



VOLUME 27 ISSUE 2

Administratio Publica



ASSADPAM

Journal of the Association of
Southern African Schools and Departments
of Public Administration and Management

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ISSN 1015-4833

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Administratio Publica is a double blind, peer-reviewed journal accredited with the South African Department of Higher Education and Training (DoHET) and produced four times a year and aims to promote academic scholarship in public administration and management and related fields. Analytical articles in the form of original theoretical and empirical articles, debates, research viewpoints, review articles and book reviews in English will be considered for publication. Nationally, only contributions of paid-up members of ASSADPAM will be published. International authors are welcome to submit articles for review but page fees must be paid before publication.

Page fees and Journal subscription

• Individual and institutional subscription 2018: Local R588.00 per volume (postage of R145.00 per volume excluded) or R147.00 per issue (postage excluded); Foreign – \$100.00; €77.00 (postage of \$50 or €38 per volume excluded).

• Authors are required to pay a fee of R350.00 per page as well as R150.00 per graphic for any manuscript printed in the Journal (excluding the costs of language editing where needed). Payment is due on receiving confirmation from the Editor that a contribution is to be published in a specific issue of the Journal. Payment should be made directly in to the account of ASSADPAM, but proof of payment must also be submitted to the Editor to avoid any possible delay in the publication of a contribution.

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Contents

Editorial	1
<i>V Jarbandhan</i>	
Enhancing the Legislature’s Fiscal Oversight	6
The Case of South Africa’s Parliamentary Budget Office	
<i>A Kithatu-Kiwekete and M Jahed</i>	
Municipal Management Reforms for Accountability and Clean Audits	25
An Eastern Cape Case Study	
<i>Z Ndevu</i>	
Identifying Variables at the Nexus of Well-Being, Job Satisfaction and Motivation	43
A Framework for Research in Public Human Resource Management	
<i>M J Ngoepe-Ntsoane</i>	
Leadership Conundrum in South Africa’s State-Owned Enterprises	62
Critical Considerations for Astute and Progressive Leadership	
<i>T Sithomola</i>	
POSTGRADUATE FORUM	
An Investigation into the Effect of Rehabilitation Programmes on Sentenced Offenders	81
The Case of Kutama-Sinthumule Correctional Centre	
<i>I P Mabeba and M Rolland</i>	
Conceptual and Theoretical Variables Influencing Entrepreneurship	101
<i>N Meyer</i>	
Manifestation of Unethical Conduct in National Departments in South Africa	126
<i>G P Mazibuko and D Fourie</i>	

Promoting Public Participation in Community Policing Forums **144**

The Case of the Stellenbosch Local Municipality

T M Geoghegan and G van der Waldt

Strengthening the Measurement Function to Facilitate Evidence-based Policy Implementation for Health Care Quality Improvement **166**

The Case of Western Cape's 'Healthcare 2030' Strategy

E Nemuramba and H H Ballard

INTERNATIONAL FORUM

The Nexus of the Study and Practice of Law and Public Administration **188**

A Need for Rediscovery of the Debate and Principles?

B C Basheka and O Sabiiti

Editorial

V Jarbandhan

Chief Editor

In **'Enhancing the Legislature's Fiscal Oversight: The Case of South Africa's Parliamentary Budget Office'**, Angelita Kithatu-Kiwেকে and Mohammed Jahed trace the development of the South African Parliamentary Budget Office (SAPBO) to review its impact on the public finance and public policy functions within the context of international best practice. SAPBO was established with these objectives in mind. Using a constructivist approach, this article reviews national legislation, policies, annual reports, and literature on independent financial institutions to highlight the contribution that SAPBO makes to enhance the legislature's oversight role and deepening democracy in South Africa. The findings suggest that the potential to enhance the fiscal oversight function for parliament could be improved going forward, through the continued support that is offered by this fiscal institution.

Zwelinzima Ndevu's article, **'Municipal Management Reforms for Accountability and Clean Audits: An Eastern Cape Case Study'**, is based on a qualitative analysis of a wide range of data obtained from focus groups consisting of political, administrative and community leaders in the Eastern Cape's Joe Gqabi district municipality. The article examines the municipality's journey from unqualified audit reports to accountability through collaboration, synergy, communication, information-sharing and coordination as well as, the existing and occasional problematic relationships among the entity's political and administrative leadership and prevailing skills gaps in the municipality's organisational environment. According to the author, instrumental to the municipal management reforms, was the adoption of well-defined responsibilities in collective mandates in terms of financial oversight and control, financial reporting, internal controls and risk management. These aspects ultimately lead to community confidence in the management and governance of public entities.

The article, **'Identifying Variables at the Nexus of Well-Being, Job Satisfaction and Motivation: A Framework for Research in Public Human Resource Management'** by Mokgadi Julia Ngoepe-Ntsoane, reinforces a conceptual framework within the field of human resources, with the aim of guiding scholars in their approach to constructs, questionnaires and data collection. In this effort to support scientific inquiry and knowledge construction, the article identifies 19 variables cutting across three sub-domains of the human resources field: employee well-being, job satisfaction and motivation. The evidence suggests that well-being, job

satisfaction and motivation are in a mutually reinforcing relationship, manifested in the interaction of their common variables, and that the entire dynamic forms a nexus with probable positive effect on performance.

In recent years, many of South Africa's State-Owned Enterprises (SOEs) have been subjected to a devastating castigation in economic and social dialectical discourses. The criticism of the SOEs is warranted by the misplacement of their organisational goals which are supposed to revolve around the provision of enabling infrastructure for socio-economic advancement of the people of South Africa. According to Tshilidsi Sithomola, all these undesirable institutional complexities emanate from leadership deficiencies that are undoubtedly evident in many SOEs. Thus, his article '**Leadership Conundrum in South Africa's State-Owned Enterprises: Critical Considerations for Astute and Progressive Leadership**', contends that leadership is one of the major determinants of efficiently performing institutions towards achieving their set objectives. This implies that injudicious leadership arrangements always lead to disastrous consequences that are noticeable in many of South Africa's SOEs. He adds that the current leadership bankruptcy in SOEs undermines government's objectives that it seeks to achieve through the treasured National Development Plan (NDP). In order to remedy the current leadership insolvency in SOEs, his article concludes that there must be a promotion of a meritocratic culture, sound succession plans, pragmatic financial austerity measures, promotion of ethical leadership and adherence to good governance principles and mechanisms.

According to Isaac Phetole Mabebe and Marleen Rolland, literature provides robust debates regarding the success of rehabilitation programmes in the recidivism of offenders. However, limited information is available on rehabilitation programmes of offenders serving sentences of incarceration and various models for interventions of offenders exist worldwide. In South Africa, the White Paper on Corrections of 2005 provides that rehabilitation and the prevention of recidivism are best achieved through correction and development. Their article '**An Investigation into the Effect of Rehabilitation Programmes on Sentenced Offenders: The Case of Kutama-Sinthumule Correctional Centre**', explores the effect of rehabilitation programmes on sentenced offenders at Kutama-Sinthumule Correctional Centre (KSCC). In line with the 2005 White Paper, correctional centres offer various rehabilitation programmes with the aim of reducing recidivism and rehabilitating sentenced offenders. The findings of the article indicate that the offenders participate in the rehabilitation programmes voluntarily and that the perception of sentenced offenders changed from being negative to positive after completion of rehabilitation programmes and that rehabilitation programmes complement the reduction of recidivism. Upon completion, the programmes were found to enhance offenders' chances of employment post-prison.

According to Natanja Meyer in her article, **'Conceptual and Theoretical Variables Influencing Entrepreneurship'**, entrepreneurship has become a well-known topic among various stakeholders, to the extent that it is considered by international and national researchers and policy formulators as the link to increased and sustained economic development and growth. This is particularly true for developing countries where poverty and high unemployment rates prevail, but also relates to developed economies where entrepreneurship is considered a driver of accelerated economic growth. She further states that today, in the rapidly changing world of business, there is an emergent perspective that entrepreneurship may help unlock stagnating global economic growth. Her article aimed to conceptualise and define entrepreneurship, business management and ownership including small business ownership; to conduct a literature analysis of the characteristics, roles and importance of entrepreneurs and entrepreneurship development and their link to economic growth and development; and to provide the theoretical foundation for entrepreneurship including the principles and theories underpinning these phenomena. She concludes that entrepreneurship development is an important aspect within economic growth and development.

The article of Gezani Mazibuko and David Fourie, **'Manifestation of Unethical Conduct in National Departments in South Africa'** investigates unethical conduct in state departments, with specific reference to deviations from internal control systems and non-compliance with applicable legislation. The article aims to outline unethical procurement practice in national departments by using the Auditor-General of South Africa's findings, the Public Finance Management Act 1 of 1999 and the consolidated Auditor-General reports 2010/11 to 2015/16. These reports play an instrumental role in analysing the challenges concerning implementation of legislation, compliance with legislation and unethical practices which are apparent in the public sector. According to the authors, this is followed by supply chain management challenges based on case studies of national public sector departments. The authors argued that national departments and state organs should pay more attention to procurement-related corruption, so that public sector managers can gain a deeper understanding of risk and plan for procurement cycles. Selected unethical procurement practices in seven national departments within the South African public sector were selected to illustrate certain manifestations of unethical conduct.

To give impetus to the philosophy underpinning community policing it is necessary to create mechanisms for the police and the community to work together in a partnership that will help them solve complex crime-related problems. The South African Police Service (SAPS) Act 68 of 1995 (Section 7) in this regard stipulates that Community Policing Forums (CPFs) must be utilised as "vehicles" to facilitate public engagement. However, for this participation to be sustained, a clear and comprehensive strategy should be implemented to ensure that each CPF is able to

confront particular demographical and social realities. In light of this context, the purpose of the article, **'Promoting Public Participation in Community Policing Forums: The Case of the Stellenbosch Local Municipality'** by T M Geoghegan and Gerrit van der Walddt, is to report on findings of an empirical investigation conducted at Stellenbosch Local Municipality to uncover challenges associated with public involvement in CPFs and to propose elements for the design of a public participation strategy for CPFs in this regard. Their qualitative study revealed that community policing as a relatively new approach and style of policing should become embedded in the organisational culture and operational activities of the SAPS. Their article further emphasised the crucial role of communities in crime prevention endeavours.

The efficacy of in-programme health care quality assessment methods utilised by the Western Cape Department of Health (WCDoH) to generate health evidence to improve health care quality in the Province's primary health care facilities was evaluated in the article, **'Strengthening the Measurement Function to Facilitate Evidence-based Policy Implementation for Health Care Quality Improvement: The Case of Western Cape's 'Healthcare 2030' Strategy'** by E Nemuramba and Harry Ballard. The commitment to inculcate a culture of continuous improvement of health care quality tested in terms of the data generated to improve quality; was also included in the article. The literature reviewed presented an increased demand for knowledge-driven health systems where the data generated would facilitate the evolution of performance, client satisfaction, clinical quality and professional development of health workers. A qualitative research methodology was adopted with purposive selection of 12 participants from two Community Day Care Centres (CDC) and eight senior administrators from the WCDoH's Directorates. A survey was conducted which included open-and closed-ended questionnaires which tested the appropriateness of the instruments utilised to generate information needed to facilitate patient-centred care and evidence-driven health care. Participants highlighted the need for increased awareness campaigns on the WCDoH Healthcare 2030 vision among health care professionals; the need for a measurement metric to gauge the progress of medical instruction compliance over time; a stakeholder-focused health facility management programme; and a tailored institutional support framework. The article concluded that the measurement of patient wellness should be monitored over a determined period of time, information systems should be integrated to facilitate information sharing, introduction of improved policy awareness across the Department, and a culture of interdepartmental knowledge sharing should be implemented.

According to Benon Basheka and Olive Sabiiti, in their article, **'The Nexus of the Study and Practice of Law and Public Administration: A Need for Rediscovery of the Debate and Principles?'**, there is no doubt that public

administrators and lawyers in their pursuit of efficient public service delivery to the citizens need knowledge of law to understand the workings of administrative systems as law is practised in such systems. This position was highly recognised in ancient and classical discourses of public administration and scholars who formulated the concept of the state and the importance of law in society. According to the authors, lawyers practise their profession in a public administration context and as such their understanding of how the public sector operates in terms of laws made, the implementation of the laws and the judicial functioning, are matters that need not much emphasis. They also state that while classical literature of law and public administration recognised the intimate relationship between the two, modern scholarship tends to favour an independent disciplinary focus. Whereas societies have evolved through different stages, each of these stages has had rules for managing the needs and expectations of the citizens. Public administration and law are practised in the three branches of government – executive, legislature and judiciary. The central question addressed by this article is whether there is a renewed need for the teachers of law and public administration to appreciate and apply the synergy between the two disciplines.

Chief Editor: Prof Vain Jarbandhan

Enhancing the Legislature's Fiscal Oversight

The Case of South Africa's Parliamentary Budget Office

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ABSTRACT

The legislature as the supreme law-making organ of state should maintain oversight over the executive to ensure that policies and programmes are implemented. Independent financial institutions assist parliamentarians to interrogate budgets and government expenditure. These fiscal institutions are expected to work impartially, with authority, and remain non-partisan. International experience shows that these institutions provide budget-related information, economic forecasts that are independent from the executive, research on behalf of Members of Parliament (MPs) and support the activities of the legislature. Ultimately, the Parliamentary Budget Office (PBO) should enhance the legislature's ability to hold the executive branch of government to account concerning fiscal forecasting and budgeting, as well as generating informative public debates. The South African Parliamentary Budget Office (SAPBO) was established with these objectives in mind. Using a constructivist approach, this article reviews national legislation, policies, annual reports, and literature on independent financial institutions to highlight the contribution that SAPBO makes to enhancing the legislature's oversight role and deepening democracy in South Africa. This article traces the development of SAPBO to review its impact on the public finance and public policy functions within the context of international best practice. The findings suggest that the potential to enhance the fiscal oversight function for parliament could be improved going forward, through the continued support that is offered by this fiscal institution.

INTRODUCTION

Institutional theorists concern themselves with the problem of how to ensure that the “exercise of government power”, which is central to the “realization of the values in society”, is controlled so that the power in itself does not become detrimental to the “values it was intended to promote” (Vile 1998:12). This can be achieved through a system of checks and balances that are embedded in the three arms of government. Legislatures perform three fundamental roles in their constitutional mandate: as representatives of the citizenry in the business of government; as legislators of the laws that are implemented by the executive and used by the judiciary to administer justice; and the role of oversight over the executive. This third role is central to the following discussion.

The oversight function requires parliamentarians to be knowledgeable of government processes so that they are able to interrogate the implementation of government policy for the benefit of citizens. In any democratic system of governance, one of the most important tasks that parliament is entrusted with is oversight of the executive, irrespective of the form of government. Parliamentary oversight, in general, refers to parliamentary supervision and monitoring of the executive and administration. National legislation should prescribe the key functions of parliamentary oversight as:

- detect and prevent abuse, arbitrary behaviour, or illegal or unconstitutional conduct on the part of the government and public agencies;
- hold the government to account in respect of how the taxpayers’ money is used and what kind of impact it has on the national economy;
- ensure that policies announced by the government and authorised by parliament are actually delivered; and
- improve the transparency of government operations and enhance public trust in the government, which is itself a condition of effective policy delivery (Obaidullah 2009:1).

Oversight also implies fiscal scrutiny. Legislative fiscal scrutiny “is an obligation to hold government to account” by assessing the “economic assumptions, budgetary plans and evaluating performance in those areas” (Gaspard and Khan 2016:2). By implication, parliament should hold the “executive branch accountable throughout the full financial cycle” while taking into account the country’s “context, planning process involved and performance of the budget” (Gaspard and Khan 2016:3,4).

Independent financial systems have been proposed to support parliament’s fiscal oversight role. Legislatures have increasingly understood that fiscal oversight is necessary for economic growth, development, and fiscal sustainability. As a result, parliaments have called for the required technical capacity to allow

legislatures to exercise their oversight function. Independent Fiscal Institutions (IFIs) have become a trend in the context of economic crisis, the need to strengthen fiscal governance, and to deal with deficits and unsustainable debts. While IFIs differ, they all have the aim of enhancing fiscal discipline and promoting budget transparency and accountability.

Allen and Tommasi (2001:70) argue that the ability of parliament to effectively engage in the budget process is contingent on four sets of variables: whether parliament is legally empowered to intervene in budgeting, whether it is endowed with required technical capacities, whether it possesses the necessary political will, and whether the governance environment is conducive. To undertake fiscal oversight, parliament requires capacity, which is also determined by the type of parliament, as shown in Table 1.

Westminster parliamentary systems can be classified as the rubberstamp legislature type since they can only approve or reject the budget, while the American congress can change, accept, or reject the budget (Gaspard and Khan 2016:7). The South African parliament is evolving from “being primarily an arena legislature to being a potentially transformative one” and the presence of a budget office as an IFI will enhance the legislature’s “ability to meet the growing demands on parliaments associated with such a shift” (Mohammed 2009:64). Enhancing parliament’s capacity will in turn improve the accountability mechanisms that parliament has for oversight.

Table 1: Aspect of legislature for oversight

Type of legislature	Distinguishing characteristics	Capacity requirement
Transformative legislature	Represents and shapes societal preferences, and serves as an independent shaper of policies	High
Arena legislature	Primarily a space for the articulation and discussion of societal preferences and differences	Moderate
Emerging legislature	Emerging or moving from one legislative type to another; usually has a more assertive role in shaping policy	Growing
Rubberstamp legislature	Endorses choices made elsewhere, usually by the executive	Low

Source: (Adapted from Johnson and Nakumara 1999 as cited by Mohammed 2009:64)

METHODOLOGY

Using a constructivist approach, this research conducted a desktop review of the SAPBO. This was done by analysing national legislation, namely the Constitution of the Republic of South Africa, 2009; the 2009 Money Bills Amendment and Procedures Act that establishes the Budget Office; annual reports, reports on work performed for parliament during 2017 and 2018; as well as literature on IFIs to assess the contribution of SAPBO in relation to the Organisation for Economic Co-operation and Development (OECD)-prescribed values for IFIs.

CLARIFICATION OF CONCEPTS

Gaspard and Khan (2016:2) define fiscal scrutiny as “an obligation of legislature to hold the government to account by assessing its economic assumptions, its budgetary plans” and “evaluating its performance in these areas”. IFIs are institutions established through a legal mandate to provide objective and non-partisan fiscal support to the legislature. According to Kopits (2011:2), IFIs should assist parliamentarians to “maintain discipline and transparency in public finances during the policy-making process”.

This article is divided into four sections. The first section provides theoretical considerations for legislative fiscal oversight which is followed by an international review of IFIs in the respective country contexts, as well as the OECD guiding principles for IFIs. This section is followed by detail on the establishment of the SAPBO whereby the mandate for this IFI is examined with regards to the main functions of public finance, public policy, and economics streams. Finally, concluding remarks elaborate how SAPBO can enhance its support to South Africa’s legislature.

THEORETICAL CONSIDERATIONS FOR LEGISLATIVE FISCAL OVERSIGHT

The theoretical premise for this article comes from the notion on separation of powers vested in the executive, independent judiciary and parliament with an oversight role over the executive (Vile 1998). Parliamentarians in turn should have the capacity to undertake the role of fiscal oversight over the executive (Posner & Park 2007; Stapenhurst, Pelizzo & O’Brien 2008; Wehner 2017). Pelizzo (2008) and Stapenhurst’s (2008) analyses similarly conclude on the importance placed on legislatures’ oversight role in enhancing democracy. According to Obaidullah (2009), the fiscal and monetary policy is implemented through the national

budget which shows the estimates on revenue and expenditure for a given period. The national budget is also used to promote “economic growth, stability, controlling inflation, expanding employment and poverty alleviation” with the intention of “distribution of resources not only between public and private sectors, but also between regions and among different income groups” (Chowdhry 2008 as cited in Obaidullah 2009:102).

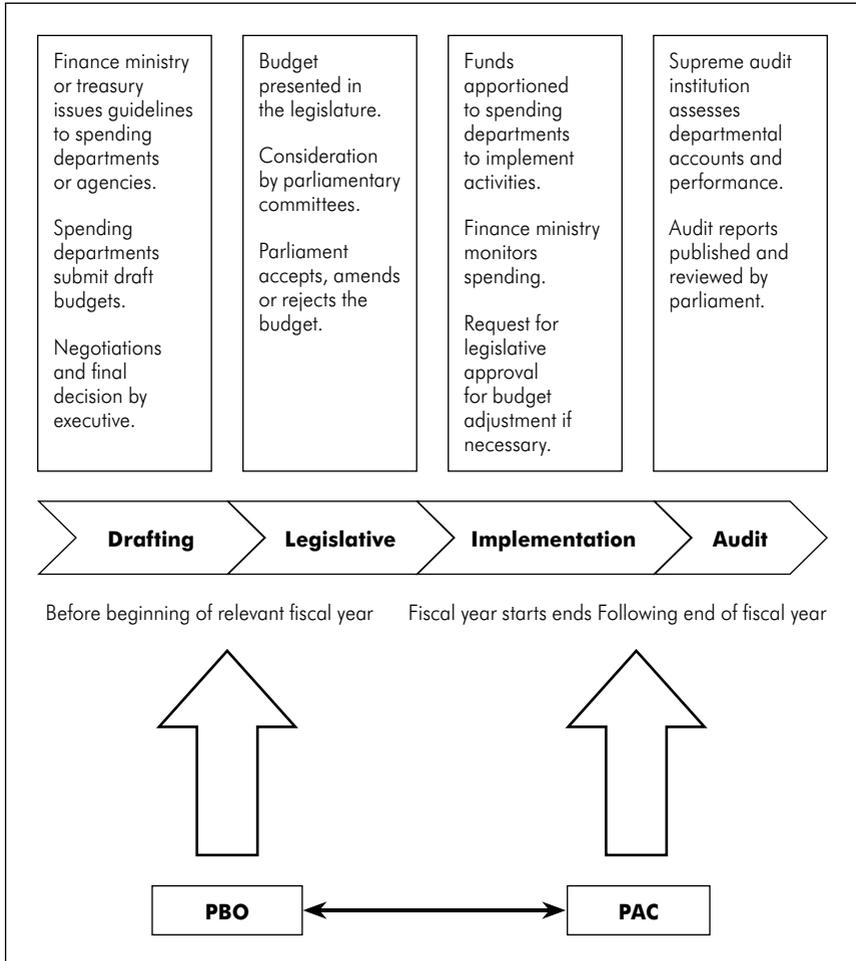
Governments have increasingly adopted an approach that bases the national budget on a medium-term expenditure framework, which takes into account individual national development objectives (OECD 2014: 35–36; Verwey 2009: 22–23). As a result, parliament “must ensure that the revenue and spending measures it authorizes in the budget are fiscally sound, match the needs of the population with available resources, and are implemented properly and efficiently” (Obaidullah 2009:102).

