

Mafunisa (2008:85) emphasises two types of codes of conduct to support ethical behaviour, namely phantom codes of ethics and formal codes of conduct. He (2000:25) defines the phantom code of ethics as the exemplification of ethical behaviour by political office-bearers and senior public employees. This code is unwritten and is not provided for by legislation or any formal rules and regulations. As ethical codes of conduct are general statements of principles, public employees may interpret these principles, depending on the ethical culture of the public service.

Notably, the moral development of the public official influences this interpretation and understanding of the principles. Holtzhausen (2007:108) states that this moral development rests on the notion that human beings' moral development is similar to their cognitive, linguistic or physical development. The interpretation of the principles translates into action. Within the public sector, ethical role models in the labour relationship are usually persons in high-level positions on the institutional structure that less senior employees look up to for ethical guidance (Mafunisa 2008:85). A formal code of conduct, according to Mafunisa (2008:86), refers to a statement of principles and standards concerning proper conduct by employees. It contains only a portion of Government's rules on public service ethics and does not include all ethical rules, such as statutory regulations and guidelines. According to Hanekom, Rowland and Bain (1987:163), the objectives of a code of conduct are to promote and maintain the responsible conduct of employees. Furthermore, the aim is to provide public employees with a set of guidelines to foster their relationship with other employees.

Since 1994, South Africa's Democratic Government has promulgated various acts and created institutions in an attempt to curb corrupt and dishonest acts and behaviour in both the public and private sectors. These include the *Constitution of South Africa of 1996*, the *Public Finance and Management Act 1 of 1999* (PFMA), the *Labour Relations Act 66 of 1995*, the *Promotion of Access to Information Act 2 of 2000*, the *Promotion of Administrative Justice Act 3 of 2000*, the *Protective Disclosures Act 26 of 2000*, the *Financial Intelligence Centre Act 38 of 2001*, the

Municipal Finance and Management Act 56 of 2003 (MFMA) and the *Prevention and Combating of Corrupt Activities Act 12 of 2004*. Furthermore, the Public Service Anti-Corruption Strategy and the Public Protector, as well as codes of conduct for the Public Service, Provincial and Local Governments were created.

As noted in the introduction, most counties do not have a single code of conduct document that codifies the principles and standards that ensure good behaviour by public officials. Rather, it is distributed across various laws, regulations and other guidelines. As discussed in the previous section, rule-based ethics refers to prescriptions within a professional context. A code of conduct makes neither officials nor the parties to the labour relationship virtuous, but it does promote moral and ethical behaviour.

When ethics and values in the labour relationship are considered, both the individual and collective needs should be emphasised. *The Constitution of South Africa of 1996* with an entrenched Bill of Rights provides a mechanism for citizens to challenge legislation and State actions that infringe those rights. The extent to which labour rights have been entrenched in the Constitution is unique and reflects the determination to avoid the abuse to which employees and unions were subjected prior to 1994. Section 23 of the Constitution specifically deals with labour relations and is even-handed as it confers on everyone, including employers, a right to fair labour practices, as well as identical rights on trade unions and employers' organisations. Chapter 2 of the Constitution establishes twenty five fundamental rights that have an impact on labour relations practise in South Africa. The most important rights for the labour relationship are the right to:

- use the constitution to challenge existing legislation and decisions and acts by state agencies;
- equality and a prohibition on direct and indirect discrimination;
- assemble and demonstrate peacefully;
- fair labour practices;
- form and join trade unions and to organise and bargain collectively;
- strike for collective bargaining purposes; and
- have recourse to lockouts for the purpose of collective bargaining.

Individual rights that should be taken into consideration in appropriate labour relations ethics and values include the respect for individual dignity, freedom of association, adequate benefits and security of employment. Chapter 10 of the Constitution, article 195, section 1(a) determines that the Public Administration must be governed by democratic values and a high standard of professional ethics that must be promoted and maintained. In terms of the *Basic Conditions of Employment Act 75 of 1997*, the Minister of Labour must, after consultation with the National Economic Development and Labour Council (NEDLAC), issue

codes of good practice on different individual employee rights, such as on the arrangement of working time, as well as on the protection of employees during pregnancy and after the birth of a child. The *Labour Relations Act 66 of 1995* requires fair labour practices in accordance with fair procedures and takes any relevant codes of good practice into account.

Through the *Employment Equity Act 55 of 1998*, a sense of equity and justice is created in the workplace with regard to both individual and collective rights. Employees' collective rights refer to freedom of association, collective bargaining through the use of collective power and in good faith, as well as electing representatives of their own choice and acknowledging the mutual interests between parties to collective agreements. With respect to good faith on the part of all parties involved in collective bargaining, the objective of reaching agreement, problem solving, compromise and *bona fide* negotiations are important (Pons 2006:1–28). To ensure agreement between parties, relevant and accurate information should be shared.

The South African Public Service is directed by the democratic values and principles entrenched in the Constitution. Legislation should promote the institutionalisation of these values and principles. All spheres of the South African Government have been given codes of conduct, as outlined in chapter 10 of the Constitution. Public officials are given guidelines on what they should do in order to deliver public services. In the Local Government sphere, the code of conduct forms part of the *Local Government: Municipal Systems Act 32 of 2000*. Importantly, the code prescribes what is expected of a municipal employee. For example, municipal employees must at all times loyally execute the lawful policies of the municipal council. Furthermore, they must perform their duties in a diligent, honest and transparent manner, as well as in good faith. Employees must also promote and implement the basic values and principles of public administration, as outlined by the *Constitution*. An agreement between the organised Local Governments and trade unions were reached on uniform disciplinary procedures that apply to all employers and employees within the scope of the South African Local Government Bargaining Council. Employees must comply with their conditions of service and collective agreements.

Various other professional ethical codes of conduct exist on municipal level. These include the code of conduct of the Institute of Municipal Financial Officers (IMFO) and the code of conduct for councillors included in the *Local Government: Municipal Structures Act 117 of 1998* (MSA). There are similarities between the code of conduct for IMFO and the MSA, but the MSA code of conduct goes beyond the IMFO code's requirements in terms of the requirement that a municipal employee may not be in arrears to the municipality for rates and service charges for a specific period of time.

Chapter 10 of the Constitution makes provision for a public service code of conduct that is applicable to the administrations of all organs of the State and public enterprises, such as Telkom. Telkom's core values coincide with the typical code of conduct found within public institutions. They have implemented a Business Code of Ethics that guides their conduct and behaviour in terms of fairness, justice and ethical standards ([www.telkom.co.za/about us/human resources/code of ethics.html](http://www.telkom.co.za/about_us/human_resources/code_of_ethics.html)).

Annexed to the *Employment Equity Act 55 of 1998*, is a code of good practice on the key aspects of HIV/AIDS and employment. The main purpose of the code is to create awareness and to prevent discrimination against persons suffering from the disease. Furthermore, the code aims to create a supportive environment and a balance between the rights and responsibilities of all parties.

Chapter 13 of the Constitution protects the interests of taxpayers. The National Treasury was established and measures were introduced to ensure transparency, cost-effectiveness, competitiveness and control of expenditure. Decisions on allocating resources should be done in a democratic way. Basic principles that should be taken into consideration in financial issues include optimal utilisation of public resources, reasonable and equitable distribution of tax obligations, responsible and accountable utilisation of resources by public officials, social equity in maintaining high ethical and moral standards, as well as integrity in executing their functions. When making decisions on allocating money and determining public policy, no group's interests should neither be harmed nor be advanced to the detriment of other groups.

In establishing labour legislation and codes of conduct, Government is guided by universally accepted standards. This includes conventions and recommendations by the International Labour Organisation, of which South Africa is a member country. These conventions and recommendations are ratified and implemented by member countries. The International Labour Code consists of various conventions and recommendations that deal with subjects within the labour and social spheres. The basic principles for the conduct of the labour relationship is found in the *Declaration of Philadelphia of 1944*, the *Convention No. 87 Concerning the Freedom of Association and Protection of the Right to Organise of 1948* and the *Convention No. 98 Concerning the Application of the Principles of the Right to Organise and to Bargain Collectively of 1949*. A labour relations system that is established without reference to these three documents is likely to be insufficient (Bendix 2010:93).

On 10 December 1948, the United Nations General Assembly adopted a Universal Declaration of Human Rights that represents the first global expression of rights that all human beings are respectfully entitled to. Thirty articles set out the specific human rights that are encouraged to be recognised and promoted

universally. These rights are reflected in the *South African Constitution of 1996*, as well as various workplace-related codes of conduct.

The labour environment is influenced by the legal framework through the Constitution and other labour legislation; social aspects, such as racial and gender imbalances, education, poverty and health; socio-political aspects, such as the culture within which the organisation functions; the political dispensation within the country; and by economic issues, such as inflation and unemployment (Venter *et al.* 2009:17). Certain variables in the labour relationship will influence the effectiveness of instruments available to regulate the relationship within the public sector. These variables will be discussed in the next section.

VALUE, POWER, ABILITY AND LEGITIMACY OF THE PARTIES TO THE LABOUR RELATIONSHIP

In order to understand the interaction between the variables in any relationship and their role in regulating this relationship, it is necessary to know the philosophy behind the functioning of a society. This philosophy provides humans with values and principles by which they can live and by which they can judge the activities of the people around them. In the labour relationship the parties to this relationship will have different goals, needs, interests, attitudes, values and perceptions (Bendix 2010:235) because each party will act according to its own goals, needs and values, conflict will arise.

Labour relations are about the circumstances in which these different goals, needs and values become an obstacle to the other party and to a sound labour environment. In the labour relationship two elements, namely power and conflict, are necessary and form an inherent part of this relationship. These two elements should be used to promote ethical and moral labour behaviour. Power can be defined as the ability to influence the behaviour of others (Venter *et al.* 2009:15).

As noted before, conflict exists because of the diversity of cultures, ideologies and backgrounds within the work environment. If all parties to this relationship do not hold the same power, rules, procedures and regulations, it will be necessary to regulate the relationship and to partake in negotiations on issues where disagreement exists. This will not necessarily negate the presence of conflict, but it might reduce the proportions of conflict. Conflict can be constructive and is seen as a stimulus for growth, innovation, change and bringing about improvements in the organisation (Bendix 2010:235). Conflict also eliminates complacency therefore, it is important to acknowledge any mutual interests between the parties to the relationship.

The micro-environment within the institution also influences the labour relationship. This refers to the internal culture of shared values, norms and

beliefs, leadership and management, communication that determines the flow of information within the organisation, the nature of the workforce (such as a diversity of cultures within the South African work environment), as well as policies and procedures that direct and regulate activities within the organisation. National legislation and codes of conduct play an important role to regulate the labour relationship and promote the ethical values and principles that are, within the South African context, entrenched in the Constitution.

While conflict is the reason for bargaining, common interests and goals form the basis of the bargaining relationship. However, power is the driving force for the process of collective bargaining. This power should be regulated because if one party to this relationship holds all the power, it can control the process and it may pursue its own interests to the detriment of the other party (see exploitative mentality mentioned in a former section). The power play will determine the role, inputs and success of a party to the relationship. The power of the employer is based on the opportunity that the employee is given to work and earn a living. The power of the employee is in his/her ability to withhold work from the employer. This implies that the employer has more basic power over the employee, as it is much easier to withhold the opportunity to work than it is for the employee to withhold work from the employer. Any employee can be replaced however it might be more difficult for an employee to find alternative employment. This power imbalance necessitates the employee to join forces with other employees. For this reason, coercive power against the employer underscores the bargaining relationship. Ethical and moral labour behaviour ought to be the solution to conflict before coercive power is used.

Legitimate power is linked to the position a person holds within the organisation (Venter *et al.* 2009:397). This power influences the bargaining process in the labour relationship. As a democratic value in the labour relationship, legitimacy requires that the actions of employers and employees should enhance the acceptance of decisions and activities of all the role players to the relationship (Schwella *et al.* 1996:16). The legitimacy of the negotiating process is directly linked to the individual's status within the organisation and his/her ability to influence others in the labour relationship. How the opposing team perceives this power also determines the legitimacy of this person therefore, this power distribution has a direct impact on the fairness in the labour environment.

FAIRNESS IN THE LABOUR RELATIONSHIP

There should be a generally known framework within each institution that governs the behaviour of all parties to the labour relationship. Fairness in the labour relationship refers to the balance between parties in the relationship. Do

they receive equitable treatment? Is there conformity with universally accepted standards and is consistency exhibited? Such a framework or policy sets out the principles that the institution subscribes to. Certain neutral and universally accepted standards of fairness can be postulated. In terms of section 158 of the *Labour Relations Act 66 of 1995*, the Labour Court is granted discretion with regard to unfair labour practice jurisdiction. The test of the *reasonable man* can be used to determine the fairness of a practice in the labour relationship. The question that should be asked to determine what is *reasonable* is whether **all** parties to the relationship, or an impartial judge, would regard the interaction as reasonable (Bendix 2010:18).

Another requirement for fairness in the labour relationship is that the **rule** that is used in the workplace must be valid and reasonable (Grogan 2009:206). A workplace rule is valid if it falls within the employer's contractual powers and if the rule does not infringe the law or a collective agreement. A workplace rule is reasonable if it is operationally justified – it promotes the employer's business in general – and if it does not impose an unreasonable burden on the employee (Grogan 2009:206). Further criteria for fairness in the labour relationship should be to determine the reciprocity and balance between the parties concerned. All parties should receive equal treatment and judgements should be consistent for all parties. Furthermore, one party to the relationship should see the other party's actions as fair. Before an employee is penalised for breaking a rule, the employer should be able to prove that the employee was (or could reasonably be expected to have been), aware of the rule. In terms of dismissal Item 7 of the Code of Good Practice will then determine the fairness of the dismissal. Dismissal states that any person who determines whether a dismissal for misconduct is unfair should consider:

- Whether or not the employee contravened a rule ... in the workplace.
- If a rule ...was contravened, whether or not the rule was valid or reasonable, whether the employee was aware or could reasonably be expected to have been aware of the rule and whether the rule has been consistently applied by the employer.

The employer may take action with respect to an offence whether it is mentioned in, or covered by, the code or not. If, for example, an employee's misconduct violates the employee-employer relationship and this relationship becomes intolerable, then the employee might be dismissed. Among others, this includes gross dishonesty, conflict of interest, wilful damage to property, sexual harassment and gross insubordination. A Labour Court was established in an attempt to achieve the overall purpose of the *Labour Relations Act 66 of 1995*, which includes the advancement of economic development, social justice and the democratisation of the workplace. The role and place of this court in the

conduct of ethical behaviour by role players in the labour relationship, which has the same powers as a provincial division of the Supreme Court, will be discussed in the next section.

ROLE OF THE LABOUR COURT IN CONDUCT OF ETHICAL BEHAVIOUR

The Industrial Court for specialised labour disputes was one of the most important proposals that the Wiehahn Commission made. This commission was appointed by the Government in 1979 during a socio-politically turbulent time in South Africa's history. The Industrial Court was replaced by the Labour Court, in terms of chapter 7 of the *Labour Relations Act 66 of 1995*. The overall purpose of this Act is to advance "...economic development, social justice, labour peace and the democratisation of the workplace". The Act makes provision for disputes to be heard by a Labour Court as a court of law with the same powers as a provincial division of the High Court.

The role of the Labour Court is that of ultimate overseer and judge on labour matters. It has the jurisdiction to deal with unfair labour practices with the exception of matters that carry criminal sanctions, such as the prohibition of child and forced labour. As a court of both law and equity, the Labour Court can also consider aspects of fairness and good practice when making its decisions (*Labour Relations Amendment Act 127 of 1998*, Section 151(1)). Furthermore, the Labour Court has concurrent jurisdiction with the High Court where any fundamental right entrenched in Chapter 2 of the Constitution is violated. Labour disputes may be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) to be resolved by the High Court. If the CCMA is unable to resolve the matter, it is referred to the Labour Court for adjudication or a final determination.

All negotiations in the labour environment should be done in good faith. This kind of bargaining requires that all parties involved are open-minded, willing to consider the positions put forward, as well as a desire to reach an agreement (Venter *et al.* 2009:401). The South African Labour Court considers these characteristics to determine whether negotiations were done in good faith. This does not imply that parties negotiate to agree, but that parties enter into negotiations with the possibility in mind to reach an agreement. Experienced negotiators abide by certain conventions of fair bargaining that can be likened to an unwritten code of rules containing bargaining tools that are perceived as fair. In cases brought before the Labour Court, ethical issues such as values, principles and norms in the labour relationship play a regulatory role. In addition, the Labour Court has to act in terms of Codes of Good Practice,

such as the Code of Good Practice on Picketing and on the Handling of Sexual Harassment Cases at the Workplace, as annexed to the Labour Relations Act.

Strategies that conduct behaviour along moral and ethical lines can prevent and regulate unethical labour issues in both the private and public sectors.

STRATEGIES TO PROMOTE ETHICAL BEHAVIOUR WITHIN THE PUBLIC SECTOR LABOUR RELATIONSHIP

Integrated strategies of ethical behaviour and conduct may provide for the facilitation of a more harmonious and equitable labour relationship within the private and public sectors. In developing strategies for public sector ethical behaviour the following could be taken into consideration:

- **Integrity from the top down:** Senior officials should promote ethical consciousness in institutions (Department of Public Service and Administration 2002). Furthermore, a code of conduct should feature these values. The concept and practice of ethics management should also be promoted and human resources managers should promote and manage a culture of whistle blowing for unethical behaviour, as well as a witness protection system.
- **Ethics through regulation:** Formal procedures for addressing unethical behaviour should be developed and respected. Laws, regulations and codes of ethics should determine standards of behaviour. There must be a willingness and commitment within departments to address unethical behaviour and corruption. All main areas of unethical behaviour should be covered through boundaries and standards of proper behaviour (Pauw 2009:349). A workable legal definition of unethical behaviour should be established and enforced in all departments. A generic professional ethics statement for the Public Service should be established. A conflict of interest and a system of declaration of assets should form part of these codes of conduct. Recent amendments to the *Public Service Act*, stipulations in the Public Service Regulations, as well as the Department of Public Service and Administration's Public Service Anti-Corruption Strategy, January 2002, have made a considerable contribution towards promoting ethical behaviour within the South African public sector. The PFMA and the MFMA make provision for financial control and highlight the negative consequences of unethical behaviour. Mechanisms for promoting exemplary conduct to make good management visible are included in these financial management acts.
- **Morality across the board:** All institutional levels should adhere to ethical norms. The responsibility for ethical behaviour should not reside in one employee, but should be incorporated into various if not all aspects of all

jobs. Financial resources should, for example, be made available to managers for testing the safety of equipment. Performance appraisal forms should also include measures for determining employees' level of ethical behaviour and they should be rewarded for adhering to ethical standards. In some instances unethical behaviour instead of ethical behaviour seems to be rewarded (even unknowingly) (Department of Public Service and Administration 2002).

- **A culture of honesty and dedication to the public interest and service delivery:** (Pauw 2009:349). This could be policy-driven and should include the following: proper values and putting values into effect through training and education. Training material on ethics and ethics management should be developed. Employees should be trained to think about the effects of their actions on others. Individuals that are guilty of unethical behaviour should be prohibited from further employment within the public sector. A culture of honesty and ethical behaviour should already be cultivated at a very early stage of a child's development and could be part of the school and university curricula.
- **Human resources departments should develop and manage pro-ethics systems, such as employment and organisational systems:** Pre-employment screening and verification of qualifications and employment history of senior officials should be conducted. In order to improve ethical behaviour, discipline in the public sector should also be managed within each department. Unions within the public sector can also make a positive contribution by promoting ethical behaviour with their members. Society should also be involved in reporting corruption and whistle blowing.
- **Partnerships with stakeholders may strengthen preventative measures in a national anti-corruption strategy.** Organised stakeholders must promote professional ethics in consultation with their members.

SUMMARY

Unethical behaviour within the South African public sector, and throughout the world, has reached endemic proportions. For this reason, laws and codes of conduct are put in place and institutions are created to curb corrupt and dishonest acts and behaviour. Unethical behaviour in the labour environment hurts employees and the society at large and several suggestions have been made in this article to encourage ethical behaviour in the workplace.

Although ethics in the labour relationship is a complex issue and the subject of much debate, it is of considerable importance to the conduct of the labour relationship. Boundaries are determined to ensure respect for justice within the community and workplace and to guide the labour relationship. As the

foundation of public ethics, the *South African Constitution of 1996* is the supreme law and establishes boundaries through a common citizenship that are equally entitled to the same rights, privileges and benefits. The Bill of Rights enshrined in the Constitution affirms the democratic values of human dignity, equality and freedom of the country's citizens. Various laws and institutions were created to defend these principles and to curb corrupt and dishonest behaviour within the public and private sectors. The different goals, needs, interests, attitudes, values and perceptions of the parties to the labour relationship, influence two elements, namely power and conflict. Ultimately, these two elements determine the outcome of negotiation and bargaining in this relationship. Power may result in competition and conflict. This may in turn undermine the rewards of ethical conduct in the labour environment and the power balance between the parties to the labour relationship.

To ensure equitable treatment, the relationship should be characterised by fairness. Although the perception of fairness may differ from person to person, universally accepted standards of fairness can be formulated. One of the democratic principles in labour democracy is that all labour actions are subject to review in the Labour Court. The Court has indicated repeatedly that all parties to the labour relationship should be perceived to be acting fairly.

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Interdisciplinary reflections on the challenge of environmental management in dolomitic areas of South africa

The case of Delmas and Merafong city local municipalities

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ABSTRACT

Although they are 130 kilometres (km) apart, the areas of Delmas and Merafong City (the former Carletonville mining area) share certain environmental commonalities. The irresponsible environmental management of both areas, despite their different histories, are typical examples of limited and unsustainable environmental management practices. The discussion focuses on a basic understanding of the concept “irresponsible”, as well as what “interdisciplinary” in this context covers. This is followed by a geographical and historical description of the two areas. Aspects of the lack of environmental management by the Delmas and Merafong City local municipalities are discussed in terms of an interdisciplinary approach and a case study methodology. Among others, it is concluded that creating and maintaining a healthy, well-managed environment is a group effort. However, all group efforts are doomed to failure if there is just one weak link. It is suggested that any weak link or links must be determined and addressed for the communities of Delmas and Carletonville to benefit.

INTRODUCTION

Irresponsible actions in environmental operations and management structures are not confined to particular areas or countries. Research on past actions shows that governments have not always been morally responsible towards nature (Turton, Hattingh, Maree, Roux, Claassen, and Strydom 2007); that industrial magnates have not shown much concern for creating safe living and working environments for their employees (Lee, McNeill and Holland 2000); that local government (municipalities) mostly mimicked national governments and dominant local businesses; and that nobody now or in the past can be excused for the poor state of the environment and the poor environmental management of the area they operated in or are operating in. Current research worldwide (especially in the natural sciences) reveals, among other things, the poor state of environments; inadequate environmental impact plans (multidisciplinary research should be conducted – especially by people with town and regional expertise); and the concerns of communities regarding local economic sustainability (Goudie 2006). The future of communities and generations to come, as well as their health status as a result of irresponsible environmental management, are being researched from interdisciplinary and transdisciplinary points of view. This research is of interest to researchers from the human and social sciences (Van Eeden 2010).

The discussion in this article deals with case studies in two dolomitic areas in South Africa that have suffered from irresponsible environmental management by a host of so-called moral agents. In both cases, this has resulted in environmental crises. The lack of ecological wisdom (Naess 1966:1–136; Naess 1973:95) is discussed from an interdisciplinary point of view with a specific methodological focus. This point of view should eventually lead to transdisciplinary (TD) research interventions. The Delmas and Merafong City local municipal areas share some environmental commonalities. The irresponsible environmental management in both areas is critically discussed from an interdisciplinary approach. The available historical knowledge of the two local municipalities and their respective environmental crises are discussed, and possible strategies to deal with the crises in both areas are suggested. The role that Government and major economic and general community-based decision-makers can play in environmental sustainability is also discussed.