The above premise calls for parliamentarians to have the capacity to engage in the budget process of government; that is, not only the approval phase but also be able to interrogate the implementation process and outcomes for service delivery for citizens. Gaspard and Khan (2016) indicate that this expansive mandate involves contextual analysis, planning and performance evaluations which in turn should be supported by “a series of processes, resources for decision support, and an information requirement from the executive” (Gaspard & Khan, 2016:4). The illustration on Figure 1 shows the magnitude of fiscal oversight that is supported by PBOs as independent financial institutions and by parliamentary accounts committees (PACs) within parliaments.

Murray and Nijzink (2002) cite various reasons that constrain oversight for MPs. These include: concerns that parliamentary procedures are generally designed to enable the legislature to fulfil its legislative responsibility, whereas procedures for holding government accountable are less established. Second, parliamentarians have a limited understanding of their oversight responsibility than of their law-making responsibility, whereby many politicians use the term “oversight” broadly to include both their role in scrutinising bills presented to them by the executive, and their obligation to hold the executive accountable for the implementation of legislation and policy. Murray and Nijzink (2002) argue that although this interpretation is legitimate, it means that, in practice, the emphasis on conducting oversight tends to fall on the phase in which legislation is passed and less attention is paid to evaluating the way in which policy and laws are implemented. Third, most politicians do not view oversight as an ongoing responsibility.

As a result, members and committees tend to be reactive instead of proactive in their oversight role. There is also confusion regarding oversight powers and appropriate oversight processes. In many legislatures, the politicians call the bureaucracy officials such as the departmental accounting officer and other officials to account, instead of the relevant minister or relevant provincial political official.

Figure 1: Stages of the annual budget process



Source: (Staphenhurst, Pelizzo & O'Brien 2012:10)

This misunderstanding undermines the legislature’s ability to ensure proper political accountability. Finally, there seems to be a lack of clarity regarding the role that MPs should play in overseeing executive action. These constraints can be mitigated by harnessing the expertise of independent IFIs to support the fiscal oversight role of parliament. Therefore, parliaments have an important fiscal oversight role and PBOs as independent financial institutions can enhance the capacity of parliamentarians for fiscal oversight. The role of these independent institutions is analysed next.

INTERNATIONAL REVIEW OF INDEPENDENT FISCAL INSTITUTIONS (IFIS)

“By contrast, the principal function of an independent fiscal institution is analysis and assessment of the technical soundness of the budget bill or of any other legislative proposal in the fiscal area, including its consistency with fiscal rules (if any), prior to enactment. More specifically, an independent fiscal institution performs real-time costing and forecasting to ascertain the macro-fiscal consequences of the budget bill, over a short and medium term to a long-term horizon” (Kopits 2011:2).

Internationally, there has been growth in the number of independent PBOs due to the emergence of more democratic governments and the subsequent rise in multiparty forms of government. Furthermore, significantly more countries are increasingly experiencing growing technical capacity of the executive as opposed to parliament, which resulted in a steady decline of the legislature’s ability to fulfil its oversight role effectively (Stapenhurst, Pellizzo, Olson and Von Trapp 2008). In many of these cases, legislatures lacked the technical and analytical skills and the information to hold executives accountable. This weakness meant that in terms of the budget process, legislatures have been dominated by the executive. Limited legislative control over fiscal management, more often than not, produces poor fiscal outcomes. To counter this, many countries have in part set up PBOs as IFIs to rectify and to strengthen the technical, analytical, and oversight capacity of legislatures.

Johnson and Stapenhurst (2008) offer several reasons for the increase in PBOs. First, there are more democracies than at any other time in history with some level of independence to establish PBOs. Second, states are also willing to learn from one another through the demonstrative “effect of successful democratization in one country” as an “incentive to other nations, especially countries geographically proximate, and culturally similar”, as well as a model of the infrastructure of democracy. Third, the increasing demand for government transparency and accountability through action groups representing human interests point to a greater interest in and scrutiny of government finances.

As a result, legislatures need the assistance of budget experts if they are to apply their role in developing and overseeing the budget, and in controlling government spending. Stapenhurst *et al.* (2008) recommend that parliaments should have expert staff to meet their greater information needs for fiscal oversight. Research on the impact of newly established PBOs provides anecdotal evidence that shows “improved legislators’ ability to interpret, review and make sound judgments related to the budget” (SAPBO 2017).

Functions of IFIs

According to Anderson (2008:39–40), the first core function of an IFI office is to make independent budget forecasts. Second, IFIs should establish baseline estimates, and they do so by making projections, not predictions. The third core

Table 2: International comparison of the function of IFIs

Country/ Institution	Established	Staff	Role in forecasts of macroeconomic conditions	Analysis of long- term fiscal stability	Role in policy costing	Role in monitoring compliance within fiscal rules
Australia: PBO	2011	35	No role	Yes	Yes	No
Hungary: Fiscal Council	2009–2011	No data	Prepare alternative forecasts	Yes	Yes	Yes
Canada: PBO	2008	15	Prepare alternative forecasts	Yes	Yes	No
South Korea: NABO	2003	125	Prepare alternative forecasts	Yes	Yes	Yes
UK: OBR	2010	Three- person committee + 17 secretarial staff	Prepare official forecasts	Yes	Yes	Yes
Uganda: PBO	2001	No data	Prepare alternative forecasts	Yes	Yes	No
Kenya: PBO	2007	10→36	Prepare alternative forecasts	Yes	Yes	No
Nigeria: NABRO	2012	No data	Prepare alternative forecasts	Yes	Yes	No
South Africa: SAPBO	2013	11	Prepare alternative forecasts	Yes	Yes	No

Source: ((Adapted from OECD (2013); SAPBO (2016b); African Network for Parliamentary Budget Offices))

function of budget units is to analyse executive budget proposals, and to present a technical, not political, review of the budgetary estimates contained in the executive budget. A final core function is to conduct medium-term analyses. A medium-term analysis alerts policymakers and the public to possible future consequences of proposed policy actions.

The IFI also provides a basis on which to build long-term analyses. Independent budget units may perform several other functions as well, among which are estimating costs of both executive and legislative policy proposals; preparing spending-cut options for legislative consideration; analysing the costs of regulations and mandates to corporations, subnational governments, and the economy; conducting more in-depth and longer-term economic analyses; analysing the impacts of proposed and actual tax policies; and producing policy briefs that explain complex budget proposals and concepts. Werner's (2017) international comparison of selected OECD countries' experience confirms that legislatures' fiscal oversight role to the government budget should be continuous and must cover the entire budget process, including medium-term plans and the setting of national priorities. South Korea's IFI serves as an example of an IFI that has been able to perform these vast functions as per legal mandate, as presented in Table 2 (Curristine, Harris and Seiwald 2013).

Table 2 presents an international comparison of IFIs that have been in existence since 2001, confirming the countries' experience in establishing institutions to enhance and support parliament's oversight function. Australia's budget office is the only IFI that conducts "costing on election platforms" (OECD 2013:99). This mandate is prescribed by the Australian Parliamentary Service Act of 1999, whereby the office should "report on the election commitments of designated political parties" after an election (Commonwealth of Australia 2013:1). Table 2 also indicates that Hungary had a brief experience with its Fiscal Council from 2009 to 2013 (Curristine, *et al.* 2013). Kopits (2011) attributes the council's untimely demise to the actual implementation of its mandate of providing objective and impartial information, which sat uncomfortably with the 2010 incoming ruling party, which led to the council's modification to operate after 2011 with a reduced mandate and staff.

In summary, the value of IFIs can be seen in several ways. IFIs help to improve accountability because the scrutiny of executive estimates used in the budget process can contribute to executive accountability. The realisation that the executive's assumptions and figures will be carefully reviewed by budget experts from a separate branch of government encourages executive budgeters to be more careful and precise. In addition, the simpler, more transparent, and accountable budget resulting from the work of a legislative budget unit makes the budget process more straightforward and easier to follow. This is exemplified by the Ugandan IFI established in 2001, whose work has resulted in Ugandan ministries producing annual

spending reports to parliament in a standardised, easy-to-use, and more understandable format. Moreover, IFIs also promote transparency, not only between the executive and the legislatures, but for the public as well. This is because most of the budget offices periodically publish their reports and analyses on the internet. The effectiveness of IFIs in providing credible information will also enhance the credibility of the budget process. This can be attributed to the services provided that encourage simplification and transparency, and assist in making budget forecasts easier to understand and more credible. These IFIs also reveal their assumptions and methods used, along with their findings, which enables everyone to understand the bases on which the IFIs use to make projections. It is thus hoped that having effective IFIs will result in greater discipline in public spending. The South African experience is highlighted below to reflect upon the OECD values for IFIs.

ANALYSIS OF THE SOUTH AFRICAN PARLIAMENTARY BUDGET OFFICE (SAPBO)

South Africa's legislature set up its own PBO (SAPBO) in June 2013 during the fourth parliament to operate within the auspices of parliament. SAPBO is intended to strengthen parliament's technical capacity in holding the government to account on public finances while enhancing the broader fiscal and monetary oversight ability of parliament (SAPBO 2017:17). SAPBO was established by section 15 of the Money Bills Amendment Procedures and Related Matters Act (No. 9 of 2009) (hereafter referred to as the Money Bills Act). The main objective of SAPBO is to provide independent, objective, and professional advice and analysis to the two Finance and Appropriations Committees located in the National Assembly (NA) and National Council of Provinces (NCOP), on matters related to the budget and other Money Bills. The Finance and Appropriations Committees, in both Houses, are the core clients of the PBO as per sub-section 15(2) of the Money Bills Act. The chairpersons of the Finance and Appropriations Committees, in both Houses, collectively with the NA and NCOP House, conjointly serve as the SAPBO Advisory Board.

The main outputs of SAPBO are:

- analytical reports and presentations relating to the national budget (main budget) and Medium Term Budget Policy Statement;
- economic, policy, and fiscal briefs;
- research reports on request by parliament; and
- economic forecast robustness reports.

In terms of section 15(2) of the Money Bills Act, the core function of SAPBO is to support the implementation of the Act by undertaking research and analysis for

the four committees, which are the Finance and Appropriations Committees in both Houses. In addition to supporting the four committees, national legislation expects SAPBO to:

- annually provide a review and analysis of documents tabled in parliament by the executive in terms of this Act;
- provide advice and analysis on proposed amendments to the Fiscal Framework, the Division of Revenue Bill and Money Bills, and on policy proposals with budgetary implications;
- monitor and synthesise matters and reports tabled and adopted in a House with budgetary implications, with particular emphasis on reports by other committees;
- keep abreast of policy debates and developments in key expenditure and revenue areas;
- monitor and report on potential unfunded mandates arising out of legislative, policy, or budgetary proposals; and
- undertake any other work deemed necessary by the director to support the implementation of the Money Bills Act.

Table 3: SAPBO’s functional streams

Economic Stream	Public Finance Stream	Public Policy Stream
<ul style="list-style-type: none"> • Macroeconomic evaluation • Economic projections • Tax review and analysis • Fiscal Framework review and analysis • Provide advice on proposed amendments to the Fiscal Framework • Fiscal projections • Revenue studies 	<ul style="list-style-type: none"> • Microeconomic evaluations • Spending trends review and analysis • Spending projections • Baseline studies • Provide advice on and analysis of proposed amendments to the Division of Revenue (DOR) Bill and the Appropriation Bill • DOR Bill review and analysis • Appropriation Bill review and analysis • Monitor legislative proposals with financial implications – Bill costing • Monitor reports adopted by the Houses with financial implications • Monitor committee reports adopted by a House with financial implications 	<ul style="list-style-type: none"> • Policy analysis • Policy implementation analysis • Outcomes analysis vs spending trends • Monitor policy proposals with financial implications • Monitor policy debates and development in key expenditure and revenue areas • Policy evaluation

Source: (SAPBO 2017)

SAPBO's functions are illustrated in three streams, namely economics, public finance, and public policy, as shown in Table 3. The first economic functional stream comprises aspects that include macroeconomic evaluation, economic projections, tax review and analysis, fiscal projections, and advice on the state's Fiscal Framework. For macroeconomic evaluation, SAPBO develops models that explain the relationships between national income, output, consumption, unemployment, inflation, savings investment, international trade, and international finance. The budget office should also analyse fiscal and monetary policies and report on the extent of coordination between these two national policies. The budget office must also analyse the fiscus, the exchange rate, and trade and industrial policy to report on the extent of harmonisation for the developmental aspirations of the state. Analyses of fiscal policy and labour market regulations to determine the extent of coordination are expected concerning SAPBO. For economic projections, SAPBO produces the Economic Outlook and the Mid-term Outlook for parliament. SAPBO also conducts research and analyses and reports on debt management and deficit financing.

The second aspect under the public finance function involves tax review and revenue studies, SAPBO performs analysis on tax revenue estimates provided by National Treasury and reports on revenue collection and management across all tax sources. The review of the Fiscal Framework reports on the economic assumptions that are the basis of the projected aggregate revenues and expenditure projections. The national expenditure plan is also analysed within the context of the public sector's anticipated developmental outcomes. On this basis, SAPBO is expected to provide advice on proposed amendments to the Fiscal Framework for consideration by the Standing and Select Committee on Finance and Appropriations.

The second functional stream of public finance as per Table 3 concerns matters such as microeconomic evaluations, spending trends and projections, baseline studies, analysis and advice on the Division of Revenue (DOR) and the Appropriation bills, and monitoring legislative amendments that have financial implications. The microeconomic evaluations involve the use of economic models that explain the relationship between national income, output, and consumption by government departments. SAPBO uses reports provided by National Treasury to review expenditure trends and projections across the various departments and including overall government expenditure. Reports on public expenditure management and on unfunded mandates across government departments are also produced. Unfunded mandates have been cited by the local sphere of government as an issue that disproportionately increases the service delivery burden for municipalities across the country (Basdeo 2012). Research and analysis of trends and future projections for baseline allocations are observed alongside policy priorities and observations reported to parliament.

SAPBO reviews proposed amendments to the DOR and Appropriation bills in order to provide technical advice in favour of or against proposed amendment, as well as alternative approaches that can be considered by parliament. Bill costing is also conducted for legislative proposals with financial implications by making use of relevant models, calculating the cost of implementing a proposed bill, and drawing comparisons with other countries to draw out experiences that the South African parliament can learn from. This aspect is critical for increasing the awareness of first grasping the financial implications of adopting various pieces of legislation. SAPBO also monitors, determines, and calculates the costs or financial implications for reports and committee reports adopted by the two Houses of Parliament.

The third functional stream concerns public policy in general. SAPBO conducts analyses of policies and the implementation thereof to examine outcomes against spending trends of government departments, monitors policy proposals with financial implications, monitors policy debates and development in key expenditure and revenue areas, and conducts policy evaluation to gauge performance. Policy analysis examines prevailing government policy to identify the departments responsible for implementation. SAPBO's analysis of policy implementation presents the extent of implementations of government policy and also reports on observed policy outcomes. Furthermore, comparisons are made of the spending by relevant departments to the observed outcomes. In this case, SAPBO focuses on the achievement of desired outcomes and value for money across all observed outcomes of the executive. The policy briefs that are issued on South Africa's development vision, such as the National Development Plan (NDP), which are reported in Table 4, are an example of outcomes analysis of public policy. SAPBO is expected to monitor policy proposals and the corresponding financial implications. In terms of policy evaluation, research and analysis are performed in order to report on the effective implementation of policies. Analyses are also conducted on policy improvements where necessary.

The functional streams highlighted in this case of the SAPBO point to the broadness of the state's fiscal mandate, as well as the complexity of the budgeting process. However, SAPBO should aim to simplify the complex budget information and through presentations inform parliament on the three broad SAPBO functions that speak to the overall government fiscus. Simplifying these complexities to enhance the capacity of the parliament in representing citizen interests puts the legislature on a more equal footing with the executive. As a result, legislative fiscal oversight serves to promote budget transparency to parliamentarians, enhance the credibility of the budget process and the executive's accountability to citizens through parliament, and promote discipline in public spending.

In summary, the execution of SAPBO should promote the fiscal oversight role of the legislature, with the South African parliament evolving from a

budget-approving to a budget-amending legislature. Furthermore, the functional independence of SAPBO indicates that all the political parties find the work of this legislative organ professional and technically sound. This success is thus reflected in ownership of SAPBO by all stakeholders particularly in parliament, who in turn utilise the reports that are issued by SAPBO to make informed decisions in the national budgeting process.

The OECD prescribes specific principles for the operationalisation of PBOs to add value as IFIs for parliamentary fiscal oversight (OECD 2013). These internationally accepted values that guide the establishment and operationalisation of IFIs and SAPBO in particular are local ownership, mandate, resources, the IFI's relationship with legislature, independence and non-partisanship, access to information, transparency, communication, and external evaluation (OECD 2013). Some of the above principles are used to gauge the value of the SAPBO to the Parliament of South Africa.

Local Ownership and Mandate

There are three dimensions of independence against which IFIs can be measured in terms of international best practice: functions that are established in law, dedicated funding, and own staff (OECD 2013:5,6). Against these measures, SAPBO meets these criteria for an administratively independent institution. The objectives and core functions of SAPBO are prescribed by the Money Bills Act, as presented earlier. This Act furthermore provides for the periodic transfer of funds from parliament to the budget office to perform its duties and functions. The director's position is filled through the recommendations of the Advisory Board of SAPBO, which comprises the chairpersons of the Committees of Finance and Appropriations and the House chairpersons of the NA and the NCOP, as the two Houses of Parliament as mandated. In turn, the director appoints the staff, including the deputy directors, and determines their conditions of service within the relevant committees of parliament. These provisions of the Money Bills Act suggest independence for the operationalisation of SAPBO. The implementation of SAPBO's functions should inherently reflect these values from the start. The establishment of the SAPBO by national legislation emphasise the indigenous values of local ownership and mandate.

Although there is a legal mandate for SAPBO, this particular IFI has experienced teething problems since its establishment in 2013 (SAPBO n.d). Two of these challenges are mentioned here to highlight the issues that arise from attempting to improve the capacity of parliament within the context of constrained resources. Given that the legislation for an independent IFI was adopted by parliament in 2009, the establishment of SAPBO has seen a few years pass before it could be considered a fully established and operational office from 2013. The IFI

has also noted that the independence of SAPBO and its director as stipulated in the Act must be entrenched. SAPBO also expects that the legislative provisions on its mandate to parliament also prescribe how far removed the executive is from the process. However, this has proved not to be the case. Clarity on reporting lines is needed between SAPBO and the executive. The operational and financial management independence of SAPBO is expected to improve with time as full capacitation of this budget office takes effect with the filling of critical positions, for instance, all three deputy-director positions.

Access to Information and Communication

The ability of SAPBO to carry out its mandate should be reflected in the way it performs the three functional streams indicated above. In turn, SAPBO's performance should show that the IFI has indeed incorporated the internationally accepted values of independence, access to information, and transparency, "given that promoting transparency in public finances is a key goal of IFIs" (OECD 2013:7). An illustration of the performance of SAPBO (see Table 4) shows how this IFI has performed over the period since it was established.

It is important that SAPBO's work supports the fiscal oversight role of the South African parliament. The quarterly economic briefs, for instance, which are provided to keep parliamentarians abreast of economic affairs, are issued subsequent to quarterly economic data by Statistics South Africa, the South African Reserve Bank, and National Treasury, which usually provide information to parliamentarians on the gross domestic product, national expenditure, employment, sovereign risk and debt outlook, as well as the inflation and monetary policy for that period. These concise reports assist parliamentarians to contextualise national

Table 4: Performance of SAPBO

Financial year	Budget analysis reports	Briefs to keep MPs abreast of current affairs	NDP policy briefs	Reports requested by committees	Forecast robustness reports
2015/2016	4	4	9	16	1 annual report
2016/2017	5	4	7	6	1 annual report

Source: (SAPBO 2017:40, 44)

development objectives and the fiscal tools available within the constraints in which the national economy operates. A case in point is the report requested by the Standing Committee on Appropriations in parliament to investigate the costs of different electricity-generation technologies (SAPBO 2016a). This report contextualised the demand for electricity within the national discourse for economic growth.

Therefore, it can be seen that SAPBO's performance will indicate whether this organ has embraced internationally accepted values. Timely reports and interactions with the South African legislature should show independence, non-partisanship, and transparency. Access to information and communication with other stakeholders, including civil society and the media, are also important values that SAPBO should subscribe to. It is important that these values are incorporated into South Africa's experience as a young democracy; given the impact of the government's national budget in realising the NDP. Furthermore, the fiscal role of the SAPBO means that this IFI can also act as a resource for information when special issues arise in the country that must be addressed by parliament. The "#Fees Must Fall" campaign at the coalface of tertiary education can be used as an example of how the SAPBO could support parliament by providing fiscal information that take into account affordability and sustainable financing for university education for the 'missing middle-class' and poor South Africans disadvantaged by the present tertiary funding system.

Using the limited technical skills that will be made available through SAPBO will go a long way to developing and informing the capacity of parliamentarians. The example of electricity-generation technologies has implications on the way government should position the national power utility, Eskom, in relation to the country's energy needs in relation to the medium- and long-term cost projections of the various energy options available that the state should consider. The information should be and is made available to all stakeholders including citizens. The Hungarian IFI remains an example of relaying information to the public even if the information is controversial, although this has resulted in the work of this IFI being severely curtailed by the ruling party in the Hungarian parliament (Kopits 2011).

External Evaluation

Finally, SAPBO should have in place a "mechanism for external evaluation" that serves to enhance the professional quality of this organ as an IFI (OECD 2013:8). The SAPBO has not yet adopted a form of external evaluation for its work. International experience shows that external evaluation can be conducted by local or international experts through the review of selected work or annual reviews of the quality of SAPBO. Going forward, it will therefore be important to incorporate external evaluation so as to augment the rigour of the work done by SAPBO.

CONCLUDING REMARKS

In contributing to fiscal oversight in South Africa, cognisance has been taken of international and local best practices and lessons of experience in establishing an IFI. Internationally accepted principles such as local ownership through legal mandates, and independence of the budget office often guide how the IFI will operate in supporting the fiscal capacity needs of parliamentarians. In the case of South Africa, it is determined that there is no “one-size-fits-all” approach when setting up an IFI. A country must use its local context and resources to craft this legal body and help parliament to move towards a transformative legislature that can more aptly oversee the national executive.

The SAPBO remains useful in enhancing the capacity of the country’s top legislative body and its utility can only be enhanced by setting up a mechanism for external evaluation. Going forward it is important that the work of this IFI remains in the public domain for all stakeholders to continue engaging its relevance for parliament. More importantly it will be useful to enlist the support of internationally recognised experts in public finance and public sector economics that can be pooled into a mechanism that will provide the function of external evaluation.

ACKNOWLEDGEMENTS

The authors thank the National Research Foundation and the University of Johannesburg for their financial support towards this research work.

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Municipal Management Reforms for Accountability and Clean Audits

An Eastern Cape Case Study

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ABSTRACT

It has become evident that South Africa's municipal audits under the dictates of the Municipal Finance Management Act (1 of 1999) year after year show regress instead of progress; a fact underscored by the presence of a number of everyday realities such as corruption, financial mismanagement, and a wide variety of fraudulent activities.

These audit outcomes are directly related to financial management and conduct founded on specific and wide-ranging legislation, rules and regulations, as well as political and administrative oversight on strictly-defined responsibilities of a wide variety of sections within the organisational structure and processes operating within the entities.