A short conceptual outline is provided, followed by a geographical and historical description of the Delmas and Carletonville areas. Aspects of the lack of environmental management by authorities (local and national), seen through the research lens of several disciplines, form the central focus of the discussion.

A CONCEPTUAL VIEW

Irresponsible environmental management

In all spheres of human activity, people should take responsibility for acquiring the knowledge they need to ensure that they properly manage whatever they are responsible for. This also benefits those who do not have that knowledge, but who have to rely on those people who are supposed to have the ability to manage a very specific package of knowledge. To be “responsible” implies that the individual or individuals:

- Are legally or ethically accountable for the care or welfare of others.
- Are the source or cause of something.
- Are capable of making moral or rational decisions.
- Can be trusted or depended upon.
- Are reliable in their judgments.
- Can be depended upon for their sound thinking.
- Have the means to pay debts or fulfil obligations (Grolier 1981; Turton *et al.* 2007:13).

With regard to sustainable environmental management of various areas and communities, the following nine criteria by Fuggle and Rabie (2005:2) and Strydom and King (2009:29–30) apply to all people and human activities. They must:

- respect and care for the community of life;
- improve the quality of human life;
- conserve the earth’s vitality and diversity;
- minimise the depletion of non-renewable resources;
- keep within the earth’s carrying capabilities;
- change personal attitudes and practices;
- enable communities to care for their own environments;
- provide a national framework for integrating development and conservation;
and
- create a global alliance.

People who have a moral responsibility are called moral agents. As is evident from the above list, people are also causally responsible for events that are brought about by their actions. Often when people are morally responsible for a situation, they are also causally responsible for that situation. Joel Feinberg (1988), among others, has argued that corporations and other groups of people can have what is called “collective moral responsibility” for a state of affairs. If they do not, a moral hazard can occur. This arises when a party insulated from

risk may behave differently from how that party would have behaved if it had been fully exposed to the risk.

A moral hazard is a special case in which one party in a transaction has more information than another. The party that is insulated from risk generally has more information about its actions and intentions than the party exposed to the negative consequences of the risk. More broadly speaking, a moral hazard occurs when the party with more information about its actions or intentions has a tendency or incentive to behave inappropriately from the perspective of the party with less information (Van Eeden 2007:55). For example, if a party with more information does not comply with this broad definition of environmental responsibility, it plainly means that the party is acting irresponsibly. Although the circumstances differ in many ways, the two case studies discussed in this article both share the consequences of irresponsible environmental management in dolomitic areas in South Africa.

Interdisciplinary knowledge and insight into local environmental management

The concept “interdisciplinary” involves research by several related or unrelated academic disciplines. The intention is to create a new set of knowledge and theory through a common research goal (Tress, Tress and Fry 2004:481; Tress, Tress, Van der Volk and Fry 2003; Tress, Tress and Fry 2009:2849). The accumulation of a new set of knowledge should lead to an improved understanding of the specific research focus. Notably, a project must first be researched in a disciplinary (D) context before interdisciplinary (ID) research processes and phases are started (Van Eeden 2010). This methodology was followed in both case studies. An ID focus with clear objectives also requires one or more objectives that reflect the individual contribution of a discipline before the data is analysed and refined to contribute towards a very specific research aim (Van Eeden 2010).

In the environmental history of Delmas and Merafong City, it is the latter that has a long history of disciplinary research and results – especially in the natural sciences. A number of research projects up to the early 21st century were carried out with the purpose of contributing more broadly towards improving environmental management (Van Eeden, Nealer and Liefverink 2009a). The ID focus in the discussion on the environmental management legacies of Delmas and Merafong City reflects two approaches to research content. Delmas is a typical example of a research effort where disciplinary research is combined to yield more responsible conclusions on environmental management. The Merafong City case study set out to analyse environmental management from previous (before 2000) and contemporary (after 2000 for this discussion) scientific reports, as produced by various related and unrelated disciplines, but mainly from a social and human sciences angle. Both cases show a similar outcome with regard to irresponsible environmental management, although the assigned “responsible” role-players

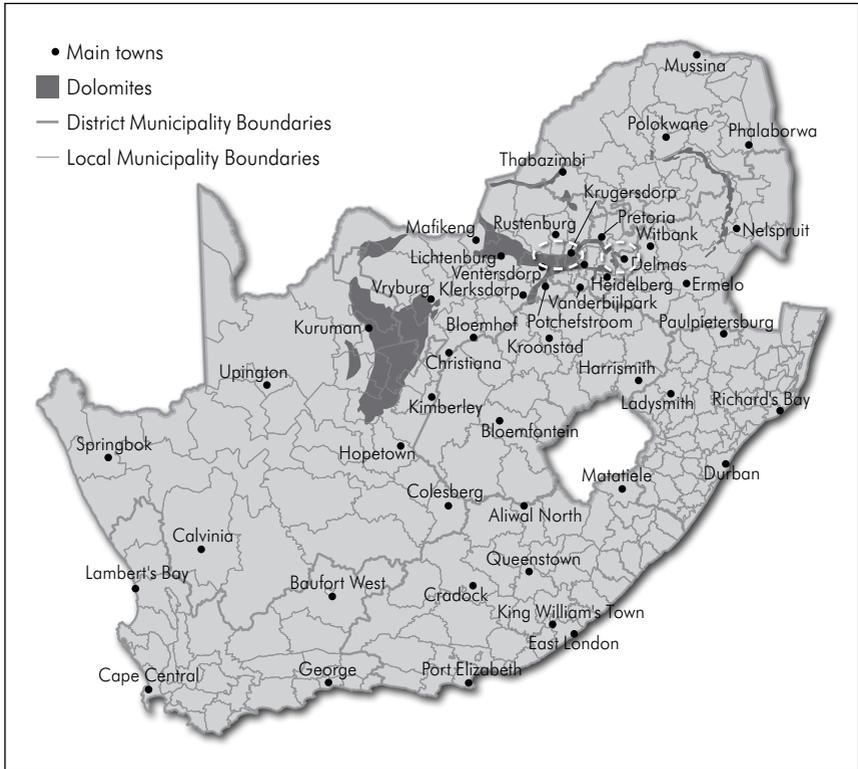
differ somewhat. The only feature absent in the ID research methodology, which would provide an all-inclusive perspective on environmental management, is the role of community members, community expertise (municipal officials) and environmental activists. Without their continuous research input, contributions as well as knowledge sharing, ID research will not be able to progress towards transdisciplinary (TD) research, which can be regarded as the ultimate goal of ID or multidisciplinary research (Tress *et al.* 2003). Although some current research initiatives regarding Merafong City's environmental history feature evidence of TD research, it is still far from what TD founder, Nicolescu (2002) had in mind. However, the following discussion mainly attempts to understand and deal with past and present knowledge and evidence of irresponsible environmental management in two local environments within an ID research methodology structure. The participation of municipal officials did therefore not form part of this research focus.

AREA ORIENTATION

Topographically, the Delmas Local Municipality is located in the north-eastern part of the Highveld region in South Africa, and forms part of the Nkangala District Municipality of the Mpumalanga Province (Delmas Local Municipality 2006). The Delmas municipal area borders on the Gauteng Province in the north, west and south, in which the Merafong City Local Municipality in the far western corner of Gauteng is located. The topography of the Merafong City municipal area is dominated by the Gatsrante, a series of east-to-west trending *cuestas* with an average height of approximately 100 metres (m) above the footslopes (Van Eeden, De Villiers, Strydom and Stoch 2003). See Figure 1 for the location of the two municipal areas.

Geologically, both the Delmas and Merafong City areas are located in a karst area (dolomite underlain bedrock) that is characterised by features such as natural fountains, underground water aquifers and vast volumes of groundwater. Although these dolomitic areas have been and still are being economically exploited in different ways, historically they both suffered irresponsible environmental management that brought about serious pollution. Strategically, both the Delmas and Merafong City areas play a pivotal role, as they are important urban hubs that provide essential local services in association with the larger surrounding towns. They serve farming communities, as well as industries and mines. Delmas is associated with coal mining (Khumalo and Page 2008), and Merafong City, which is also part of the West Wits Gold Line region, has been associated with gold mining since the 1930s. The Witwatersrand Group yielded more than half of all the gold excavated in the history of humankind. One of the unexpected

Figure 1: Map of municipalities and the karst (dolomite) areas in South Africa. The Delmas and Merafong City areas are partially indicated

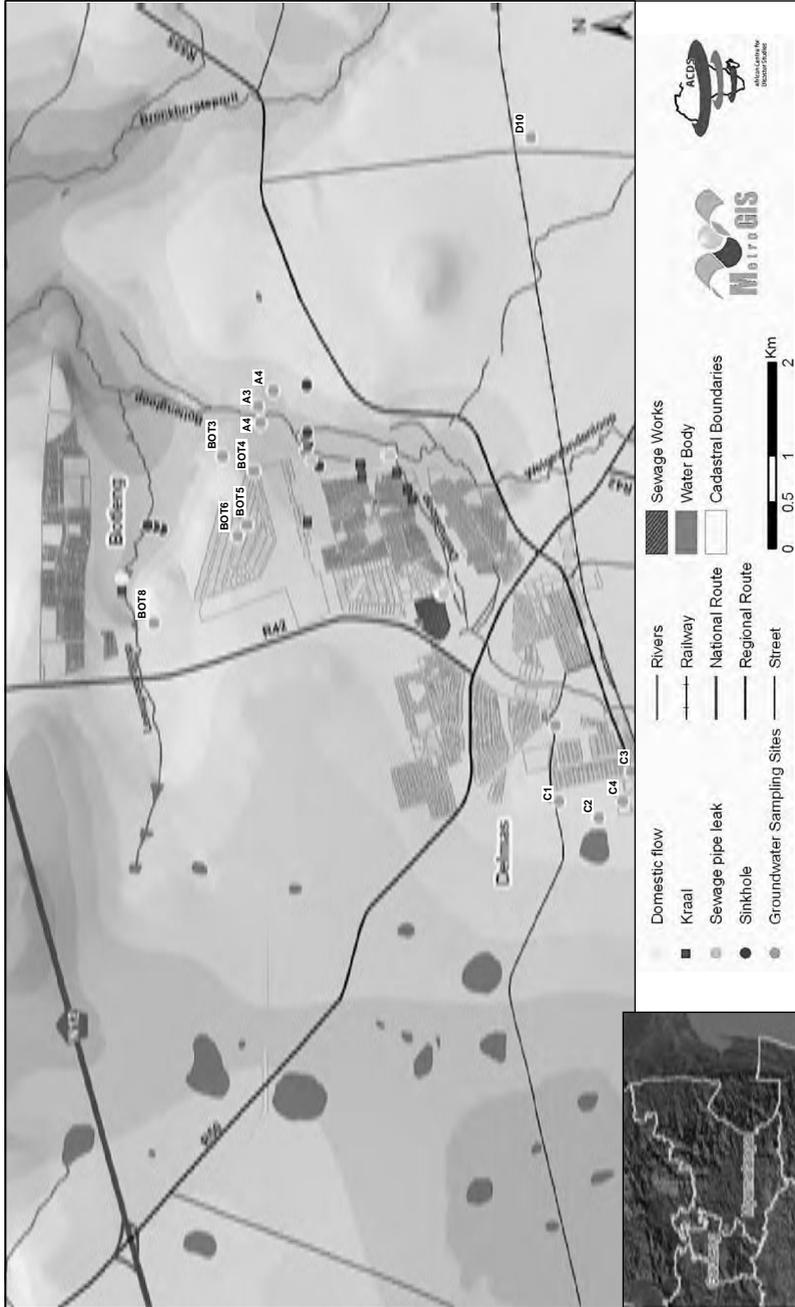


Source: Adapted from GPM Consultants, 2009

windfalls of mining in this geological sequence was the discovery of uranium deposits in the same formations that yielded the gold (Van Eeden 1992; 2006).

In the Merafong City municipal area, underground water in dolomite compartments were eliminated through a decades-long dewatering process by several goldmines to enable them to continue exploring for gold in the area. These water systems are still managed by many kilometres of pipelines and recycling mechanisms. The goldmines have played a decisive role in influencing the environment, economy and communities that settled close to the mining activities. Among other things, the topography of the upper reaches of the Wonderfontein Spruit that flows through the area, has been altered drastically. The main impact has been caused by the presence of mine-tailings dams, rock dumps and surface infrastructure. Sinkholes also formed in this catchment area, most of which were the result of the gold mines' dewatering of the dolomite

Figure 2: Delmas locality showing groundwater abstraction borehole positions and possible pollution sources



Source: MetroGIS 2009

compartments (Van Eeden 1992). The Mooi River downstream in this area and the Wonderfontein Spruit became seriously contaminated (WRC 2006; Nealer and Van Eeden 2010).

As far as Delmas is concerned, the municipal area also features the occurrence of sinkhole formation. As the area was not deliberately dewatered, it is far less visible than in Merafong City. However, the biggest portion of Delmas' potable water is still abstracted from groundwater boreholes in four well fields, called A, B, C and D (see Figure 2 for a locality map of the boreholes).

Research done during 2008 by Mthethwa (2008) found that the groundwater resource (boreholes) in well field A was heavily contaminated and that the water quality was deteriorating. In 1993 and 2005, the quality of the well field A groundwater was already reported as polluted. Tests of the quality of surface water resources in the Delmas area confirm pollution in the vicinity of the underground dolomitic aquifer. The hydrological connectivity had already been indicated by the Directorate Geo-hydrology of the then Department of Water and Environmental Affairs, which stated that the quality of the groundwater could be declining due to default recharging of the groundwater resource by polluted surface water (stream and run-off). Sinkholes can easily accelerate infiltration of surface water and result in groundwater pollution (Mthethwa 2008; DWAF 2006; GCS 2006).

The Delmas community and Municipality experience difficulty when the groundwater levels sometimes drop during the dry winter months. The Municipality then has to augment its potable water supply from the Rand Water pipeline, which has its own problems. Moreover, it is suspected that both the town's wastewater treatment facilities (WWTF) are discharging mostly sub-standard effluent into the downstream receiving streams. The discharge from the older works in town, which also maintains water-flow in the passing Delmasloop, is causing constant environmental pollution through Botleng Proper and Mandela Park. The discharges by the WWTFs, as well as polluted run-off from the residential areas, could therefore be regarded as the primary cause of the unhealthy state of the environment that prevails in the surrounding areas of Delmas (Nealer and Van Eeden 2009).

INTERDISCIPLINARY REFLECTIONS ON PAST AND PRESENT ENVIRONMENTAL DECISION-MAKING

Delmas: When the past speaks for itself

With their problematic location due to the underlying dolomite, the Delmas and Merafong City municipal areas have over many decades suffered from

irresponsible municipal management, a lack of timely public decision-making, and a lack of proper environmental impact assessments to determine the feasibility of managing industries and communities in dolomitic areas in a more environmentally sensitive manner. For example, in the Delmas municipal area, diarrhoea outbreaks in 1993, 2005 and 2007 have consistently been caused by groundwater contamination of its well field A's groundwater abstraction boreholes (Van Niekerk 1993; DWAF 2007). According to officials in the area, in 2005 approximately 528 cases were reported and 69 people had to be hospitalised (SAPA 2005; DWAF 2007; Khumalo *et al.*). Health officials and scientists were unable to determine whether typhoid was responsible for the outbreak. More than 90 health workers were dispersed throughout the community to inform the public of essential strategies to combat the spread of the disease (Kahn 2005). Delmas was once more in the news in November 2007, with one infant death and 648 people being treated for diarrhoea (Viljoen 2007). At this time, there were indications that discontent with local water- and health-related conditions were likely to spread well beyond the town's borders.

The Department of Water Affairs and Forestry (DWAF, 2006; 2007) reported the following findings:

- The November 2007 diarrhoea outbreak was most probably triggered by an unrecorded pulse of contaminated water that could have entered the reticulation system during the period when free chlorine levels were found to be lower than the norm (0.2 mg/l). The DWAF acknowledges that this finding is based on scientific speculation in the absence of any record of deteriorated drinking water quality during this period.
- The Delmas Local Municipality failed to comply with Section 21 of the Water Services Act 108 of 1997 to enact and enforce by-laws for the conditions of water service provision – especially managing for the quality and volumes of industrial effluent discharged into the municipal sewer system. The quantity and quality of industrial effluent that is being discharged into the sewer systems is a huge contributing factor to both wastewater treatment plants' inability to produce effluent of an acceptable standard.
- The capabilities and expertise of process controllers at the Town's wastewater treatment works did not comply with Regulation 2834 of the *Water Act 54 of 1956*.
- The quality of discharge at the town's wastewater treatment works did not meet the Licence / General Authorisations conditions as set according to the *National Water Act 36 of 1998*.

As can be noted from the DWA report, there was negligence in dealing with concerns about the provision of basic community services. Furthermore, care for the environment and the community's health was said to be lacking in the

Delmas municipal management structures. Some discussions on improvement were at least begun, and in October 2008 the DWA signed a R100-million contract for a 38 km long potable water pipeline between Bloemendal and the town of Delmas. In what was an historic *Memorandum of Agreement*, the Department announced that this development was one of a variety of “measures to prevent the outbreak of water-borne disease in Delmas town” (Khumalo *et al.* 2008). At the time of writing, environmental impact assessments still had to be completed before this promise could be met (Prinsloo 2009; 2010).

Merafong City’s tragic environmental history – a slow crisis transforms into a “time-out” state

The Merafong City Local Municipality’s municipal area (which also historically includes the black township of Khutsong) and surroundings are currently best known for the destructed state of its environment (Van Eeden 2001). It is probably the most dangerous dolomitic environment in the country and bears the scars of 75 years of irresponsible environmental management (Nealer *et al.* 2009; Durand, Van Eeden and Liefferink 2009).

Mining in the Merafong City area accelerated officially from 1934 (Van Eeden 2001). By the 1960s, seven gold mines were operating in the area (Macnab 1987; Van Eeden 1994). Because of mining development, six towns were founded in the area, which for years were managed by the Peri-urban Areas Health Board (RSA 1953). On 1 July 1959, the Local or West Wits Area Committee’s dream was realised when Carletonville (by 2010 known as Merafong City) became an independent municipality (*Rand Daily Mail* 1959). By the time Carletonville had gained municipal independence, the mining sector gradually featured as the dominant role-player, landowner and exploiter of this environment. Eventually, the gold mines simultaneously became uranium spin-offs, which are currently causing consternation due to its associations with radioactivity. However, urbanisation in the gold mining areas increased to such an extent that people were living and working only tens of metres away from mine dumps and slimes dams, which proved to be radioactive. This had the potential, among other things, of further polluting water sources in the area (Coetzee 2005).

By the 21st century, the groundwater from former springs/eyes has been increasing gradually since some of the mines closed. This is after they have been dewatered and dry for almost 60 years. Nobody has taken responsibility for monitoring the re-watering process or has been prepared to fund the continuous pumping and circulating of water in the underground compartments. The consequence is that not only is groundwater decanting from these springs, but also acid mine drainage (AMD) that consists of a concoction of highly toxic and radioactive waste materials (Hobbs 2004; Oberholster 2008). A number of

people from different communities and various economic sectors are said to be affected (Lieverink 2010).

Impressions of environmental management by 2009

The nature of water and sanitation management in the Delmas Local Municipality's municipal area

The potable water demand of the Delmas town area is about 16 Ml per day; about 10 Ml of this demand are abstracted from groundwater well fields A, B, C and D consisting of 17 boreholes, of which only 10 are currently in operation. The remainder of the potable water demand is being augmented via a 250 mm diameter Rand Water pipeline from Bloemendal. In spite of this augmentation, the Municipality is unable to keep the potable water reservoirs at adequately elevated levels. This is most probably due to water losses and leakages in the reticulation system. However, since an accurate and effective water balance has not been carried out up to now, the figure for unaccounted-for-water is unknown (Nealer *et al.* 2009).

The older established part of Delmas town has two potable water reservoirs (5 Ml and 6 Ml), and there are two newer potable water reservoirs in Botleng (3.2 Ml and 6 Ml). These reservoirs are fed from the boreholes that extract water from the A, B and C well fields. Before being pumped to the water reservoirs, rapid-gravity sand filters and flocculation channels are used to treat the potable water from the A7 and B2 boreholes (2.6 Ml/day). The rest of the potable water supply is only treated by disinfecting it with chlorine (DWAf 2007).

The Delmas municipal area is served by only two wastewater treatment facilities (see Figure 2). Both of these facilities are constantly overloaded and fail to adequately treat the stormwater and wastewater before acceptable quality effluent is released back into the natural surface water streams draining northwards towards the Bronkhorstspruit Dam. In the past, the effluent of both facilities has been shown to exceed the allowable limits prescribed in the licence conditions. The receiving surface water streams and resources are therefore being polluted after receiving the discharges. The older of the two wastewater treatment facilities (WWTF) is situated closer to the residential areas of the town centre. It has a capacity of 5 Ml/day activated sludge type with maturation ponds. The facility is situated about 2 km upstream of the well field A. The dolomite groundwater aquifer is thus directly downstream from the natural catchment of the stream receiving the WWTF effluent (Nealer *et al.* 2009). See Figures 3 and 4 for some careless municipal management realising in the Delmas municipal area.

Another irresponsible management aspect of the current development and municipal management of the Delmas municipal area is the fact that the Integrated

Figure 3: Refuse dump area immediately upstream of the B field potable water abstraction boreholes



Source: Nealer *et al.* 2009

Figure 4: Small surface dam of raw sewage near the D field potable water abstraction boreholes and 300m from the municipal offices in Delmas



Source: Nealer *et al.* 2009

Development Plan (IDP) of the Delmas Local Municipality for 2006/2007 does not acknowledge the nature and extent of the dolomite bedrock foundations (karst) underlying the entire area and the risk of disasters due to the formation of cracks, ponors and sinkholes (Delmas Local Municipality 2006; GCS 2006). This aspect requires urgent and complete geophysical surveys, transparency with regard to the findings, and access to information by all role-players and stakeholders. The reason for this approach is that the Municipality is utilising its local groundwater resources, thereby possibly lowering the natural groundwater level, which affects more than just the Municipality.

Some other destructions of concern in the Delmas municipal area, which are also due to the Municipality's careless environmental management approach, are:

- The lack of borehole data (such as yield and water quality) and statistics by the Municipality and the DWA – especially for the production boreholes – is disconcerting. This indicates the Municipality's lack of knowledge or unwillingness to accept responsibility for effective geo-hydrological data management, which may stem from a lack of knowledge about managing any groundwater source in an effective and efficient manner.
- The nature and extent of the geography, hydrology, geology and geo-hydrology must be shared with all role-players and stakeholders (the communities). Therefore, the underlying dolomitic rock formations and the water-flow in and through them, the sinkholes in the bedrock, as well as the danger of new sinkholes forming, must be managed in a transparent manner.
- There is consensus that the groundwater quality in the Delmas area has been compromised. The local groundwater aquifer has been subjected to salination (caused by the increase in salts mainly from human activities, such as the discharge of industrial effluents, irrigation return flows and urban run-off); eutrophication (the increase in plant nutrients such as phosphates and nitrates) due to treated sewage effluent discharge into rivers and streams, causing excessive algal growth (including toxic blue-green algae) in dams and rivers, with associated taste and odour problems and increased water treatment costs; and bacteriological contamination (rising faecal contamination levels) associated with increasing population densities and inadequate sanitation – especially in informal settlements (Hobbs 2004).

The lack of an interdisciplinary approach to environmental management should not be excluded as a reason why irresponsible environmental management practices still prevail. This also applies to the Merafong City municipal area. Due to the greater emphasis on profits by industry and the authorities that oversee the Merafong City area, irresponsible environmental management has led to the devastating consequences seen up to 2010. In this regard AMD has become an issue of great concern. See Figure 5 for an example of severe ground surface pollution.