The present article is based on a qualitative analysis of a wide range of data obtained from focus groups consisting of political, administrative and community leaders in the Eastern Cape's Joe Gqabi district municipality. It examines the municipality's journey from unqualified audit reports to accountability through collaboration, synergy, communication, information-sharing and coordination. This, despite the existing and occasional problematic relationships among the entity's political and administrative leadership and prevailing skills gaps in the municipality's organisational environment.

Instrumental in such an achievement was the adoption of well-defined responsibilities in collective mandates in terms of financial oversight and control, financial reporting, internal controls and risk management. These ultimately lead to community confidence in the management and governance of public entities.

INTRODUCTION

There is wide acceptance among all societal and community stakeholders, including councillors and officials, that the accountability of each and every public sector employee is not only a revered concept in South Africa's constitutional, legal and regulatory framework, but a duty, responsibility and priority; vital in the effort of planning, designing, promoting and implementing effective and efficient service delivery to the people.

Such accountability starts with the commitment of public servants at all levels for the enhancement of strong, honest, transparent, accountable and legally-rooted relations at all levels of processes, systems and solid organisational principles and responsibilities.

Above all, the most crucial element of success in service delivery is the continuous efforts of all leaders and managers to guarantee solid human and professional relations within a given entity, where commitment and dedication to one's duties and responsibilities are of paramount importance.

Once this is achieved, there is a strong possibility that the relevant action undertaken could or should lead to the expected outcome in relation to one's duties and responsibilities having been fulfilled successfully. This means that the level of accountability is instrumental in determining the actions of individuals, groups, departments and department sections, thus becoming a key to the success or failure of a particular state entity.

It has been empirically shown that levels of accountability in all spheres of South African government – and municipalities in particular – often tend to be tenuous or even non-existent, especially on the part of public sector employees and communities who, in the final analysis, expect developmental service delivery and are eager and prepared to debate, negotiate, and plan their own future along with the political and administrative leaders (Chimbuya 2004; Naidoo 2004; Buccus and Hicks 2008:527; Sikhakane 2008; Sikhakane and Reddy 2011:92–95; Pillay 2016:118).

The question of good governance in South Africa and its relationship to a clean audit in the Annual Reports of the country's Auditor General has been in the news and debates for a number of years, especially following the King Codes and Reports.

It is known that the vast majority (if not all) of government departments at existing levels, especially within local government entities, believe and emphasise that a clean audit, year after year, is a major achievement for their institution, because it signifies the existence of good governance.

Representatives of SAGMFWG (the South African Local Government Municipal Finance Working Group) are on record as stating that, in terms of the accounting focus, the success in achieving clean audits on an annual basis

is understood to be due to the efforts of municipal leadership. A clean audit, however, is not necessarily a guarantee of good governance or efficient, clean, effective and efficient financial management or service delivery to citizens. A clean audit is merely a government concept that guides the municipal leaderships in introducing fundamentals of good governance in the way municipalities conduct their business (Hugo 2013).

The present article is based on empirical research attempts to examine the long road taken by Joe Gqabi district municipality and its local municipalities to achieve clean audits after years of unsuccessful attempts, with a focus on important realities, mechanisms, structures and processes that led to the achievement.

Following this success, there have been not only official accolades from state institutions, but an environment fertile for more robust service delivery has been created. This has been achieved by taking decisive action through their organisational set-ups, plans and actions.

Bearing in mind that very strict and specific requirements are set for the achievement and maintenance of clean audits in the Public Audit Act (Act 25 of RSA, 2004a), the Public Finance Management Act (Act 1 of RSA, 1999), and the Municipal Finance Management Act (Act 56 of RSA, 2004b), as stated by Van Der Nest (2008:175–176); Van Der Nest, Thornhill and De Jager (2008:547–548) and Roos (2012:33), it may be assumed that the district municipality under investigation has taken a first and decisive step towards good governance.

THE CASE STUDY

The Joe Gqabi district municipality is an Eastern Cape district municipality covering 25 663 km². It comprises three local municipalities: Walter Sisulu, Senqu and Elundini. Its main towns include Aliwal North, Lady Grey, Barkly East, Sterkspruit, Rhodes, Mount Fletcher, Rossouw, and Ugie and its main economic sectors are community services (55%), finance (12.6%), trade (9.7%), manufacturing (9.6%), and agriculture (6.2%) (Statistics South Africa 2016). The statistics presented below are the latest available and are fundamental for the understanding of the material conditions of the municipality under investigation.

Its population stood at 373 000 in 2016, with a population growth of 0.65% per year over 10 years (2006–2016). During the same period the Eastern Cape's annual growth rate stood at 0.83% (South Africa's was 1.54%); 32.6% of the population consists of children between the ages of 0 to 14 years, whereas the next group in size, comprising 28.1% of the population, are the 25–44 age groups (typically the adult workforce) (Statistics South Africa 2016).

Statistics South Africa (2016) shows that there were 105 000 households in the municipality in 2016, signifying a growth of 1.43% over the 10-year period covered. There was a decrease in household size from 3.8 to 3.6 persons per household (while nationally there was a growth rate of 1.97%).

As identified, 17 500 (16.48% of the total number) are 'very formal dwelling units', 51 800 (or 48.66% of the total) are formal dwelling units and 5 080 (4.77% of total households), informal dwelling units. The backlog for formal dwelling units stood at 37 100 in 2016. Of the population 93.8% are black Africans, 3.0% are classified as 'coloureds', 2.7% whites, and 0.4% 'Asians' (Statistics South Africa 2016).

Large numbers of people are infected with HIV (44 800 in 2016), reflecting an annual increase of 2.77% since 2006. This, in 2016, represented more than 12% of the total municipal district's population. Nationally the infection rate during the 10-year period was 1.67% per annum. There were 53 600 'formally employed' people in the municipality in 2016, representing 70.77% of 'total employment', while 22 100 (29.23%) were in the informal sector. The latter were 20 000 in 2006 (Statistics South Africa 2016).

In 2016 the 'official unemployment' figure stood at 28 000, up by 4 500 from 2006 (23 400 then). This is an average annual increase of 1.77%, the worst in the Eastern Cape Province over the years, where an average annual increase of 1.65% was recorded. (Statistics South Africa 2016).

Utilising the 'upper poverty line definition', the municipality in 2016 was home to 239 000 people living in poverty, a figure 6.33% lower than the 255 000 in 2006. There have been significant improvements within the educational sphere in the municipality, as there was a significant decrease in the number of people without schooling; representing an annual decrease of 5.15%, and a concomitant rise in matriculated students from 19 600 to 33 400 (Statistics South Africa 2016).

In addition, the number of people with matric and a certificate and/or diploma' increased by an average annual rate of 2.78%, and those with a 'matric and a Bachelor's' degree, improved at a 5.43% annual rate, according to the Eastern Cape Socio Economic Consultative Council (ECSECC, 2017). Over 40.09% of the municipality's households (N=41 200) have flush toilets, 30.68% (N=31 600) VIP toilets (ventilation improved pit), while 17.50% (N=18 000) still use pit toilets (Statistics South Africa 2016).

A total number of 21.43% of households (N=22 400) have piped water inside the dwelling, 23.40% (N= 24 400) have piped water inside the yard and 33.93% (N= 35 400) have no formal piped water available. Overall, the total number of households below RDP-level in 2016 stood at 43 400, as opposed to 50 500 in 2006 (Statistics South Africa 2016). In 2016 a total of 9 890 (or 9.26% of the households) had electricity for lighting only, 75 500 (70.68%) households had electricity for lighting and other purposes, and a total number of 21 400 (20.06%)

of households did not use electricity. The latter's corresponding figure for those without an electrical connection was 40 700 (Statistics South Africa 2016). Over 35.41% (N=35 800) of households had their refuse removed weekly by the municipality, 1.33% (N=1 340) had refuse removed less often than weekly and 53.00% (N=53 600) had to remove the refuse themselves (Statistics South Africa 2016).

A THEORETICAL FOUNDATION

The theory of accountability upon which this article is based revolves around the foundations of good governance and its relations to main actors in all sectors of society, in our case the public sector: leadership, societal stakeholders, responsibility for actions, decisions, and policies in planning, administering and implementing honestly and transparently the expected 'good governance'. It is founded on descriptions and analysis of relationships built around individual and group conduct and behaviour within organisational and other societal settings where their plans, decisions and actions are judged (Painter-Morland and Ghislain 2015). Every single individual within the public sphere, thus, has to account for their actions as these are the foundations of success, failure or mediocrity.

Political accountability is founded on human, political, economic, fiscal and social relationships leading to good governance as well as a combination of well-structured policy and legal roots, which are equally respected by all societal stakeholders and role players, councillors, officials and society at large. Citizens possess the ways and means for holding the state accountable for its actions, and they have used them to achieve their aims and objectives when trust has been lost for government or state institutions (Thompson 2014:260–261).

It is the citizens who are the final judge of an accountable government and their empowerment is of great importance. In this sense the presence and activities of organs of civil society have played a key role in the efforts leading to the achievement of accountability outcomes in economic, social and political contexts (Tembo 2012). This effectiveness is in most cases the result of such societal efforts which have the unwavering support of key social actors crucial to accountability systems such as youth, labour organisations, media, professional organisations, leadership of state institutions, the private sector and political parties (Van Zyl 2013).

METHODOLOGICAL DESIGN

The key aims and objectives of the project were to research, analyse and dissect the municipality's journey from unqualified audit reports to accountability and the

significance of across the board synergy collaboration, coordination, planning, communication, and despite the existing and occasional problematic relationships among the entity's political and administrative leadership and existing skills gaps in the municipality's organisational environment.

The research methodology adopted for this project was a qualitative one, to be based on views held by community members' councillors and officials with first-hand knowledge of their district municipality. It was to be based on grounded theory and use of the empirical method to create categories from data collected through content analysis, categorisation of collected data and identification of common themes and their inter-relationships through the coding of key words, phrases and codes leading to comparisons of emerging categories of data (Creswell 2013; Corbin, Strauss and Strauss 2014). The creation of linkages of gathered information and their significance in the categorisation process would follow the example suggested by Maxwell (2010:12–13).

The interpretation of data was founded on the arrangement of content, themes, and deduction of meanings and analysis that led to the creation of specific categories and analytical explanation of the data presented (Allan 2003:7–8; Harwell 2011:147–148).

Two focus groups (consisting of 10 participants each) were used, based on a careful selection of politicians, administrators and community leaders who were willing to avail themselves of the opportunity to describe their experiences, challenges and problems of the entity they endured. The criteria for the selection of the participants were based on the principle that all stakeholders of the municipality, elected municipal councillors, administrators and community representatives were participants.

There were two councillors from the four municipalities, two officials each from the local municipalities and two ward committee members from the three local municipalities. The selected officials were those who dealt directly with the financial and integrity issues and the relations with the Auditor General. The community members were selected by the relevant wards in their respective municipalities.

There was a 'mixed focus group' made up of equal numbers of the three categories of participants. Each focus group lasted over four hours and the interaction was easy as the topics were structured according to the aims and objectives of the project.

Open-ended questions led to knowledge acquisition and direct information (Rome 2015). The judgmental sample consisted of section directors, managers and administrative staff in key positions in the municipality, councillors, and three ward committee members. Such decisions were made following the sampling dynamics as outlined by Palys and Atchison (2012:357) and Hoijer (2008:284–285). The data produced by the focus group was coded, leading to content analysis

of the field notes and transcribed discussions that led to themes instrumental in analysis and interpretation.

In terms of ethics followed before and after the focus groups there was the undertaking by the researcher that confidentiality and anonymity is guaranteed. There was a general agreement thus among all participants that the details and positions adopted in the discussion would be confidential. All of them were presented with the transcripts of the groups so their authenticity was confirmed. The complete acceptance of the truthfulness of the transcript guarantees the reliability of the information and the project.

THE CONTEXT

There was a very significant drop in the number of South African municipalities that achieved a clean audit during the 2017/18 financial year (Auditor General SA 2018). The irregular expenditure in municipalities reached a high of R12.1 billion, comparatively a very serious rise, as announced by South Africa's Auditor General (2018). The consolidated general report showed a serious increase in irregular expenditure (from R16.2bn to R28.3bn), of which R13.5 billion occurred in the Eastern Cape.

Of the 257 municipalities audited (down from 278 audited in the previous financial year), 33 received clean audits (a mere 7%). The decrease in number of entities was based on the fact that during 2016 the closing of 37 of them led to their amalgamations into 16. There were 112 municipalities that received an "unqualified with findings" audit, 66 "qualified with findings", 24 "disclaimed" audits, and four were given "adverse with findings".

The Auditor General's analysis of such regression was based on the fact that in most municipalities there was strong evidence of what was described as 'a significant rise in financial "awards" to elected officials, close family members and employees that were undocumented'. The results showed that material non-compliance towards existing legislation was the highest since the 2012–2013 periods and stood at 86%. This was principally, but not exclusively, to be explained as a result of the near-endemic non-adherence to the Auditor General's advice.

Such negative results and the realities of evident lack of accountability on the part of municipal leaderships, led to the recent approval of several amendments of the Public Audit Act 25 of 2004. These amendments, in an attempt to recoup public money, afford the Auditor General powers to refer transgressions to the Public Protector, the South African Police Service and the Hawks (Auditor General SA 2018; Khumalo 2018).

Throughout South Africa most municipalities have been plagued by poor financial management, supply chain management deficiencies, institutional capacity gaps, and lack of medium- and long-term planning for basic human needs, such as water, sanitation and housing, maintenance and/or expansion of existing infrastructure (Mantzaris 2014a:84; Mantzaris 2014b:72; Pillay 2016:117).

The worrisome realities described above, lead to corruption, high levels of personal distress, and inability to utilise budgets for infrastructure and other economic activities – a number of which are related to the infrastructure grant. The reality of such actions (or lack of) is that a large number of municipalities face serious problems and challenges that do not provide them the opportunities to unlock service delivery of badly needed basic services, such as water availability and electricity. During the 2011–2012 financial year, there was not even one municipality in the Eastern Cape that received a clean audit. This was a serious regression from the 2010 and 2011 financial years. Such an outcome continued drawing the negative picture nationally, as only 13 out of 343 municipalities (a mere 5%) recorded clean audits at the time.

Following the announcement of those results, Joe Gqabi district municipality, together with another five Eastern Cape counterparts received R45 000 for ‘sound accounting practices’. These were Vuna Awards, rewarding municipalities that provide excellence in governance and service delivery for their communities.

Senqu local municipality, a local municipality situated within Joe Gqabi district municipality, was awarded R50 000 because it had achieved unqualified audits with findings for four years in a row. This award was achieved despite the fact that such an unqualified audit indicates the existence of financial irregularities in the audit that need urgent attention.

It was the same local municipality that was faced with continuous serious violent protests, especially in Sterkspruit, led by the local Civil Association since 2011. The Association, supported by the majority of the local population, accused both the local and the district municipality of corruption and no delivery of basic services, such as clean drinking water, sanitation and roads. The Civil Association demanded a break away from the municipality (Algoafm 2012; News24 2013; EWN 2014; News24 2015).

The reality is that a town such as Sterkspruit is largely rural and consists of remote villages situated kilometres apart, a fact that makes service delivery extremely difficult. Over the years, efforts to tar and upgrade roads and build toilets have faced serious contractual problems with a wide variety of service providers (ECSECC 2017). However, municipalities within Joe Gqabi took a number of steps to achieve clean audits, with Senqu winning two clean municipal audits in a row. Since 2014 the Joe Gqabi district achieved the best audit results in the Eastern Cape and its municipalities’ performance improved, commensurate with a concerted effort at all levels.

THE FOCUS GROUPS ANALYSIS

There was a general agreement among focus groups participants that there were and still are problems present at the municipality in terms of political and administrative agreements at a number of levels; the relationships with a number of communities with particular problems and challenges remained; and a wide array of infrastructure priorities have led to disagreements among stakeholders and role players.

There was also a common agreement that there were gaps in the organisational arrangements within certain sections and departments in the district municipality in need of improvement in terms of their lacking performance and process-related systems and structures. This reality was directly related to professional and individual issues and arrangements connected to issues of seniority, departmental autonomy, norms and everyday practices.

Leadership, values and present realities

There was concurrence that, although values and ethical formalities and behaviour among all professional layers in the municipality seemed to be intact and professional accountability was evident, there were still issues related to a number of performance-management realities, specifically in terms of expertise and specialised knowledge. All this, even though the continuous interaction of the leadership of the municipality at all levels has led to high levels of professional socialisation, integration and conviction; indicating that the municipality was moving in the right direction in the last few years. This, it was strongly believed, was also highlighted in the Auditor General's report.

The emphasis of the leadership, so it was believed, was on the continuation of the improved standards of all employees' performance, cemented by the existing regulatory professional norms and official line adopted by the oversight organs that led to ethical and accountable professional practices.

Community participation and municipal leadership

One of the strategies hailed mainly by the municipal councillor participants in the focus group, was the successful initiatives of the municipal leadership at all levels to activate the representatives of communities through primarily the ward committees and the ward councillors. This, it was believed, 'pacified' and encouraged communities to become an integral part of the process of planning and implementing service delivery.

It was acknowledged that, despite the activation of communities through the ward representatives, not everything was functional throughout the year; a

phenomenon that was evident throughout the Eastern Cape, according to the participants. This problematic reality was exacerbated by the fact that each ward had specific problems and challenges in terms of needs, and often there was a perception that the developmental 'hand-outs' of the municipality should be prioritised according to the political activism of specific areas that are accompanied by political influence of specific leaders.

In this conundrum, the vision and behaviour of ward committees and councillors were considered of crucial importance, as were their connection and relationship with the 'dominant' political group. This was an issue raised mainly, but not exclusively, by those ward committee members and ward councillors who felt that, through this way and actions, transparency did not produce the expected fair results.

Given the undeniable fact that ward committees are key elements of public accountability and instruments of enhancement of participatory democracy on the local government terrain, such positions raise serious questions, principally because these peoples' committees are considered, and many of them are, impartial, independent and also, very popular. This means that they can play an important role in advising the area's political leader on the real problems and challenges facing the communities.

The councillors represented in the groups were adamant that, over the last few years, they were consulted and delegated duties to the ward committees because they considered them citizens' groups that were key to the operationalisation of structural participation at all municipal levels, communicated with them frequently, and had created the channels for their active participation in the council's groups, especially those related to financial and budget priorities.

Although it was accepted by most participants that the ward committees did not possess executive authority, they were active in most phases of negotiations and participation in decisions and committees where they could make their opinions and requests known to the municipality and sections of the provincial leadership. The priorities of these committees were determined by the planning and actions of the district municipality that guided the local municipalities which had the responsibility of monitoring and evaluating the performance of their councillors.

The ward committees themselves expressed their strong dissatisfaction with the fact that the district and local municipalities never provided them with the funds and budget so that they could conduct annual surveys that were an integral part of the rules and regulations of the relevant state department. It was felt that such annual satisfaction surveys would be very beneficial for everyone, especially for the community members to express their feelings towards the municipality, its functions, successes and failures and, especially, for the municipal leadership at all levels to be aware of the feelings and opinions of the citizens. It was strongly

considered that such an undertaking is a very strong message to the citizens that the municipal leader was accountable to them.

The councillors agreed with the representatives of the ward committees on the issue, but the reason why it was not applied, was lack of resources and lack of capacity. There were just too few skilled employees who could undertake this. It was deemed that the cost of such an initiative, should it go on official tender, would leave a serious dent in municipal expenditure and would be classified as 'wasteful' or 'irregular' by the Auditor General's opinion.

There was also the belief that these were challenges and problems related to the lack of experience and capacity, as well as lack of time, on the side of municipal councillors who were obligated by the regulations to supervise, monitor and evaluate such exercises as a key part of their functions, duties and responsibilities.

The ward committee participants thus indicated that there were problems they faced because of instances where they were not called on to monitor the various projects undertaken within their jurisdiction, as they were directly or indirectly involved in their planning and implementation. There was a feeling of despondency on their part, as they felt that their belief that 'ownership' of such service delivery initiatives belonged to their communities, which indicated that the common accountability of the leaders and the community members was being overlooked.

The same participants acknowledged that they were occasionally invited to council meetings, which, however, were closed in most cases. They nonetheless had access to all communication released by the municipality on occasions and had meetings with their elected ward councillor, but not as often as they wished.

The reasons for Auditor General success

The common denominator evident in the responses and debates among the participants in both groups was that the key reason for the district's success in the Auditor General's reports were the lessons learnt through past mistakes in the individual and district municipalities and the Eastern Cape in general. It was accepted by all participants that there were many mistakes evident, both in the past and present.

It was agreed, for example, that in the case of a predominantly urban local municipality such as King Sabatha Dalindyebo (KSD) (Mthatha and Mqanduli), its widely acknowledged 'state of bankruptcy' was a clear sign that complete failure of financial and supply chain management structures and systems ultimately led to evidence pointing to open or hidden corruption among both politicians and administrators. These realities led the municipality into hundreds of millions in wasteful, irregular, fruitless, and unauthorised expenditure throughout the years, as provincial and municipal politicians and administrators looted the state coffers through illegal tenders. Such flouting of supply chain and financial rules led

dysfunctional municipalities such as KSD to lose millions that could have been instrumental in future service delivery.

The positions expressed within the focus groups, point to the reality of the situation in KSD where there is a backlog of 20 800 households without electricity, while 54 200 households are without 'formal' piped water supply, from mains within 200m from their home. There is no waterborne sewage system in Mqanduli, while such a system, the one in Mthatha, is not functional, as the pump station is damaged (King Sabatha Dalinyebo IDP 2018).

There was general agreement in the focus group that the foundation of the findings of the Auditor General was the result of the continuous efforts of the district and the local municipalities to guarantee that the coordination between them was based on the existing rules and regulations outlined by Treasury, and existing legislation and rules and regulations of the municipality. The foundation of success was also based on the continuous success of existing collaboration, coordination and synergy with all government departments at all levels. This was particularly so in terms of secure funding, budget assistance and coordinating activities in accordance with existing legislation.

The focus groups generally accepted that the needs of communities, as identified in the King Sabatha Dalinyebo Integrated Development Plan (IDP), were to be faced by 'good planning and solid implementation'. The problem faced in the processes associated with the two concepts and concrete realities, was considered to be 'contravention of solid plans'. These were the main barriers to the successful development of communities and improvement of the living conditions of the poor and marginalised.

Serious and comprehensive planning and implementation in local municipalities throughout South Africa are the keys to good governance, but there are serious challenges in connecting up the two. On many occasions good plans fail in the implementation phase.

The key role of the district municipality in planning and coordination

The focus groups felt that the strategies utilised by the district municipality were based on a common understanding of existing realities in the individual local municipalities. They understood the systems, processes and procedures that could lead to proper implementation of plans, adherence to laws, rules and regulations as well as transparency and accountability that could lead to a clean audit. There was an agreement among the four entities (the district and local municipalities) that existing realities of systemic weaknesses, loose structures and organisational deficiencies could be overcome through coordination and cooperation among them, led by the district municipality.