Figure 5: Example of AMD in the Merafong City's municipal area



Source: Van Eeden and Brink 2007

Merafong City and acid mine drainage (AMD)

Due to years of negligent environmental management by mines and Government in the Merafong City area's gold fields, AMD spillages and pollution have resulted in a fierce debate between authorities and communities since 2007, with environmental activists joining in. These debates and whistle-blowing attempts have been run as awareness and action campaigns – especially by non-governmental organisations (NGOs), such as the Federation for a Sustainable Environment (FSE). Failure to take responsible decisions (and responsibility for poor public decision-making in the past) is considered to be something for which civil society could also hold Government responsible (Oberholzer 2010):

A media statement that was released by the Ministry of Water and Environmental Affairs (consisting of the two separate departments of Water Affairs and Environmental Affairs) on 11 February 2011 provides a detailed outline of the future management of AMD in the broader Merafong City region. The statement confirms the need to take urgent steps to counter the threat AMD poses to humans and the environment. Some of these urgent steps, which hold promise of improving responsible environmental management, include:

- A public-private partnership has been formed between Government and the mining houses to treat the mine water, discharge treated water that meets Resource Quality Objectives, as well as augment stressed water systems.
- On 18 March 2010, the Minister of Water and Environmental Affairs, Buyelwa Sonjica, visited the decant area in the West Rand basin and budgeted R6.9-million for the interim treatment of the AMD.

- In her speech in Parliament on the Environment Budget Vote delivered on 16 April 2010, the Deputy Minister of Water and Environmental Affairs, Rejoice Mabudafhasi, acknowledged the urgency and seriousness of the AMD situation that “threatens the groundwater resources and the very integrity of the environment and human survival” (RSA 2010).

Even the famous Cradle of Humankind, a World Heritage Site immediately north-west of Krugersdorp, is under threat from AMD in surrounding areas. The DWA recently indicated that they were engaged in short-term interventions to alleviate the worst effects. However, Mabudafhasi remarked that the, “time has come for those responsible to account for their actions”. “Those responsible”, as she vaguely referred to, should indeed include the mining authorities, Government and local industries, communities and individuals alike (RSA 2010; Liefferink 2010). The academic community also has ethical obligations to carry out the type of research that will benefit more than just the economy (Van Eeden *et al.* 2009a).

By March 2010, the R6.9-million that the DWA promised, was being used to add significant volumes of lime where untreated AMD flows into the Krugersdorp Game Reserve. This inflow causes toxic and radioactive heavy metals, including uranium, to precipitate into the Hippo Dam (the first receptor in the Krugersdorp Game Reserve). Since the iron is not removed, it is thought to result in secondary chemical reactions with resultant pH shocks. The acidification causes these heavy metals in the Hippo Dam to become mobilised and solubilised. The Aviary Dam, the last dam in the Krugersdorp Game Reserve after the water has flowed through wetlands, has a pH of 4, and the dam contains elevated spikes of sulphate, manganese, iron and uranium. The Tweelopie Spruit forms part of the Crocodile River system in South Africa. While Minister Sonjica has acknowledged that AMD is a “triple A priority” and a “ticking time bomb”, the Government’s environmental management approach remains “band-aid”-like or reactive. Government’s approach is not always proactive in the quest for more effective, efficient and sustainable management of water resources (Liefferink 2010; Liefferink and Van Eeden 2010).

The Department of Mineral Resources’ publication of the Regional Mine Closure Strategies for the West, Far West, Central, KOSH and East Rand gold fields is a significant advance compared to the past management of the environment and water. It details the medium-, short- and long-term water management options. It, for example, recommends that, “*mine water management interventions must be put in place within prescribed time frames, in order to prevent uncontrolled decant of AMD charged with toxic metals and extremely high sulphate content to surface environments.*” (DMR 2010). It also recommends that, “catchment management agencies are the best vehicle for an integrated effort”. However, the Inkomati Catchment Management Agency (CMA), which was the first to be announced in 2004, was only established in late 2006 (Kasrils 2004:Online). The rest of the

total of 19 CMAs are being established at a slow pace. By early 2010, the Breede-Overberg (BOCMA) was the second CMA to be established (Breede-Overberg CMA 2011:On-line). In the same year, the DWA reported that more CMAs would be established soon – 12 years after the *National Water Act 36 of 1998* (NWA) was promulgated (RSA 2010; Liefferink *et al.* 2010).

Before the NWA was enacted, various constraints hindered any solid progress towards a more responsible and sustainable approach to environmental management in the Merafong City's municipal area. These include the following:

- Decades-long ignorance by Government and especially the local government municipalities of looming environmental crises in the Merafong City area.
- Decades-long avoidance by gold mining authorities of the environmental reality in dolomitic areas.
- Limited access by all those interested and involved to “confidentially assigned” research.
- The too-soft and calculated voices of most of the involved and concerned academia have helped to enhance environmental irresponsibility (Enslin and Kriel 1967; Enslin, Kleywegt, Beukes and Gordon-Welsh 1976; Vegter 1987; Barthel and Funke 2007; Van Eeden *et al.* 2009b).
- Information gaps in companies and Government are left when informed employees resign or go on pension (a lack of information management also influences proper environmental management).
- Lack of healthy co-operation between the so-called injurer and the injured in the same environment has been, and remains, a difficult constraint in dealing with the more effective management of environmental crises. (Van Eeden 2006; Van Eeden *et al.* 2009b).

After turning a blind eye for decades, Government is still not taking proactive action against anyone who disrupts a responsible environmental management approach in the Merafong City municipal area (Liefferink *et al.* 2010). Some of the environmental destructions that are still not being addressed by a responsible management approach in the Merafong City area, are:

- It is now a permanently destroyed area with only one major underground compartment; the underground dolomitic water is contaminated with heavy metal and sediments; permanent pumping costs; and extensive expenses of maintaining stability in the environment for further exploitation.
- Farming is limited to a minor economic role.
- The Far West Rand Dolomitic Water Association (a mine association) owns the land.
- Health concerns are becoming more evident among municipalities, farming communities and informal settlement groups. But, as in the past, “more evidence” is required to force authorities to take action.

- Accusations that Government is still sympathetic towards the woes of mining companies.
- Concerns regarding the closure of the State Coordinating Technical Committee on Sinkholes in 1998, while more sinkholes are expected to appear in future.
- Rumours of the closure of the Far West Rand Dolomitic Water Association are raising concern, as this would cause many unique problems.
- The danger of the expansion of AMD pollution, which remains ill-managed.

After more than 45 years of extensive, additional and new research reporting there is still no responsible environmental management approach in the Merafong City's municipal area. The key reason for this being that it has never been viewed holistically in multidisciplinary terms (Fuggle *et al.* 2005; Van Eeden *et al.* 2009b).

CONCLUSION

The discussion on the evidence of irresponsible environmental management in the two dolomitic areas of Delmas and Merafong City has highlighted the importance of not approaching environmental problems from a reductionist point of view (a one-expertise approach). Rather, human-land relationships require a holistic, multidisciplinary approach (Fuggle *et al.* 2005). Two slowly developing crisis scenarios in dolomitic areas of Delmas and Merafong City were discussed. The article also looked at how past research was either overlooked because it was not approached interactively, or was simply ignored because of managerial incompetence or economic concerns.

It is therefore possible to agree with Genthe and Steyn (2008; GCS 2006), who remarked that the typhoid epidemic in the Delmas municipal area in 2005 is an example of how important effective co-operative governance is in dealing with a public health problem. The national, provincial and local authorities who are responsible for, among others, health and social services, water and environmental affairs, housing, agriculture and land administration, as well as the mines and the Delmas Local Municipality simply have to take a more proactive lead in bringing about responsible governance.

As far as the broader Merafong City region is concerned, the Regional Mine Closure Strategies recommends that:

- The polluter pays principle must apply.
- Cradle-to-the-grave precautionary principles must be adhered to.
- Water management actions must be implemented during planning.
- Operational, closure and post-closure phases of a mine must be developed.
- Water should be treated as an asset with social, environmental and economic value.

- Clear accountability must be apportioned.
- Total company and mine management commitment is fundamental to ensuring effective implementation of the strategic management of mine water.
- Radical plans with specific time frames must be put in place. (Oberholzer 2010).

The negative aspect is, however, that these laudable recommendations for responsible environmental management in the Merafong City Local Municipality's municipal area of jurisdiction are not being acted upon.

To create and maintain a healthy, well-managed environment is a group effort. However, all group efforts are doomed to failure if there is even one weak link. It must be determined where any weak links are in the Delmas and Merafong City local municipalities' managerial structures. Local authorities, especially in the more rural areas of South Africa, have unfortunately acquired a negative reputation for effective basic service delivery, especially in the water services sector. This also applies to the mining groups, which mainly engage with environmental problems on their own terms, most of the time without a sustainable input from expertise in the human and social sciences.

In conclusion, we quote Fuggle and Rabie's (2005:6–7) reasons for environmental deterioration: "...*human-land relationships require a holistic perspective, an ability to appreciate the many aspects that make up the real problem ... An ability to understand the relationships between the specific elements is central to dealing with human-environmental problems in a responsible way. After 1994 the administrative system for environmental management in South Africa changed in an evolutionary way. It necessarily brought about problems manifesting themselves more openly in the quest for changing and fragmenting past systems of environmental management*" (Fuggle *et al.* 2005:53–63; Adler, Claassen, Godfrey and Turton 2007; Turton *et al.* 2007:33–41).

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Black Economic Empowerment in South Africa

Reality or illusion?

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“Our country requires an economy that can meet the need of all our economic citizens – our people and their enterprise – in a sustainable manner. This will only be possible if our economy builds on the full potential of all persons and communities across the length and breadth of this country. Government’s objective is to achieve this vision of an adaptive economy characterized by growth, employment and equity by 2014”

– (South Africa’s Economic Transformation: A Strategy for Broad-Based Black Economic Empowerment 2004:4).

ABSTRACT

The introduction of the Broad-Based Black Economic Empowerment (BBBEE) policy brought hope to many impoverished Black South Africans who considered it as a tool that would effectively empower them economically, and buoy them up to a better life. The main objective of the policy was to bring about equitable distribution of wealth in the country that has been ravaged by inequalities, and to ensure that the majority of disadvantaged South Africans benefit from the wealth of the country. This article, however, contests the effectiveness of the policy, and argues that although the concept of empowering the disadvantaged is a noble one, there is still a challenge in its implementation, and the people that benefit directly from the policy are those that, one way or the other, are associated with those in power at the expense of the majority who still live in abject poverty. This, if left unattended, will lead to a state where the economic and social disparities will linger for a long time and the intended objective lost in the process.

INTRODUCTION

The systematic exclusion of Black South Africans from participating in the country's economy and governance, and from receiving quality education, skills training and access to the country's assets such as land and capital during apartheid era ensured that they remained at the bottom echelon of perpetual poverty. According to Mbeki and Rossouw (2010:1), the industrialisation of South Africa in the 1860s to the 1870s when diamond and gold mining were discovered ushered an era of 'total and permanent exclusion' of Black South Africans in the economy of the country. The state became the effective tool in promoting minority domination as it opened up ownership of productive economic assets to whites, ensured the upward mobility of Whites in supervisory and managerial positions, and promoting their education level in fields such as engineering and entrepreneurship, whilst blacks were excluded from such. The only Black mobility enforced was through cheap migrant labour.

With the advent of democracy in 1994 drastic measures had to be taken to address the malpractices of the past. It became imperative for the new democratic government to bring about radical change through legislation to empower Blacks socially and economically, hence the enactment of a number of acts and policies including the Black Economic Empowerment (BEE) policy in mid 1990s. However, good policies without good leadership and effective implementation are not a solution to the plight of the majority. As espoused by Dlamini (2011), the economic emancipation of the majority Black South Africans is key the economic success of the country, and therefore requires apt public leadership and well organised structures at different levels that comprise of "workers, civil society, religious and ideologically based formations". It is crucial for the leadership to be able "to influence society towards creation of a non-racial, non-sexist, democratic, united and prosperous nation, wherein all people will live together in harmony with equal access to social and economic opportunities".

Economic emancipation of the majority of South Africans that were marginalised cannot be realised if there are no effective systems and processes put in place by government to rapidly increase their participation in the economy so as to prosper and stabilise the future of the country's economy. To ensure that this happens, it was necessary that government put these legislations discussed below in place.

LEGISLATIVE FRAMEWORK

South Africa is a diverse country, and therefore requires a policy that protects all the people of the country from any form of discrimination. The democratic

government introduced The *Constitution of the Republic of South Africa, 1996* containing the Bill of Rights stresses the importance of equality. Section 9 (subsection 3) states that everybody must be afforded equal treatment, and may not be unfairly, directly or indirectly, discriminated against based on race, *inter alia*. Further section 21, 22 and 25 emphasise that everyone has freedom of movement and residence, right to property, and the right to trade with anyone freely as long as the trade is within the limits of the law. Chapter Two of the Constitution affirms its consistency with the United Nation's Charter of Human Rights and the principles of the then Organisation of African Unity that out rightly denounces any form of discrimination (*Constitution of the Republic of South Africa of 1996*). The South African constitution emphasises safeguarding of human dignity as fundamental, and promotes equality and fairness. The Constitution also calls for greater economic equity. For as long as there is economic disparity in the country the realisation of equality will still remain a reverie.

Two years prior to the enactment of the Constitution the South African government introduced the Reconstruction and Development Programme (RDP) as a socio-economic programme that was pioneered by the African National Congress with its alliances and other non-governmental organisations (Antentas 2006:1). The policy was aimed at addressing the imbalances of the past by opening business opportunities to Blacks, and to generate employment. It also sought to eradicate poverty and degradation that coexisted with affluence and modernisation in an unparalleled way, and to fight distorted distribution of income that was racially based. For the RDP to be realisable and effective in addressing the economic disparity, adherence to four of the six basic principles that formed the economic policy was imperative, and they are:

- An integrated and sustainable programme that would involve all three levels of government, bringing together strategies that would ensure the coherent use of all resources in a sustainable manner;
- Nation-building to ensure the full participation of all stakeholders in the economy, politics and social aspects of the country;
- Linking reconstruction and development by tapping on economic and human potential that was suppressed, and provide education and training or all people of South Africa;
- The programme would be people-driven;
- The programme would attract investment for economic growth by ending prevalent violence and promoting peace and security; and
- Democratisation of South Africa by getting rid of minority monopoly in the economy and politics (<http://www.metagora.org/training/encyclopedia/rdp.html>).

According to Antentas (2006:1), although the introduction of the programme was propelled by good intentions, it could not survive because of its impartial implementation; it only focused in the needs of citizens but did not sufficiently address those of investors.

Subsequent to the Constitution and the RDP was the Growth, Equity and Redistribution (GEAR) programme that was introduced in June 1996 by the former Minister of Finance, Trevor Manuel, with the aim of creating and sustaining an annual Gross Domestic Product (GDP) growth of 6% or more through increased investments, whilst at the same time creating 400 000 jobs on an annual basis. The programme was envisaged to reduce poverty and inequality by narrowing the gap between the rich and the poor, and therefore improving the lives of ordinary citizens (Domingos 2007:2). The programme did not last for a long time. According to Kwankwa (2009), the policy was met with resistance because a number of stakeholders felt they were not consulted in its formulation and adoption, and was perceived as a programme that did not address the economic disparities that were brought by the apartheid regime. The programme failed in addressing the economic needs of the majority as it put more emphasis on macro-economic stability over the maintenance of social stability; economic empowerment and stability cannot be realised if social issues such as proper social structures, violence and crime are not decisively and adequately addressed. Antetas (2006:1) further says that the programme served as a hatching nest of a few Black middle class who benefited from it at the expense of the majority.

BROAD-BASED BLACK ECONOMIC EMPOWERMENT ACT OF 2003 (ACT 53 OF 2003)

Enacted in 2003, this BBBEE Act aimed at offering economic opportunities that were previously not available to the disadvantaged communities (Africans, Indians and Coloureds) so as to “transform the economy to be representative of the demographic make-up of the country” (<http://www.oavm-africa.com/HRM-in-Africa/BEE.html>). The aim of the Act is to promote the achievement of the constitutional right to equality, increase broad-based and effective participation of black people in the economy and promote a higher growth rate, increased employment and more equitable income distribution; and establish a national policy on broad-based black economic empowerment so as to promote the economic unity of the nation, protect the common market, and promote equal opportunity and equal access to government services (*Broad-Based Black Economic Empowerment Act of 2003* (Act 53 of 2003)). The BBBEE Act was envisaged to build the full potential of all citizens in various communities of the

country, and to bring economic empowerment to the country in a sustainable manner. It is perceived not to be merely a moral imperative to remedy the inequalities and injustices of the past, but as an idealistic strategy that aims to bring economic growth that will ensure that the country realises its full economic potential. It is an instrument that will unite all communities of the country, and foster their meaningful inclusion in every economic activity of the country. If the Act is implemented effectively it will advance economic growth and development, promote enterprise development and advancement, and create sustainable job opportunities (<http://www.southafrica.info/business/trends/empowerment/bee.htm>).

To realise the goals of the BBBEE Act, sectors are scored, using a generic scorecard that measures companies' empowerment progress in the following areas: direct empowerment through ownership and control of enterprises and assets; management at senior level; human resource development and employment equity; and indirect empowerment through preferential procurement, enterprise development, and corporate social investment (<http://www.southafrica.info/business/trends/empowerment/bee.htm>).

The BBBEE Act was seen to be yielding fruit when there was an economic boom in 2006, three years after its enactment. South Africa experienced significance economic growth. Commenting on this, Siddqi (2006) maintained that the South African economy that was staggering prior to democracy has surprised the international communities with its vigorous growth over the past ten years.

Although informal trading grew among Blacks in poor townships, trains and in city streets, it did not improve their lives as it was more of a form of survival than economic liberation. According to Rosenberg (2007:11), an audit conducted by Van Aardt in 2003 shows that African entrepreneurship fell by 16% from 1998 to 2002, whereas that of Whites, Indians and Coloureds rose by 5%, 58%, and 18% respectively. The percentage of the affluent rose from 10% to 20%. A survey by Statistics South Africa in 2008 revealed that people who are not economically active are Blacks at 82,2% as compared to 7,9% Coloured. Asians/Indians and Whites were at 2,6% and 7,3% respectively as depicted in Table 1.

In 2004, ten years after democracy, there was still no economic emancipation of Blacks (Nevin 2006:1–2). Statistics show that in 2006 the GDP growth reached 5% when more cars were sold than at any stage, the reserves in treasury were over \$40bn, the equity markets rose remarkably, and interest rates at 30-year low. However, its only 20% of the 45 million population of South Africa that reaped the benefits. This is a clear indication that disparity is still lingering on; the gap between the ultra rich and the very poor is widening, with 40% living below the poverty line. The corollary of the laws that promoted segregation is still felt now, fourteen years into democracy (Masilo 2008:1).

Table 1: The population group of persons in the working-age population, 2008

Race	Employed	Unemployed	Not economically active	Working-age population
Black African	70,1%	87,3%	82,2%	77,5%
Coloured	11,3%	8,9%	7,9%	9,6%
Asian/Indian	3,4%	1,6%	2,6%	2,8%
White	15,1%	2,3%	7,3%	10,1%
Total	100%	100%	100%	100%

Source: Statistics South Africa 2008

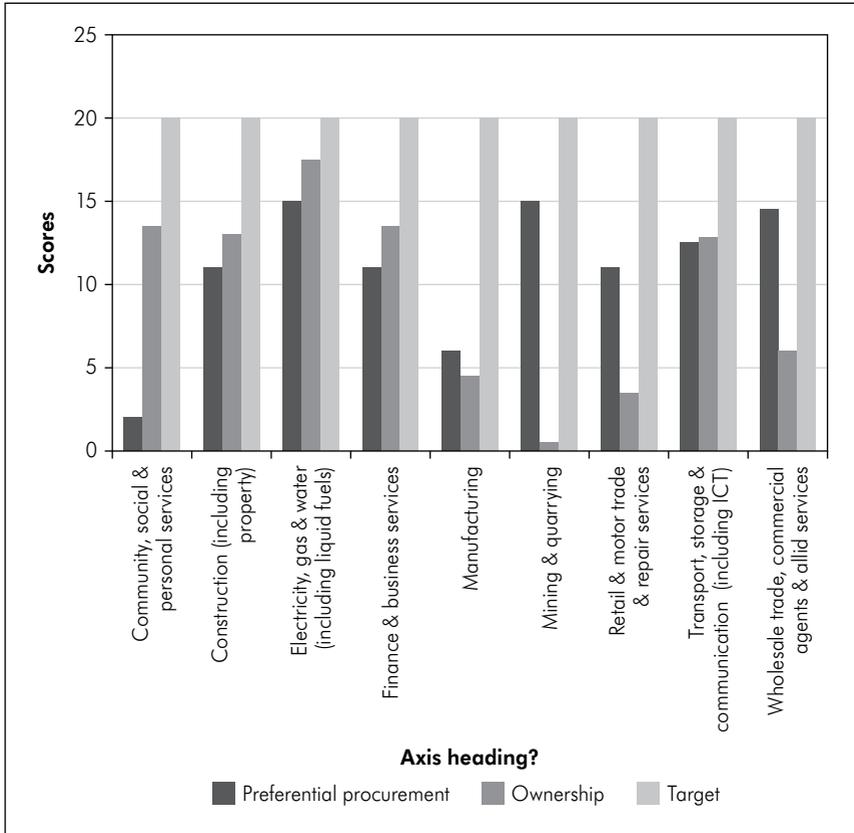
Empowerment through ownership

As stated by Rosenberg (2007:1) there are “few new truly black-owned or empowered businesses created through the billions raised for BEE over the years in high profile deals...”. This he has blamed on affirmative action (AA) that promoted dependency and “diverted – not suppressed – individual entrepreneurial instinct”. According to Masilo (2008:1) the policy, because of its ill-defined nature and lack of clarity, led to the enrichment of the few Black elites at the expense of the poor majority, therefore promoting the injustices of the past.

Mdletshe (2009:7) reports that Ndebele, the then Premier of KwaZulu-Natal criticised the implementation of BEE, particularly in the surrounding areas of Pietermaritzburg and Durban, and called it skewed. He raised a concern that it was not easy to find Black people in the economy of the province. The BEE Compliance Scores, according to Hlophe (2009:5), revealed that there is less Black ownership in the following industries: mining and quarrying, retail and motor trade, including repair trade, manufacturing construction industry, and wholesale trade, commercial agents and allied services as depicted in Figure 1. The SABC Africa News (November 20, 2008) reported that instead of BEE creating opportunities, the mining and construction industries laid off 18 000 and 10 000 people respectively in 2008, and banks retrenched 3 000 people. By the third quarter of 2008 there were 70 000 job losses.

Looking at the number of shares owned by Blacks in the Johannesburg Stock Exchange (JSE) in 2005, they were still far less as compared to those owned by Whites. In a survey conducted by The F.W. de Klerk Foundation Blacks had only 4% ownership of JSE shares whilst that of Whites was 69%. In the year 1998 companies under Black control were 7% of market capitalisation, but drastically fell to about 2,2% in 2002 (<http://www.transformationaudit.org.za/research-database/civil->

Figure 1: BEE compliance scores



Source: KPMG 2009 in Business Times April 12, 2009

society/ngos/domestic/blackeconomicempowerment/). The *Financial Business News* (November 18, 2007) puts the figure at 5%, and further states that of more than two hundred listed companies in the JSE, only a few are 50% owned by Blacks. Even those black-owned companies are failing. A typical example is the Mvelaphanda which used to have a market cap of R5-billion. It is predicted that in the next three years it will cease to exist and be bought by Northam Platinum that has its 63% stake. According to The Bidvest Group Limited Annual Report (2008:2), the company that has 26,7% black ownership and is one of the importers of Chinese vehicles, had its shares fall by 4%, and may be forced to close more than twenty showrooms in the country.