Management of implementation was the key issue then, because agreed-upon programmes and projects could not be determined solely on the planning and action of only one partner; the solid coordination of all role players and stakeholders was necessary. In this instance, participants identified key infrastructure priorities such as a community hall or a taxi rank. A multiplicity of issues and duties, such as land, services, and the budgeted funds arose from there. These steps required the coordination and cooperation of different departments and sections within the organisational establishments of the district and the local municipalities.

These were to be solved by the creation of 'special municipal teams', as described by the representatives of the district municipality that 'took over' specific responsibilities associated with key projects that were prioritised in specific areas. These teams took the responsibility to be instrumental in the planning and implementation of the proposed projects.

It was a combination of an 'area-based team' and an 'organisation-based team', with elected and administrative officials to represent them as well as outside service providers operating a specific project in a particular geographic area.

The common knowledge, understanding of an agreement on the budgetary realities of a particular project, have been described as fundamental to the collective movement forward, as the necessary funds are available and the planning has been agreed upon and deemed appropriate.

It was generally agreed among the participants that, since the adoption of this prioritisation around 2012–2013, there have been plans which can be described as being initially inappropriate. The 'very-determined-agreement-to-achieve-the-targets' attitude among the municipal leadership and all stakeholders led to the utilisation of consultants on occasion. This step created initial confusion because of what has been described as a 'very complicated and detailed initiative', because it was aimed at 'achieving too much' where there was no need for such intentions, planning and processes. Such complications, it was said, were in the past merely accepted, as there 'were weaker organisational structures' in place, lacking the now established team and group's acumen.

THE 'MIDDLE-OF-THE ROAD COORDINATED APPROACH'

The 'middle-of-the road coordinated approach' was adopted by the teams where the plans were well-researched, debated and agreed upon and were well-informed but not extremely complicated. They included all completed information required, had dealt with and addressed all issues involved with a specific project, and there was agreement on the plans facing the realities of the existing situation on the ground.

In such a step forward, that has taken place is the continued observance of the existing conditions in the affected areas of service delivery and the occasional changes taking place in the area. Such careful observance guarantees that unanticipated actions will not take place in the processes of planning and implementation. One of the key issues evident in the focus groups, was their general strong belief that the stakeholders and role players in both planning and implementation have agreed that the plans in all aspects of the IDP and service delivery targets need to be easy and clear for everyone to understand. The key guidelines of specific responsibilities, budgets and budgetary constraints, sections and people responsible, and timelines, are to remain uppermost in everyone's mind.

This means that those directly involved in the implementation processes should be active participants and decision-makers during the planning stage of a project. This, because their insights, knowledge and experience could ensure that future plans are adequate and appropriate. This means that as integral participants of the holistic process they would be more prepared to interpret the plan and its possible and probable adjustments.

All these steps and agreements, according to the participants, were directly related to an array of well-defined objectives linked to the responsibilities of the political oversight, the dynamics and particularities of supply chain and procurement responsibilities, as well as internal audit and risk management duties.

It was stressed that, although there were only a few instances where big and fairly complicated projects had taken place in the municipalities, there has always been an understanding and an effort to treat them in a specific manner, involving breaking them into well-specified phases and plans. In this way, the proposed processes, steps and solutions were identified with specifications for outputs and outcomes to be achieved.

THE SUCCESS OF THE DISTRICT PUBLIC ACCOUNTS FORUM

Another step forward, outlined by the focus groups' participants, was the establishment of a District Public Accounts Forum that met once a month.

This forum consisted of key members of MPACs (the Municipal Public Accounts Committee), whose key role is to hold elected officials and leadership accountable. It is a financial oversight body instrumental in audit outcomes and the municipal expenditure (Makhado, Masehela and Mokhari 2012).

It was stated that the key element of success of the forum was its position that, in cases where skills gaps existed in the audit committees, it was important that the district municipality needed to intervene and help the local municipalities increase capacity and capability by replacing staff or allocating its own staff

temporarily to fill the gaps of financial or legal knowledge and expertise, as advocated by a number of researchers (Pelizzo 2011, Pelizzo and Kinyondo 2014).

Such key personnel have been assisted throughout, by committee members in a wide variety of substantive and technical issues regarding rules, regulations and the interpretation of policies. The general administration, leading to the enhancement of oversight and accountability, was also assisted. These realities point to the fact that effectiveness of such committees and forums is rooted in middle management and support staff knowledge, understanding and functionality at all operational levels. This, because such operations need to be completed within predetermined periods.

THE SIGNIFICANCE OF STUDYING AND RECTIFYING PAST PROBLEMS

It was established from the officials participating in the group that the financial and audit leaderships of the Joe Gqabi district and local municipalities spent weeks paying serious attention in identifying and rectifying past and present problems. They were also challenged in guiding employees in identifying material misstatements in the financial statements; scrutinising performance reports throughout the years to avoid material findings in the final report; and updating new and other middle-management employees with all existing legislation, rules and regulations of the relevant authorities.

It became evident in both focus groups that, despite the acknowledged problems between councillors and officials, there was an agreement and commitment that oversight responsibility was to be respected and there was collective support and understanding of the significance and production of financial and service delivery performance reports that were distributed to stakeholders and role players.

Special attention was paid to risk management initiatives, with emphasis on risk mitigation, supply chain control and financial management.

CONCLUSION

The empirical study undertaken has showed conclusively that the Eastern Cape's Joe Gqabi district municipality's success in terms of achieving a clean audit and recording the best results in the province was a collective effort of all stakeholders and role players. This, despite the existence of problems and challenges in the relationships among elected and administrative leaders.

The significant improvement in performance of the municipality was generally acknowledged as coordination, synergy, cooperation and wide-spread

communication throughout the organisational systems as well as the representatives of departments at all government layers.

The focus on the enforcement of internal controls, strict audit rules, appointment and retention of skilled personnel, attention to internal controls, supply chain management and financial controls paid serious dividends as did leadership stability that has been committed in support of good governance.

The creation and continuity of the District Municipal Public Accounts Forum that was established and which met once a month has been a vital link between the municipalities and the communities around them because it cements debate, planning and implementation targets at all levels. The allocation of key personnel in the Joe Gqadi district municipality and their appointment on a monthly basis to the local municipalities as audit committee members, strengthened the capacity of the organisation, as it had a significantly positive influence on internal controls, financial systems stability, and audit and risk management.

The enforcement of well-planned and continuous consequence management played a very important role and was a key factor in this process. It has been a long and winding road, full of challenges, problems and contradictions. The success here most likely creates a new way of thinking, planning and acting in other similar municipalities.

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Identifying Variables at the Nexus of Well-Being, Job Satisfaction and Motivation

A Framework for Research in Public Human Resource Management

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ABSTRACT

This article reinforces a conceptual framework within the field of human resources, with the aim of guiding scholars in their approach to constructs, questionnaires and data collection. In this effort to support scientific inquiry and knowledge construction, this article identifies 19 variables cutting across three sub-domains of the human resources field: employee well-being, job satisfaction and motivation. The evidence suggests that well-being, job satisfaction and motivation are in a mutually reinforcing relationship, manifested in the interaction of their common variables, and that the entire dynamic forms a nexus with probable positive effect on performance. This reinforced conceptual framework intends to guide scholars doing further research in the design of questionnaires for data collection on the constructs that have been mentioned. It is the contention of this article, however, that this framework contributes to new knowledge construction in human resources within public administration, with a consequential contribution to guiding scientific inquiry. In terms of methodology, the study employed a content analysis on scholarly peer-reviewed literature to identify the commonalities of variables within the three sub-domains recognised as important units of analysis. In this study the variables have not been organised into distinct clusters, which is an effort left for future work.

INTRODUCTION

To provide a useful conceptual framework for research in human resources, public administration and management it is important to understand the three constructs widely regarded as vital, namely, employee well-being, job satisfaction and motivation, and to understand the nature and extent of their interconnectedness, their nexus, so to speak. For decades, the discipline of public administration and management has concerned itself with these questions, and the literature on these subjects is vast.

Employee well-being, job satisfaction and motivation are overlapping, multi-disciplinary constructs, which, due to their inherent differences, cannot be categorised as belonging to just one domain. However, it is possible to gain insight into each of these three constructs, and into their relationships, by identifying the variables that they have in common, and then using these variables to ascertain and even measure their dynamic interactions and their combined effect on other variables such as performance. Such an understanding allows for the development of a conceptual framework that can be useful in research.

This study's content analysis of the literature identified 19 variables cutting across the concepts of employee well-being, job satisfaction and motivation, and the study then recognised these variables as important units of analysis in future research. It is important to note that motivated employees are likely to experience a high level of well-being if they experience job satisfaction. Most importantly, it is essential to take in cognisance that motivated and satisfied employees are indispensable for organisational success and positively affect the performance of others in the workplace.

Here, it is vital to emphasise the following: While each of these three concepts are important – well-being, job satisfaction and motivation – their mutually reinforcing relationship, that is, their synergy, is likely to magnify their effects on other constructs and variable, such as on job performance, for example, which in turn improves organisational performance. In this light, these concepts merit research attention at the level of the individual, groups or teams, and the organisation as a whole. Indeed, the aim of this study may be listed as an objective for further clarity and specificity.

- To use the constructs of well-being, job satisfaction and motivation – with an eye on their cross-cutting variables, their mutual relationships, and their combined effect on job performance in the development of a conceptual framework that may guide future research.

The article is organised as follows. A literature review is presented, which discusses the conceptualisation of employee well-being, job satisfaction and motivation. Next, there is a discussion of the research methodology in the study. A description of the conceptual framework follows. Finally, the article concludes.

LITERATURE REVIEW

This section examines some of the principal academic approaches of well-being, job satisfaction and motivation, and turning points in those approaches, by considering specific authors and their published works. In this effort, this literature review, along with the subsequent content analysis, considers more research from previous decades because its focus is not on the field's more recent advances but rather on the stability and continuity of the three constructs and their variables over time.

DEFINITION AND CONCEPTUALISATION OF KEY CONCEPTS

The terms key to this study will be outlined below.

Employee well-being

Definitions of employee well-being vary widely in the field, as does the context in which well-being is studied. Guest (2017:22), for example, notes a slight shift in focus, away from determining how well-being may affect organisational performance and towards studying employee well-being for its own sake, in light of increased pressure on people from work and society. Mäkikangas, Kinnunen and Schaufeli (2016:52) produce a study representative of the recent trend to associate affective well-being with personal characteristics.

Despite the variety of approaches and interpretations, there remains considerable consensus that employee well-being is a concept that incorporates a comprehensive array of physical, psychological, intellectual, social, mental and emotional dimensions (The Chartered Institute of Personnel Management (CIPD) 2008:11; the World Health Organisation 2009:889; Rogers 1995:128; Spector 1997:63; Warr 2002:198). Moreover, Currie (2001:281) views employee well-being as the mental and physical health condition of workers, a conception suggesting that these characteristics provide employees with a sense of belonging and allow them to achieve satisfaction, motivation and fulfillment.

Well-being at work is widely recognised as an important factor in organisational success (Peccei 2004:79). Those organisations that make significant investments in the well-being of employees tend to reap the benefits of their elevated performance. According to Baptiste (2008:285), the increased interest in well-being at work has emerged against a backdrop of the general decline in the nature of the workplace, specifically to a set of physical, psychosocial and person factors impacting on worker efficiency. It is likely that cynicism within organisations

negatively affects employees' well-being and, consequently, performance (Baptiste 2008:286). Those factors, widely seen as detrimental to organisations' performance, have garnered more attention from researchers. More employers have also started to focus on well-being, recognising its impact (Baptiste 2008).

All organisations strive to maintain a healthy state and, if the employees are in a lowered state of well-being, this is likely to contribute to poor performance (Spector 1997:68). Warr (2002:197) argues that job-related well-being refers to people's satisfaction with their jobs as they relate to aspects such as remuneration, colleagues, supervisors, working conditions, job security, training opportunities, involvement, teamwork and the nature of the work being undertaken. The fundamental principles of performance are geared towards embracing the goals and objectives of the organisation. Bakke (2006:670) supports this view and notes that well-being can be linked to the promotion of an environment that makes work exciting, rewarding, stimulating and enjoyable, and further proposes that joy-filled workplaces translate into improved financial performance.

Essential factors leading to organisational and personal well-being include open communication, teamwork and cooperation, flexibility, support and a balance between work and personal life (Kraybill 2003:28). Organisations need to remain sustainable, so it is inevitable that they need to promote the well-being of their employees to enhance performance. People are an organisation's most important asset and their effective development and deployment offers a distinctive competitive advantage. Recognising the importance of this, leads to a strong focus on both the theory and practice of positive employer and employee engagement.

Organisations that ignore the above and fail to pay attention to employee well-being at work tend to suffer the long-term consequences of poorly performing employees and risk affecting the bottom line (Nadler, Thies and Nadler 2002:71). Also, well-being, happiness and prosperity at the individual level can reverberate up to higher levels; which is essential to the well-being of society (Wehrich and Cannice 2010:41). Furthermore, the employees' well-being is beneficial if they feel esteemed, appreciated, recognised, considered and trusted. The multidimensionality of employee well-being, as a sub-domain of human resource management, has been succinctly described above. An overview of the second construct, which is job satisfaction, is explained in context below.

Job satisfaction

Job satisfaction is a more multidimensional concept than might appear at first glance. Recent studies have focused on the interaction and social dynamics at the workplace, as in the study of Li, Zhu, and Park (2018:1912), which focuses on leader-member exchange, and in that of Kampkötter (2017), which prioritises the assessment procedures of formal performance appraisals. Many of those recent

insights, however, have evolved out of a longer research tradition showing some commonalities. Wehrich and Cannice (2010:41) identify good leadership practices, good manager relationships, recognition, promotion, advancement, personal growth, feedback and support, and clear direction and objectives as such factors. Here, critically, it should be noted that these also pertain to the dimension of employee well-being. An employee who is satisfied at work also experiences well-being. Similar approaches have been taken by Allan, Drevs and Ruhe (1999:81), Kleinman (2004:112), Spector (1997:69), and Knoop (1987:51).

In another line of research, Weiss (2002:46) defines job satisfaction as a gratifying emotional state emanating from an evaluation of one's outputs and the perception of one's job. Conversely, he argues that job satisfaction is an attitude, but he also points out that researchers should clearly distinguish the objects of cognitive evaluation, which are affective (emotion), from more cognitive beliefs and behaviours. Redmond (2009:18) defines job satisfaction in terms of the extent to which an employee derives happiness from work and shows a positive attitude towards that work.

Another set of scholars have come to understand job satisfaction in terms of what it is not, that is, by identifying those factors with an inverse or antagonistic relation to job dissatisfaction: anger, burnout, resentment, helplessness and fatigue. Such an approach can help identify the conditions that both impede and promote job satisfaction. Indeed, the relationship between employee well-being and job satisfaction has interested many researchers such as Rosenfeld and Wilson (1999:192), Redmond (2009:18), Bandura (1981:351) and Landy (2007) who have indicated that a happy employee is a productive employee. Meantime, some scholars, who are clearly in the minority opinion, have maintained that the most important factor in job satisfaction is financial remuneration.

A related approach to job satisfaction studies individual variability, which also has implications for how organisations attempt to create conditions that maximise job satisfaction. As studies have shown, some people may be satisfied in a high-paying job, regardless of the actual tasks involved, whereas others may want a highly rewarding job (Weiss 2002:47). The Hawthorne studies, conducted in the 1930s which confirmed that a happy worker is a productive worker, identified strong connections between job satisfaction and job performance. However, employees' intrinsic desires and motivations differ, with some seeking a high salary only, and others prioritising autonomy or personal challenge. Despite this observation, scholars tend to believe that no single factor determines employee satisfaction.

Job satisfaction is not the same as motivation or aptitude, although they are clearly linked. Workplace management, and specifically the area of task design, aims to enhance job satisfaction and performance by applying the principles of job rotation, job enlargement, job enrichment and job re-engineering (Hadebe

2001:32). Other factors influencing satisfaction include the management style and culture, employee involvement, empowerment and position autonomy. The salience of job satisfaction is reflected in it being frequently measured by organisations whose managers understand the clear link between job satisfaction and job performance.

Motivation

There is wide consensus in the field that motivation generally refers to the personal drive to take action, make achievements and overcome challenges, usually displaying commitment, initiative and optimism. Studies have often examined how these practices and attributes vary across contexts and among individuals. Recently, there has been a strong focus on generational differences, inspired in part by the rise of the millennial generation, with its affinity for digital technology, with a related focus on how motivation may be promoted across the generation gap, as is the topic of a study by Park and Park (2018:280). Other definitions are also in use. Wintzel (2007:23) defines motivation as the manner in which the urges, aspirations, drives and needs of humans control or explain their behaviour. Jensen (2007:238) postulates that motivation is a concept that channels and sustains behaviour. Studies by a range of classical management authors such as Herzberg (1966), Borkowski, (2009:109) and Hackman and Oldham (1976:256) have revealed how motivation can be influenced by job enrichment.

The observations above suggest that in the workplace, motivation is not a fixed or unchanging personal state but rather open, flexible and potentially responsive to different motivational tools. Management should be aware that not everyone is motivated by the same needs. At various levels in their lives and careers, employees will be motivated by completely different needs. Such a perspective is compatible with the idea that positive and negative attitudes towards work may exert powerful effects on different forms of organisational behaviour, often indirectly, or in combination with other factors such as employee well-being and job satisfaction.

Generally, motivation theories are divided into two categories: content (intrinsic) and process (extrinsic) theories. The content theories of motivation describe the internal factors that motivate human behaviour. Four of the most common content theories are: Herzberg's motivator-hygiene (dual factors) theory, Maslow's hierarchy of needs, McClelland's theory of needs, and Alderfer's ERG theory (Wehrich and Cannice 2010:285). By contrast, the process theories of motivation describe the external factors that motivate human behaviour. According to Wehrich and Cannice (2010:332), the process theories of motivation include Adams' equity theory, Vroom's expectancy theory, the goal-setting theory and the reinforcement theory of motivation. In basic terms, motivation process theories focus on how a worker's own behaviour influences their needs (Wehrich and

Cannice 2010:328). This research has explored the following process theories of work motivation: expectancy theory, equity theory, goal-setting theory, normative theory and path-goal theory. In contrast to intrinsic motivation, extrinsic motivation is the type of drive that is often derived from money or promotion. This type of motivation is easily ignored upon the satisfaction of related desires or when satisfaction cannot be guaranteed (Barton and Martin 1994:101). However, if this extrinsic aspect of work is deficient then the expected result is job dissatisfaction.

Theories of motivation are universal in that they can be applied to many if not all disciplines, ranging across the humanities, the social sciences, and the natural sciences. Another approach to workplace motivation is found in equity theory, which describes the perceptions of employees in terms of their treatment by management. In his seminal work, Adams (1965:340) considered motivation within the context of an unequal or unmerited situation and found that while people perceive a modest amount of “over-reward” as good luck and do not react to it, they do not readily tolerate a modest “under-reward”.

Another perspective is provided by expectancy theory, which helps to explain individual differences in motivation and behaviour, unlike the universal content theories of motivation proposed by Maslow. However, expectancy theory faces criticism, with some scholars charging that it overlooks the impact of coercion and job insecurity on performance and that, moreover, the assumption that people make decisions using a detailed calculus is questionable (Weihrich and Koontz 1993:281).

It is noteworthy that the motivation of workers can lead to higher organisational performance and greater productivity. A discussion on the interrelationship of the three constructs is offered below as a way of understanding their combined effect.

Integration of employee well-being, job satisfaction and motivation

The human resources literature has established a relationship between employee well-being and motivation. Attaining these qualities is expected to enable employees to reciprocate and respond by showing positive work attitudes, which in turn produce enhanced performance (Baptiste 2008:285). Greater involvement in decision-making and work teams, and open communication about strategy and operational matters, ensures that employees remain well informed and conveys that they are to be trusted. Most employees respond positively to such treatment and respond in kind.

This study brings its research to bear on its content analysis of the published works. Decades of research have documented the causal links between employee well-being, job satisfaction and motivation, and how these link as a nexus, improve work performance – first at the individual level and ultimately at the

organisational level. What remains to be done, however, is the development of a more fine-textured framework, noting how the the interaction of well-being, job satisfaction and motivation is realised through the interaction of their constituent parts, such as the variables cutting across each domain. In the field of human resources, despite its accomplishments, there remains much work to be done on determining and measuring the exact relationships as they involve the three constructs, the 19 variables, and multiple combinations thereof. Here, some research has already indicated that employee well-being and improved job performance are both influenced by motivation and job satisfaction. Claims along these lines can be found in studies by Peccei (2004), Kuranchie-Mensah and Amponsah-Tawiah (2016), Weiss (2002:47), Allen, Drevs and Ruhe (1999:90), Kleinman (2004:112), Spector (1997:71), Kaiser (2008:14) and McGregor (1960).

RESEARCH DESIGN AND METHODOLOGY

Before outlining the study's design and methodology, it may be useful to bear in mind that this research was undertaken with a constructivist approach, that is, one drawing from individual experiences and internal knowledge (Wendt 1992:399). Such an approach considers the subjective nature of the constructions and variables identified here, and this applies not only to the original authors of the works under consideration but also to this researcher, engaged in an interpretive process of exploring, assessing, scrutinising and sifting variables.

In this study, articles in academic journals were screened with the goal of identifying those that focus specifically on one or more of the three constructs described above: employee well-being, job satisfaction and motivation. Here, to emphasise a point made above, the ultimate aim was to use these concepts, their components, and their relationships, in the development of a framework that may be useful for research. The sample size involved a review of 15 studies per sub-theme (construct) for content analysis and contextualisation for the purpose of the framework construction, yielding a total of 45. The components commonly found in studies addressing the three constructs were identified and listed separately. This process allowed for the identification of 19 important variables, each one of which were repeated across sub-domains as the author used them to shed light on aspects of their constructs.

The scope of the content was limited to peer-reviewed journal articles and books, published in English, ranging from classical to current, to capture those variables that showed the most continuity across the decades. The variables common to the sub-domains were identified and clustered, as illustrated in Table 1. The authors were identified, and three Tables were constructed to show how frequently each variable appeared in each author's contribution per construct.

The variables per author were calculated, along with the number of times each variable appeared across all of the author's contributions. The scores served as justification for the argument that the nexus of the three constructs, that is, the mutually reinforcing relationship between well-being, job satisfaction and motivation, had a positive effect on job performance.

Table 1: Identification of variables

Constructs	Employee well-being	Job satisfaction	Motivation
Variables	Working conditions/ environment	Working conditions/ environment	Working conditions/ environment
	Work-life balance	Work-life balance	Work-life balance
	Management style/ Leadership practices	Management style/ Leadership practices	Management style/ Leadership practices
	Physical factors	Physical factors	Physical factors
	Psycho-social factors	Psycho-social factors	Psycho-social factors
	Interpersonal factors	Interpersonal factors	Interpersonal factors
	Commitment/ Achievement	Commitment/ Achievement	Commitment/ Achievement
	Teamwork	Teamwork	Teamwork
	Training opportunities	Training opportunities	Training opportunities
	Involvement/Inclusivity	Involvement/Inclusivity	Involvement/Inclusivity
	Productivity	Productivity	Productivity
	Rewarding work	Rewarding work	Rewarding work
	Job security	Job security	Job security
	Human investment	Human investment	Human investment
	Job enrichment	Job enrichment	Job enrichment
	Communication	Communication	Communication
	Recognition/ Promotion	Recognition/ Promotion	Recognition/ Promotion
		Employee well-being	Employee well-being
	Job satisfaction		Job satisfaction
	Motivation	Motivation	

Source: (Author's own interpretation)

Table 2: Employee wellbeing

Author	Variables															Total				
	Job satisfaction	Motivation	Working conditions/ environment	Work-life balance	Management style/ Leadership practices	Physical	Psycho-social	Personal	Commitment/ Achievement	Training opportunities	Involvement/ Inclusivity	Teamwork	Production	Rewarding work	Job security		Human investment	Job enrichment	Communication	Recognition
1 CIPD	x	x		x						x		x	x	x				x		7
2 Jensen & Rodgers, (2001)	x	x						x		x						x	x			6
3 Kets De Vries, 2008	x	x				x					x				x			x		7
4 Maxwell, 2004	x	x		x		x	x								x					8
5 Spector, 1997	x	x			x	x	x						x				x			8
6 Warr, 2002	x	x	x			x	x			x	x	x			x			x		10
7 Currie, 2001	x	x		x	x										x	x			x	8
8 Bakke, 2006	x	x	x										x	x					x	6
9 Viljoen, 2008	x	x																x		6
10 Kraybill, 2003	x	x		x									x	x			x	x		8
11 Jones, 2008	x	x			x											x				5
12 Daniels, 2006	x	x		x												x	x		x	7
13 Baptiste, 2008	x	x			x													x		7
14 Blau, 2006	x	x				x	x												x	8
15 Weiss, 2002	x	x																x	x	8
Scores	15	15	2	3	5	6	8	4	2	6	3	2	8	3	4	4	5	8	5	109/108

Source: (Author's own interpretation)

Table 3: Job satisfaction

Author	Variables															Total				
	Employee well-being	Job satisfaction	Working conditions/ environment	Work-life balance	Management style/ Leadership practices	Physical	Psycho-social	Interpersonal	Commitment/Achievement	Training opportunities	Involvement/ Inclusivity	Teamwork	Productivity	Rewarding work	Job security		Human investment	Job enrichment	Communication	Recognition/Promotion
1	x	x	x	x			x	x		x		x								8
2	x	x	x			x	x	x			x	x		x			x	x	x	10
3	x	x	x	x			x	x	x	x				x	x		x	x	x	12
4	x	x						x												3
5	x	x	x			x								x	x		x	x	x	10
6	x	x		x	x		x		x		x							x	x	9
7	x	x	x			x				x	x				x			x		8
8	x	x								x							x	x		5
9	x	x	x	x		x		x	x						x		x		x	11
10	x	x	x							x					x		x		x	7
11	x	x	x			x				x	x				x		x	x	x	10
12	x	x	x		x		x	x	x						x		x		x	11
13	x	x	x							x	x							x	x	9
14	x	x	x			x			x								x			10
15	x	x	x		x														x	6
Scores	15	15	12	4	2	4	9	6	6	7	4	3	4	3	8	0	9	8	10	131/129

Source: (Author's own interpretation)

RESEARCH FINDINGS

The data presented in the Tables was analysed with the goal of determining the nexus, or the nature of the interrelationship between the sub-domains among the human resource realm, namely, employee well-being, job satisfaction and motivation, to assess their effect on work performance within the sample consisting of an average of 15 authors' contributions per construct. In this effort, the study pursued identifying commonalities in the articles. Following Whittlemore and Knafl (2005:550), the articles were read three times to contextualise and synthesise their content. This process also revealed that, some of the variables showed no commonality with others, and were thus excluded.

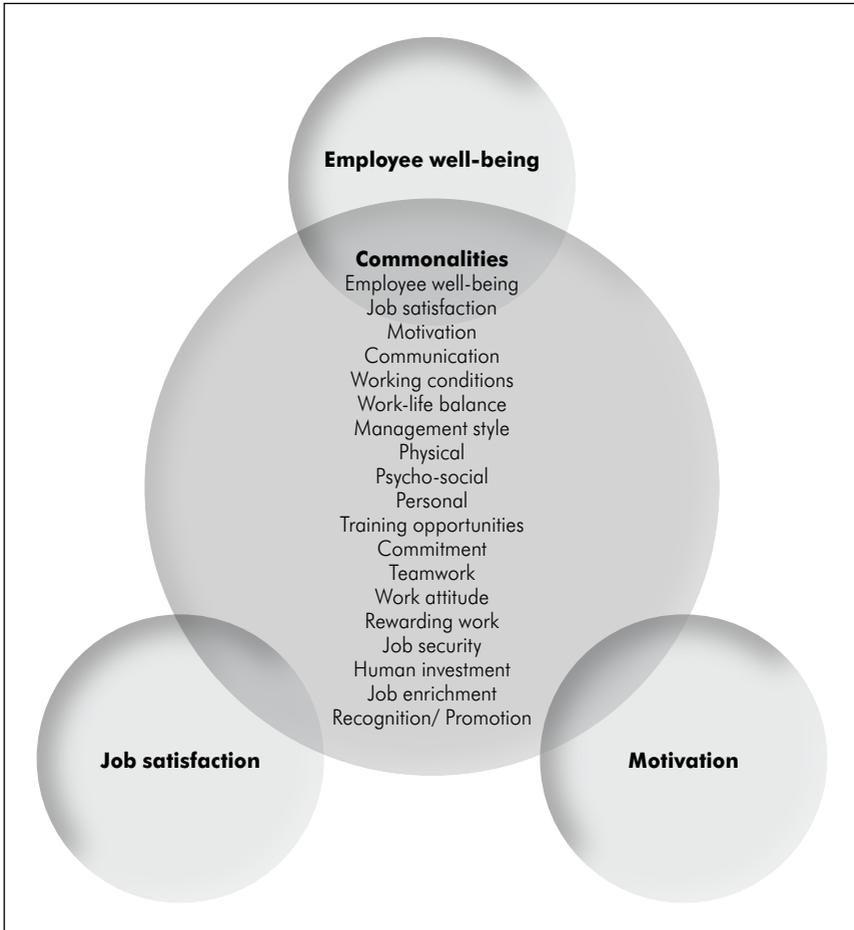
Table 2, regarding employee well-being, includes the constructs of job satisfaction and motivation as variables. This study assessed the frequencies with which they were mentioned by the 15 authors. It was found that all the authors mentioned the two variables to justify their importance to employee well-being. The frequency with which these constructs were used by the authors is shaded, being the main indicators for the study. The scores, per author, for each time the variables were mentioned, totalled 109, and the number of times they appeared totalled 108.

Table 3, regarding job satisfaction, includes the constructs of employee well-being and motivation as variables. This study assessed the frequency with which they were mentioned by the 16 authors. It was found that all of the authors mentioned the two variables, which enhanced their importance within the job satisfaction sub-domain. The variables were all mentioned 131 times and each variable appeared 129 times.

Table 4, regarding motivation, included the constructs of employee well-being and job satisfaction, as variables to assess the frequency with which they were mentioned by the 15 authors. It was found that all of the authors mentioned the two variables, similar to the others. The variables were all mentioned 129 times and each variable appeared 229 times. Moreover, the process of investigation resulted in the development of a conceptual framework that is presented below. It is useful to display this figure to reinforce the centrality of this configuration of constructs and variables.

Some general and preliminary observations can be made about the constructs illustrated above. It is essential to note that motivated employees are likely to encounter a high level of well-being if they experience job satisfaction. Conversely, it should be noted that motivated and satisfied employees are essential for organisational victory and certainly the performance would be affected positively as a result. The above observation is central to the findings of this article, and to the approach it takes to helping define a theoretical framework.

Figure 1: Conceptual framework of the nexus of well-being, job satisfaction and motivation



Source: (Author's own interpretation)

A summary of the variables in the order of their priority is presented in Table 5. The most and least common commonalities mentioned, in terms of frequency, are classified in Table 5.

This Table presents an analysis of the scores. The frequencies and the scores cannot be assumed to represent an exhaustive list, due to the selected sample of only 45 studies. Still, this content analysis included a sufficient number of studies to provide a solid foundation for identifying commonalities across the three sub-domains, and to offer guidelines for future research.

Table 5: Summary of frequencies

Highly scored variables (6–15)	Low scored variables (0–4)
Employee well-being	Work-life balance
Job satisfaction	Management style/Leadership practices
	Physical environment
Job enrichment	Involvement
Job satisfaction	Teamwork
Motivation	Rewarding work
Psycho-social	Human investment
Productivity	
Communication	
Working conditions	
Interpersonal relationships	
Training opportunities	
Job security	
Recognition/ Promotion	
Commitment	

Source: (Author's own interpretation)

Future research should attempt to cluster the variables according to their relevance so that repetition is avoided and to reduce confusion over words with similar and overlapping meaning. From the Tables presented in the research methodology, it is evident that there is indeed an interrelationship between employee well-being, job satisfaction and motivation, and this is corroborated by the research conducted by esteemed scholars. Furthermore, the components identified can serve as variables for the construction of research instruments by future research in the three subject areas. A comprehensive and holistic integration of employee well-being, job satisfaction and motivation, through the identification of a nexus of variables, should be viewed as a significant contribution to the field.

In summary, the findings revealed that of the 15 authors listed in the sub-domain of employee well-being, there were 108 common mentions of the related components out of the 19 identified variables. Similarly, regarding job satisfaction, 129 common components were mentioned by 15 authors, while 15 selected

authors mentioned 229 common components under motivation. Of all the identified variables listed, 19 were depicted under the commonalities in Tables 2, 3 and 4, as well as in the Figure for the conceptual framework. Out of a total of 19 variables, 12 scored high (with the exception of the main constructs) and 7 scored lower.

While this study is based on identifying constructs and their variables, it does not establish causality among them, other than to suggest their mutually reinforcing relationships and likely positive effect on performance. Future researchers should give more consideration to those variables that are appearing most frequently as they test for causality: Job enrichment; Psycho-social; Productivity; Communication; Working conditions; Interpersonal relationships; Training opportunities; Job security; Recognition/ promotion and Commitment.

CONCLUSION AND IMPLICATIONS FOR RESEARCH

By identifying 19 cross-cutting variables, this study added further definition and clarity to the nexus of three constructs: employee well-being, job satisfaction and motivation. This effort integrated the literature and supports the proposition that these three constructs, and their variables, are in a mutually reinforcing relationship exerting a positive effect on performance.

The limitation of this study is somewhat understandable as it stopped using its constructs and variables to test specific hypotheses in an empirical manner. In this study the variables have not been organised into distinct clusters, which is an effort left for future work. In summary, this study helps to develop a conceptual framework to guide scientists for designing questionnaires for data collection, particularly in the realm of human resources, public administration and management.

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Leadership Conundrum in South Africa's State-Owned Enterprises

Critical Considerations for Astute and Progressive Leadership

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ABSTRACT

In recent years, many of South Africa's State-Owned Enterprises (SOEs) have been subjected to an immense and devastating castigation in economic and social dialectical discourses. These debates are often waged by socio-economic pundits in academia, civil society, media and Non-Governmental Organisations (NGOs). The criticism of the SOEs is warranted by the misplacement of their organisational goals which are supposed to revolve around the provision of enabling infrastructure for socio-economic advancement of the people of South Africa. In view of the aforementioned realities, South Africa's SOEs are in the relentless predicament of catastrophic leadership bankruptcy which can be attributed to the derailment of the real purposes of parastatals as catalysts for public value creation.

This leadership conundrum has led to the loss of confidence and trust in SOEs' ability to play their central roles of development and revenue generation to sustain their operations. South Africa's SOEs are generally known for their financial mismanagement, treasury bailouts, lack of accountability, political cronyism, lack of respect for the rule of law, unstable leadership structures, productivity inefficiencies and thriving impunity culture. All these undesirable institutional complexities emanate from leadership deficiencies that are undoubtedly evident in many SOEs. Thus, this article contends that leadership is one of the major determinants of efficiently performing institutions towards achieving their set objectives. This implies that injudicious leadership arrangements always lead to disastrous consequences that are noticeable in many of South Africa's SOEs. The current leadership bankruptcy in SOEs undermines government's objectives that it seeks to achieve

through the treasured National Development Plan (NDP). In order to remedy the current leadership insolvency in SOEs, this article concludes that there must be a promotion of meritocratic culture, sound succession plans, pragmatic financial austerity measures, promotion of ethical leadership and adherence to good governance principles and mechanisms.

This article is based on a triangulation of a variety of non-empirical study research techniques. The methodological approach entails a desktop analysis by means of a literature study whereby information produced will be scrutinised through a process of intellectual analysis, categorisation, integration, reflection and synthesis in which meanings will be ascribed to the data.

INTRODUCTION

SOEs are likely to remain as the cornerstone in any government's bid to address societal challenges and economic advancement. The South African government has ownership privileges of over 700 SOEs which are meant to play a central role in socio-economic development initiatives in pursuance of a better South Africa for all (McGregor 2014:14). Many of these SOEs are often entangled in the misplacement of their mandatory objectives due to major leadership disarray. This leadership dysfunctionality has led many SOEs into undesirable complexities such as maladministration, lack of accountability, inefficient productivity, lack of respect for the rule of law and a constant financial bailout culture. The leadership bankruptcy is apparent to prominent SOEs such as the South African Airways (SAA), Passenger Rail Agency of South Africa (PRASA), Electricity Supply Commission (ESKOM), South African Post Office (SAPO), South African Broadcasting Corporation (SABC), South African Road Agency Limited (SANRAL) and Petro-SA, to name a few.

The leadership conundrum that many of these entities are confronted with, can be attributed to the fact that they have been turned into political patronage nurturing grounds where senior executives pursue skewed missions and objectives of their political principals as opposed to leading these institutions as servants of the nation in a bid to achieve the objectives of the NDP. It is evident that those that are in SOEs' leadership positions to influence the developmental direction through strengthening good governance structures and mechanisms have less regard to the well-being and interests of the people in South Africa.

In response to the crisis confronting SOEs, the Presidency commissioned the Presidential Review Committee (PRC), to delve into the state of shambles in SOEs.

Consequently, valid and underlying issues led the PRC to its findings and recommendations to rescue the plummeting prospects of efficient and effective SOEs. The move to commission the PRC's investigation was also inspired by best practices and success stories of an unprecedented wave of economic growth and social development that took place in the East Asian Tigers region (Taiwan, Hong Kong, Singapore and South Korea). Their success motivated many developing countries to treasure SOEs' reform as a key mechanism that can be utilised to improve their efficiency (Gumede & Dipholo 2014:48). However, on the basis of the South African context, there has been a misdiagnosis of the real cause of poor performance and mismanagement within SOEs. On its findings, the PRC recommended the following:

- A single governing law and an overarching Act of parliament, long-term strategy for Public Enterprises
- A framework for appointing boards, clarifying roles of executive authorities and boards' chief executive officers
- A clear approach to funding SOEs, including separate and adequate funding of developmental activities
- A plan to rationalise the number of SOEs in South Africa
- Expansion of private sector partnership to deliver economic and social infrastructure
- A central remuneration agency to improve salary consistency, with incentives linked to performance
- A streamlined empowerment framework to encourage transformation
- Enhanced monitoring and evaluation (National Treasury 2015:9)

The PRC's fundamental objective was to recommend measures that would usher in reforms with a conviction that SOEs will become effective and efficient in fast-tracking the nation's growth and advancement aspirations as outlined in the NDP (Presidential Review Committee 2012:2). Although the PRC has done tremendous work in recommending processes and mechanisms to remodel SOEs to be more relevant to the economic and social needs of the people of South Africa, there seems to be a misdiagnosis of what the real issue is. South Africa is one of the countries with the best policies and organisational structural designs in the world. However, these policies and structures need more than textual rhetoric. In order to effectively drive the SOEs' aspirations, as the NDP instructs (Chapter 13 Building a Capable State), committed and dedicated leadership is a precondition. SOEs' remodelling can only yield the envisaged outcomes through accountable leadership which revolves around critical dimensions such as interdependence, progressive direction, inclusiveness, tolerance, empowerment, and discipline (Khoza & Adam 2007:58).

In the view of the afore-narrated background, this article examines the centrality of leadership in SOEs in pursuance of the state's economic growth,

transformation, developmental objectives and ultimately serving long-term needs of South Africa sustainably. Given the *modus operandi* in which boards and chief executives are appointed on the basis of political patronage, it is highly unlikely that any reform will lead South Africa's SOEs to become effective and competitive. Failure to rethink leadership as a key element to successful SOEs will only compound substandard services, poor performance, inability to generate operating income and profits and degeneration acceleration (McGregor 2014:2). This article proposes that more focus needs to be placed on leadership which appears to be of little significance to the current government. South Africa's SOEs need to be led by leaders that are appointed on the basis of merit, integrity, conviction to serve the nation and commitment to good governance.

CONCEPTUALISATION OF STATE-OWNED ENTERPRISES AND LEADERSHIP

There are extensive debates that revolve around the most accurate conceptual clarification of the concept 'state-owned enterprises'. These contentions have led to a situation where there is no existence of universally acceptable conceptualisation of the term state-owned enterprise. Nonetheless, there is a vast array of conceptual clarification that is adequate for the purpose of this article.

First, according to the World Bank (2015:1), in theory, three main criteria characterise an SOE: "(1) control by the state; (2) legal and financial autonomy from the state (characterised by a legal personality, specific rules of operation defined under a legal regime, and budget autonomy); (3) participation in the productive sector".

Second, Basu in United Nations (2007:10), posits that the concept of SOEs "covers any commercial, financial, industrial, agricultural or promotional undertaking – owned by public authority, either wholly or through majority shareholding – which is engaged in sales of goods and services and whose affairs are capable of being recorded in balance sheets and profit and loss accounts". These enterprises may have diverse statutory and corporate forms, such as ministerial undertakings, public corporations, legal agencies, established by the laws enacted by parliament; or joint stock companies registered under company law (Companies Act in the South African Context) (Basu in United Nations 2007:10).

Third, in addition to Basu's conceptualisation of the term SOEs, Obasa (2014:235), contends that an SOE is an organisation that is set up as a corporate body and as part of the governmental apparatus for entrepreneurial or entrepreneurial-like objectives. This implies that an SOE has a dual disposition. First, it is characterised by a public dimension (public interest, public ownership, public control, public management and accountability). Second, SOEs comprise the enterprise dimension that revolves around significant aspects such as: organisation

and decision-making, goods production and service, marketing, investment and return on investment and accounting systems (Obasa 2014:235).

On the other hand, the concept of leadership gained prominence and significance during the 20th century as citizens in various nations were rapidly attaining the rights to choose the individuals that they would like to see as their leaders (Dalglish in Van Zyl 2016).

This concept carries various ascriptions that are often aligned to complex concepts such as management, authority, supervision, governance and administration. As such, leadership is an imperative flagship that all SOEs depend on to achieve good governance which leads to effective functioning of their complex systems, processes, procedures and delivery of economic enabling infrastructure as well as social development. Furthermore, judicious leadership within SOEs can influence institutional empowerment and maximise contributions to the well-being of their personnel and the society as a whole.

Northouse (2002:3) posits that, “leadership is a process whereby an individual influences a group of individuals to achieve a common goal”. It is a process, which implies that a leader affects, and is also affected by the followers and subordinates. It can be argued that although leaders and followers are linked through various institutional interactions, it is the leader who often initiates relationships, develops the communication relations, and carries an obligation to maintain the established relationships. Additionally, Hughes, Ginnett and Curphy (2006:7), extend the concept leadership as “transforming followers, creating visions of the goals that may be attained, and articulating for the followers that ways to attain those goals”.

According to the Organisation for Economic Co-operation and Development (OECD) (2001:6), “leadership is an important and crucial variable that leads to enhanced management capacity, as well as organisational performance”. This implies that institutional advancement relies on principled and servant leadership, which plays an integral role in personnel management components such as recruitment, selection, training, development, setting-up of performance standards and investing in strategic succession planning to promote stability and continuity.

In a citation, Griesedieck argues that leadership can be considered as an aptitude that revolves around learning to work as part of a team, possession of organisational skills such as strategic planning and judicious use of resources, good communication skills, projection of institutional goals and the ability to inspire co-workers and subordinates to achieve set goals, a highly advanced sense of ethics, and the ability to remain calm when confronted with enormous challenges (Musacchio and Lazzarini 2014:134).

Based on the above rendition of leadership conceptualisation, it can be inferred that the two concepts are intertwined and interdependent. Leadership is a catalytic variable that plays a crucial role in determining the failure or success of any institution.

THE IMPORTANCE OF LEADERSHIP IN SOEs

Leadership provides an inspiration or impetus to create an environment that enables effective and efficient rendition of corporate governance, which is instrumental to the attainment of the objectives in any institution. It can be inferred that effective leadership plays a critical role in shaping an inclusive-based governance culture. Moreover, leadership is regarded as a critical component of good public governance, which is a recurrent theme in many countries. Thus, governance can be described as the manner in which the underlying conventions and values of a state/country (commonly expressed through its Constitution) are institutionalised (OECD 2001:1). This implies that good corporate governance can only be sustained through leadership's commitment to the available statutory and policy framework created to govern institutional structures, processes and procedures to render consistent and desirable products and outcomes (Department of Public Enterprises 2002:50). This implies that SOEs' leaders are fundamentally responsible for directing their institutions and ensuring that they are capable of maintaining their existence in a competitive and sustainable manner.

OBJECTIVES OF STATE-OWNED ENTERPRISES

There are various imperative rationales for governments to maintain their involvement in the socio-economic activities through SOEs. In the context of the South African government, SOEs remain important to the growth of the economy and development of vital strategic sectors such as transport, energy, telecommunications and manufacturing (Fourie 2014:30).

Comparatively, South Africa, like many other emerging economies (Brazil, Singapore, Ghana and Chile) is actively involved in the operations of strategic SOEs with an objective to facilitate economic activities. The involvement revolves around investment mobilisation to finance public sector capital formation. SOEs are perceived as vital instruments capable of generating revenue that can be used for the development of physical and human capital resources that are imperative for any nation to achieve its strategic and developmental goals (Peters, Ntaka and Ntshakala 2017:99).

Economic development catalysts

There are numerous debates around a state's ownership and its involvement in the economic activities within a country. OECD (2013:11) posits that "on the one side of the spectrum there are arguments related to various positive or negative externalities in the context of natural monopolies, public or merit goods". The argument

is that state involvement in economic activities should be viewed as a mechanism employed to correct market shortcomings, especially in the context of countries with ineffective or weaker statutory and regulatory frameworks. Furthermore, state ownership is stimulated in the contexts whereby outsourcing (contracting out) of state functions to the private sector is problematic (OECD 2013:12).