According to Mbeki (2009:66,67) BEE is not a new concept in South Africa; it was invented by what he calls "...economic oligarchs, that handful white

businessmen and their families who control the commanding heights of the country's economy". In 1992 companies such as New Africa Investment Limited (NAIL) that was a subsidiary to Sanlam, quickly followed by Real African Investment Limited (Rail) a subsidiary to Metropolitan Life was created under the pretext of empowering the marginalised population, was a strategy to buy-off leaders of the resistance movement, making them multi-millionaires by giving them what looked like enormous assets, when in reality what was given to them was just a drop in an ocean. He further maintains that such action was intended to prevent the ANC from nationalising the country's major economic elements; elevate affluent Whites who control the economy to be partners with ANC politicians so as to influence the country's economic policies; encourage the White economic giants of South Africa to move their listings from Johannesburg Stock Exchange to London Stock Exchange in order to protect their wealth; protect the affluent giants from foreign competition; and give first preference to the "oligarchs" on government contracts.

Management at senior level

One of the areas where Blacks have not successfully advanced to the desired level is management. According to the 2011 report released by Department of Trade and Industry, the lack of skilled managers is also perpetuated by White managers who promote Blacks into top management positions both in the public and private sectors. They are put in those positions as tokenism, and do not participate in the core activities of the organisation. They are prevented in participating in a substantial manner in certain stated areas. The Foundation for the Development of Africa (2004) refers to such a token as "fronting", which is explained as "tokenism, superficial inclusion of historically disadvantaged individuals". These managers are given good salaries and bonuses but with meaningless jobs. For the reason that promotion is a window dressing exercise, the said Black managers function in an unchanged working environment, therefore rendering them inefficient and ineffective.

Human Resource Development (HRD)

Coetzee *et al.* (2007:78) argue that in the 21st century many organisations worldwide, including South Africa, find it difficult to compete economically. One of the reasons is having a workforce that is not properly skilled. The lack of properly skilled employees is a threat to both the short-term and long-term success of organisations. The skill problem may be attributed to, *inter alia* to, the failure of organisations to provide training and developmental systems to equip managers with relevant and useful skills, and institutions of higher learning not

producing the required calibre of managers. According to Shilowa (2006:1), South African institutions of higher learning fail to produce proficient graduates because 50% of undergraduates drop out before completing their degrees, and only 30% get their degrees within five years of their enrolment as first year students.

A survey conducted in 2007 revealed that companies are unable to employ a number of graduates in managerial positions because of the following reasons:

- graduates may have qualifications, but still lack the vital components of management which are practical skills and experience;
- institutions of higher learning produce the wrong calibre of graduates because the curriculum is not contextualised and aligned to the present needs of the country;
- graduates having chosen the wrong field of study; and
- lowered standards of admission in such institutions, therefore not producing graduates of high quality (Development Policy Research Unit 2007:4, 5).

Empowerment through preferential procurement and enterprise development

Hlophe (2009:5) argues that BBBEE poses a major challenge to the economic stability and growth of the country as scorecard measurement shows regression in the implementation of the policy by the corporate world that seems not to implement the BBBEE policy because it is perceived as a “grudge implementation”. The findings show that instead of BBBEE bringing opportunities to Blacks, the number of Blacks has declined by 20% in the following areas: ownership and management which has benefited the upper class; preferential procurement, enterprise development, employment equity and skill development which has benefited the middle class.

The above figures are an indication that despite the government putting in place measures that will assist in combating poverty, Blacks are still on the lowest level of income. This is further affirmed by Brown-Luthango (2006:1–2) who states that the percentage of people living below \$1 a day was standing at 9,4% in 1995, but rose to 10,5% in 2002. Currently there are more than 27% of people living in urban areas who still dwell in informal structures, and these structures increased by 735 627 between 1996 and 2001.

CHALLENGES

The following challenges are identified in terms of BEE:

- **Implementation:** The BBBEE Act is a progressive Act but lacks proper implementation. With the new Department of Economic Development created

by the Zuma administration that will be primarily concerned with economic development, it is likely that this Ministry will be overseeing the BBBEE implementation. Mr Patel, the new Minister in the Department agrees that the implementation of the policy, particularly at the company level is "...very bad, and does not even make business sense in many instances" (Levenstein 2009:1).

- **Human resource development:** South Africa is a developed country in Africa is still lagging behind as far as human resource development is concerned. The BBBEE puts emphasis on skills training as a tool that is vital for economic growth and to bring down the unemployment rate. According to Lehohla (2008:4), the country has unskilled people in abundance, particularly in Black communities as compared to Whites, Coloureds and Indians as depicted in Table 3.

Table 3: Occupational composition of employment by population group, 1995 and 2002

	Year	Skilled	Semi-Skilled	Unskilled
African	1995	5%	54%	41%
	2002	5%	61%	34%
Coloured	1995	4%	56%	40%
	2002	6%	60%	34%
Indian	1995	17%	75%	7%
	2002	27%	67%	6%
White	1995	23%	74%	3%
	2002	33%	65%	2%
Total	1995	9%	59%	32%
	2002	11%	62%	27%

Source: The FW de Klerk Foundation 2005:9

Statistics show that by 2008 the White labour force that had higher education was at 41,8% as compared to that of Indians at 22,9%, and only 10% of both Coloureds and Blacks. Although in 2006 the government introduced the Joint Initiative on Priority Skills Acquisition (JIPSA) that was spearheaded by the then Deputy President Phumzile Mlambo-Ngcuka. It introduced twenty seven Sector Education and Training Authorities (SETAs) for each economic sector to identify the type of skills needed and how they can be met, that did not yield desired results. Some SETAs under spent and have to be called before Parliament to account. The former Deputy Minister of Agriculture and Land Affairs, Dirk du Toit in 2006 said, "A key point to note regarding the

job market is that while many unskilled workers are unemployed, there is a shortage of suitably skilled workers which is a constraint on expansion” (Knight 2006:16, 17).

- **Role of the Department of Trade and Industry (DTI):** The BEE-rating industry currently composed of 12 agencies that have to verify whether companies honour BEE Codes of Good Practice, has failed to properly monitor compliance to BEE policy. One of the reasons stated by Radebe (2009:3) is that the DTI, the custodian of BEE, delayed accrediting some agencies who have a big role to play in the verification process. Secondly, the agencies who are supposed to act like auditors and retain high levels of confidentiality, act like advisory bodies to companies; this compromises the verification of companies and makes the industry to be seen as mere consultants who advise companies on how to “beat the BEE Codes of Good Practice”, and give out BEE ratings with less diligence. Finally, the agencies are members of the Association of BEE Verification Agencies (Abva) which has eight board members, of which three are Black.
- **Accessing accreditation:** It is costly to offer accreditation, as it stands at a staggering R70 000 which is quite high for many upcoming Black companies that aspire to be agencies. According to a DTI official, there is nothing that compels companies to be evaluated on the implementation of BEE, except those that are involved in the tendering process. This is a serious concern as big companies can easily fail to promote BEE.

CONCLUSION AND RECOMMENDATIONS

The apartheid system with its segregatory policies in South Africa created two societies; a minority White society that enjoyed economic privileges because of their race, and a majority Black society that was systematically excluded in meaningful and active participation in the economy. The advent of democracy necessitated complete change of policies that fairly advanced one race at the expense of the other, and introduced policies that would address the economic disparity that existed between Blacks and Whites. One of the policies enacted was BBBEE that sought to offer economic opportunities to the previously disadvantaged society.

Although the country’s economy grew significantly in 2006 and informal trading amongst Blacks also grew notably, it was only a small number of the country’s population that enjoyed the benefits, including only few Blacks that occupied senior positions in big companies. The Black majority of South Africans still linger in poverty.

The BEE-rating industry is not properly monitoring the compliance by companies to the BBBEE policy in terms of developing and advancing Africans

in managerial positions. As a result companies get away with non-compliance quite easily and the continuation of few individuals gaining at the expense of the poor majority still persists. The banks also do not make it easier for up-coming entrepreneurs to access funding.

In order for economic empowerment of the disadvantaged to yield fruit, the following recommendations need to be looked into by government:

- Although South Africa is counted amongst the countries that have progressive policies, the BBBEE Act lacks clarity on how its enforcement needs to be done to ensure equity in companies, and how monitoring and evaluation is going to be affected.
- In order for South Africa to strive in the global economy and effectively redress the past anomalies, there needs to be vigorous implementation and monitoring of the BBBEE Act. There has been an outcry that the policy has not been implemented from the grassroots by DTI, but rather from the top, and that created a league of few elites.
- There should be human resource development programmes that are work-based so as to enhance skills of those who aspire to be entrepreneurs. Without such programmes introduced in a work environment there will be little progress made in the liberation of employees from economic woes facing the country.
- DTI as the public institution that has been given the task to implement BBBEE needs to vigorously apply the principles of empowerment; the BEE rating industry that is composed of agencies is still mainly White. That poses a serious challenge that the agencies may collude with the industries that are dominantly White not to conform to the BBBEE Act. As mentioned by Van Wyk (2009:2), many businesses still look at the whole verification practice "...as mere compliance and the accumulation of points". In order for Black businesses to access the BEE industry, DTI has to lower its accreditation fee that qualifies agencies to be part of the industry, as the fee of R70 000.00 favours the already affluent.

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Adjusting good governance architecture to achieve public service excellence

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ABSTRACT

Public reform in developing countries shows characteristics of inefficiencies, lack of political will and public funds. Globalisation has shaped concepts of economic growth and determined perceptions of governance. Worldwide, governments have become preoccupied with “implementation”, performance and how to apply the principles of good governance. Good governance is defined as the betterment of the quality of life of each citizen. Decentralisation is regarded as an indispensable element of participative democracy, as it allows citizens to communicate their preferences to elected officials. Political decentralisation refers to shifting power by selecting political leadership and representatives, from central to local governments. This transfers the power and authority (vertical decentralisation) for socio-politico-economic divisions from central to local government and to communities (horizontal decentralisation). Economic decentralisation becomes the mechanism for financing government expenditure (tax structures) and supplying goods and services in a collective way within a decentralised system. Establishing an institutional framework that promotes decentralisation within a flexible, integrative, innovative and dynamic modern delivery model and that clusters services together in a seamless bureaucratic environment is therefore a key challenge. Ensuring “better government” by implementing a seamless approach implies a common vision and delivery strategy, organisational change, co-operation and collaboration between partners and interacting networks.

INTRODUCTION

Across the world, the Public Service is finding it increasingly difficult to meet the challenges posed by the changing demands that affect service delivery. Hence,

if the South African Public Service, for example, wants to remain a competitive force in the local and global market, it must respond to the changing demands brought about by globalisation, growing consumer expectations and increased fiscal demands.

A lack of skills, an inability to create innovative environments and traditional hierarchical structures could be seen as some of the factors that contribute to the non-achievement of service excellence. The impact of ideologies on the architecture of the Public Service and State interventions can translate directly into different forms of co-ordination, co-operation and collective decision-making. Moving across sectors and forming collaborative relationships becomes a major challenge. Ultimately, good governance objectives and an increased emphasis on service delivery require governments to be more innovative in transforming bureaucratic mechanisms to cope with altering demands and expectations.

This article explores practices to establish how structural reforms via decentralisation are able to enhance service delivery performance. In the process of striving towards a “minimal state”, the Public Service mechanisms should be reconstructed into much flatter forms, associated with a strong internal devolution and characterised by self-organisation and inter-organisational networks. These “tight/loose” bureaucratic forms provide greater autonomy within a framework of core values linked to explicit performance targets that emanate from national government. However, their impact is complex and they require public managers to cope with new governance challenges.

PUBLIC SECTOR REFORM: CHALLENGES IN DEVELOPING COUNTRIES

The Public Sector’s performance in delivering public services in developing countries is generally considered less satisfactory than that of developed countries. Its limited ability to provide services and protect the poor and other disadvantaged groups, such as women and the elderly, is particularly concerning. The following factors have been shown to contribute to poor service delivery (Shah 2005:xix, 154–156; and Fourie 2009:1118–1119):

- Low capacity: The Public Service suffers from weak human resource and system capacity, due to insufficient skills bases, low compensation, as well as poor human resources, management and operational policies.
- Organisational centralisation and top-down governance: Developing countries’ governments seem to prefer hierarchical, centralised, top-down structures that emphasise control in the governance powers and require role players to adhere to the processes. Government departments are organised

according to the classical bureaucratic model that is based on process and position, non-innovation, unproductive and unresponsive production processes, as well as limited potential for change.

- Service monopolies: Public entities in the developing world are seen as uncompetitive and use inefficient processes, leaving no incentives to operate otherwise.
- Social insulation, low transparency and poor participation: The social explosion is based on the process and normal professionalism, which is internally biased with non-responsive incentive structures.
- Poor organisational evaluation and accountability mechanisms: Weak internal evaluation mechanisms and a lack of evaluation entities in civil society (external social evaluation) make it difficult to make an unbiased comment on Government performance.

GLOBALISATION AND “GLOCALISATION”: GROWTH, DEMOCRACY AND GOOD GOVERNANCE

Globalisation has not only shaped concepts of economic growth, but it has also determined perceptions of governance, as it defines the roles and functions government takes as an enabler, facilitator and regulator. Cheema and Rondinelli (2007:5) have identified seven forces of globalisation that will shape service delivery in the 21st century. These include:

- increased international trade and investment;
- rapid progress in information;
- communications and transportation technology;
- mobility of production;
- rapid transmission of financial capital across borders;
- the emergence of knowledge economies and electronic commerce; and
- the worldwide expansion of markets for goods and services.

Each of these seven forces shapes political philosophy and has fundamental implications for the degree to which government intervenes in the economy and society (Bailey 2004:10). Therefore, globalisation deconcentrates economic activities among and within countries. “Glocalisation” increases pressure on governments to enhance the administrative and fiscal capacity of sub-national, urban, peri-urban and rural areas in order to facilitate the participation of individuals in a global market (Abedian & Biggs 1998:55,56,61 and Cheema & Rondinelli 2007:5).

The global deconcentration of economic activities has given local governments new resources, but conversely, it has also brought with it new pressures on

governments to perform their administrative tasks more effectively. Changing competitive environments exert pressure on managers to improve their performance in order to function more efficiently and effectively within global markets (Ashkenas *et al.* 2002:ix,120). Adding to this phenomenon is the increased growth of international economic interaction, which is resulting directly in the evolution of more complex and interconnected societies.

In response to globalisation and as part of economic integration into a world economy, governments are increasingly forced to re-examine how their fiscal policies impact economic performance (Abedian & Biggs 1998:21). Growing inequalities intensify demands on governments to become more responsive to social needs. At the same time, these inequalities have had a negative impact on governments' ability to perform effectively in a trans-national and independent world economic order. These conflicting scenarios are highlighted in global public policy frameworks. On an international level, the quest for democratic practices has necessitated fundamental reforms and restructuring of government institutions (Abedian & Biggs 1998:22).

Abedian and Biggs (1998:22) and Cheema and Rondinelli (2007:2) point out that sovereign states with authoritarian tendencies are under pressure to comply with democratic norms, which consequently forces them to adopt free market or quasi-market economies. This has created an environment where, on the one hand, there has been a rapid growth in technology driving the integration of worldwide communication and transportation networks. On the other hand, both the developed and developing countries face increased demands for political and economic participation.

Worldwide, governments have become preoccupied with "implementation", performance and how to apply the principles of good governance. It seems that governance is only perceived to be good if a government reaches its ultimate goal of ensuring that each citizen has a good and satisfactory quality of life, by creating the required conditions (Gildenhuis & Knipe 2000:91).

Theories of good governance contend that governance and democracy are essential cornerstones for developing societies. Hence, embracing democracy is considered a tool for achieving better governance (Swiss Agency 2000:3). Therefore, new standards of governance have emerged that are in line with the global extension of democratic norms (Ribot 2001:6). Administrators are expected to comply with the principles of political transparency and administrative accountability. This, in turn, turns the spotlight onto higher efficiency, efficacy and a customer orientation in public sector delivery programmes (Abedian & Biggs 1998:25). In other words, the definition of democratic good governance includes a political regime based on a liberal-democratic polity that protects human and civil rights, and is linked to an administrative bureaucratic system that is competent, non-corruptible and accountable. Within the neo-liberal framework,

good governance has thus come to be seen as a transparent, representative, accountable and participatory system of institutions and procedures for public decision-making (Cheema & Rondinelli 2007:2).

In this broader perspective on good governance, decentralisation is regarded as an indispensable element of participative democracy, as it allows citizens to communicate their preferences to elected officials (Bardhan & Mookherjee 2006:4). Any political reform aimed at democratising institutions is therefore only effective if it is accompanied by far-reaching administrative reforms that effectively redistribute power (Makky 2005a; Swiss Agency 2000:4). According to Johnson and Minis (1996:2), good governance within the framework of decentralisation has to speak to the quality of the management process, in that *"...the effective management of public affairs through the generation of a regime (set of rules) [is] accepted as legitimate, for the purposes of promoting and enhancing societal values sought by individuals and groups"*.

The decentralisation movement started in Africa, in response to growing discontent with central government bureaucracies' inability to deliver services to local areas effectively. Notably, international donor organisations encouraged and financed this movement. They saw decentralisation as a means to enhance limited capacity in weak states by leveraging the government's resources with those of private sector and civil society organisations (partnerships and collaborative relationships), thereby creating deconcentrated governance (Cheema & Rondinelli 2007:23). As a result, decentralisation became an instrument to improve performance by reducing the role of overstuffed and bloated central bureaucracies and creating responsive and accessible service providers (Makky 2005a:1 and Ribot 2001:14).

In the process of bringing governments "closer to the people", this approach focuses on an authority at a level at which (local) governments had to compete against each other to, for example, broaden their tax base. This is a situation very similar to that of market-based firms and organisations (Treisman 2007:4). Consequently, it became increasingly evident that the traditional notions of efficiency were not enough for a government to keep its position as a competitive force within the global market. Indeed, the pace of the globalisation of financial and other markets has far outstripped the governments' capacity to provide frameworks for rules and co-operative arrangements. These changing environments demand new skills sets, because government officials are challenged to take advantage of technology and globalisation, while basing their services on human resources (Ashkenas *et al.* 2002:xviii). Governments are forced to reassess whether existing organisational and institutional structures are able to meet the demands posed by globalisation, growing customer expectations, as well as increased fiscal demands that move governments into a higher-level system of organisational and structural complexity.

DECENTRALISATION AND THE ARCHITECTURE OF GOVERNMENT

An element in implementing decentralisation is identifying those factors that may facilitate strong local government performance. Concepts such as democracy, competitive markets and the rule of law shape the issues pertaining to good governance and how to operationalise the concepts of fiscal decentralisation and related dimensions of administrative and political decentralisation (Abedian & Biggs 1998:61).

As concepts of governance expanded, so have the objectives and forms of decentralisation and participation. Decentralisation reforms focus on strengthening both the central and local government in ways that support national unification, democratisation, as well as greater efficiency and equity in the use of public resources and service delivery (Ribot 2001:vi). When a government is decentralised, the means of financing government-provided services can vary with the local desires – communities with a strong interest in particular types of development can adapt their tax structures to provide incentives for achieving those goals.

Political decentralisation (devolution) deals with a wide range of political and social issues. As a result, it has been put forward by international development agencies as a mechanism for improved governance and economic performance. Therefore, those who promote decentralisation see it as a way of increasing local governments' capacity by extending services to large numbers of people. The interplay of factors driving political decentralisation versus centralisation is, to a large extent, shaped by the nature and degree of fiscal decentralisation, as well as by the relationship between the locus of policy-making and the locus of implementing administrative regulations and procedures (Abedian & Biggs 1998:79).

Political decentralisation refers to shifting authority by selecting political leadership and representatives from central to local governments, thereby transferring the authority (vertical decentralisation) for socio-politico-economic divisions from central to local government and to communities (horizontal decentralisation). Successful decentralisation requires a strong and committed political leadership at both the national and local spheres of government. In turn, government officials must be willing to share authority and financial resources allocated to their respective delivering agencies. Support for a commitment to decentralising must therefore come from line delivering agencies of the central bureaucracy. The following aspects must be taken into consideration when decentralised organisations are constituted (Heller 2001:136–137):

- Democracy requires an effective bureaucratic system. Participation cannot be comprehensive or continuous unless the processes whereby participatory

inputs are translated into outputs are formalised and routinised. Good governance depends on technical requirements, such as transparency, accountability, representation and decision authority.

- Successful planning requires technical input such as data gathering, planning and budgeting.
- A delicate balance must be maintained between a division of authority and competence between spheres on the one hand, and creating structures and avenues for coordination on the other.

Economic decentralisation becomes the mechanism for financing government expenditure (tax structures) and supplying goods and services in a collective way within a decentralised system. Economic interdependence means that functions traditionally performed at the national level may be reassigned to higher levels of governance (supranational coordination), while sub-national or local government also performs other functions. In capturing these simultaneous developments, the term “glocalisation” was coined to describe the effect of globalisation on the three spheres of government, thereby referring to the ability to think globally, but act locally (Abedian & Biggs 1998:55). The degree of decentralisation and how this is embodied in fiscal and institutional structures differs according to every country’s political and economic context.

Decentralisation has proved to be difficult. According to Heller (2001:135), there are three reasons for this:

- Those in political control have little interest in decentralisation. Therefore, moving the locus of public authority means shaking up political control and patronage.
- There is too much institutional inertia to overcome.
- A lot of institutional building and training must take place before local government can work effectively.

Treisman (2007:4) and Heller (2001:135) argue that decentralisation has complex and obscure consequences. It has given rise to two diametrically opposed transformative visions. At the one end of the spectrum, one finds the technocratic vision, where decentralisation is equated with the task of designing appropriate institutions from which the structure can be derived, based on an accumulated corpus of public administration, finance and planning. At the other end of the spectrum, one finds the accusation of too little democracy and the view that democracy can only achieve its full potential when a participatory civil society or a community supplements formal representative institutions. What stands out is that the implementation of decentralised structures often fails because of low levels of administrative and managerial capacity in local government and civil society organisations. This is often accompanied by widening economic and

social disparities and increased levels of local corruption and nepotism, among other things (Cheema & Rondinelli 2007:8).

FACILITATING DECENTRALISATION

Decentralisation has been used to consolidate national unity in South Africa. It is therefore a key component of the neo-liberal, macro-economic strategy. In the design of the Government's decentralisation policy, the key aim is to create an enabling environment where responsibilities are transferred from the national and provincial sphere of Government to the local sphere, where citizens can participate in the decision-making that affects how their needs and desires will be satisfied.

The *Constitution of the Republic of South Africa* of 1996 specifies a contract between Government and the citizens of South Africa, through a development mission that calls upon communities to clarify and define their own needs. This forms the central principle for the concepts of fiscal and administrative decentralisation (Nsingo 2004:353 and Bahl 2001:1). Within the fiscal and administrative decentralisation strategy, community-based public-private partnerships have become one of the main initiatives that drive the overall decentralisation strategy in South Africa. In order to meet service delivery backlogs and to address growing inequities, decentralisation has embraced a broad-based black economic empowerment strategy to encourage fiscal responsibility and to promote sustainable development through public-private partnerships.

In the discussion on governance, decentralisation is thereby elevated into an end in itself, while the focus of development has shifted – there is now a strong emphasis on poverty reduction in South African decentralisation policies. In particular, a premium is placed on creating conditions in which underprivileged groups not only benefit from political opportunities, but also play an integral role in defining their own needs and shaping the solutions. Its commitment to meeting the United Nations Millennium Development Goals (MDGs) places additional pressure on Government to realise ambitious poverty reduction goals. In particular, this challenges public officials to reconfigure creative and innovative ways to align social and economic policies towards achieving service excellence.