SOEs have a great economic influence through the role they play in industrialisation and development. They are capable of creating jobs in various sectors of the economy. Furthermore, SOEs are key players in the generation of revenue through their commercial activities. The generated revenues are then utilised to improve SOEs' operations and the delivery of quality services to the populace. They are further crucial in the promotion of economic efficiency by creating a competitive environment with the private sector to delivery public services and goods (Mtshali 2016:25).

Social development agents

It should be borne in mind that not all SOEs are established with business/commercial purposes. There are SOEs that have been established with a specific social mandate. These SOEs are charged with obligations to respond to the needs of the citizens as well as improving their lives through the delivery of invaluable and quality services (Mtshali 2016:25). SOEs' worth fundamentally lies in their abilities to render efficient, reliable, affordable, and critical services to the citizens of any given country (Armstrong, Internet Source 2015). They enable expensive and expansive investments that are often beyond the private sector's capacity. This implies that well managed SOEs should have capabilities to contribute to social needs ranging from the provision of efficient health, welfare, poverty eradication and education services (Armstrong, Internet Source 2015). Ultimately, the provision of the aforementioned goods and services play a crucial role in terms of contributing to and supporting the attainment of strategic social and equity goals of the state (Peters, Ntaka and Ntshakala 2016:99).

Furthermore, Gumede in Mtshali (2016:26), posit that "given their strategic position, SOEs can play a critical role in catalysing the socio-economic transformation. He further argues that they contribute to rural development and poverty eradication through skills development and ultimately employment".

Infrastructural development agents

The NDP 2030 identifies infrastructure development as one of the fundamental imperatives to the attainment of South Africa's economic and social objectives. This implies that major stakeholders in pursuance of these strategic economic and social goals are SOEs. They are central to development and improvement of

South Africa's poor track record in developing efficient and effective infrastructure (Peters, Ntaka and Ntshakala 2016:97).

Governments across the world are confronted with the challenge to create a platform for growth, comprising enabling infrastructure to facilitate economic activities. This implies that SOEs are imperative mechanisms to develop suitable infrastructure in order to assist government to achieve its economic growth and delivery of effective and efficient services. The aforementioned arguments underscore the importance of SOEs in the strategic sectors such as manufacturing, information and communication technologies (ICTs), transport and energy (Fourie 2014:30).

Infrastructure development is one of the fundamental functions of SOEs. Commonly, governments have created and invested in SOEs due to the fact that markets were limited to the delivery of critical societal needs such as capital mobilisation or building enabling infrastructure for inclusive economic growth (PWC 2015:14).

STATUTORY AND POLICY FRAMEWORK

South Africa remains among the countries that has a great and progressive statutory and policy framework to guide the public and private sector's affairs. This framework also exists to guide the affairs and activities that take place within various SOEs in South Africa. The laws and policies are clearly defined as essential tools for communicating key expectations to SOEs' stakeholders, boards, management, the general public and all other important parties. The main aim of the statutory and policy framework is to provide wide policy directions of the state and "rules of the game" clear for all the parties involved in the execution of SOEs' developmental activities (World Bank 20:25). Moreover, the framework sets clear boundaries and defines the relationship between the government as a stakeholder and SOE boards and management, separating legitimate government control and oversight for ensuring SOE accountability from managerial autonomy necessary in commercial decision-making.

On the basis of South African SOEs' context, there is a statutory and policy framework that executive leaders and managers are obliged to observe, honour and implement to ensure that the institutions they lead operate within the required level of good corporate governance. South African SOEs are currently regulated, controlled and held responsible through the following important primary laws and policies:

The Constitution of the Republic of South Africa 1996

South African SOEs have a constitutional obligation to render in fulfilling economic and social aspirations of the citizens. This role must be fulfilled through diligent application of basic values and principles governing public administration enshrined in

Chapter Ten (10) of the Constitution of the Republic. This Chapter's Section 195 (1) calls upon those bestowed with public office responsibilities to exercise the following values and principles upon rendering specific services to the citizens:

- Promotion and maintenance of a high standard of professional ethics
- Promotion of efficient, effective and frugal utilisation of public resources
- Promotion of development oriented public administration
- Promotion of public administration that demonstrates high levels of accountability
- Granting citizens an opportunity to participate in public policymaking and responding to their needs fairly, equitably and impartially
- Demonstration of transparency which is fostered by providing the public with timely, accessible and accurate information

The Public Finance Management Act 1 of 1999

Rigorous public financial management systems are imperative to the attainment of short-, medium- and long-term objectives of any government institution. This requires pragmatic processes and procedures that govern roles and functions of different stakeholders that are involved in the financial matters of public institutions (Fourie 2014:273). In order to ensure that the roles and functions of SOEs' accounting officers are performed impartially, PFMA (Public Finance Management Act 1 of 1999) was promulgated to govern and guide them to maintain transparency, efficient and effective systems of financial and risk management and internal controls (PFMA 1999:14). It governs financial management to ensure that all generated capital, spending, assets and liabilities are managed in line with good governance principles (Fourie 2014:275).

The Companies Act 71 of 2008

Efficient SOEs play a significant role in the social and economic development of any nation. As such, the Companies Act has been promulgated to advance social value creation and economic advancement in the ever-changing and competitive global socio-economic environment. This Act seeks to promote compliance with the Bill of Rights (the cornerstone of human rights enshrined in Chapter Two of the Constitution of the Republic). It further requires promoting socio-economic development to be achieved through enterprise efficiency, sound maintenance of enterprises, transparency and high standards of corporate governance (Companies Act 2008:43).

The King Code III of Governance Principles for South Africa 2009

The King Code III signifies the importance of good corporate governance culture and the conduct that should emanate from those entrusted with leadership

obligations in an enterprise environment. The conduct of the leaders must represent the principles of good governance (PWC 2012:4).

Appropriate compliance with these statutory and policy frameworks requires SOEs' leadership to be committed to the maintenance of the highest standards of integrity, accountability, responsibility, servant-based leadership and respect for the rule of law. It can be stated that SOEs have an advanced prescribed legislative framework that should be applied in pursuance of their national development objectives. However, the recent manifestations of leadership deficit in SOEs such as SAA, PRASA, SABC, SAPO and ESKOM contradict the prescriptions of the aforementioned statutory and policy framework.

Protocol on Corporate Governance in the Public Sector 2002

The Protocol on Corporate Governance is one of the mainstays for good corporate governance in the public sector. The Protocol provides direction and guidance to a wide range of SOEs and other public entities. It provides guidance taking into account SOEs' unique mandate, which includes the achievement of government's social, economic and political objectives. The Protocol was developed due to the fact that the King Code was sometimes deemed too general and did not necessarily cover all governance issues specific to the public sector. Nonetheless, it should be borne in mind that the Protocol was devised with an aim to amplify rather than to contradict the principles contained in the King Code. This implies that the two policy documents are complementary and can be used together (Thabane and Snyman-Van Deventer 2017:13).

The National Development Plan 2030

According to the NDP (2012:438), "SOEs are central to advancing national objectives through providing economic and social infrastructure. If this is done in an equitable and cost-effective way, SOEs can contribute to both economic growth and overcoming spatial inequalities". The NDP argues that the South African populace needs to be served by a set of efficient, financially sound and well-governed SOEs that meet the developmental aspirations of the country as a whole. The SOE's role becomes paramount; especially in the areas where the private sector and the executive departments are not able to render certain services efficiently and effectively. Moreover, this strategic policy demands that SOEs must deliver a quality and reliable service at a cost that enables South Africa to compete at a global scale (National Development Plan 2012:438). Additionally, the NDP contends that SOEs need a clear and unambiguous governance structure. This entails the identification and management of the state's role in policymaking. The NDP calls for serious considerations on the

roles such as policymaking to governance, in order to ensure sustainable, well-balanced priorities and coordination between various competing policy priorities (Mtshali 2016).

LEADERSHIP CRISIS IN SOUTH AFRICAN SOEs

Leadership scholars across the world acknowledge the pivotal role of leadership in institutions and the direct correlations between leadership and efficient organisations. The attainment of institutional objectives of SOEs is largely determined by the quality and strength of individuals who hold senior leadership positions. As such, it can be inferred that the success and failure of SOEs depends on leadership (Bonney 2015:20–21). Below are the factors that lead to the leadership conundrum that many SOEs find themselves confronted with.

Political patronage and interference

Political patronage is one of the compounding setbacks that many public sector institutions grapple with on a continuous basis. The phenomenon of political patronage has led to the emanation of ‘cadre deployment’. Cadre deployment, is perceived as a strategy in which politically connected and committed party members are assigned to execute strategic and operational plans of government within different levels of the state (Tshishonga 2014:894). It has manifested itself as a perpetual challenge confronting the public sector institutions in South Africa. Cadre deployment is a result of leadership deficiency that forms part of the subversion of the statutory and policy framework of the Republic. This is regarded as a form of corruption or abuse of official authority to benefit undeserving political loyalists of the ruling class (Sebake and Sebola 2014:749).

Consequently, this phenomenon does not represent the statutory and policy framework of the Republic. It leads to a leadership vacuum that breeds corruption by dismantling governance systems, substituting them with misrule and anarchy, introduction of arbitrary regulations and orders without checks and balances. Patronage-linked individuals (pseudo leaders), sponsored by the power bloc, are often empowered to plunder the SOE’s assets without due regard to the well-being and sustainability of such SOEs (Huang and Snell 2003:114). Furthermore, it can be argued that the mandate of these pseudo-leaders is not to implement the constitutional imperatives as required by the statutory and policy framework, but to hand out benefits in the form of leadership positions and facilitation of lucrative contracts to their political principals and allies (Madunga 2014:5).

Impunity culture in State-Owned Entities

Boards of directors and senior executives are appointed to perform an oversight role and execution of efficient, effective and successful operations of the SOEs they represent respectively. It is their obligatory mandate to ensure the institutions they lead, operate within the ambits of honouring the laws that govern SOEs, exhibit a high level of transparency and accountability (Centre for Constitutional Rights 2017:1).

Contrary to the implications of the allusions of the aforementioned institutional operational prescriptions, many of South Africa's SOEs are marred with an undesirable culture of impunity. Those that are charged with custodianship of good corporate governance in these SOEs continue to run these institutions without considerable punitive actions being taken against them (Centre for Constitutional Rights 2017:1). Based on the current leadership crisis in SOEs evidence manifests that there is a high level of corrupt activities, maladministration, fraudulent activities and misappropriation of taxpayers' money for personal gains by those entrusted with strategic leadership roles in SOEs (Ileri 2016:40).

An impunity culture in SOEs is an indication that there is a deliberate lack of compliance with the guiding policies and statutory framework that guide SOEs. The Constitution of the Republic prescribes that public servants are required to demonstrate a high level of professional ethics and provide services fairly and equitably. Based on these constitutional prescriptions, it is evident that standards that are set for effective, efficient transparency and accountable service delivery; are simply subverted by those bestowed with the mandate to execute the socio-economic strategic goals of the NDP 2030.

Leadership instability and lack of continuity

Proper leadership and governance are the cornerstones of successful organisations. In recent years, the boards of various SOEs in South Africa executed their obligation as though they were part of a social experiment at the expense of taxpayers and economic development and growth. Ideally, good leadership within a board should have a confluence of relevant qualifications, talent, experience; industry-related expertise and personality as well as the relationship with the executive management team, policy- and stakeholder departments. Furthermore, leaders who are part of the board must have complementary talents and exhibit high levels of integrity, intuition, vision and capacity to make prudent decisions and have ability to address organisational challenges (Ramano, Internet Source 2018).

Additionally, many SOEs have frequently suffered from dysfunctional boards' practices. There have been multiple cases where boards of directors and management were not on the same page in terms of pursuing institutional goals.

Many boards have displayed a subservient role to the policy- and stakeholder departments to the detriment of effective and efficient management of the SOEs. Political interference also plays an undesirable role through political principals who tend to influence operational decisions (awarding of contracts and appointment of senior managers) in SOEs. Consequently, these interferences create an environment which is plagued by instabilities that often lead to lack of continuity in many SOEs (Ramano, Internet Source 2018).

Subversion of meritocracy principle

Large-scale and complexity of the public sector institutions require sequential rules and procedures in order to carry out their constitutional obligations effectively. The Weberian bureaucratic nature of an institution emanates from the fact that it operates within a hierarchical context, underscores meritocracy, and discourages aristocratic right. This implies that Weber's meritocracy system should be promoted in order to achieve efficiency and curb the rising levels of corruption. The meritocracy system revolves around the notion that recruitment, employment and promotions should be primarily based on qualifications, achievements, experience, skills and professionalism. This system is impartial, discourages favouritism, nepotism and promotes unbiased decision-making (Madueke 2010:36).

According to Jonas in *Business Day* (2018: Internet Source), "the deployment and appointment of enablers of the state capture at the executive, administrative and technical levels in government and the state owned enterprises has displaced meritocracy, hollowed out the state and restricted resources away from service delivery to private wealth acquisition. In the process the state lost its legitimacy to lead society behind a common purpose".

The negation of meritocracy breeds a mediocre organisational culture that leads to an inability to systematically diagnose potential problems and a failure to develop creative and innovative strategies necessary to respond to such problems (Berman and West 2003:9). This is evident in many SOEs in South Africa. The lack of meritocratic leaders has led to an inundation of challenges that continue to plague many SOEs in South Africa today.

RAMIFICATIONS OF LEADERSHIP BANKRUPTCY IN SOUTH AFRICA'S SOEs

Impact on financial management

Leadership insolvency in many of South Africa's SOEs has given rise to an undesirable corporate culture of state financial handouts or bailouts. This undesirable

culture is a consequence of economic mismanagement, which has a direct link to the current leadership conundrum. According to the *Mail & Guardian* (2017), government financial guarantees to SOEs stood at a staggering R467 billion at the end of the financial year 2015/2016. Furthermore, Rating Agency Standard and Poor's projects that if concerted efforts are not made to curb this culture, the government's debt incurred through SOEs will balloon to over half of a trillion rand by 2020. This figure constitutes 10% of the current Gross Domestic Product (GDP) (*Mail & Guardian* 2017).

In corroboration with the above-mentioned figures, National Treasury's budget review 2018 established that the total debt of SOEs (among others Eskom, SANRAL, SAPO, Transnet, Denel and SAA) for the 2017/2018 financial year exorbitantly amounted to R466 billion (National Treasury 2018:91). It should be noted that in accordance with Schedule 2 of the PFMA, the aforementioned SOEs are required to generate adequate financial resources from their commercial activities in order to comply with financial obligations. These obligations include financial commitments to their employees, financial debt holders and the public. However, these institutions hardly ever meet these fundamental obligations without financial intervention from the National Treasury (Treasury 2019:90).

SOEs' bailout culture always legitimises doubts about their ability to constructively contribute to socio-economic development. This legitimacy is anchored upon growing evidence that many SOEs are perpetual loss makers rather than the generators of revenue to reinvest in other national strategic economic and social initiatives (Rondelli 2007:26).

According to Moody's (2017), the bailout culture in South Africa's SOEs is driving the government fiscal security to dangerous and unstable territories. One of the reasons the state keeps on perpetually bailing out SOEs, is the fact that those at the helm of strategic leadership positions are poorly leading and ineffectively managing these enterprises. The boards and institutional executives in many SOEs are failing to safeguard a sustainable and accountable management (Moody's 2017).

Based on the aforementioned analysis, it can be inferred that government bailouts affect leadership accountability in SOEs. This status subjects SOEs to soft budget constraints. The implication is that despite their enormous financial losses SOEs have a guaranteed ability to secure additional finances. Unfortunately, this soft budget constraint implies that losses and additional capital are secured through public money to avoid bankruptcy. It can be inferred that those in charge are not concerned about a revenue generation imperative, due to the existence of financial bailout channels. They act as if the limits to their budget do not exist. The direct consequences of this culture always create undesirable lax management, which has been manifested by many SOEs (Centre for Constitutional Rights, Internet Source: 2017).

Impact on service delivery

Poor leadership always leads to poor service delivery to the populace of any country. This is due to the fact that dishonest and compromised leaders or individuals monopolise resources and occupy strategic positions without due regard to effective and efficient delivery of services as the Constitution of the Republic instructs. (Sebake and Sebola 2014:751). Despite the richness contained in the statutory framework guiding the boards on how to conduct their official obligations, there seems to be lack of urgency to address this critical issue of leadership that affects the delivery of services to promote economic, social and infrastructures development in order to create an enabling environment for investment.

Impact on good governance

Good leadership is one of the crucial elements required for sound corporate governance to ensure all the checks and balances mechanisms are in place. This implies that SOEs' leadership is an important determinant that ensures that enterprises are able to produce cost effective services in accordance with the statutory prescripts; to maintain a good long-term future; and to remain financially sustainable. Good leadership affects governance where SOEs could have sound financial strategies, feasible budgets and the ability to monitor operational and financial performance (McGregor 2014:3).

Based on the above discussion, it sounds simple and straightforward. However, it can only happen where there is functional leadership. On the contrary, the reality is many SOEs in South Africa are dysfunctional and plagued with detrimental effects of poor leadership. Currently, there are high levels of lack of accountability, transparency, efficiency, effectiveness and respect for the rule of law (Edoun 2015:354).

Depletion of public trust

The non-delivery of services that are due to the citizens and the creation of an enabling environment for investment has led to the depletion of public confidence and trust in the majority of South Africa's SOEs (Business Tech, Internet Source: 2015). It is evident that many of these SOEs are battling with critical aspects that are central to public trust and confidence. Common indicators include among others:

- Failure to live up to expectations, in terms of set targets
- Unhappy public; often manifested by violent service delivery protests (social unrest)
- Continuous court cases (board members or executives' corruption allegations)
- Investors and borrowers withdrawing their investments from SOEs due to low levels of confidence in many SOEs (McGregor 2014:2).

CONCLUSIONS

It can be inferred that leadership is an imperative and critical variable that plays a major role in institutional management and ultimately the delivery of effective and efficient services. Furthermore, a crucial tool should be effectively employed in order to promote a culture of good corporate governance. This article presented the importance of leadership in SOEs and showed the negative spill-over effects that emanate from leadership instabilities. The author deliberated on the available statutory and policy framework available to ensure SOEs are efficiently and effectively operated by those charged with leadership roles (boards of directors). Based on the discussion and analysis of this framework, it can be inferred that the laws and policies are sufficient for effective guidance of the boards and executive management of the SOEs. These laws and policies clearly prescribe the roles and functions of those who hold leadership positions in SOEs. Thus, it can be concluded that the challenges are not within the laws and policies, but they emanate from the poor quality of leadership that comprises compromised individuals who are often appointed through political patronage networks.

Moreover, it can be inferred that factors such as an impunity culture in SOEs, boards and management instabilities and subversion for meritocracy are among the leading factors that compromise the appointment of individuals/leaders with astute leadership qualities. If not addressed, those factors will continuously render SOEs ineffective; whereby undesirable outcomes such as poor financial management, poor service delivery, poor corporate governance and loss of confidence will lead to their collapse. There is an urgent need to focus on the aspect of leadership, whereby those who serve in SOEs will be appointed based on merit and the spirit to apply servant leadership in order for SOEs to realise their social, economic and infrastructure development with an ultimate goal of making South Africa a prosperous country.

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An Investigation into the Effect of Rehabilitation Programmes on Sentenced Offenders

The Case of Kutama-Sinthumule Correctional Centre

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ABSTRACT

Literature abounds with debates regarding the success of rehabilitation programmes in the recidivism of offenders. Limited information is available on rehabilitation programmes of offenders serving sentences of incarceration. Various models for interventions of offenders exist worldwide. In South Africa, the 2005 White Paper on Corrections provides that rehabilitation and the prevention of recidivism are best achieved through correction and development. This research explores the effect of rehabilitation programmes on sentenced offenders at Kutama-Sinthumule Correctional Centre (KSCC). In line with the 2005 White Paper, correctional centres offer various rehabilitation programmes with the aim of reducing recidivism and rehabilitating sentenced offenders. The study used a qualitative research design and gathered data through semi-structured interviews using a purposive sampling technique. The findings indicate that the offenders participate in the rehabilitation programmes voluntarily. In addition, the findings indicate that the perception of sentenced offenders changed from being negative to positive after completion of rehabilitation programmes and that rehabilitation programmes complement the reduction of recidivism. Upon completion, the programmes were found to enhance offenders' chances of employment post-prison. Gangsterism and the language medium was found to be a challenge

to offender participation. The article therefore recommends that programmes that encourage good relations between offenders and their families outside of prison be established, and that the Department of Correctional Services should improve their offered programmes to achieve the success of KSCC. Finally, the article recommends the reinstatement of the credit system as an incentive for participating in the rehabilitation programmes, and a revision of the language of instruction used during these programmes.

INTRODUCTION

After the promulgation of the *Constitution of the Republic of South Africa* of 1996, transformation became a key issue in the Department of Correctional Services (DCS). During this period prisons were transformed from being institutions of condemnation to places of new beginnings in which rehabilitation is at the centre of all activities. The promulgation of the Correctional Service Act 111 of 1998 and the adoption of the White Paper on Corrections in South Africa of 2005 (hereafter referred to as the 2005 White Paper) resulted in changes to the correctional service structure (Muthaphuli 2015:135). The 2005 White Paper and Correctional Service Act 111 of 1998 replaced the White Paper on Corrections in South Africa of 1994 and the Correctional Service Act of 1959, respectively.

The 1994 White Paper was more punitive in nature and it did not address important issues relating to the department's new rehabilitation centred system (Republic of South Africa, 2005:12). In contrast, the 2005 White Paper provides that rehabilitation and the prevention of recidivism are best achieved through correction and development. The DCS, views rehabilitation as a process with three important objectives, namely, correction of offending behaviour, human development and the promotion of social responsibility and positive values (Republic of South Africa 2005:23). The 2005 White Paper defines the core business of the DCS as correction within a safe, secure and humane environment in order to achieve the desired outcome of rehabilitation (Republic of South Africa 2005:20).

The significance of this article therefore lies in its aim to determine how rehabilitation programmes have affected offenders and why they participate in these programmes. A case study approach using KSCC, which is a private prison located in Limpopo, South Africa was adopted to collect qualitative data. This article endeavours to contribute towards a better understanding of rehabilitation programmes of sentenced offenders in South Africa. In addition, the article seeks to encourage policymakers and practitioners to successfully develop and implement the rehabilitation programmes.

Outlining the effects of rehabilitation programmes, as well as the recommendations of this study can also potentially assist KSCC and the DCS to develop effective rehabilitation programmes for offenders.

LITERATURE REVIEW

As noted previously, there is limited literature on the impact of rehabilitation programmes on offenders who are still serving sentences of incarceration. Researchers do not often discuss the learning experience of prisoners in correctional centres (Moore 2016:6). Previous studies on recidivism and rehabilitation programmes only focused on offenders who were released from prison after being paroled.

South Africa requires substantive research on rehabilitation programmes and recidivism. Although conclusive figures are difficult to access, the consensus is that the vast majority of offenders in South Africa's prisons have prior convictions, suggesting that rehabilitation programmes are ineffective. The current lack of research has resulted in political decision-makers who are poorly informed on requirements in this field in terms of reducing crime in the long-term (Bruyn & Cilliers 2009:84; Muntingh 2001:82). An emerging body of research on what works provides the impetus needed for a change in correctional philosophy. Programmes and policies that emphasise rehabilitation and treatment are likely to be successful in reducing offender recidivism. Equally important, is to know what is likely to be ineffective in reducing recidivism. Programmes that rely almost exclusively on coercion and punishment are unlikely to result in positive outcomes in terms of reducing offending (Wright 2010:77).

The offenders' right to rehabilitation is consistent with the drive towards the full restoration of the civil and political rights of citizenship after release from prison. This drive will be emphasised later in the article when the various models that influenced rehabilitation programmes will be discussed. To achieve full restoration of the rights of offenders, the DCS carries the responsibility to ensure that offenders gain market-related skills to enable them to take their place in society, to be gainfully employed and become economically successful citizens (Omar 2011:21).

The status of arrested persons

The Correctional Service Act 111 of 1998 defines an offender (prisoner) as a person detained in custody (convicted or not) or who is being transferred in custody or *en route* from one prison to another. In this article, the term 'prison' is used interchangeably with 'correctional centre'. A prison is any space established as a place for the reception, detention, confinement, training or treatment of persons

liable to detention in custody and it includes buildings used for such purposes (Republic of South Africa 1998:19). Currently, there are 243 prisons in South Africa (DCS 2016:16).

People who are arrested after committing a crime are kept in prison as un-sentenced (remand) offenders. After conviction and sentencing by a court of law, an accused person acquires the status of a sentenced offender (Fakude 2012:22; Allen, Letassa & Ponder 2010:290). In cases where bail was not granted after an accused person was arrested, the person may have spent some time in prison as an un-sentenced offender before sentencing proceedings could take place. Un-sentenced offenders do not take part in rehabilitation programmes (Fakude 2012:22; Allen *et al.* 2010:290).

Section 38(1) of the Correctional Service Act 111 of 1998 postulates that an assessment must be conducted when a sentenced offender is admitted into a correctional centre. The aim is to determine their educational needs; social and psychological needs; specific development needs; work allocation; religious needs; health needs; needs regarding reintegration into the community; vulnerability to sexual violence; and security classification for the purposes of safe custody (Republic of South Africa 1998:57).

Section 38 of the Correctional Service Act 111 of 1998 further stipulates that every offender with a sentence of longer than 24 months should have a Correctional Sentence Plan. The Case Management Committee (CMC) develops a Correctional Sentence Plan using the assessment information gathered during the admission assessment and it relays four matters.

First, the plan contains proposed interventions aimed at addressing the needs and risks of the sentenced offender. Second, it spells out programmes required to target offending behaviour and help the offender to develop skills to manage the socio-economic conditions that led to criminality. It then sets out services and programmes needed to enhance the sentenced offender's social functioning, while lastly, it sets out time frames to ensure that the intended programmes and services are offered to sentenced offenders. The CMC ensures that all identified are rendered within the set time frame (Republic of South Africa, 1998:58). This lays the foundation for rehabilitation programmes.

Intervention approaches for sentenced offenders

The Medical Model was introduced in correctional institutions in the 1920s. The basic goal was to make the prison a treatment centre. Supporters of the Medical Model viewed this model as treatment for sick people as this is how offenders were viewed (Labane, 2012:63; Allen *et al.* 2010:52). In addition, supporters of this model also believed that the origin of criminal behaviour can be identified, isolated and successfully treated. They believe that offenders do not have

the ability to freely choose between alternative behaviour when they commit the crime and that punishment should be avoided as it achieves nothing with relation to the offender's problems. According to this view, punishment reinforces the already negative concept that offenders have of themselves (Lekalakala 2016:43; Allen *et al.* 2010: 47; Du Preez 2003:37).

Advocates of the Medical Model argue that it is the view of the more progressive element in psychopathology and criminology that "the guard and the jailer will be replaced by the nurse, and the Judge by the psychiatrist, whose sole attempt will be to treat and cure the individual instead of merely to punish him" (Neser 1997:229). Thus, a judge would no longer sentence an offender to a definite term. The treatment personnel (psychologist, psychiatrist, social workers) will evaluate the offender, recommend and implement treatment. Additionally, the treatment personnel will, if satisfied that the offender has been rehabilitated, decide to release him (Allen *et al.* 2010: 47; Reid 1996:87).

In the 1970s a movement which indicated that offenders should be processed in accordance with the act committed, developed. Society expressed increasing desire for a model which would reduce recidivism, and at the same time, correct the anti-social behaviours of offenders (Seiter 2012:274; Reid 1996:88). This led to the emergence of the Justice Model.

The Justice Model is a philosophy that holds that justice is achieved when offenders receive punishment based on what is deserved by their offences as prescribed by law (Seiter 2012:274). Within the context of the Justice Model, incarceration is seen as a meaningful component of criminal punishment (Coetzee, Loubser & Kruger 1995:117). The Justice Model is also based on the belief that offenders commit crime as a result of their own free will, and therefore, they should be held responsible for their behaviour (Seiter 2012:274; Muthaphuli 2008:10; Bartollas 1985:48). The proponents of the Justice Model regard it as a lawful manner of teaching the non-law-abiders to be legally abiding. Simply stated, the Justice Model promotes enforced deprivation of liberty through determinate sentencing. In addition, the Justice Model prescribes that offenders should be offered opportunities for self-improvement. However, such opportunities should not be made a condition of freedom (Labane 2012:67).

Critics of the Justice Model claim a criminal justice system rooted in retributive principles will neither be more just, more human nor more efficient than a system that has offender reform as its goal. Also, they claim that justice is not served by determinate sentencing. They argue that this system of sentencing threatens the `checks and balances` in the criminal justice system. They further claim that determinate sentencing leads to the expansion of prosecutorial power, and that it contributes to the crisis of `overcrowded` prisons (Reid 1996:85).

Another approach to interventions for sentenced offenders is known as the Reintegration Model. The Reintegration Model promotes a system of community

sentences as opposed to confinement to prison. The philosophy of the Reintegration Model is based on the propositions that the problem of the prisoner should be settled inside the community and that the community has a responsibility towards the prisoner concerning restoration into society (Muntingh 2001:11).

The Reintegration Model asserts that criminal behaviour represents a breach or absence of community. Moreover, the justifying purpose of punishment is to “restore the community where the breach occurred or to establish a community where it is absent”. Furthermore, the model rests on the premise that the community should be pursued wherever it is absent. Essentially, the punishment should aim to promote the return of the offender into the community (Muntingh 2001:13).

The concept of Community Corrections includes all non-custodial measures and forms of supervision regarding sentenced offenders. Therefore, offenders serve part of their remaining sentences in the community (Lekalakala 2016:108). This was introduced as a cost-effective manner of dealing with offenders. Advocates of the Reintegration Model maintain that long sentences that disparage and degrade offenders will not contribute to successful reintegration. Also, the long sentences will not lead to offenders developing a sense of belonging to a community. Additionally, offenders who receive severe punishment will either lapse into a state of despair and hopelessness or become resentful and angry. Accordingly, a negative facet of incarceration is that it leads to an absence of a sense of responsibility on the part of the offender. Thus, successful rehabilitation can only take place within the community (Muntingh 2001:15; Rabie & Strauss 1981:84).

Critics of the Reintegration Model argue, however, that operationalising the propositions of community sentences is complicated. Moreover, this kind of sentences was not welcomed by some members of the community. Victims of crime had developed a negative attitude against community sentences and had demonstrated a desire for deterrence and retribution. Critics further argued that incarceration should be viewed as a punishment that provides developmental programmes that support the offender’s quality of life (Gumada 2001:17). This view gave rise to the establishment of the Programme Approach Model discussed in the next subsection.

The Programme Approach Model in South Africa

In the late 1980s, the rehabilitation potential of the prison system of South Africa was questioned. Human rights activists were challenging the apartheid laws of South Africa that promoted deterrence and retribution (Gumada 2001:19).

The high recidivism rate prompted the DCS to develop an inclusive application of the Programme Approach Model (herein referred to as the Programme

Approach Model of South Africa). The Programme Approach Model attempts to integrate the basic assumptions of the previous three models (the Medical Model, Justice Model and Reintegration Model). It builds on these three models as it adopts a humane offender treatment approach which addresses the growth and development of the offender to allow offenders to become lawful and responsible citizens (Gumada 2001:17).

In contrast to the principles of the Medical Model, offenders are not perceived as “sick” within the Programme Approach Model. Similarly, incarceration is not viewed as punishment as with the Justice Model. However, the involvement of the community, as prescribed by the Reintegration Model, is still recommended (Gumada 2001:15).

The essence of the Programme Approach Model is rehabilitation. The rehabilitation aspect of this model seeks to devise different rehabilitation programmes that will address different needs of the offender population. Moreover, the approach accentuates the needs assessment of an offender in order to determine the programmes the offender should be involved in (Coetzee *et al.* 1995:118; Gumada 2001:17).

Based hereon, Coetzee *et al.* (1995:220) identified two categories of rehabilitation programmes, namely, the Problem-orientated programmes and Individual programmes. The Problem-orientated programmes aim at eliminating criminal behaviours and promote community integration. These programmes are based on the principle of cause and effect concerning offender rehabilitation. They are designed to address offender deficiencies; for example, by providing educational and vocational programmes.

Alternatively, individual programmes address the individual needs of the offender, such as individual therapy. In South Africa, the DCS adopted the Programme Approach Model in the late 1980s (Gumada 2001:20). The position of the DCS concerning the Programme Approach Model is best articulated in the White Paper on Corrections of 2005 and The Correctional Service Act 111 of 1998 (Muthaphuli 2015:134). The 2005 White Paper stipulates that rehabilitation and the prevention of recidivism are best achieved through correction and the development of offenders, as opposed to punishment and treatment. Therefore, the DCS’s approach is based on the conviction that human beings can change if given the opportunity (Republic of South Africa 2005:23).

Rehabilitation programmes at KSCC

Lekalakala (2016:123) explains that the term ‘rehabilitation’ is often used interchangeably with ‘treatment’. In the context of this study, rehabilitation refers to the rehabilitation programmes rendered by psychologists, social workers and educationalists in the process of rehabilitating offenders in the KSCC.

The DCS views rehabilitation as a process that combines the correction of the offending behaviour, human development and the promotion of social responsibility and values (Moore 2016:10; Mnguni 2011:30). The reviewed literature suggests that there is an ongoing commitment by the correctional administrators to the development and delivery of custodial-based offender rehabilitation programmes and associated models of service delivery. The DCS currently delivers programmes aimed at reducing the likelihood of recidivism for offenders assessed as high risk (Heseltine, Sarre & Day 2011:2; McKinney & Cotronea 2011:175).

Rehabilitation programmes are categorised into Social programmes, Psychological programmes, Formal Education programmes, and Vocational programmes (Jules-Macquet 2014:12). Literature indicates that the extent to which individual prisons are able to offer rehabilitation programmes is determined by the facilities, resources and staff available, as well as the general level of offender overcrowding (Disbury, Kopak, Dean, et al. 2015:557; Tapscott 2009:12; Miceli 2009:25; Gasa 2011:1329).

The core function of the psychological services is to assess the offenders and provide needs-based programmes and services in order to enhance the adjustment, social functioning and reintegration of offenders back into the community (Jules-Macquet 2014:12). The psychologist allocates a particular programme to an offender based on the offender's personality, their offending behaviour (crime committed) and behavioural conduct, such as how they cope with challenges inside the prison, bullying, management of anger, and so on.

The psychological programmes in KSCC include Domestic Violence, Conflict Resolution, Sexual Abuse, and Emotional Intelligence. In turn, the Social Programmes include Substance Abuse programmes and Anger Management programmes.

Formal Education programmes are offered in addition to these programmes. Correctional education serves as an important mechanism in reducing the recidivism of offenders (Nally, Lockwood, Knutson & Taiping 2012:82). For this reason, the DCS places significant emphasis on the provision of literacy classes and basic schooling for offenders (DCS 2016:32). The department's efforts are mirrored in recent offender results. For example, 81 of the 111 offenders who sat for the 2015 Matric examinations managed to pass. In addition, 33 offenders achieved a bachelor pass. The number of distinctions obtained increased from 24 in 2014 to 30 in 2015 (Isaacs 2016:8).

Formal education in correctional institutions is available through Adult Education and Training (AET), Secondary Education, Further Education and Training (FET) and provided through live instruction in classrooms. Post-Secondary programmes are provided through Open Distance Learning (Jules-Macquet 2014:14; Ronel & Elisha 2011:314; Bartollas 1985:142).

In addition to formal education, offenders are also offered Vocational programmes which include Woodwork, Motor Mechanics, Metal Work, Building (Construction), and Textiles. The basic purpose of these programmes is to prepare offenders for jobs in the community following their release.

The programmes discussed in this subsection are illustrative of the invaluable skills that offenders can acquire during the rehabilitation programme process. Offenders ideally gain an understanding of what they did wrong, what the circumstances were leading up to their offence and how they can deal with similar situations in the future. It is believed that these skills, and subsequent empowerment, will lead to a reduction in recidivism. In addition, rehabilitation programmes generally have a positive effect on post-release employment, which is a major concern for offenders due to their criminal record (Moore 2016:14; Seiter 2012:370; Dissel 2007:174). Whitney (2009:796) emphasises that education, through rehabilitation programmes, not only decreases recidivism, but also has positive effects inside prisons. The benefits include improved communication between correctional officials and offenders, the development of positive peer role models for offenders, and reduced problems with disciplinary infractions.

RESEARCH DESIGN AND METHOD

The study was conducted within the framework of qualitative research as the researcher sought to explore the rehabilitation programmes of sentenced offenders. This necessitated a detailed holistic account of the daily activities of offenders concerning rehabilitation programmes (Braun & Clarke 2013:5).

The researcher selected a case study design owing to its closeness to real-life situations and its wealth of details and was therefore employed in this study to gain an in-depth understanding of the rehabilitation programmes of KSCC. The target population in this study were sentenced offenders who had participated in the rehabilitation programmes of KSCC.

Sample

Considering that the purpose of the study was to explore the rehabilitation programmes of sentenced offenders in the KSCC and that it was a requirement for participants to have participated in the rehabilitation programmes, the sampling technique adopted in the study was purposive sampling. This technique enabled the researcher, based on knowledge (gained as the researcher lives in KSCC) of the population, to handpick information-rich cases whose study illuminated the purpose of the study (Flick 2014:175; Patton 2002:236). The researcher

purposefully chose 20 participants consisting of male sentenced offenders who took part in the rehabilitation programmes. No female offenders were sampled since the KSCC admits male offenders only. Further to this, the sample comprised a variety of offenders of different ages, ranging from 25 to 61 years.

Data collection method

Data was collected through the use of in-depth interviews, which allowed the researcher detailed insight into the experiences of the participating offenders, and the meaning they found in the experience (Blankenship 2010:100; Bailey 2013:109). It also allowed the participants to relate their experiences in their own words without restriction. The researcher utilised semi-structured interviews and audio recording of participants to collect data in this study.

DATA ANALYSIS

The interviews were transcribed verbatim on the same day that they were conducted. This allowed the researcher to notice new issues that were further explored in subsequent interviews. This led to the greater depth in the information collected as the data collection progressed (Hennink, Hutter & Bailey 2011:214). The researcher applied 'fact checking' to immerse himself in the data. The process of 'fact checking' transcripts consists of listening to the recording while simultaneously reading over transcripts (Tracy 2013:180). After scanning the data, the researcher organised the data by focusing on the coded themes (axial coding). The researcher repeatedly verified the coded themes and clustered the related themes together. This was done inductively by comparing the responses of the 20 participating offenders against the themes (Flick 2014:408; Creswell 2013:45; Neuman 2011:462). Considering this process, the data revealed the following:

The implemented rehabilitation programmes at KSCC

Participants indicated that the psychological programmes and social programmes were aimed at their offending behaviour. Furthermore, they mentioned that the programmes help them to be self-sufficient by teaching them to be aware, recognise and understand the needs of other people. In addition, they revealed that psychological and social programmes made them aware of their own emotions and of the consequences of abusing drugs and alcohol, to help them address their sexual offending behaviour, and the need to change the behaviours that led to their arrest and conviction.

Vocational programmes including Woodwork, Motor Mechanics, Textile and Metalwork are aimed at assisting and guiding offenders to have skills so that they can be self-employed post-prison. The educational programmes increase the offenders' capacity to read, write and to think and reason logically. Based on the data gathered, it was found that rehabilitation programmes focus on the offender's interaction with the community, empowering offenders to be independent, earn an income, and to change their offending behaviour.

The offenders' initial perception of the rehabilitation programmes

Initially, the participants did not view the rehabilitation programmes as important. Their views appear to have been influenced largely by the prison culture of just 'sitting and doing nothing', which they encountered in the DCS centres before they were transferred to the KSCC. They understood prison to be a place to serve their sentences as opposed to a place of attending rehabilitation programmes.

Subsequent to the interviews by the professionals, offenders have to decide whether or not they want to participate in the rehabilitation programmes of KSCC. The majority of the participants (85%) indicated they voluntarily decided to participate in the rehabilitation programmes. For example, one participant remarked that he volunteered for the programmes because he needed to change the bad behaviour that led to his arrest: *"I needed to undergo the programmes so that I can be a normal person"* (Participant 6).

Only 15% of the participants felt that their decision to participate was not voluntary. They described the parole process as being "somewhat" forceful since the Parole Board officials would deny offenders parole as they based their decisions on non-participation in the rehabilitation programmes. Another participant said: *"When you get into prison they give you instructions to do rehabilitation programmes. I attend because it is the only way I can buy myself out of prison"* (Participant 2).

Offenders' perception during attendance of rehabilitation programmes

Following their decision to participate in the rehabilitation programmes, participants registered for the rehabilitation programmes. The interviewed participants indicated that their perception of rehabilitation programmes changed from negative to positive as soon as they started to attend the rehabilitation programme classes. They embraced rehabilitation programmes and realised their importance. Moreover, the participants viewed rehabilitation programmes as a means to the path to creating new lives for themselves. As they were attending the rehabilitation

programmes, they started to believe that they could become law-abiding people. They also found the environment in which programmes were offered to be favourable to learning.

Asked whether or not rehabilitation programmes were necessary for KSCC, all participants answered in the affirmative. They indicated that the rehabilitation programmes are necessary for KSCC to curb the use of drugs and to reduce fights and gangsterism. Participants knew from their experience of spending time in other DCS centres that once the offenders are left to spend much of their time not attending the rehabilitation programme classes, they will start to practise gangsterism, to use drugs, and to fight among themselves or even fight with the correctional officials.

Effectiveness of the rehabilitation programmes

After attending rehabilitation programmes, 95% of the interviewed participants noticed positive changes personally, which included behavioural changes, increased knowledge, the acceptance of positive morals, values, and the acquisition of skills. Participants noted a change in their attitude and a desire for success, which, to them, were signs of a transition to be 'better persons' than what they were before attending the rehabilitation programmes. Commenting on his changed attitude, one participant commented: *"As I meet you right now, I am a very changed person. If it was before I attended rehabilitation programmes, I don't think we would be having this discussion because of the 'person' I was then"* (Participant 10).

Apart from observing the changes themselves, participants received positive comments from family and friends about their behaviour, communication skills and educational achievements.

Participants noticed the positive changes in the other offenders who are taking part in the rehabilitation programmes. The change in attitude that the participants see in other offenders makes them realise that rehabilitation programmes 'work'. They observed variances between themselves and those that do not attend rehabilitation programmes in terms of improved skills, behaviour and good conduct. On this point, one participant commented: *"When I arrived here, I found so many offenders behaving in an unruly manner but since they started attending rehabilitation programmes, they have changed, they are now disciplined offenders"* (Participant 14).

Participants felt that they would be easily integrated into the community outside of prison since they have gained more knowledge from rehabilitation programmes. Most importantly, the 'change' is not only relevant and important to the offenders' lives but to their families as well. As noted by one participant: *"I am coming from a poor family; the rehabilitation programmes will help me bring change in my family"* (Participant 13).

Rehabilitation programmes have made participants realise that they are not different from other people and that they have the capacity to do good things. In this regard, one participant commented: *“Now I believe in the power of education; I believe I can be what I want to be despite all odds”* (Participant 18).

To the participants, the benefits of attending rehabilitation programmes are immediate. They have learnt the art of understanding and accepting the weaknesses of their fellow offenders from attending rehabilitation programmes. This is seen as a stepping-stone towards understanding the needs of the people outside of prison. As remarked by one participant: *“Now that I can live a better life with other inmates, I can go outside and continue to respect the rights of other people in the community”* (Participant 17).

The offenders’ chance of being employed after completing rehabilitation programmes

The majority of participants (95%) indicated that attending rehabilitation programmes increases the offender’s chance of being employed. Most importantly, the skills offenders acquire at KSCC are valuable and will enable them to survive on their own. The rehabilitation programmes are seen to be addressing the real-life issues of unskilled labour and unemployment. Unlike before they attended rehabilitation programmes, they now know that they can work for themselves if they are unable to find employment in the public or private sectors. In this regard, one participant remarked: *“You find that an offender came to prison not knowing how to read and write but when he is released he is able to write and has a vocational skill; so, chances of him getting employed increases”* (Participant 10).

There are good examples of ex-offenders working at various institutions outside of prison after their release. This serves as a motivation for offenders who are still incarcerated to continue attending the rehabilitation programmes. It also proves to them that the rehabilitation programmes of the KSCC are effective as completing these programmes increases the offender’s chance of getting employed.

Reduction of recidivism within the centre

Winnicott (1984:123) defines recidivism as an offender’s tendency to re-offend despite the efforts by correctional institutions to change the offending behaviour. The participants spoke about how they learnt immensely from rehabilitation programmes that could have prevented them from coming to prison had they had the knowledge before committing the crime. Participants are encouraged by former offenders who participated in the rehabilitation programmes in KSCC and went on to be involved in community projects outside of prison.

As noted by a participant: *“Some offenders who were released are visiting schools motivating children and preaching that crime does not pay. They learnt a lot from these programmes” (Participant 5).*

They advised that offenders engaging in rehabilitation programmes need to be ready to change. One participant made the following comment: *“Programmes can reduce recidivism if you are willing to change, but if you are not willing, it won’t help” (Participant 19).*

In this regard, data found that attending rehabilitation programmes complements the reduction of recidivism.

Challenges faced by offenders taking part in rehabilitation programmes

Participants identified gangsterism as an obstacle to successful participation in the rehabilitation programmes at the KSCC. Gangsterism has a negative effect on both members affiliated to gangs and those who do not belong to a gang. It manifests itself in the usage of drugs and increased fighting because members of a gang are bound by their rules to perform activities, such as smuggling and to protect themselves from other gangs. If you are not a member of a gang, the consequences could be dire. As a result, offenders often join gangs to seek protection and to have a voice in prison.