In Africa, history has shown that the Anglophone countries have tended to implement the un-integrated system; although in practice both the integrated and un-integrated systems are similar (Ribot 2001:35). However, a major difference between the administrative and political local bodies is that administrative bodies are not necessarily accountable to local populations but must be responsive to their needs, while local political bodies must be accountable downward. Administrative bodies may be accountable to the central State and/or to the

local political representatives. These emerging concepts of decentralisation and the application of accountability within a governance system have far-reaching implications for public policy in the South African environment. In making decentralisation work, public service reform is described as a means of organising service delivery in a more efficient way, as well as managing human resources in such a way that it supports Government's objectives.

Hierarchies have been blamed for all manner of organisational ills. This includes slow decision-making, isolation from consumers or customers and inequality of compensation. Nevertheless, bureaucracies and hierarchies continue to be necessary, inevitable and desirable fixtures of organisational life (Ashkenas *et al.* 2002:37). Hierarchical organisation is an effective tool for getting things done. Organisations are commonly thought of as vertical structures, where orders flow from the top down, along the chain of command, and production takes place at the bottom. Therefore, creating an effective and efficient bureaucracy is not about eliminating or minimising hierarchies, but about how to make them work better within a world without boundaries.

The key challenge is to establish an institutional framework that promotes decentralisation within a flexible, integrative, innovative and dynamic modern delivery model and that clusters services together in a seamless bureaucratic environment. Since the start of the 21st century, South Africa has enacted several policies related to the Public Service, but the country's ability to implement them has proved to be limited. This is partly because the Government has been unable to link macro-level and micro-level policies in each of the three spheres, so that over-arching goals can lead to capacity building and community empowerment. The fiscal and administrative policies need to strengthen each other in their outcomes. Furthermore, fiscal decentralisation should constitute a cross-cutting element between de-concentration and political decentralisation – rather than being seen as separate categories (Ribot 2001:v).

The successful implementation of a streamlined bureaucracy depends on its workforce. Therefore, seeing the workforce as an engine that drives Government (its most significant asset) forces the Government to re-evaluate its long-term strategies that support decentralised policies through its public administrative practices. It has to reassess its performance management, hiring practices and other human resources practices. The main aims are to establish higher performance standards and do anything possible to build capability, promote commitment and improve retention among those who meet the standards. This means that, in order to meet the demands posed by service delivery in the 21st century, governments have to deploy their employees differently. Improvisation becomes the rule in a rapidly changing environment that requires independent judgement, as well as a whole range of competencies that allow public officials to opt for a shared service approach.

CREATING ORGANISATIONAL ARRANGEMENTS THAT ENHANCE SERVICE DELIVERY

Peters (1978:25) claims that the increased complexity of modern economic and social life has enlarged the scope of government activities. He argues that in terms of economies, the externalities of individual behaviour have tended to increase as the size and concentration of populations have increased. This has implications for bureaucratic decision-making, for instance, because strategies are influenced by technological content and those interventions that a government is called upon to regulate. In order to be effective and efficient organisations and governments must keep on reinventing themselves to succeed within the global market. Improving organisational arrangements and existing strategies means that the emphasis shifts towards “doing things better”.

Questions pertaining to organisational arrangements centre on how an organisation can control and integrate different disciplines, while still maintaining its independent integrity and functionality. Combining the components of alignment, commitment in action and a shared mindset within the overall system, calls for healthy hierarchies. In a governmental context, this means that the organising relationships between the central, provincial and local authorities must be carefully aligned to meet specific operational requirements within the context of the philosophical and theoretical approaches of the political systems and methods of governance (Ashkenas *et al.* 2002:71 and Makky 2005b:1).

Governments are thus finding it increasingly difficult to meet challenges posed by the changing demands that affect service delivery outcomes. A lack of skills and an inability to create innovative environments is a major contributor to this situation. These problems are exacerbated because government sectors continue to operate within the limitations of traditional hierarchical structures where organisational success factors depended on size, role clarity, specialisation and control. Shifting paradigms mean that competitive success within a globalised society relies on a new set of factors, namely speed, flexibility, integration and innovation (Ashkenas *et al.* 2002:3). The paradigmatic shift has changed the government’s role to that of an enabler, regulator and facilitator. On the one hand, this shift has created bureaucratic boundaries within government structures that provide management with a safe haven, as these boundaries keep tasks focused and distinct. However, on the other hand, government has had to reinvent itself in order to make hierarchies work in a borderless world (Ashkenas *et al.* 2002:3).

Ensuring “better government” by implementing a seamless approach implies a common vision and delivery strategy, organisational change, co-operation and collaboration between partners and interacting networks (Schoeman 2007:182). The core service delivery objectives are to reduce administrative

cost and burdens, improve access and quality of services, to ensure integrated services by tailoring them to communities' need, to adapt to changes and to ensure accountability.

Information lies at the heart of public administration. Therefore, achieving success with a particular service delivery approach hinges on information sharing and gathering. How public administrators bring together service delivery needs and develop supporting policies in the government sector forms an integral part of governments' ability to develop their administrative capacity to perform essential functions, such as implementing safety and security, strengthening governance and participation, stabilising the economy, supplying infrastructure, providing social welfare, and strengthening their justice and reconciliation services (Cheema & Rondinelli 2007:23–24 and Schoeman 2007:188).

CONCLUSION

One of the key challenges is to establish an institutional framework that promotes decentralisation within a flexible, integrative, innovative and dynamic modern delivery model, and which clusters services together in a seamless bureaucratic environment. Ensuring “better government” by implementing a seamless approach implies a common vision and delivery strategy, organisational change, co-operation and collaboration between partners and interacting networks. Although governance defines the conduct of democracy and shapes the relationship between citizens and government, the successful implementation of policies can only be achieved through the effective communication of a common vision and delivery strategy. A leader's capacity to facilitate a strong vision, motivate people and align human capital with the strategies of the organisation is achieved through consultation and by obtaining ownership within the organisation for a new vision. These are essential elements in change management, cooperation and collaboration between partners. Overcoming organisational differences is perhaps the single most important aspect governments have to deal with, as this area poses the greatest threat to integrated service delivery and an organisation's ability to frame different aspect of service delivery into a single seamless approach to fit the citizens' needs by means of participation.

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Public–Private partnerships as solutions to service delivery problems

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ABSTRACT

The article focuses on the role of the private sector as a partner to municipalities to help address their service delivery problems. The number of service delivery protests has escalated dramatically since 2004. One of the reasons given for this surge in protests is a growing dissatisfaction with the quality of service delivery. This article argues that the loss of technical skills and the shortage of management skills are the primary contributing factors to poor service delivery and the resulting protests. The article refers to the impact of these factors on the provision specifically of water and sanitation services and explores possible solutions that could alleviate the problems. It concludes that municipalities could pursue short- to medium-term municipal public-private partnership contracts as one solution to address the problems.

INTRODUCTION

Service delivery protests can be traced back to the pre-1994 Apartheid era. The protests can be linked to discontent in the late 1990s and to social movements after 2000 (Seekings in Alexander 2010:25; Nthambeleni in Alexander 2010:25). However, scholars agree that the contemporary phenomenon can be dated back to 2004 (Atkinson 2007:54; Booysen 2007:24). Notably, the number of protests has escalated dramatically since then and Prinsloo (*Engineering*

News (a):2010) writes that service delivery protests have reached a record number. Questions arise as to the actual reasons behind the unrest in many of the country's municipal areas. Alexander (2010:37) notes that, "inadequate service delivery and a lack of accountability by local councillors" as reasons for these protests.

Given the fact that the delivery of basic services, such as water and sanitation, is a function of municipalities, the question arises as to the challenges municipalities face in delivering adequate services, as well as what the available solutions for solving these problems are. According to the Department of Cooperative Governance and Traditional Affairs (COGTA), capacity constraints in the form of a lack of skills in municipalities represent "a stubborn service delivery problem" (COGTA 2009:4). In this regard Government recognises specifically "poor financial management" and "insufficient municipal capacity due to a lack of scarce skills" (COGTA 2009:4).

In his State of the Nation Address on 11 February 2010, President Zuma announced a National Turnaround Strategy for Local Government (COGTA 2009:6). Cabinet approved this comprehensive Local Government Turnaround Strategy (LGTAS) on 2 December 2009. One of the matters the strategy refers to is the importance of human capital challenges. The strategy therefore aims to ensure that municipalities have the correct management, administrative and technical skills (State of the Nation Address. 11 February 2010 <http://www.gov.za>).

This article focuses on the shortage of technical and managerial skills within municipalities as a significant cause of the lack of service delivery and focuses specifically on the water and sanitation sector to demonstrate how the shortage of technical skills exacerbates the historical challenges in this sector, thereby compromising municipalities' ability to deliver water and sanitation services to all its citizens.

Municipalities are challenged by this skills shortage to either develop internal skills and/or to access the necessary skills to deliver on its targets. One such mechanism to access skills is public-private partnerships (PPPs). However, PPPs are not a panacea for all service delivery problems especially long-term concessions in particular have yielded mixed results. This article accordingly discusses the benefits of short- to medium-term municipal PPPs (5–8 years) with reference to the successes of the five-year management contract between Johannesburg Water and SUEZ Environment. The article demonstrates short- to medium-term municipal PPP arrangements as an important consideration for increasing and maintaining water and sanitation service delivery, given the fact that municipalities lack the human resource capacity to carry many technical and operational risks. To commence the discussion, a brief overview of the water and sanitation services in South Africa is given.

BRIEF OVERVIEW OF WATER AND SANITATION SERVICES IN SOUTH AFRICA

The history of the water and sanitation sector in South Africa haunts us until this day in that the extension and equalisation of this and other basic services remains “the material emblem of citizenship to the majority of South Africans” (Bakker & Hemson 2000:3). This situation persists despite the existence of section 7(2) of the *Constitution of the Republic of South Africa, 1996*, that guarantees citizens the right to access sufficient water.

During the Apartheid era (pre-1994), legal mechanisms institutionalised differential access to water that, for example, linked access to water to the right to own land. The water supply and sanitation needs of black people in the former homelands, townships and informal settlements were addressed by administrative structures distinct from those of the rest of the country. These structures lacked access to finance and technical capacity and as a result maintenance and cost-recovery was difficult to sustain.

The issue of access to water intersects with the complex ongoing process of capacitating and creating post-1994 municipal structures. In 1994 Government embarked on a major exercise to restructure municipalities. New legislation and a large number of policies were promulgated with the intention of integrating and de-racialising municipalities, enriching their resource base and capacity, and promoting popular participation within municipalities to make them accountable to the local citizenry (Ndletyana & Muzondidya 2009:23). Transitional councils were legislated and established, merging many smaller municipal areas and absorbing the adjacent rural areas.

In terms of the provisions of the *Water Services Act, 1997* (Act 108 of 1997) and the *National Water Act, 1998* (Act 36 of 1998), the responsibility for water supply retail services was originally shifted to the restructured Local Government. Municipalities became designated water service authorities although the management of the water resources remained with the National Government. To enable the delivery of water, municipal boundaries had to be redrawn and municipal structures had to be created in the former homeland areas.

In the absence of municipal capacity in the interim in much of the country, the former Department of Water Affairs and Forestry (DWAF), now the Department of Water Affairs (DWA) was given a ten-year mandate by Cabinet to address the “backlog” in water supply and sanitation services (Abrams, Palmer and Hart no date: 3). Other role-players were involved in the delivery of water and sanitation services due to the persistent financial and skills constraints the DWAF experienced in meeting its mandate. Lacking project and financial management capacity, the DWAF was initially unable to spend the large budget allocated to it. As a result the Department sought additional capacity by contracting out work

to water boards, non-governmental organisations (NGOs) and private sector contractors with mixed results, as will be demonstrated later in this article.

In July 2003, the function of water services was allocated to metros, or otherwise district municipalities or local municipalities, as per section 84(d) of the *Municipal Structures Act, 1998* (Act 117 of 1998). This reallocation negatively influenced smaller and rural municipalities, in some instances resulting in poor service delivery.

The *South African Millennium Development Goals Country Report of 2010* (UNDP 2010:93) estimated that by 2010 about 93% of the population had access to an improved drinking water supply. The DWA acknowledges in this report that the supply backlog has been reduced from 41% in 1994 to only 7% in 2010. This implies that South Africa has surpassed the millennium development goal of halving the proportion of people without sustainable water by 2015. However, this still means that six million people in South Africa lack a reliable source of safe drinking water.

Government has focussed on building new water infrastructure. Unfortunately, this expansion of services has been at the expense of the maintenance and the improvement of the existing infrastructure. As a result the sustainability of water services in many areas is in doubt. The South African Institute for Civil Engineering (SAICE) Infrastructure Report Card for South Africa 2011 reports that much of South Africa's bulk water infrastructure is reaching the end of its life cycle and will require an upgrade or replacement very soon. According to this report, the "long delay in investigating and providing appropriate infrastructure has revealed serious management shortfalls" and "one of the most debilitating problems is a severe lack of capacity at local level" (SAICE 2011:14,15).

Furthermore, the DWA is struggling with serious capacity and funding problems. It has estimated that the reinvestment of R1.4-billion annually is required to maintain current infrastructure. The DWA is also suffering from a lack of skilled personnel to implement and supervise maintenance. This problem is further compounded by fading institutional memory, as skilled personnel retire or are lost to the private sector (SAICE 2011:15).

This persistent state of affairs is exacerbated by the global economic crisis that has plunged South Africa into its first recession in seventeen years, costing the economy about 900 000 jobs. Given the requirements of the upgrading and the maintenance of water infrastructure alone, it is clear that Government's decisive anti-recession spending on infrastructure is not enough to address the challenges. Alternative mechanisms need to be found to resolve the backlogs, as well as to upgrade, replace and maintain the current infrastructure.

As referred to earlier, the water sector faces service delivery challenges such as management shortfalls, as well as a lack of capacity and skilled personnel. The discussion will now elaborate on these human resource challenges that hamper

municipalities' ability to deliver basic necessities. In this regard, the focus falls on the loss of technical skills and the deployment of political appointees.

HUMAN RESOURCE CAPACITY CHALLENGES FACING MUNICIPALITIES

Ndletyana and Muzondidya (2009:26) refer to the capacity constraints of municipalities as being "related to a general scarcity of technical skills in the country; the inability, especially, of small and rural-based municipalities to recruit and retain requisite staff; and the insufficiency of financial resources relative to the scale of need in communities". Delivering and operating new infrastructure and upgrading and maintaining old infrastructure are complex activities that rely on experienced and skilled personnel that are in short supply in municipalities. A lack of technical skills – especially engineers and managers – has a severe impact on planning, procurement, design construction and the maintenance infrastructure.

An analysis of the staffing structure of the Departments of Local Government (DLGs) shows the prevalence of junior staff and the lack of senior skills and experience. DLGs are extremely "bottom-heavy" and have a small proportion of top-level posts (COGTA 2009:20). Municipalities have identified the specific shortages in terms of economic development specialists, project managers, high-level management to oversee municipalities, engineering specialists, development planners and spatial planners (COGTA 2009:20–21). The competency levels for middle and senior municipal management positions, for example technical heads of infrastructure and Chief Financial Officers (CFOs) are also not regulated. In one municipality this led to a former tea lady being appointed as a CFO (COGTA 2010:31). The SAICE undertook a comprehensive skills survey in 2007, which revealed that of the 238 municipalities surveyed, 83 had no civil engineers, technologists or technicians on staff. A further 48 employed only one civil technician, and municipalities with civil engineering staff reported 35% vacancies (over 1 000 professionals) (SAICE 2007:11).

Notably, engineering departments play an important technical role in municipalities, as they handle the entire project cycle – from long-term planning to detailed planning, design, construction, operation and maintenance. For this reason, specific developments in this profession that lead to the current shortage of these skills are now discussed.

Shortage of engineering skills

According to Lawless (2007:6), the developmental imperative of the Apartheid Government in the late 1960s and 1970s led to thousands of engineers

being trained. By the late 1980s, there were 2 500 to 3 000 civil engineering professionals in 250 municipalities, supporting a population of about 14 million people. However, towards the end of the 1980s, design and construction staff migrated to the private sector due to its increased involvement in municipal infrastructure development in line with business trends at the time (Lawless 2007:16). This prompted municipalities to focus on core activities and to outsource non-core activities. As a result, municipalities lost a substantial number of engineers to the private sector.

Since 1994, the challenge was to deliver quality services to all South Africans, while maintaining existing infrastructure. This required increasing the current skills in large numbers. However, instead of enriching municipalities' resource bases and capacity as intended, restructuring saw the rationalisation of existing engineering departments. By 2005, the total number of civil engineering staff in municipalities had dropped to 1 534, which constituted a drop of over 1 000 from the late 1980s (Lawless 2007:10). Today, South Africa has, by proportion of population, up to twenty times fewer engineers than Australia, America, Western Europe, India or China (SAICE 2011:11).

In addition to the historic imperatives for the outflow of engineering skills to the private sector, the education system is cited as another culprit with regard to the lack of engineers. It has yet to deliver a substantial pool of matriculants with the necessary grades and subjects to access programmes such as engineering and accounting (Breier 2009:5). Other considerations include international skills shortages and a global market for professional knowledge and skills where South African qualifications are in demand and highly prized (Breier 2009:1).

The reality is that there has been a steady outflow of engineering skills and the number of professional engineers in the public sector has dropped from 40% in 1980 to 15% in 2010 (*Engineering News* 2010).

Another argument is that Affirmative Action (AA) measures implemented to achieve employment equity, is a substantial reason for the outflow of particularly senior capacity, referring to the notion of experience.

Affirmative Action (AA) measures

AA is one of the processes that facilitated the profound changes made since the dawn of a non-racial, democratic dispensation in South Africa in 1994. The *Employment Equity Act, 1998* (Act 55 of 1998) (*EEA*), recognises the disparities in employment, occupation and income that existed within the labour market and promotes redress through the mechanism of employment equity (EE). The *EEA* describes "affirmative action" as measures employers should implement in order to achieve EE. These measures are, "designed to ensure that suitably qualified people from designated groups have equal employment opportunities

and are equitably represented in all occupational categories and levels in the workforce of a designated employer". Within the public service, the objective of AA is to re-configure the racial profile of the staff complement at all levels, so that it corresponds with the democratic make-up of the country.

AA had no small role to play in the exodus of white employees, as well as technical and management skills from municipalities, while unqualified staff members were employed in vacant positions. Du Toit and Roodt (2009:6) demonstrate the drop in the employment of white people in engineering professions in both Government and the private sector, from 76,9% over the 1996 to 1999 period, to 63,2% over the 2000 to 2005 period.

Inexperienced appointments

Instead of filling some vacant positions with qualified and available White skills, these positions remain vacant in the absence of the availability of black skills. Lawless (2007:20) adds that young black technicians have replaced senior engineers in the quest to address equity targets. The use of unqualified and inexperienced personnel in positions requiring technical ability further exacerbates the skills constraints.

Delivering municipal infrastructure requires experienced capacity in senior positions to apply sophisticated solutions to address not only immediate supply, but also long-term operability. Newly qualified people in the market do not have the appropriate level of experience required for these senior positions. According to learning theorist Cagne (in Gredler 2005:101), such complex skills can only be developed by the cumulative effect of learning. This requires comprehensive, formal interaction with an expert in the field, most of whom have left the public sector due to AA measures. Besides engineers and other experienced senior persons, skilled municipal managers are also a necessity.

Municipal managers

Skilled municipal managers with financial backgrounds are also required to ensure the smooth implementation of service delivery programmes. In this regard, the *Municipal Finance Management Act, 2003* (Act 56 of 2003) specifies the task of a municipal manager as a financial official responsible for the implementation and outcomes of service delivery programmes. Just as in the case of a lack of skills in the engineering sector, municipal managers are also currently ill equipped for the task at hand. According to COGTA (2009:55), more than a third of the 283 South African municipalities obtained either disclaimers or adverse opinions for the year ended June 2008 due to poorly qualified, inexperienced municipal managers. Co-operative Governance Minister, Sicelo Shiceka, cited municipal managers'

lack of skills as one of the main reasons for the financial mismanagement of local authorities, which has resulted in poor service delivery, corruption and fraud (*Business Day* 8 October 2009).

One of the reasons given for the lack of skills and experience of municipal managers is the fact that there appears to be no clear demarcation between the business and politics of municipalities. As a result, municipal managers are politically deployed instead of administratively recruited. This accordingly leads to undesired events. The Deputy Minister of Co-operative Governance and Traditional Affairs, Yunus Carriem, acknowledged that the provision in the newly amended *Municipal Systems Act* that bans political office-bearers from serving as municipal employees, is a tacit admission that cadre deployment has not worked (*Mail & Guardian* 21 April 2011).

The lack of technical and management skills can be ascribed to a variety of reasons and municipalities are challenged to either develop internal skills and/or to access the necessary skills through alternative mechanisms to deliver on its service delivery targets. This means that alternative mechanisms need to be considered as possible solutions or outcomes.

ALTERNATIVE MECHANISMS FOR IMPROVED SKILLS

In partnership with municipalities, Government has passed a number of initiatives aimed at improving skills and capacity challenges, the most notable being the Presidential-led Project Consolidate (PC) initiated by the Department of Provincial and Local Government (DPLG), and the Five Year Strategic Agenda (LGSA). The former DPLG initiated the PC with the intention of deploying accountants and engineers to municipalities to alleviate the skills shortages (HESA 2008:10–18).

Various institutions, such as the Development Bank of Southern Africa (DBSA), the Department for International Development (DFID), the South African Institution of Civil Engineering (SAICE), The South African Black Technical and Allied Careers Organisation (SARTACO), the United States Agency for International Development (USAID), the Institute of Municipal Finance Officers (IMFO), the United Nations Development Programme (UNDP), the Consolidation of Municipal Transformation Programme (CMTTP), the Independent Development Trust (IDT), the Business Trust, the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) and South African higher education institutions have also contributed efforts and programmes to build skills at municipal level (HESA 2008:10–18).

The Auditor-General (AG) of South Africa (AGSA) reports on two initiatives, PC and Siyenza Manje, a project initiated by the DBSA and implemented in partnership with the South African Institute of Chartered Accountants (SAICA)

and the DPLG. AGSA merely refers to a total of 115 (48%) municipalities participating in PC in the 2007/8 financial year. Of the 115 municipalities participating in the Siyenza Manje project, the audit opinions of 44 (38%) had improved, 60 (52%) remained unchanged and 11 (10%) deteriorated for 2007–2008 (Auditor-General 2009:6).

Of the 245 municipalities included in the report, 78 (32%) registered improved audit outcomes compared to the year ended June 2007, while 22 (9%) municipalities registered deteriorated audit outcomes. The audit outcomes of 145 (59%) municipalities remained unchanged compared to June 2007, being overwhelmingly qualified (Auditor-General 2009:5). The Auditor-General cites the major challenges for municipalities as being “key vacancies in positions of mayor, chief financial officer and senior management, as well as high staff turnover” (Auditor-General 2009:7).

Although some improvements have been noted, the multiple support programmes have collectively fallen short of improving the skills and capacity challenges for increased service delivery. Due to the fact that expected improvements were not attained, municipalities consequently need to consider alternative mechanisms for accessing managerial and technical skills. As an alternative mechanism, public-private partnerships (PPP) for service delivery in the water sector are subsequently explored.

PUBLIC-PRIVATE PARTNERSHIPS IN THE WATER SECTOR

In the above discussion about the history of water and sanitation services in South Africa, reference was made to DWAF. This is as a result of the persistent financial and skills constraints that the DWAF experienced in meeting its mandate. This section will now elaborate on the involvement and outcomes of the private sector’s involvement in water services seeking new solutions for delivering water and sanitation.

The search for new solutions for delivery during the 1990s and up to about 2002, were influenced by a then international trend of increasing the use of long-term PPP contracts, such as lease and concession contracts for managing urban water and sanitation services in developing countries. This occurred in Latin America, Africa and East Asia (Samson 2006:209). The South African Government followed this trend and pursued PPPs to transfer technical, operational and financial risks in order to meet its commitment to deliver water and sanitation services to all South Africans. These long-term contracts yielded mixed results (Samson 2006:208). Many of the contracts had little or no provisions for serving the poor and subsequently had a negative impact on the perception of service delivery by PPPs.

One example of such a long-term concession impacting negatively on the poor is the PPP contract in the Dolphin Coast. In poorer areas of the Dolphin Coast, there has been a decrease in service levels and house water pipes were disconnected. Communal standpipes have become the common service level in these poorer areas. The Borough Council who is responsible for letting and regulating the contract also has limited capacity (Delay *et al.* 2004:101). At the same time, high-profile failures between 2000 and 2003 in other parts of the developing world, such as the concession contract in Buenos Aires, led to international private operators in the water sector being less willing to take on substantial commercial risks in low-income countries (Global Water Intelligence 2004).

At the time when these long-term concessions were implemented, South Africa did not yet have a well-defined regulatory framework in place for PPPs. Such a framework is necessary to give the private sector sufficient incentives. Furthermore, the framework should ensure that the poor are not the victims of PPP projects through high prices and low service quality, as was the case with the Dolphin Coast concession. Regulation could therefore ensure that the poor have access to vital services and pay affordable prices for these services. It could also promote competition in the regulated industries that could help improve service quality, while forcing prices down for the service being provided. These developments led to the publication of PPP regulations.

Public Private Partnerships at municipal level

In view of the occurrences described above, municipal Public Private Partnership Regulations were published in terms of the *Local Government: Municipal Finance Management Act, 2003* (Act No 56 of 2003) (*Government Gazette* Notice 27431 of 2005), and were effected in April 2005. A dedicated PPP Unit with a Municipal Desk was established at the National Treasury to support the implementation of municipal PPPs, provide technical and financial advice, and provide workshops to inform municipalities of the proper processes for implementing PPPs. Municipal services and PPP guidelines have been developed to provide a step-by-step procedure for undertaking PPPs (National Treasury, <http://www.ppp.gov.za/>; <http://www.treasury.gov.za/>). With the PPP regulations only effected in April 2005, this is still early days for measuring the success of regulated PPPs in South Africa.

Municipal departments' early experiences (Botha 2009) indicate that municipalities tend to shy away from the PPP route, owing to cumbersome processes and the view that they are too expensive. To ensure that municipalities entering PPPs have done an adequate analysis of all relevant matters, PPP legislation allows for the appointment of private sector transaction advisors to

assist municipalities with feasibility studies and the procurement process. The transaction advisor is contracted to manage the section 78(1) process, which investigates whether the municipality has the internal financial resources and technical skills for the project. It highlights managerial problems and information gaps which, if of a significant extent, motivate the need for a section 78(3) feasibility study focused on exploring external service delivery mechanisms, such as PPPs. The section 78 processes thus prevent the capacity constrained municipalities from setting themselves up for failure.

In South Africa, the policy context of “developmental Local Government” suggests that service delivery arrangements must provide socio-economic benefits over and above the services they entail. Given the broad emphasis on empowerment and local economic development, municipal PPPs have to address issues affecting historically disadvantaged groups. Furthermore, they must facilitate the development of emerging business, such as small and medium enterprises, non-governmental organisations and community-based organisations that can form part of an external service delivery mechanism.

Private sector partnerships should also give black economic empowerment (BEE) companies opportunities to develop skills, create employment in their communities, gain experience from private sector companies and establish collaboration with Government departments to improve their own capacity.

As an example of a PPP at municipal level, the Johannesburg Water and Suez Environment PPP is described next.

THE JOHANNESBURG WATER AND SUEZ ENVIRONMENT PPP

The Johannesburg Water and Suez Environment PPP was launched in 2001 as a five-year management contract. It yielded the desired results for the poor in a skills-constrained environment. Notably, it shows great potential for successful duplication in the water and sanitation sector.

Although they are not considered PPPs in first-world countries, short- and medium-term operation and maintenance contracts are noted as such in the South African Treasury’s Regulation 309. These PPPs focus on the transfer of technical risks, rather than on financial risks, and are to be considered solutions to South Africa’s skills challenges. “A management contract is a form of public-private partnership under which the Government, while maintaining public ownership and financing of water activities, transfers to the private sector the responsibility for the operation and maintenance of water and sanitation services. This allows obtaining from the private operator managerial and operational expertise that may not be available locally” (Suez

Environment 2007:4). Short-term management contracts tend to be paid on a fixed or performance basis.

- The five-year management contract between Johannesburg Water and SUEZ Environment was chosen as the most appropriate PPP to facilitate the expertise of a private operator. The goal was to build capacity within a newly created Water and Sanitation Utility and to make it sustainable. The contract ended in 2006, as planned. There was a complete operational and financial turnaround during this five-year period (Suez Environment 2007:3). Other primary achievements include:
- A smooth transfer of skills and various opportunities for development have been offered to Johannesburg Water personnel.
- The implementation of a real customer relation management policy, leaning on the creation of a customer care center (+90% of calls answered in less than 30 seconds; 80% of water network repairs and sewers blockages completed within 48 hours).
- The improvement of asset maintenance through internal capacity building, dedicated software, a comprehensive assessment of existing infrastructure and the implementation of preventive maintenance programme.
- Noticeable steps towards sustainable development by reducing power consumption and improving effluent compliance from 82% up to 98% (Suez Environment 2007:3).

This contract demonstrates how a short-term management contract allows poorly skilled municipalities to obtain the necessary infrastructure and much-needed management and technical skills, while simultaneously obtaining the necessary socio-economic benefits. Together with the added regulatory benefit to ensure that the poor receive affordable services, these contracts are commendable in developing countries.

CONCLUSION

This article highlights the major challenges that municipalities face with regard to service delivery. "The lack of technical management capacity, particularly in the municipal and provincial government spheres, is common knowledge, and unless redressed, is likely to be the single biggest stumbling block to sustainable development and growth in our country" (*Engineering News* (b), 2010). These authors propose short- to medium-term PPP contracts as one solution that municipalities could pursue to address this challenge – specifically in the water sector.

This article indicates that the outflow of technical skills from municipalities runs counter to the increase of skills in the private sector consulting industry.

Notwithstanding the general scarcity of skills in the country, this seems a good reason for municipalities to pursue private sector involvement in service delivery. Given the sense of urgency evoked by increasing service delivery protests, it is apparent that municipalities should pursue all available options, in addition to medium- and longer-term interventions to build local capacity, retain staff and recruit skills.

It is demonstrated that the many benefits of municipal PPPs in the South African paradigm of a “developmental Local Government” could fill the current skills gaps and develop local skills for accelerated and improved service delivery. The Municipal Desk of the PPP Unit and the transactional advisors support municipalities in effecting complex processes. This should serve as a motivation to embark and pursue this avenue of assistance.

When considering cases where national and international long-term water concessions are not serving the poor, as well as the benefits of shorter- to medium-term contracts, as demonstrated by the case study of the Johannesburg Water and Suez Environment PPP in capacitating poorly skilled municipalities, it is proposed that the latter is a commendable option for the delivery of water services within the South African context.

As demonstrated, municipal service delivery capacity is riddled with a lack of management and technical skills due to a variety of reasons. In the South African context, and arguably in other developmental contexts, the involvement of the private sector through short- to medium-term PPPs would help municipalities to honour governance responsibilities, re-establish their power base and regain the trust of their constituencies through improved service delivery. For the aforementioned to take place, the PPP contract should be properly negotiated. Furthermore, these contracts should address the rights and interests of both parties. Importantly, municipalities should manage and monitor the contract, as legally prescribed.

Although National Treasury is correct in imposing the current legal process on municipalities investigating large PPP projects, a more simplified legal process could be more favourable. The impact of this lengthy and complicated process is that municipalities might shy away from involving the private sector in service delivery, or simply bypass the legislative requirements by using the normal supply chain management process to procure the services of private contractors. In doing so, municipalities will forfeit the benefits of PPPs.

Finally, a PPP agreement is a partnership, not a one-way obligatory relationship in which one party can hold the other responsible without personally performing the duties and obligations assigned to it. Such a partnership cannot succeed without the support and understanding of the politicians involved. The lack of political support is a major risk factor that a private party has to deal with. This has a negative impact on the financial modelling of a PPP contract, since

all risk factors have to be quantified by the private party. In his 2010 State of the Nation Address, President Zuma has demonstrated the political will for PPPs. The challenge is for this political leadership to extend into the municipal sphere.

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Dimensions of participation and implementation in South African local government

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ABSTRACT

Participation theory and practice has several meanings in democratic discourse. It is contextual; is both subject and object; concerns a host of role-players and is found all over the world in different political and normative forms. The article has two aims: firstly, it attempts to categorise dimensions of participation which hitherto has not been a subject of examination in participation theory. Secondly, it examines participation in South African local governance from a policy perspective in order to prepare stakeholders for practice.

The article traces the shift in democratic theory from ideal to method. The aim is to identify dimensions of participation. Dimensions of participation are identified by their descriptive and actions aspects. The scope, extent, level and quality of participation constitute the descriptive aspects of participation (the what) are followed by modes, practices and processes, which constitute the action aspects of the concept of participation (the how).

Identifying the theoretical dimensions of participation allows for better policy choices and implementation approaches, adaptable to local conditions. The hope is that local governance is improved. However, the article cautions that participatory democracy is best understood according to who is viewing it, and according to what functional imperatives are to be gained.

INTRODUCTION

Participation is widely researched in the development discourse and the concept is often contested and has different meanings in different contexts (Khan 2005:5). Participation is viewed from the perspective of representative democracy and its off-shoot, deliberative democracy. Representative democracy means a form of democracy whereby citizens' interests are represented by elected officials through democratic elections. Deliberative democracy (also known as discursive democracy), means a form of representative democracy that involves consensus seeking or tradeoffs on policy issues. The nature of representative democracy is similar to deliberative democracy in some ways, but they differ in the mechanism by which decision-makers are selected and how they participate in decision-making processes (Govender 2006:1).

The article focuses on the development of deliberative democracy, popularly known as participative democracy in the literature and in practice. The aim is to track the theoretical underpinnings of participation, thereby drawing lessons for policy planning and implementation. The outcome is the identification of dimensions of participation, enabling implementation from a multi-dimensional perspective. Accordingly, the discussion is structured to firstly, show the shift from the economic basis of democratic theory, followed by identifying some problems associated with liberal democratic theory. Secondly, it proceeds to identify the dimensions of participation, which is aimed at a descriptive understanding of participation, thereby informing policy choices. Thirdly, the article outlines the legislative platform for participation in South Africa, allowing for an analysis of the potential for success in praxis.

The discussion concludes that participation as a democratic instrument must be calibrated according to goals, local conditions and needs of stakeholders. Alternatively, participation may evoke negative and even unintended consequences on certain stakeholders.

ECONOMIC BASIS OF DEMOCRATIC THEORY

Modern democratic theory emphasises market principles towards the economic well being of society. This meant that service delivery approaches were also based on market principles. However, due to growing criticisms about government services, this section shows that other forms of democratic approaches such as deliberative democracy or citizens' participation emerged.

Deliberative democracy theory is a normative theory which enhances democracy through critical engagement with government institutions which do not live up to the normative standard (Chambers 2003:308). Stated differently, deliberative democracy

theory turns away from economic understandings of democracy towards ideas of accountability and discussion. Essentially, talk-centric replaces voting-centric democracy theory with discussion being focused on the former.

The World Bank and the International Monetary Fund view citizens' participation as panacea for democratic practice, but some critics argue that these agencies have instead appropriated participation in place of failing development policy approaches (Govender 2006:82). The International Association of Public Participation (IAP2) argues that participation is an incomplete project. The IAP2 believes that there are on-going voices calling for new forms of citizens' engagement in governance at regional and local spheres because existing models have not adequately accommodated expectations (Briand 2007:15). Post-modernist theorists argue that citizen values have changed in the postmodern age and include a distrust of formal institutions such as government and political parties (Moynihan 2003:166). A more participatory democracy is generally preferred. However, rational theories of participation claim that most citizens have only a marginal desire to participate in politics (White 1976:255). Therefore, rational theorists argue that more conditions to expand participation are needed for effective democracy.

The theory of public goods is another effort to demonstrate that the traditional economic model of supply and demand is not always appropriate in the public sector (White 1976:257–260). Since public goods are shared with others and cannot be individually owned, a procedure was required to allow for individual preferences, costs and efficient allocation – hence the concept of *utility function*. Utility function explains the patterns of participation in society. In a similar vein, welfare economics is concerned with the *Pareto* principle – the principle of individual preference being reflected in social decisions. This concern developed into social choice theory – an attempt to avoid conflict in society *vis-à-vis* the allocation of public goods (Sen 1983:5). The key concern of social choice theory is the preservation of liberty.

Finally, administrative theory attempts to define the role of citizens and administrators within public administration. Administrative theory holds that the roles of citizens and administrators are intertwined in an advanced post-industrialised society (Roberts 2004:327–328). Citizens' role in participation includes that of subject, voter, client, consumer, interest group and co-producer. An administrator's roles include that of authority, implementer, expert, steward and facilitator. The respective roles come together in different areas of participation.

The above perspectives are at best a pointer to a vast body of liberal theories hedged by changing contexts and on-going conceptualisations about the subject. The liberal perspective on participation shows an evolving structure, while the developmental perspective on participation shows a Janus-faced nature (Govender 2006:23).

Drawing from the divergent views, the discussion takes the view that participation is multi-dimensional, context specific and complementary (to other democratic processes). Participation presents alternative opportunities by giving voice (consultation) and agency (empowerment) to address needs of groups of people. In the final analysis, participation *vis-à-vis* democratic praxis must serve people first through positive development.

EVOLVING STRUCTURE OF LIBERAL DEMOCRACY

This section attempts to show the evolutionary nature of post-democratic theory. However, the attempt is limited in scope and depth, and there is no historical line. The aim is to show that evolving democratic theory has reshaped democratic governance conceptually and institutionally.

Problems with democratic theory, governance and liberty

Robert Dahl (in Terchek 2003:149) made the observation that there is no single theory of democracy, only theories. The point of departure, therefore, is controversy and uncertainty in describing democracy and its derivatives in the discourse.

Sen (2004:1) believes that democracy as a subject has become particularly muddled because of the way that rhetoric has been used. He adds that there is a dichotomy between those who want to impose democracy in non-Western countries and those who are opposed to it. The idea of imposition is an explicit assumption that democracy is a Western idea, originating and flourishing only in the West.

Similarly, governance is also a disputed concept in the discourse. There is agreement that improved governance is important for growth and poverty reduction, but little consensus on how to achieve it (Institute for Development Studies 2006:1). Research around the future state highlights the fact that effective public institutions are evolving through political processes of bargaining between the state and organised groups in society. There is therefore a lesser focus on formal institutions compared to informal arrangements and relationships in society; hence the notion of social capital (Institute for Development Studies 2006:1).

The critical concept of freedom, which is central to any form of democratic practice, is one of the most disputed concepts in political philosophy and beyond (Barnbeck 2006:10). The idea of freedom cannot be taken for granted in policy-making and legislative arrangements. Sen's capability approach and Berlin's pluralist conception of freedom are important for the discussion. Sen (1999:36) theorises that development is a process of expanding the real freedoms of people. In this approach, the expansion of freedom is viewed as both the primary end and the principal means of development. Sen calls the end and means of freedom as

the *constitutive role* and the *instrumental role* of freedom in development. The constitutive role of freedom relates to the importance of the substantive freedom in enriching human life (Sen 1999:36). The substantive freedoms include elementary capabilities like being able to avoid starvation, undernourishment, escapable morbidity and premature mortality, as well as the freedoms that are associated with being *inter alia* literate and numerate, enjoying political participation and uncensored speech (Sen 1999:36). The critical role of instrumental freedom is to determine the manner different kinds of rights, opportunities, and entitlements contribute to the promotion of human freedom and development. The following types of instrumental freedoms must of necessity promote development, namely, political freedoms, economic facilities, social opportunities, transparency guarantees, and protective security (Sen 1999:36).

Berlin (in Barnbeck 2006:10) distinguishes between positive and negative freedom and argues that different concepts of freedom have been used and abused in the formulation of political doctrines and ideologies. Freedom is in reality determined by the extent of obedience a state can legitimately demand from its citizens, leading them to distinguish between positive and negative freedom. Negative freedom is concerned with the area in which a person can act unobstructed by other people. Other people do circumscribe freedoms, thereby coercing the individual. Positive freedom, is about that area in which an individual has control over his/her actions and the outcomes of their actions, i.e. the individual governs him/herself. The point, therefore, is to place a cautionary focus on the aspect of negative freedom in the democratic and participatory discourse.

Not unlike Sen's (1999:36) and Berlin's (in Barnbeck 2006:10) approaches, most theories of democracy hold that a democratic government is one where free and equal citizens participate in their own governance and make power accountable to them. But it is well known that political thinkers from different persuasions will be highly critical of this statement. From the early Greeks to the present day, the theory and practice of democracy has been problematic and highly criticised. Pateman (1970:3) for instance, points out that Schumpeter, in his influential 1943 book *Capitalism*, made the bold assertion that *classical* democratic theory was in need of revision. His starting point is an attack on the notion of democratic theory as a theory of means and ends. Consequently, democracy he asserts is a theory unassociated with any particular ideals or ends (Pateman 1970:3). Democracy is a (rather) political method, meaning a particular type of institutional arrangement for arriving at political, (i.e. legislative and administrative) decisions. It was the method (democracy) that furthered other ideals, for example, justice (Pateman 1970:3).

From the foregoing, it is unsurprising that participation theory has been captured in one book provocatively entitled *Participation: The new tyranny?*

(Cooke and Kothari, 2001) wherein three tyrannies are identified and subjected to critical rigour: the tyranny of decision-making and control; the tyranny of the group; and the tyranny of method (Cooke and Kothari, in *Currents* 2002:9).

Having established the controversial basis of democracy and liberty, the section below proceeds to analyse reform in governance.

Reforming government

Ever since government was founded, it has been the target of reorganisation and reform. These reforms concerned the efficiency, or the lack of it in the public sector, and the perceived inability of government to manage itself as well as other organisations in society (Peters 2004:3). The key motivation for the reforms has been from citizens to be more responsive to their demands. A key intervention has been the attempt to ensure more direct citizen involvement in governance through empowerment (Peters 2004:3).

Governance is also being reshaped in terms of institutional arrangements and the role of actors. This observation was underscored at the Sixth Global Forum on Reinventing Government: “a new paradigm based on networks [has emerged]...where states and citizens, governments and private sectors, organizations and citizens form a web of relations...In other words, although the past form of governance was based on authoritarian states and hierarchical structures, today governance is based on participatory policy making and a vast network comprising actors” (Kim *et al.* 2005:647).

The meaning given to governance is that of “the process of policy making through active and cohesive discussion among policy makers who are interconnected through a broad range of networks...By its nature, governance is a multiple stakeholder process...This process includes actors beyond government, including market and civil society institutions...governance has no centre, but multiple centres and no sovereign authority” (Kim *et al.* 2005:647). From this quotation, it is apparent that the traditional role of government has been broadened and even diffused within society. Governance is therefore a multiple stakeholder process involving actors beyond government, including market and civil society institutions. The cornerstone for good governance is the institutionalisation of participation. The functions of the state have become more complex and political and have become more heterogeneous, rendering representative democracy ill-suited to the problems of the 21st Century (see Complexity Theory). Democracy is being viewed narrowly as a process of elections for political positions in the legislative and executive bodies. The demand for democratic practice therefore is facilitating participation, promoting social dialogue, implementing policies that promote productive and healthy society, and sharing in the nation’s wealth (Fung and Wright 2003:2).

The literature shows that the chosen governance instrument of deliberative democracy features high in the reforms. A summative meaning of deliberative democracy appears to be that decision-making must go beyond the *aggregative model of democracy* (Farrelly 2004:5). The *aggregative model of democracy* explains only a part of the decision-making process; that is, it indicates the preferences of the majority of people through the voting process. The aggregative model is considered problematic as it undermines the ideal of democracy which centres, rather, on participation and enlightened understanding (Farrelly 2004:5). Voting as a political act is therefore rejected by deliberative democrats as a narrow conception of participation. Hence the shift from representative government to participative governance.

Good governance

In supporting the shortfalls of representative democracy, Tommasoli (2005:3) postulates that democracy goes beyond the rule of law and the protection of human rights; it means more than good governance and the effective management of public resources. "Democracy is about the use of power and the management of conflict. [Democracy] requires a set of political institution and processes based on the principles of popular control (own emphasis) over public decisions and decision makers, and equality of respect and voice (own emphasis) between citizens in the exercise of that control" (Tommasoli 2005:3). The quality of democracy is therefore expressed through participation, representation, accountability, transparency, and responsiveness.

The interpretation of good governance in the South African context is captured by Maphunye (in Davids *et al.* 2005:64). The relationship of participation to governance means:

- good governance is rooting governance among the people;
- representative democracy minus participation is weak;
- development minus public participation lacks popular mandate; and
- public participation in development enhances good governance (Maphunye in Davids *et al.* 2005:64)

For Davids (Davids *et al.* 2005:64) the importance of public participation for good governance and development means:

- public participation legitimises government decisions and actions;
- improves quality of decisions made and citizen compliance with policies and by-laws;
- reminds policy-makers to make space for public opinion in their decisions; and
- enhances people-centred democracy (Davids *et al.* 2005:64).

Essentially, good governance consists of:

- an effective state;
- representation of civil society and citizens in policy-making processes; and
- allowing the private sector to play an independent and productive role in the economy.

Participation has become the new mantra in development discourse. However, research shows a lack of evidence supporting the claim that participation is a panacea for good governance. Several South African authors, among them Williams (2005a; 2005b); Davids *et al.* (2005); and Baccus (2007), have refuted many of the claims made by participation enthusiasts. Instead, there is evidence to the contrary that the marginalised have been crowded out from participatory spaces due either to lack of capacity or to participatory processes which simply did not reach people.

DIMENSIONS OF PARTICIPATION

The dimensions of participation have been categorised from the literature. By dimensions of participation is meant the scope, extent, level, and quality of different modes, practices and processes of participation. Scope, extent, level and quality of participation constitute descriptive aspects of the concept of participation (the what), followed by modes, practices and processes, which constitute the action aspects of the concept of participation (the how). Examples of descriptive aspects of participation include diversity of government policy; diversity of stakeholders; and depth. Examples of action aspects of participation include information flows; consultation processes; and empowerment. The descriptive and action aspects of participation form a unity in praxis, i.e. giving rise to models of participation. Examples of models of participation are referred to in each of the dimensions of participation discussed below.

Participation as democratic form

Democratic form denotes a conceptual understanding of a mode of governing, notably the ideological goals, qualities, processes and institutional instruments. For example, participation may be viewed as an alternative to the representative system of government perceived as serving elite groups in society. A participatory mode of governance therefore aims to broaden and deepen democratic practice among previously marginalised sections of the citizenry. In this case, participation may be viewed as a developmental instrument, distributing public goods equitably to the marginal sectors of society.

Approaches to participation and democratic governance have been proposed by the leading international development agencies, the World Bank, United Nations Development Programme (UNDP) and Habitat and they are summarised below (Pieterse 2000:4):

- World Bank – Good governance is epitomised by predictable, open and enlightened policymaking (i.e. transparent processes); a bureaucracy imbued with a professional ethos; an executive arm accountable for its actions; and a strong civil society participating in public affairs, all acting in terms of the rule of law.
- UNDP – Governance can be seen as the exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate differences. Good governance focuses on participation, transparency and accountability. It ensures that political, social and economic priorities are based on a broad consensus in society and that the voices of the poorest and most vulnerable are heard in decision-making over the allocations of development resources.
- Habitat – Good governance can be defined by how well a population, its representatives and agents, identify and deal with major social, economic and environmental issues that stand in the way of improved quality of life for all citizens. Urban governance can be defined as an efficient and effective response to urban problems by democratically elected and accountable local governments working in partnership with civil society.

The democratic form or mode of governance proposed by the organisations above is determined *vis-à-vis* a developmental framework (some may label this a neo-liberal framework), emphasising good governance, egalitarianism, and inclusiveness.

Participation as space

Conventional participation of the 1980s was commonly known either as citizens voting in periodic elections or as local beneficiaries receiving some service in development projects implemented by an external agency (Deth *et al.* 1999:183). The narrow conception of participation was limited to short-term goals. More recently, participation is known more as autonomous actions of citizens who create their own opportunities and terms for engagement, thereby offering new ways of configuring space to participate (Cornwall 2002:4). In slightly different terms, Cornwall writes that the new practices of participation consist of “intermediate spaces that reconfigure the boundaries between citizen and state, creating spaces for participation in which agents of the state and

citizens (can) interact in new ways” (Cornwall in Fisher 2007:6). These spaces therefore reconfigure the scope of formal governance institutions.

The notion of space appears to be derived from different versions of democratic processes and can be found in the following developments (Coelho in Cornwall 2002:4):

- whereas elected representatives have the right to shape decisions, citizens themselves claim the right to influence decisions that affect them;
- citizens have become part of the state by taking part in deliberative institutions that make allocative decisions;
- the devolution of statutory service delivery functions to citizens have created new arenas outside the state for citizen engagement;
- legislative reform for citizen participation has taken place; and
- activism by social movements has demanded more accountability.

Cornwall (2002:4) borrows from two political thinkers to define the idea of space. The first is from the work of Habermans (1984), who “conceives the public sphere less as a designated site than a generalised and diffuse web of institutions that offer spaces for the public to voice, share and debate opinions, arriving at common positions through rational argumentation” (Cornwall 2002:4).

The second is from Arendt’s 1965 notion of public domain – what she “terms the space of appearance – is not a particular place, nor is it restricted to a set of institutions...it is those arenas in which people and ideas come into public view, and from which people derive a sense of having a world in common... impermanent and fleeting, it arises when people come together to pursue common goals, existing only through action and recreated anew through collective political activity, emerging slowly through long-standing efforts to change policies or suddenly in popular protest” (Arendt in Cornwall 2002:4). There is also a further dimension of space in the public realm, namely, the space between people that both connects and separates them (Cornwall 2002:6).

In contrast, for Lefebvre, “space is a social product...it is not simply *there*, a neutral container waiting to be filled, but is a dynamic, humanly constructed means of control and hence of domination, of power” (Lefebvre 1991:24). Space is produced, meaning that it is the outcome of past actions. Space functions in ways that permit new actions; enable other actions or even, block other actions. Social relations, therefore, exist only in and through space; they have no reality outside the sites in which they are lived, experienced and practiced (Cornwall 2002:6).

Using Lefebvre’s analysis of space, the following action spaces are possible:

- officialised space such as public consultations or user groups;
- unofficial spaces and spaces of everyday life;
- invited spaces such as local government;
- closed spaces such as those where certain actors are excluded;

- popular spaces for gatherings; and
- claimed spaces where people come together in protest against government policies or foreign interventions (VeneKlasen *et al.* 2004:5).

Space is used both as a metaphor and as literal descriptor of arenas where people may gather. These spaces could be temporary or enduring. These spaces can be regularised by governments or they may appear from time to time in transient forms depending on policy process or circumstances of people.

Participation as dialogue and deliberation

Dialogue and deliberation have become focus areas in political science and communication particularly in reference to the role of public discourse in participatory models of democracy. Public deliberation can be defined as a problem-solving form of discourse which involves problem analysis, setting priorities, establishing evaluative criteria, and identifying and weighing alternative solutions (Levine *et al.* 2005:8). Dialogue is the first necessary engagement to deliberation. Dialogue navigates through the differences brought together in groups and sub-groups. Dialogue is concerned with linguistic, social and epistemological differences in groups. For example, one person's preferred form of showing respect may be different from another, or one group may have a competing claim over another.

In a paper by the *Deliberative Democracy Consortium*, deliberation is defined as "a discursive approach to decision-making in which citizens come together in a non-coercive environment to identify and discuss public problems and possible solutions. During deliberation, participants consider relevant facts from multiple points of view, converse with one another to think critically about options before them and enlarge their perspectives, opinions, and understandings. Ultimately such processes of group reflection are used to render a public judgment as to the best course of action" (Deliberative Democracy Consortium 2004:3).

The Consortium outlines the following rationales for deliberation:

- Instrumental rationale – citizen participation in policy formulation and decision-making can reduce conflict.
- Substantive rationale – citizen participation can lead to better, longer lasting, and wiser policy choices.
- Civic rationale – citizen participation builds citizen competence.
- Empowerment rationale – citizen participation gives greater authority and opportunities to problem-solving which impact on outcomes and also builds the capacity of citizens.
- Social capital rationale – citizen participation cultivates mutual understanding, builds bonds of trust among citizens, decision-makers and governing institutions, and can effect changes in political attitudes and behaviour.

- Normative rationale – citizen involvement in decision-making is something governments should do (as matter of course) (Deliberative Democracy Consortium 2004:8).

However, one of the main concerns of the critics of deliberation is that such deliberative spheres may reproduce the inequalities of society at large (Deliberative Democracy Consortium 2004:8). While citizens may gather to debate as equals, domination by some may occur due to the uneven distribution of power. For example, the setting may favour male-centred citizenship. Or inequalities may be fostered through the dominance of a political party in control of a sphere. The inequalities have implications for decision-making and therefore call for additional procedures such as priority setting in policy planning (Deliberative Democracy Consortium 2004:8).

The approach to language used in deliberation can also create inequalities. Bourdieu (in Baiocchi 1999:4) shows how deliberation and participatory democracy reproduce certain types of hierarchies. On the one hand, it would tend to reproduce class hierarchies; on the other, it would tend to reproduce hierarchies of political competence such as *experts* against *non-experts*. Language may therefore be seen as both an instrument and a medium of power. An example of instrumental inequality of language is highly technical discussions being foisted onto people. And the medium of power may, for example, be the very competence to speak, which embodies difference and inequality.

Participation as right

Rights are often associated with human rights, and there are international legal standards associated with these. However, the right to participation is probably a more empowered form of engagement than participation by invitation of governments, donors, or higher authorities (Gaventa 2004:154). International research shows that one area in which rights to participation are embodied in law is that of local government (Gaventa 2004:154). South Africa is one such example. Gaventa (2003:14) also argues that any view of democracy implies a view of citizenship, and the rights and duties associated with it. Rights associated with democracy include not only political and civil rights, but also social rights and, in some views, the right to participation, including the right to claim rights and to create new rights through social demands.

Cornwall (2003:1) suggests that there is renewed concern with rights, power, and opinions about participation in governance. Greater attention is being focused on the institutions that articulate between communities, providers, and policy makers. The idea is how to create greater opportunity for deliberative

democracy. Accordingly, it is believed that citizen participation makes for better citizens, better decisions, and better government.

Lundberg (2004:1–2) addresses the human rights-based approach in association with development, in particular, decentralised governance. He proposes that a human rights approach to decentralised governance is critical to protecting and promoting the freedom of men and women to lead the kind of lives they choose in dignity, free from injustice and humiliation. He further suggests that the approach to rights-based decentralised governance should attend to three critical functions: monitoring, co-ordination and engagement:

- Human rights monitoring – a human rights approach must include a process of regular assessment of the status of human rights accomplishments and failures in particular areas.
- Co-ordination of local and national priorities and programmes – budgeting and programme planning systems need to be redesigned to ensure that local empowerment has an impact on central budget and utilisation. System coherence is critical because local and national government moving at cross purposes can easily undermine any gains made through the decentralisation process.
- Engaging public ownership – decentralised governance potentially provides a vital platform for regular review of achievement in human rights and serves as a mechanism for flexibly integrating national and local development programming priorities into a coherent whole (Lundberg 2004:1–2).

While human rights may be a celebrated cause for many organisations, the critical challenge is the need to ensure that formal rights are actually realised in people's lives (VeneKlasen *et al.* 2004:1). This concern has become known in the literature as rights-based approaches to development. The authors state that the rights-based approach to development must:

- include marginalised groups as decisions-makers and foster their critical consciousness to influence and transform power dynamics that affect their lives;
- go beyond token consultations in projects and policy to local groups being involved in agenda setting and having the ability to hold government accountable;
- build new leadership, expand strategic and political experience, and foster informed citizenship;
- change decision-making structures and processes to be more inclusive of citizens' interests;
- promote individual and group rights and link them to problems and solutions;
- unpack assumptions about equality of power and homogeneity of poor communities;
- unravel power hierarchies within communities;

- supplement local choices with expert knowledge; and
- recognise the differences between closed, invited and claimed spaces of participation (Veneklasen *et al.* 2004:6).

The rights-based approach can be seen to go beyond a narrow focus on technical skills such as those of political analysis, capability for assessing contexts, risks, power and causes of problems. However, there is the criticism that the rights approach does not necessarily include the issues of accountability and capacity to deliver resources and justice. It is also believed that the rights approach does not develop people's sense of citizenship or capacity to reshape power (Veneklasen *et al.* 2004:7–8).

Gaventa (2002:4) views the rights-based approach as opening up spaces for an understanding of citizenship. The convergence of new spaces for participation and good governance has therefore produced new concepts of *citizenship participation*, *participatory governance* or *participatory citizenship* (Gaventa 2002:4). Gaventa cites Lister to assert the point:

'...the right of participation in decision-making in social, economic, cultural and political life should be included in the nexus of basic human rights... citizenship as participation can be seen as representing an expression of human agency in the political arena, broadly defined: citizenship as rights enables people to act as agents' (Lister in Gaventa 2002:5).

Accordingly, participation itself has been reframed as a fundamental human right and citizenship right.

Participation as development

Participation has featured in the development discourse since the 1980s and has come to take on varied meanings. Mostly, the concept refers to participation in the social arena, in community, or in development projects (Karl 2002:5 and Gaventa 2002:5). The spatial metaphors in development discourse are a direct reference to processes of development. The concepts seen in the literature include *opening up*, *widening*, *broadening*, *extending* and *deepening* in referring to new opportunities or spaces for citizens and civil society to participate in development decision-making (Cornwall 2002:1).

The relationship between democracy and development is a common feature in the literature. Stiglitz (2002:163–182) argues that participatory processes (such as 'voice', 'openness' and 'transparency') promote successful long term development. Stiglitz stresses that an understanding of the centrality of open, transparent, and participatory processes in sustainable development helps to

design strategies and processes that are more likely to lead to long-term economic growth and thereby to the transformation of society. Put in the words of Stiglitz, the development paradigm sees development as a transformative movement:

“Development represents a transformation of society, a movement from traditional relations, traditional ways of thinking, traditional ways of dealing with health and education, traditional methods of production, to more modern ways. For instance, a characteristic of traditional societies is the acceptance of the world as it is; the modern perspective recognizes change, it recognizes that we, as individuals and societies, can take actions that, for instance, reduce infant mortality, increase life spans, and increase productivity “(Stiglitz 2002:164).

Stiglitz's *comprehensive development paradigm* includes the following:

- Participation is broad range – participation includes all spheres of government, the workplace and capital markets.
- Corporate governance and economic efficiency – corporates are public institutions as they collect funds from the public for investment in productive assets. Workers, stakeholders and managers therefore have a fiduciary position of trust. Corporate governance laws must therefore promote equity and economic efficiency.
- Making change acceptable and the acceptance of change – development requires a change of mind set and, since change is often threatening, participatory processes ensure that concerns are addressed, thereby dissipating resistance to change.
- Participation and project effectiveness – participation brings with it commitment (to greater effort), making projects and programmes successful.
- Knowledge economy – the knowledge economy leads to change. Success in a knowledge-based economy will require a highly educated citizenry, which makes participation more effective.
- Participatory process and effectiveness of decisions – it was previously thought that participatory processes inhibited quick decision-making for rapid economic growth. However, the evidence for this claim has not been established. Instead, the literature focuses on the advantages of decentralised decision-making.
- Participation and political sustainability – when democratic processes work well (that is, when the majority does not simply impose its will on the minority, or conversely), they promote a process of consensus-building (Stiglitz 2002:164).

As part of the development discourse, the concept of the *developmental state* is generally used to mean a state that drives development, in contrast to a free-

market approach. The developmental state emphasises the participation of workers and civil society.

Edigheji, like Stiglitz above, rejects the classical democratic state traditionally defined as the extent that its most powerful collective decision makers are selected through fair, honest and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote ...this has become the dominant way in which democracy is conceived (Edigheji 2005:3).

As an alternative, Edigheji proposes the following conceptualisation of the democratic developmental state:

- civic identity to replace consumer identity;
- co-operation to replace conflict;
- common wealth to ascend over private wealth;
- citizen participation to replace apathy and disengagement; and
- everyday politics to be preferred over career politics (Edigheji 2005:5).

Democracy and development must, therefore, go hand in hand – mutually reinforcing each other through socio-economic justice. Some of the objectives of the democratic developmental state must include:

- the alleviation of absolute and abject poverty;
- the correction of glaring inequalities of social conditions (between genders, classes, religions, and ethnic groups);
- provision of personal safety and security; and
- the tackling of looming threats such as environmental degradation (Edigheji 2005:5).

Accordingly, participation has been given prominence in governance, *vis-à-vis* the developmental state.

Participation as decentralisation

Heller (2001:131) identifies the argument of disenchantment with centralised government and bureaucratic states as the reason behind decentralisation. Decentralisation consists of strengthening and empowering local government to make government more efficient, more accountable, and more participative. These objectives are intended to be realised by shifting decision-making and by transferring allocative and implementation functions from national government to local government.

In terms of the participatory discourse, decentralisation contributes to democratic deepening if and when it expands the scope and depth of citizen participation in public decision-making (Heller 2001:140). In this context, expanding the depth means including previously marginalised or disadvantaged

groups into public or local politics and expanding the scope means including a wider range of social and economic issues into local politics.

In reviewing the literature, decentralisation denotes the redistribution of political power horizontally and vertically. The latter means including the public and the former signifies increasing the domain of collective decision-making according to issues or participative instruments. Viewing decentralisation in these ways also means deepening democracy, as well as empowering local government, as well as citizens.

Pieterse (2000:54) views decentralisation as political and administrative reforms that facilitate democratic governance towards improving economic growth and development. Decentralisation is justified in contexts of resource constraints and limited institutional capacity. The emphasis is on improving economic efficiency rather than political processes.

A closely related concept is the principle of subsidiarity which states that governance matters ought to be handled by the lowest competent authority. The dictionary meaning of the concept of subsidiarity is the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate authority or local level of government. The principle is associated with the ideas of proportionality and necessity. The Maastricht Treaty adopted it as a guiding principle for the assignment of responsibilities among members of the European Union (Shah 2006:4). This principle is the polar opposite of the residuality principle which applies in a unitary country (compared to federal countries) where local governments are assigned functions that the national government is unwilling to perform (Shah 2006:4).

There are arguments for and against decentralisation. Wittenberg (2003:6–9) presents arguments in favour of decentralisation, in terms of promoting democracy, efficiency, and development. Decentralisation can also present obstacles to democratic practice (Pieterse 2000:55–56). Overall, decentralisation is seen as a means to achieve good governance, and public participation is an integral part of good governance. The hope is that decentralisation will legitimise governance as well as improve the efficiency of the public sector.

Participation as accountability

Cornwall and Gaventa (2001:32) mentions a *crisis of legitimacy* between citizens and the institutions that affect their lives around the world. The authors refer to a 1999 study by the Commonwealth Foundation that portrays mounting disillusionment with government based on concerns about corruption, lack of responsiveness to the needs of the poor, and the absence of a sense of connection with elected representatives and bureaucrats (Cornwall and Gaventa 2001:32).

As a response to the above concerns, traditional methods of political representation are being reviewed; direct democratic mechanisms are increasingly being considered to enable local communities to play a more active role in local decisions. The two main concerns being raised are: how the poor citizens, express themselves and how institutional accountability and responsiveness can be ensured?

Ackerman (2005:3) refers to three threats to the formation of good governance and the rule of law in developing countries, namely, corruption, clientelism, and capture. The three problems refer to the use of public office for private gain with far-reaching consequences. They impact in the following ways:

- Corruption – enriches individuals, distorts markets, and hampers service delivery;
- Clientelism – unfairly channels public resources to specific client groups, alters the dynamics of political competition, and leads to the ineffective provision of public services; and
- Capture – provides rents to specific economic actors, alters markets and worsens the position of consumers, workers and the environment *vis-à-vis* corporations (Ackerman 2005:3).

Ackerman (2005:3) argues that the best way to combat this *three-headed monster* and thereby guarantee the interests of the state is by strengthening government accountability. Accountability is understood in terms of the following elements:

- Punishment or sanction – accountability means punishment to those the state and public hold as accountable;
- Answerability – means the obligation of public officials to inform about and explain what they are doing; and
- Enforcement – relates to the need for oversight institutions to impose sanctions on those who have violated their public duties (Ackerman 2005:3).
- Finally, Fung (2004:1–16) analyses some of the problems associated with the application of accountability. In a presentation to the World Bank in December 2004, Fung explores four accountability problems referred to as *democratic deficits* and suggests innovations to overcome them. They include the following:
 - Unstable preferences – when preferences are unclear or change easily after reflection and discussion. This problem may arise from ignorance or misinformation. The innovation is deliberative polling, town meetings, or participatory assessment and special meetings to gauge felt needs.
 - Thin representation – when representatives do not know the content of the public will. The problem may arise from new issues arising in between elections or when elections and campaigns do not signal important issues. The innovation is *communicative reauthorisation*, meaning revisiting the

will of the public; or maintaining a *two track democracy*, i.e. combining deliberation with representation.

- Low accountability – when elected and appointed officials act in their own interest. The problem may be due to weak monitoring and accountability systems. The innovation is to consult interest groups and conduct listening exercises within the local area.
- Low capacity – when government cannot deliver outcomes. The problem may be due to lack of resources, knowledge, or authority to address a public issue. The innovation is empowered participatory governance as implemented in other parts of the world including, Kerala in India, Porto Alegre in Brazil (Fung 2004:1–16).

Thus participation as accountability can be a powerful dimension to correct deficiencies where democratic systems are weak, as well as to strengthen good governance in other democratic systems.

Implementing participatory governance in South Africa

By examining the shape of the policy and legal framework of participation in local governance, it is possible to reflect on how the dimensions of participation, namely democratic form; space; dialogue and deliberation; rights; development; decentralisation and accountability have been assimilated and adapted therein. The more the different dimensions find themselves in the policy and legal framework, the better the design of governance processes.

The *Constitution of the Republic of South Africa*, 1996 sets out the imperative for participation in the local government sphere, with particular emphasis on governance and service delivery. The Constitution clearly states that local government must consult and/or involve members of the public when taking policy decisions that fall within their jurisdiction (RSA 1996:81). The implication is that public participation should extend beyond the periodic election of local councillors.

Section B of the White Paper on Local Government of 1998 obliges municipalities to develop mechanisms to ensure citizen participation in policy initiation, formulation, implementation, monitoring and evaluation of programmes. Each municipality must therefore develop a localised system of participation (RSA 1998:33).

The *Local Government: Municipal Structures Act*, 1998 (Act 117 of 1998) requires all municipal councils to develop mechanisms to consult and involve the community and their civil society organisations in local governance. Sections 19 2 (c) and 3 of the Act direct municipalities towards a new culture of governance that complements representative democracy through participation (RSA 1998:14).

Additionally, the Act provides for the establishment of ward committees which may advise the local municipality on local matters (RSA 1998:36). The ward committees serve as an important medium between communities and municipalities.

Section 17 of the *Local Government: Municipal Systems Act, 2000* (Act 32 of 2000) provides that participation by local community in the affairs of the municipality must take place through political structures. Chapter 2 of the Act stipulates the encouragement of community participation, consultation and involvement in the activities and functions of municipalities (RSA 1998:30). In fulfilling the constitutional mandate, the Municipal Systems Act provides for all municipalities, together with their stakeholders to jointly complete their integrated development plans (IDPs) (RSA 1998:36). In addition to the community being involved in municipal functions including preparation, implementation and review of integrated development plans (IDP), the community has an expanded role to establish, implement and review performance management systems (PMS); prepare the local budget; and make strategic decisions relating to the provision of municipal services (RSA 1998:30).

The *Local Government: Municipal Finance Management Act, 2003* (Act 56 of 2003) provides for the comprehensive reform of local government finance management systems and seeks to regulate the municipal budgeting process, financial accounting, auditing, reporting and borrowing. It also details the responsibilities of municipal functionaries relative to financial management and the budget process. The Act stipulates in section 23 of chapter 4 that a council must consult the community on the annual tabled budget.

The *Local Government: Municipal Property Rates Act, 2004* (Act 6 of 2004) creates a uniform framework for regulating property rating nationally and provides municipalities with guidelines on how to set rates in a local area. A key consideration is to ensure that the methods for valuating properties are fair and equitable. It makes provision for indigent property owners. The Act stipulates that the public must participate in decisions relating to property rates (RSA 2000:40). Additionally, municipalities are encouraged to develop their own by-laws on community participation that are suitable to their contexts (Davids 2006:14).

The Draft National Policy Framework for Public Participation of 2005 provides a formal framework for public participation. The policy is seen as building on the commitment of the democratic government to deepen democracy, which is embedded in the Constitution and more importantly the concept of local government, as comprising the municipality and the community (RSA 2005:1). The policy declares that it is committed to participation which is genuinely empowering, and not token consultation or manipulation. The process involves a range of activities including creating democratic representative structures (ward committees), assisting those structures to plan at a local sphere (community-based planning), to implement and monitor those plans using a range of working

groups and community based organisations, supporting community-based services, and to support these local structures through a cadre of community development workers (RSA 2005:1). The policy also envisages improving the accountability of ward and municipal structures to each other and to the communities they serve, as well as the linkages between provincial and national departments to their clients, and so to service delivery and policy (RSA 2005:1).

The national policy principles on participation are summarised below:

- Inclusivity – embracing all views and opinions in community participation;
- Diversity – differences associated with race, gender, religion, ethnicity, language, age, economic status and sexual orientation should be reflected on and accommodated;
- Building community participation – capacity-building must lead to empowerment of role players;
- Transparency – promoting openness, sincerity, and honesty among all the role-players;
- Flexibility – in respect of timing and methodology;
- Accessibility – at both mental and physical levels;
- Accountability – all participants are accountable for their actions and conduct and must embrace a willingness and commitment to implement, abide by and communicate as necessary all measures and decisions;
- Trust, commitment and respect – are qualities that facilitate the participative process; and
- Integration – that participation process are integrated into mainstream policies and services, such as the IDP process and service planning (RSA 2005:6–7).

The implication for public administration in South Africa needs to be grasped rather speedily and seriously. Participation policy needs to be understood and implemented by both the political and administrative pillars of all spheres of the public service. The public service in turn is required to develop the capacity of civil society and communities to enable them to engage meaningfully in the processes and procedures of participation.

Accordingly, it may be seen that all the dimensions discussed in this article have been incorporated into the policy and legislative framework of local governance. This observation is encouraging with respect to the design and seriousness afforded to the concept and methodology of participation. However, such optimism does not necessarily lend directly to effectiveness and efficiency of local governance in South Africa. The literature so far demonstrates an uneven mixture of theoretical optimisms, mainly expressed as potential or imperatives of participation, combined with some pessimism, mainly expressed in ideological categories. In terms of actual experience, the literature shows international successes, which are distinguished by developed

and developing status countries. In terms of South Africa, the body of research evaluating participation at local governance has taken off but it is too early to make reasonable judgments of success or failure.

CONCLUSION

Participation theory has its genesis in representative democracy but has come to cut across and interconnect to a host of other related theories including, rational theory, economic theory, development theory, and administrative theory. This infusion-like development represents the seriousness and importance ascribed to participatory forms of democracy. Participation has proved to be both pervasive and compelling in current governance arrangements worldwide. In doing so, participation appears to be contributing to the general growth of democracy.

The key to the above observation is that democratic theory is dialectical, in the sense that limitations are overcome while preserving key principles. Important propellants include organisational goals, contextual adaptations, evaluation of outcomes, and constant effort for creative ways to shape processes and instruments. Sometimes just the realignment of goals can result in positive democratic outcomes.

Hence, the attempt to organise participation theory into dimensional categories may have significance for both theoretical advancement as well as practical positivity. This approach allows for isolating and looking deeper into a specific dimension, or dimensions in combination, that holds promise for other dialectical developments.

The participation dimensions of form, space, dialogue, rights, development, decentralisation, and accountability has potential beyond governance issues such as service delivery and efficiency of the local fiscus. Participation as social dialogue can also address persistent social problems such as race and security; and organisational problems such as corporate decision-making and equity. However, it is also clear that participation can have negative and unintended consequences relating to processes, stakeholders and outcomes. For example, in seeking to establish an agency for marginal groups, participation can challenge the distribution of power held by other groups, thereby resulting in conflict, further fragmentation or subtle forms of opposition.

In the final analysis, participation has been shown to be both embraced and rejected depending on the approach to the descriptive (i.e. scope, extent, level and quality of participation) or action elements of dimensions (i.e. modes, practices and processes). In practical terms, research and experience must guide further developments in participation discourse and participation theory structure.

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Community participation in rural development

The case of Mbashe Local Municipality

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ABSTRACT

The article provides a brief conceptual overview of housing delivery in South Africa, in general, and in Mbashe Local Municipality, specifically. Community members and municipal officials' level of participation in the housing delivery process is also examined. This article aims to establish whether community participation takes place in the housing delivery process in the Mbashe Local Municipality and, if not, what the reasons are for non-participation. Several reasons prevent the community from participating in the housing delivery process. These include inaccessible language; ineffective communication between the municipality and residents; high levels of illiteracy; and a general lack of knowledge concerning roles and responsibilities of various stakeholders in the rural municipality. One of the study's recommendations is that municipalities should form partnerships with local universities, where students who are linked to the various departments of Public Management Work Integrated Learning or Service Learning Programmes can help facilitate data collection and information dissemination around housing development, in general. In this way, the university, students, the municipality and rural citizens will benefit in various ways, as the municipality's current forms of community participation strategies prove inadequate.

INTRODUCTION

Section 26 of the *Constitution of the Republic of South Africa, 1996* contends that, “everyone has the right to have access to adequate housing”. Section 28 asserts that, “the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right”. Accordingly, one of the Department of Human Settlements’ main objectives is to fulfil this constitutional obligation. However, it has become apparent that the South African population’s housing needs and demands are only partially met and in most instances “promised” houses are not delivered at all.

Three methods were used for data collection for this study and included a literature review to develop a theoretical framework for the study; an interview process to assess the community’s level of participation in the housing delivery process; and a focus group discussion to gauge municipal officials’ views around the housing delivery process.

Mbhashe, which is the focus area of this article, is located in the Amathole District of the Eastern Cape Province. The Amathole District Municipality was established after the first transformed Local Government elections in December 2000. The district has eight local municipalities, which contain at least one urban service centre each. Mbhashe, which consists of Idutywa, Gatyana, Xhora and numerous rural settlements, is one of them (Mbhashe Local Municipality 2008).

Two hundred local residents comprising of 100 men and 100 women were interviewed. These residents represented various locations in the research area. In order to successfully conduct the interviews, the researcher visited clinics where participants were randomly selected to participate in the study. The interviews took place between 07:00 and 14:00 each day while people waited to be attended to at the clinics. In this way responses could be sourced from residents of varying ages. The traditional leader of each area provided permission for the research to be conducted, and also accompanied the researcher to the clinic to alleviate any suspicions around why the research was being conducted. This ensured higher levels of participation on the part of respondents.

A focus group discussion with eight municipal officials was also conducted. The researcher acted as facilitator. The purpose of the focus group discussion was to establish whether housing delivery in Mbhashe Local Municipality was an area of priority. During the discussion, the researcher wanted to ascertain whether communication channels and community participation strategies were established around housing delivery, in particular.

A lack of adequate housing, as alluded to earlier, remains a key challenge in South Africa and can be traced back to Apartheid. Segregated residential areas were established along racial lines and a large portion of the population was

deprived of decision-making in housing delivery processes. Currently, under the mandate of the *Local Government: Municipal Systems Act* (Act 32 of 2000) citizens are encouraged to engage in integrated development planning and in the housing delivery processes, in particular. These integrated development plans are initiated, implemented and monitored at Local Government level and are expected to articulate the desired long- and short-term ideals of a given municipality (National Housing Code 2009; Mubangizi 2011: 643). Accordingly, when addressing the question of housing, it is necessary to address the issue of community participation in the housing delivery process in rural areas, such as Mbhashe. Community participation takes place when a community organises itself and takes responsibility to manage its own problems. Taking responsibility includes identifying problems, developing actions, establishing them and following through. However, there are varying degrees of participation. Participation may range from negligible or “co-opted”, where community members serve as token representatives who have no part in the decision-making process, to “collective action”, where local people initiate action, set the agenda and work towards a commonly defined goal (Cheetham 2002).

While schedule 4 of the *Constitution* assigns functional competencies in relation to the delivery of housing to Provincial and National Government, Local Government also has a role to play, as it is considered the Government sphere that is closest to the people and a crucial point for service delivery (Xali 2005:2). Integrated development planning at municipal level provides impetus to this and, accordingly, municipalities are required to establish appropriate community participatory processes and procedures (Xali 2005:3). The core purpose of this article is to establish whether community participation takes place in the housing delivery process in the Mbhashe Local Municipality. And, if not, what the reasons are for non-participation.

CONCEPTUALISATION OF HOUSING DELIVERY IN SOUTH AFRICA

Housing is meant to address basic human needs for shelter and security, by providing protection against excessive climatic conditions and a range of unwanted and harmful intrusions (Roderick 2004). In order to fulfil this basic need, the South African Government has developed a range of policies and legislation since 1994. These, according to Xali (2005:18), include the following: The Reconstruction and Development Programme (RDP) developed by the African National Congress (ANC) in 1994; the *White Paper on Housing* (1994); the *Constitution of the Republic of South Africa of 1996*; the *Housing Act of 1997* (Act 107 of 1997); the *White Paper on Local Government* (1998); the

Prevention of Illegal Eviction from Unlawful Occupation of Land Act of 1998 (Act 19 of 1998); and the *Rental Housing Act of 1999* (Act 50 of 1999).

Each sphere of Government has a specific role to play in the national housing development process, as stipulated in the aforementioned policy documents. It is against this background that community participation in the local housing delivery process, in particular in the Mbhashe Local Municipality, is discussed. Therefore, the following section provides insight into the role of each of sphere of Government, as articulated in South Africa's National Housing Codes. It particularly relates to codes that were formulated in 2000 and 2001 around housing delivery in South Africa (Ngxubaza 2010: 44–46).

National Government

One of National Government's key roles in the housing delivery process is to provide support to municipalities, as well as building capacity in order to empower them with knowledge and skills to properly implement, manage and monitor housing development plans and processes. It is further required to promote consultation on matters regarding housing development between National Government, representatives of civil society sectors and sub-sectors that supply or finance housing goods and services, Provincial Government and municipalities, as well as any other stakeholders that are involved in housing development. It should ensure that effective communication and information with regard to housing developments is available. Furthermore, National Government is required to facilitate the process of developing service delivery goals for all three spheres of Government in consultation with both provincial and local municipalities. This is done to ensure that goals and objectives are in line with the needs and demands of communities within the provinces and municipalities (Ngxubaza 2010:44).

Provincial Government

Provincial Governments' primary role in housing delivery is to facilitate and promote, and at the same time ensure that the housing needs of all citizens of a particular province are adequately met. This should be done within the national housing policy framework and in conjunction with national and provincial housing organisations. Accordingly, each province should determine a provincial housing development policy and should promote its adoption. It should coordinate housing development within the province and take reasonable and the necessary steps to support and strengthen municipal capacity to effectively exercise its powers and perform its duties in relation to housing development. The member of the executive council (MEC) for Housing

in each province is obliged to report to the provincial legislature annually on activities of the Provincial Housing Development Board and accredited municipalities (Ngxubaza 2010:44).

Local Government

As a sphere for Government, Local Government provides direct services to communities. In order to ensure effective service delivery, in particular the delivery of housing, all municipalities are required to develop Integrated Development Plans (IDPs) in consultation with their respective community structures and members. These plans are aimed at guiding service delivery, which ensure that they are responsive to the community's needs. The *National Housing Code* (2001) mandates all municipalities, as part of their IDPs, to "take reasonable and necessary steps within the framework of national and provincial housing legislation and policy to ensure that the right to have access to adequate housing is realised on a progressive basis" (*National Housing Code* 2001).

In relation to rural housing development, National Government's rural housing assistance programmes have been designed to complement the realisation of the objectives of the Integrated and Sustainable Rural Development Strategy (ISRDS) from a residential development perspective. Importantly, the ISRDS recognises the role that households should play in their own development. Notably, a fundamental principle of all rural housing programmes is that households should participate in all aspects of their development (*National Housing Code* 2009).

Mbhashe Local Municipality

One of the most serious issues that small municipalities, such as Mbhashe, face is a shortage of affordable housing. This comprises people who live in the countryside, have housing difficulties, and are far more scattered than their counterparts in urban areas. This situation leads to less attention, fewer resources and fewer support services (Du Mhango 1997). Not only are people in rural areas poor, they also suffer difficulties such as long distances to schools and a lack of access to other basic amenities. Government should understand that people who live in rural areas do not necessarily want to move to town. They require houses in their rural setting that will accommodate their livestock and that will allow them to cultivate their land. For this reason, developers, architects and builders should consult rural communities to determine the suitability of housing design, which will contribute to sustainable human settlements (Ngxubaza 2010:101).

Xali (2005:28) contends that the provision of housing is a development issue. Development, in turn, is a people-centered process that creates a sense of belonging. Turner, (in Xali 2005:8), postulates that: "Neither bureaucratic

mass housing nor the uncontrolled market can build communities and eliminate homelessness. But people can, when they have access to essential resources and when they are free to use their own capabilities, in local-appropriate ways". This statement would apply to the residents of the Mphashe Local Municipality. It is therefore important in the housing delivery process to start with what people have and to build on what they know (Xali 2005:8). The Government cannot solely solve the housing backlog in Mphashe. Community participation is imperative.

The following section explores community participation as a crucial factor in the housing delivery process in South Africa, as different stakeholders have different interests.

COMMUNITY PARTICIPATION IN HOUSING DELIVERY

Community participation is not new. It has been practiced in many different ways for many years within the broader social development context. According to Cornell, (in Xali 2005:7), community participation is a formally structured instrument, which is deliberately used to either bring about, accelerate or in some instances, slowdown the process of change. Xali (2005:7) contends that, "this description implies that the concept of community participation is associated with transformation, where people who were previously excluded from decision-making are provided with an opportunity to partake in decision-making processes".

Community participation methods

There are several ways to involve the public in the housing delivery and planning process. The following table by the Georgia Department of Community Affairs was adapted for the purpose of this article. It provides an assortment of methods to reach the largest audience and solicit meaningful input, while paying attention to the municipality's budget, schedule and target audience.

Community participation during the low cost housing process in the Mphashe Local Municipality

During the Apartheid era, participation in housing issues was a right that was reserved for a selected portion of the South African population. Currently, municipalities are mandated by law to create appropriate conditions that enable community participation. Municipalities generally cover participation costs (Ngxubaza 2010:105).

Table 1: Community participation methods

Type	Technique	Description	Level of involvement	Level of expense & complexity
Informative	Lobby displays	Posting maps, photos or alternative plans in a prominent location in the community hall or public library. These displays provide information for visitors to view at their leisure and outside of formal public meetings.	L M H	M
Informative	Speakers	The planning team – staff, consultants and volunteers offer to make an introductory presentation of the housing planning process to civic organisations, business groups and schools.	H	M
Informative	Public Information Meetings	An event to announce the housing planning process to citizens and other stakeholders and to view a presentation that covers the project purpose and general plan approach.	M H	M
Informative	Printed Public Information	Flyers, newspaper inserts, brochures or newsletters that provide information on the progress of the housing plan, proposed maps, as well as announcements of future public meeting opportunities. This information can be mailed and made available in public locations, such as libraries and community halls.	M H	M
Informative	Website	A community website is used for periodic updates on the housing-planning process.	L	L
Informative	Press Release/ Media Strategies	Inform the public about housing projects via newspapers, radio, television, billboards and posters.	M H	L H
Key: L = Low; M = Moderate; H = High				

Type	Technique	Description	Level of involvement	Level of expense & complexity
Public Input	Public Hearings	A formal meeting of the elected body, where the public may comment or provide testimony on the matter presented for voting.	L M H	L H
Public Input	Website	Buttons on the community website to send e-mails to planners who are working on the housing plan.	L M H	M
Public Input	Direct Mail Survey	A questionnaire that solicits comments, opinions, and community goals via a printed mail survey, which is sent to a sample of residents in the community.	M H	H
Interactive	Vision, Goals and Objectives of Meetings	Facilitated meetings to determine answers to three key planning questions: What do you have? What do you want? And how will you achieve it?	M H	M
Interactive	E-mail Blasts	Create a database and send periodic progress e-mails and future meeting announcements to distribution lists.	H	M
Interactive	Workshops	The workshops are often small, informal meetings that may include exhibits and presentations that are designed to be interactive.	L M H	L-H
Partnerships	Stakeholder Meetings	The stakeholder group should be representative of the demographic diversity of the area.	L M H	L H
Partnerships	Stakeholder Interviews	One-on-one interviews with key community leaders by using a standardised series of questions, which are designed to gather more detailed information about stakeholders' areas of expertise.	L M H	L H
Key: L = Low; M= Moderate; H = High				

Source: Adapted from Georgia Department of Community Affairs 2005

As stated earlier, the Mbhashe Local Municipality is a rural municipality and the population size and area is vast, which hampers direct participation. While authors such as Theron (2005) suggests the use of radio, press, community newspapers, advertisements, flyers, ward committees, newsletters and church notices, these methods appear inadequate in the case of Mbhashe. A later section in this article reveals that there are evidently no forms of communication, whether a local radio station or a local newspaper in the municipal area. Hence, the forms of communication Theron (2005) proposes are questioned.

During the local housing development process in the Mbhashe Local Municipality, different role-players assume different responsibilities. The following section contextualises these roles (Ngxubaza 2010:102–104).

Councillors

The Mbhashe Local Municipality is made up of 51 councillors who, during the low-cost housing process, consider and adopt a process plan. Before its approval, stakeholders provide feedback on this plan.

Executive Mayor

During the housing development process, the executive mayor, together with the aforementioned councillors, decide on the process plan. The executive mayor monitors the process and at times s/he delegates responsibilities to the municipal manager. The executive mayor also approves nominated persons who are in charge of the low-cost housing process.

Ward Councillors

At the time of the study, Mbhashe had 26 ward councillors. Currently, 26 wards exist. Ward councillors proved to be a major link between the Municipality and the community. Their main role appeared to be linking the planning process to their constituency and/or wards. They are required to organise public participation and consultation, and should ensure effective and efficient communication between the Municipality and the community during the housing-planning or decision-making period.

The Municipal Manager

During the housing development process, the executive mayor at times appoints or nominates the municipal manager to coordinate and monitor the process. The municipal manager ensures that all relevant role players are appropriately

involved in the housing development process. Further duties include day-to-day management of the housing process – particularly its strategic planning, participatory processes and implementation phase. The municipal manager is also required to respond to any queries that the community may have with regard to the Mbhashe housing development process.

Head of the Housing Department

The head of the Housing Department provides relevant technical, sector and financial information in order to determine areas of priority.

Traditional Leaders

Traditional leaders are supposed to identify suitable land for housing development. The Local municipality, in turn, should facilitate, initiate and manage the housing development process.

FINDINGS OF THE INTERVIEWS

Local residents have a lack of awareness with regard to the Local Municipality's role in housing development. Residents reported that there is no communication between them and their ward councillor. They claimed that traditional leaders do not call meetings where information is shared around housing development and integrated development plans. If and when meetings are conducted, community halls in the town centre and traditional leaders' homes are used as venues for discussion. In most instances, the facilities are inaccessible to most residents of Mbhashe. The scheduled times for the meetings also proved inappropriate.

Several other factors prevent the community from participating in the housing process. These include inaccessible language (Xhosa is the dominant language spoken in the area and information is usually disseminated in English); illiteracy (90% of the community is illiterate); lack of formal schooling; and a lack of general knowledge around the roles and responsibilities of various stakeholders within the municipality. Residents that were interviewed claimed that the top-down, centrally organised housing delivery strategies leads to poor planning and implementation. They claim that their lack of involvement has resulted in the delivery of sub-standard houses. The relationship between the community, traditional leaders and municipal councillors appeared strained. This further impeded participatory decision-making. No clarity exists around who should represent community interest in the housing development process, and who should keep the community informed around developments in the area, in general.

While poverty is evident in Mbhashe, local residents advised that they do not wish to live in houses that are labelled for “the poor”, as it further diminishes their social and economic value, as well as their status in society. They indicated a need to participate in the construction of their homes, and called for skills development programmes in building construction. They claimed that the use of local labour will enhance their financial conditions and reduce the local municipality’s housing costs. Women in particular contend that, as males migrate to urban centres to find employment, they have traditionally constructed their own houses in the rural setting by making home-made bricks. They have also been fetching and carrying water that is required during the housing construction process from rivers for a great number of years. They claim that the municipality, business persons and other stakeholders should recognise these skills when housing development endeavours are planned. Inadequate community participation in the housing delivery process has resulted in valuable skills and local knowledge going unnoticed.

FINDINGS OF THE FOCUS GROUP DISCUSSION

Municipal officials revealed that the Mbhashe Local Municipality faces a big challenge, as it serves approximately 430 000 people – the majority of whom live in rural settlements. As a result of widespread poverty and unemployment, the population is primarily dependent on welfare and pensions for their survival. While the community claims that traditional leaders do not call meetings, traditional leaders, in turn, report poor meeting attendance. However, in the Mbhashe Local Municipality, traditional leaders have no clear understanding of what their duties entail with regard to the housing development process. This became evident in the focus group discussion.

The municipality claims that information around meetings is disseminated by radio and the local newspaper. Yet residents claim that these forms of communication are inaccessible. Discussions also revealed that municipal officials are indifferent to the plight of rural residents. Municipal officials reported that workshops and meetings are organised between them and councillors/ward councillors where information pertaining to housing is discussed and shared. Ward councillors, in turn, should convey this information to rural communities. This did not appear to be the case. Municipal officials concurred that there is a lack of understanding among community members around their roles, and agreed that effective communication channels should be found.

Both the interviews and focus group discussion revealed a lack of community participation in the housing delivery process in the Mbhashe Local Municipality. The residents of the Mbhashe Local Municipality strongly indicated that housing

is their most important need, above food, health-care and education for their children. Solutions to their plight should be heeded with great urgency.

SUMMARY AND RECOMMENDATIONS

There is a need for more innovative planning at a Local Government level that involves all role-players – especially the community. Furthermore, there is a need to link economic and social development. Employers, employees and municipalities should engage in partnerships to deliver houses, which will facilitate both social and economic development. Steps should be taken to strengthen local authorities' capacity to deliver housing. Skills development and relocation, as well as recruitment of properly trained staff to housing departments, is key. Development and the communication of policy should be improved and strengthened. There should be regular updates on policy and workshops should be conducted to discuss policy changes to ensure that the municipality keeps abreast of activities. Concerns that are raised at Local Government level should be taken into consideration and fed through to the Provincial Government. The Mbhashe Local Municipality's IDP should integrate various departments in order to prioritise basic services – particularly the delivery of houses.

The study revealed that local communities are not well-organised and hence their impact on the housing delivery process is minimised. They could not claim their right to information, but instead had to rely on leadership to lead the process. Communities are not aware of the fact that they should be represented at sub-council meetings, nor are they aware of the existence of sub-council meetings as a participatory organ. Council members are not actively engaged in community issues, as complaints about their non-performance were raised frequently. Communities are poor and cannot afford to attend meetings or gatherings late at night at venues that are far from their homes. Hence, meeting attendance is often poor. The level of disunity among the community is apparent. Due to a lack of formal education and vulnerability, they easily disagree on issues of mutual interest. A majority of the interviewees suggested that local communities are often not willing to attend meetings or participate in activities in community structures if they do not benefit from it directly, or if they believe that it is not in their own interest.

The community participation methods forwarded by Georgia Department of Community Affairs (undated), specifically techniques such as workshops, stakeholder meetings and stakeholder interviews, proved the most appropriate methods of communication and participation for the Mbhashe Local Municipality's housing delivery process. These methods are interactive and help

build partnerships. One-on-one interviews with key community leaders and individual community members distributed across rural villages, by way of a standardised interview schedule would be useful. These interviews should be conducted in residents' mother-tongue and will accommodate the demographic diversity of the area. During this data collection process, volunteers—especially students at various local universities who are participating in their Department of Public Management's Service Learning Programmes or Work Integrated Learning Programmes – could assist. Universities, in partnership with Local Government, will then gather information from residents around their specific and unique needs and wants. This process will benefit the university, all stakeholders and the local municipality, as current forms of community participation in local endeavours proved inadequate.

Closer interaction between the residents and municipal officials is a prerequisite for good governance. Good governance can only be established and advanced if the municipality takes the community's needs and aspirations seriously. This, in turn, will help build a relationship of trust between a municipality and its community. It will ultimately lead to the legitimisation of the municipality as an important service delivery organ of state. Furthermore, communication and consultation channels will be strengthened by including both urban and rural community structures, such as traditional leaders, the youth and civic organisations and so on. It is imperative that each resident of the Mbashe Local Municipality should become aware of what the local housing process entails.

The National Department of Human Settlements, in conjunction with the Eastern Cape Province's Housing Department, could assist in formulating a local skills development programme around housing construction. When people have access to essential resources and when they are free to use their own capabilities in local-appropriate ways, as alluded to by Turner (in Xali 2005:8), they can build communities and eliminate homelessness.

The important role that women play in the construction of houses in rural settings should be recognised. Their skills around how they have constructed their dwellings, clayed their floors, thatched their roofs, cultivated their land and supported their families, should be embraced and built upon. Such valuable local knowledge can only serve as an asset in the construction of cost housing in the Eastern Cape.

Lastly, it is recommended that the Mbashe Local Municipality should prioritise the needs of the poor with regard to housing development; consult meaningfully with individuals and communities that are affected by housing development; and ensure that housing development is based on an IDP and administered in a transparent, accountable and equitable manner that upholds the practice of good governance.

This holistic approach to housing development is in line with current Government policy on the matter. Both the RDP (1994) and the *Housing White Paper and the Development Facilitation Act* (Act 67 of 1995) state that development is not about the delivery of goods to a passive citizenry, but about active participation and growing empowerment.

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