A further challenge for offenders is the fear of quitting being a gang member. One participant observed: *“After I was admitted to prison, I became a gang member and lived with other gang members, but when I wanted to leave gangsterism to join rehabilitation programmes, I was afraid that the fellow gang members will hurt me for leaving them” (Participant 6).*

Another challenge for offenders taking part in rehabilitation programmes relates to ‘benefits rewards’. There is no clear system of punishment and benefits that rewards offenders who are behaving extremely well in terms of academic achievements or taking part in rehabilitation programmes in the KSCC. When an offender behaves badly, there are well-known consequences, such as negative comments in his file or an extension of his non-parole period. In this regard, a participant remarked: *“If you behave normally, you don’t get punished; if you behave badly you get punished, but if you behave very well, there is no reward” (Participant 7).*

A further challenge relates to the medium of instruction. Programmes are taught in English despite numerous offenders being illiterate. Of the participants 20% found this to be discouraging offenders who cannot read and write from going to classes: *“Most programmes are being taught in English even though the majority of offenders do not understand the language” (Participant 8).*

Teaching offenders who do not understand what is being taught will not assist in the reduction of recidivism since the offenders will not successfully apply what

they learnt in this correctional centre because they are unable to understand the language of instruction.

It was also found that the lack of uniformity among correctional centres in the provision of rehabilitation programmes has a negative impact on the effectiveness of rehabilitation programmes. The correctional system is designed in such a way that it does not promote continuity whenever an offender is transferred from one correctional centre to another. This results in the offenders dropping out of the programmes they were enrolled in whenever offenders are transferred from KSCC to the DCS centre.

Other challenges experienced by offenders taking part in rehabilitation programmes at KSCC emanate from fellow inmates. The centre does not separate offenders who do not want to take part in rehabilitation programmes from those that do. The result is that those who do not partake in rehabilitation programmes create circumstances for those who are enrolled in programmes that are not conducive to studying. This could include inmates making noises and deliberately disturbing those that are studying.

RECOMMENDATIONS

After consideration of the findings in this article, the following section will discuss the selected recommendations to facilitate the successful development and implementation of rehabilitation programmes for sentenced offenders.

Implemented rehabilitation programmes

Offenders in the DCS facilities spend most of their day (23 hours) locked up in their cells with no rehabilitation programmes taking place (Mnguni 2011:59). It is recommended that the rehabilitation programmes rendered in the KSCC be implemented in all DCS centres for behavioural change and skills development and training for offenders.

Loss of external communication between offenders and their families cause offenders to be lonely because they are no longer in touch with the outside world. Consequently, these offenders may potentially join gangs to feel like they belong somewhere (Labane 2012:80).

It is recommended that professionals at KSCC should design a rehabilitation programme that will encourage building and establishing good relationships between offenders and their families to potentially prevent gangsterism and its various negative impacts. Lastly, it is also recommended that rehabilitation programmes that are specifically aimed at discouraging offenders from

continuing their gang membership be developed in an attempt to further reduce gangsterism.

Perceptions of sentenced offenders towards rehabilitation programmes

As all offenders are transferred from DCS prisons to KSCC for their rehabilitation programmes, it is recommended that DCS establishes and encourages the attendance of rehabilitation programmes in their prisons because offenders tend to only stay in their cells and gain no constructive skills (in DCS prisons). This will ensure that offenders who are transferred to KSCC already have positive perceptions of rehabilitation programmes. This recommendation is based on the finding that offenders' perceptions of rehabilitation programmes had changed from negative before participating to positive after completion of the programmes. This is illustrative of the positive effects which these programmes can have on the lives of offenders.

The possibility of offenders being employed after release from prison

Although participants at KSCC view participating in rehabilitation programmes as a way of increasing their chance of being employed after release from prison, there is a concern about their criminal record and employers not willing to employ ex-offenders. It is recommended that the KSCC and DCS should engage with private companies and other government departments to secure employment opportunities for ex-offenders with scarce skills and who participated in the rehabilitation programmes successfully. This could serve as an incentive for offenders to voluntarily participate in the offered rehabilitation programmes.

The reduction of offender recidivism

Offenders regard the KSCC rehabilitation programmes to be contributing to a reduction in recidivism. Confirming this, Mnguni (2011:60) argues that it is possible to reduce the recidivism rate of sentenced offenders by providing rehabilitation programmes to address specific problems, such as poor anger management, inadequate self-control and illiteracy. It is recommended that the DCS reintroduce the credit system to reward offenders with academic achievements who show positive attitudes towards rehabilitation and a desire to change. The credit system will make provision for points that lead to a reduction of sentences and in so doing, encouraging offenders to study, therefore reducing recidivism.

The medium of instruction in Kutama-Sinthumule Correctional Centre

Programmes are facilitated in English despite numerous offenders being illiterate. Teaching offenders who do not understand what is being taught will not assist in the reduction of recidivism since the offenders will not successfully apply what they learnt in the programmes as they are unable to understand the language of instruction. It is recommended that the programmes in KSCC be taught in the offender's mother tongue as far as is practically possible or that interpreters be availed for students who fail to understand the medium of instruction. It is also recommended that these participants receive extra attention to ensure that they understand what is being taught.

CONCLUSION

The article discussed the evolution of rehabilitation programmes to its current adopted state in South Africa. Upon interviewing the various offenders at KSCC that have attended their offered rehabilitation programmes, the data revealed that offenders' perception of rehabilitation programmes changed positively when they attended rehabilitation programmes offered at KSCC. The rehabilitation programmes of KSCC thus have a positive effect on the offenders' behaviour, knowledge, morals and values, and the acquisition of skills, which is in line with the 2005 White Paper's vision of correcting offending behaviour, human development and the promotion of social responsibility and positive values. In addition, the data revealed that participating in rehabilitation programmes reduces recidivism and contributes to a potentially better life for offenders.

NOTE

- * Mr I P Mabeba was a Masters in Administration candidate under the supervision of Ms M M Rolland at the University of South Africa. This article is partly based on the MAdmin thesis entitled: An investigation into the effect of rehabilitation programmes on sentenced offenders: The case of Kutama-Sinthumule Correctional Centre.

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Conceptual and Theoretical Variables Influencing Entrepreneurship

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ABSTRACT

Entrepreneurship has become a well-known topic among various stakeholders, to the extent that it is considered by international and national researchers and policy formulators as the link to increased and sustained economic development and growth. This is particularly true for developing countries where poverty and high unemployment rates prevail, but also relates to developed economies where entrepreneurship is considered a driver of accelerated economic growth. Today, in the rapidly changing world of business, there is an emergent perspective that entrepreneurship may help unlock stagnating global economic growth. The following conceptual and theoretical objectives were formulated for this article: To conceptualise and define entrepreneurship, business management and ownership including small business ownership; to conduct a literature analysis of the characteristics, roles and importance of entrepreneurs and entrepreneurship development and their link to economic growth and development; and to conduct a literature review of the theoretical foundation for entrepreneurship including the principles and theories underpinning these phenomena. The methodology entails a desktop analysis of various sources in literature to conceptualise the area of investigation. The article adopted a qualitative observational analysis by comparing, contrasting and critically analysing relevant and recent data, statistics and knowledge pertaining to entrepreneurship development. The research approach included specific unobtrusive research techniques to eliminate bias and promote conceptual and contextual analysis.

INTRODUCTION

Many different definitions explaining the terms entrepreneur and entrepreneurship have been formulated. Entrepreneurship has been described by many as the cornerstone of economic growth and financial independence (Botha, Nieman & van Vuuren 2007:163; Athayde 2012:709–710; Sivvam 2012:13; Ambrish 2014:225; Phillips, Moos, & Nieman 2014:85). Despite this, the potential of entrepreneurship has not been fully realised in many developing countries, including South Africa. For centuries Africa has been considered as the ‘lost continent’, with several socio-economic problems being prevalent in most of its countries. For many years South Africa was considered one of the better performing economies on the continent but this situation is changing rapidly as other African countries such as Nigeria and Egypt are being revitalised by commercial vivacity and an increased economic drive (IT News Africa 2015). Enhanced economic performance experienced in these countries is explained by improved government action in the area of macroeconomic environments and microeconomic improvements, creating a healthier enabling environment for small businesses (Herrington & Kew 2013:18). South Africa is falling behind in terms of entrepreneurship intention and action when compared to sub-Saharan African averages; consequently, advances in this regard are necessary (Herrington, Kew & Kew 2015:5).

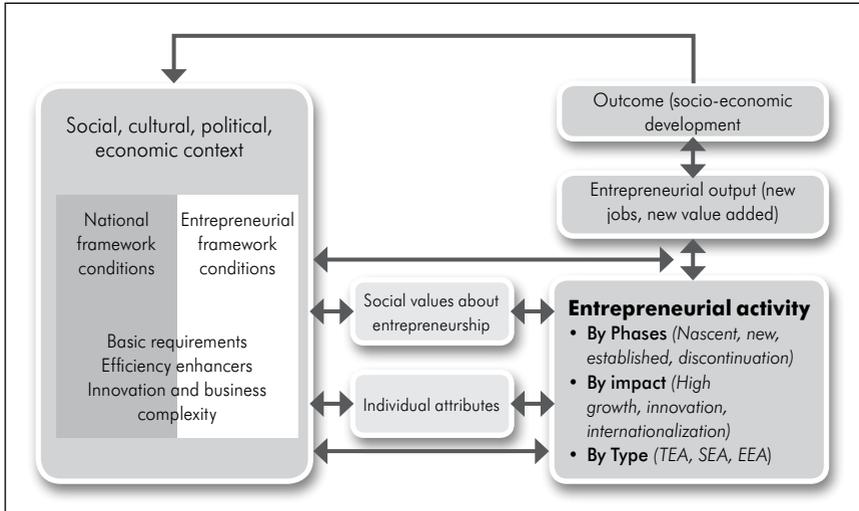
Historical and recent definitions in the field of entrepreneurship include the following character words: opportunism, innovation, risk-taking and designing new combinations of processes as well as one of the principal definitions of entrepreneurship, which is ultimately concerned with starting new businesses (Bird & Brush 2002:41). These definitions raise various questions pertaining to whether the terms business owner and entrepreneur are interchangeable.

The International Labour Organisation (ILO) (2002) is of the opinion that the small business and informal business sectors act as an ‘incubator’ for the transition to larger and more innovative business in some cases. In addition, small and informal businesses often play important roles in income generation and job creation (StatsSA 2013:1). Considering this, and for the purpose of this article, a business owner will be considered an entrepreneur.

As noted above, over time, entrepreneurship became a well-known topic among various stakeholders, to the extent that it is considered by international and national researchers and policy formulators as the link to increased and sustained economic development and growth (Awashiti & Sebastian 1996; Kroon 2002:215; Botha *et al.* 2007:163; Athayde 2012:709–710; Sivvam 2012:13; Ambrish 2014:225; Phillips *et al.* 2014:85).

This is particularly the case in developing countries where poverty and high unemployment rates prevail, but also relates to developed economies where entrepreneurship is considered a driver of accelerated economic growth. Today,

Figure 1: GEM entrepreneurial framework



Sources: (Herrington et al. 2015:12; Kelley et al. 2016:12)

in the rapidly changing world of business, there is an emergent perspective that entrepreneurship may help unlock stagnating global economic growth (Naudé 2011).

Various sources were used to gather information and data used in this article. One of the main sources of entrepreneurial data obtained was the Global Entrepreneurship Monitor (GEM), so that throughout this study data is gathered from various global, national and special topic GEM reports and the official GEM website is utilised. The GEM started in 1999 and has since proven to be a trusted source on entrepreneurship data for global organisations such as the United Nations (UN), World Economic Forum (WEF), World Bank and the Organisation for Economic Cooperation and Development (OECD). The GEM makes use of a network of local experts and researchers who gather annual data in the form of two elements: the entrepreneurial behaviour and attitudes of individuals and the national context and how it affects entrepreneurship (GEM Consortium 2016).

The GEM uses a conceptual or entrepreneurial framework as part of its research methodology. The components of the framework are illustrated in Figure 1.

The framework aims at testing the features and characteristics of certain expected relationships between social values, personal attributes and entrepreneurial activity and how these are linked to economic development (GEM Consortium 2016; Herrington & Kew 2016:9).

The framework comprises the following components:

- Social, cultural, political and economic components which can be defined according to the WEF's 12 pillars of economic development phases and nine Entrepreneurial Framework Conditions (EFCs). These components and conditions will affect countries differently, depending on their level of development (Herrington & Kew 2016:11).
- The social values of entrepreneurship components express how society values entrepreneurship and what status entrepreneurs have in society. The previous statement questions whether a culture of entrepreneurship is visible within an economy (Herrington & Kew 2016:12; GEM Consortium 2016).
- Individual characteristics include aspects such as demographics, psychological factors such as perceived capabilities and opportunities as well as fear, and motivation behind entrepreneurial action (Herrington & Kew 2016:12).

Entrepreneurial activity measures the physical activity type and the phases in which the entrepreneurs find themselves; for example, are they new, nascent, established or in a phase of termination? Sectors where the activity is taking place are also assessed and include Total Early-stage Entrepreneurial Activity (TEA), Social Entrepreneurial Activity

(SEA) and Employee Entrepreneurial Activity (EEA) (Herrington & Kew 2016:12–13).

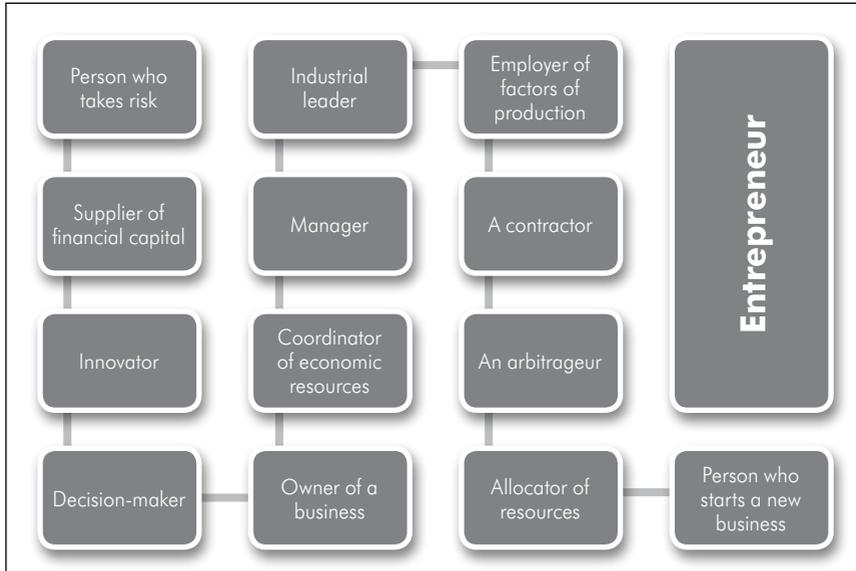
This framework incorporates a set of conditions or factors that need to be present in an economy in order for a healthy business environment to exist. These conditions interlink with each other and cannot be isolated; therefore, if one or more of the conditions are not in place or are underperforming, this negatively affects other components in the framework.

The article conceptualises and contextualises entrepreneurship, business management and ownership including small business ownership and management. It contextualises entrepreneurship and its relation to economic growth and development. It then discusses the theoretical foundation for entrepreneurship including its origins, economic theory shaping the concept entrepreneurship, the Creation Theory and the Discovery Theory including several other related approaches and theories.

ENTREPRENEURSHIP, BUSINESS MANAGEMENT AND OWNERSHIP

As noted above, many different definitions explaining the terms entrepreneur and entrepreneurship have been formulated over a number of centuries. Various theorists have tried to accurately define entrepreneurship but, as the term should be considered in context; since no single definition could be identified. Several

Figure 2: The roles of an entrepreneur



Sources: (Hébert and Link 1989:47; Van Dijk and Thurik 1995)

distinct roles of the entrepreneur have been recognised in the literature. In Figure 2 it may be observed that this individual, as described in an economic context, is a person who owns or starts a new business and who can be considered a risk-taker, industry leader, employer of production factors, innovator, supplier of financial capital, manager, allocator or coordinator of economic resources while making decisions on a regular basis (Wennekers & Thurik 1999:31).

Entrepreneurship is a multidimensional notion and can be viewed from and defined by, for instance, economic, psychological, social, managerial and sociological perspectives (Bula 2012:81). One of the first economists to recognise entrepreneurship as a key economic factor was Richard Cantillon (1680 – 1734) who defined an entrepreneur as an individual responsible for exchange and movement in the economy (Brown & Thornton 2013:402). Key characteristics of his definition of an entrepreneur included being a bearer of risk and uncertainty (Bula 2012:82). Another renowned economist from the 17th century was Jean-Baptiste Say who defined an entrepreneur as a manager of a business which is considered a production unit in the economy, thus emphasising good judgement over taking risk (Bula 2012:82). Schumpeter’s definition during the early 1930s as cited by De Bruin, Brush, and Welter (2006:586) describes entrepreneurs ‘to be those who create new combinations, new markets, products, or distribution systems’. On the other hand, Kirzner (1973:39) argues that an entrepreneur is someone who is

alert to unrecognised opportunities and can create business ventures by timeously identifying these. Kirzner further states that entrepreneurial purpose involves moving resources from an unproductive place to a more productive one; incorporating space, skills and time. Shane (2003:5) and Ambrish (2014:224) also refer to an entrepreneur or a self-employed individual as someone who possesses the skill to exploit opportunities by introducing new or better ways to provide goods and services to the economy and by executing tasks for personal income.

Regardless of the author or the definition, the following words and phrases describing character can almost always be linked to entrepreneurship: opportunism, innovation, risk-taking, designing new combinations of processes, while, in addition, one of the principal definitions of entrepreneurship is ultimately starting new businesses (Bird & Brush 2002:41). Entrepreneurship can therefore be described as a multifaceted phenomenon in which activities take place to establish a profit-driven venture (Cole 1968:65) by using economic resources in order to do so (Herron & Robinson 1993:283).

Entrepreneurship has also been defined in terms of three categories: namely productive, unproductive and destructive (Baumol 1990:893). Productive entrepreneurs typically include people who exploit opportunities and who are able to pinpoint gaps in the existing markets. They tend to be more innovative and in many cases build multiple businesses during their lifespan. Unproductive entrepreneurs are essentially also referred to as survival- or necessity-driven entrepreneurs. They typically operate on a small scale but still contribute to the Gross Domestic Product (GDP); with assistance and the creation of an enabling environment some of them could transform their small ventures into larger, more profitable businesses. A destructive entrepreneur is defined as someone who deals in illegal activities and brings no positive aspects to the economy (Baumol 1990:894). Bearing these definitions in mind and in the context of this study, one can conclude that an entrepreneur is a self-employed individual managing a business that contributes to the economy in a judicious and positive manner, taking risks, creating new products and processes as well as having the ability to see opportunities and adjust to change.

Several debates were generated as to whether or not all business owners and managers could be classified as entrepreneurs (Burke, Fitzroy & Nolan 2008). Wennekers and Thurik (1999:47) differentiate between being entrepreneurial and being managerial. They describe being entrepreneurial in typical Schumpeterian terms: that is, being an individual who places a great deal of emphasis on innovation and 'newness', whereas their description of managers is just that: they are managers of their own businesses. To add a controversial element to this topic, general definitions refer to entrepreneurs as being self-employed and focused on wealth and profit creation. During the past two decades, however, two new entrepreneurial phenomena have been established outside the traditional definition.

These phenomena are explained by the GEM Consortium (2016) who refer to those known as 'intrepreneurs' as being individuals working within an existing business (employees) who also possess various entrepreneurial traits, such as seeing opportunities, taking risks and being innovative.

From a behavioural perspective, people can be entrepreneurial while not actually pursuing business ownership. This phenomenon has grown to such an extent that an indicator measuring 'intrepreneurship' or 'corporate entrepreneurship' as it is also commonly referred to, was developed. This indicator as described by the GEM is referred to as Employee Entrepreneurial Activity (EEA). The second phenomenon refers to those who are known as 'social entrepreneurs'. These are people who are more focused on fulfilling a social need than making a profit. The GEM measures this activity by using the indicator referred to as Social Entrepreneurship Activity (SEA). As is evident from the discussion, entrepreneurship is thus a complex phenomenon that has transformed over time, including not just the archetypal profit-driven entrepreneur, but also adding a dimension of social awareness and corporate entrepreneurship in some cases.

The role of the business owner/manager adds to the complexity of this phenomenon. A small business owner/manager can be defined as an individual sustaining their business at a reasonable size while contributing value to the local community and economy through the service or product being rendered by the business (Storey 1994; Taylor 2015). In contrast to this notion, some entrepreneurs consider themselves as ambitious and who want to grow their businesses as large as possible, looking for new opportunities and regard themselves as inventors, adding not only to the local economy but to the economy at large (Taylor 2015). According to Seth (2014) a thin line can be drawn between managing a small business and being an entrepreneur. Some of the similarities include starting a new business, hard work, taking risk and adjusting to change. But the reality is that few small businesses will succeed in becoming large, successful entrepreneurial innovative ventures. This does not make them failures and there may be underlying reasons why some of these businesses remain small. Considering the various definitions of entrepreneurs, some questions arise pertaining to whether the term business owner and entrepreneur are interchangeable. Wennekers and Thurik (1999:29) argue that although a small business and entrepreneurship are not synonymous concepts, a small business is certainly a vehicle through which entrepreneurship is developed. On the other hand, Lumpkin and Dess (1996:136, 143) refer to entrepreneurship from a management point of view and opine that an inventive business can be started in a new or existing market with an existing or new product, thus arguing that innovation or 'newness' of a product is not a key characteristic.

Additionally, these authors point out that a business can be innovative in other ways and new products and production processes do not represent the only ways

to be pioneering. Examples of these 'other ways' include creative advertising and promotion and different management styles. Wennekers and Thurik (1999:47) are of the view that without the correct entrepreneurial character traits, many business owners will not be able to become Schumpeterian-type entrepreneurs. But, contrastingly, Schumpeterian-type entrepreneurs may decide to become managerial business owners after realising their initial goals or dreams (Wennekers & Thurik 1999:48).

Ligthelm (2013:62) differentiates between behavioural and trait approaches to entrepreneurship. In terms of behavioural approaches, entrepreneurs are perceived as being responsible for the flow of activities related to the creation or establishment of a new business, regardless of size; whereas trait approaches consider a set of personality characteristics. These personality characteristics provide a person with the ability to grow and expand a business. In this regard, from a behavioural approach perspective, one can consider a small business owner as an entrepreneur but without some of the trait approaches such as taking risks and identifying opportunities. These entrepreneurs will seldom grow their businesses to becoming larger, more successful enterprises. The ILO (2002) is of the view that the small business and informal business sectors act as 'incubators' for the transition to larger and more innovative businesses in some cases. Naudé (2013:6) suggests that if, and when, high ability entrepreneurs from informal sectors are able to migrate to a more formal sector, improved economic growth could occur. The GEM considers entrepreneurship as: 'any attempt at new business or new venture creation, such as self-employment, a new business organisation, or the expansion of an existing business, by an individual, a team of individuals, or an established business' (GEM Consortium 2016).

From the aforementioned it is evident that aspects of traditional definitions have transformed and, as pointed out by several researchers (for example, Ligthelm, Lumpkin & Dess, Taylor, Bula), the term 'entrepreneurship' lends itself to various interpretations and should be considered in context. Therefore, for the purpose of this study, a small business entrepreneur is defined as a small- to medium-sized business owner, taking calculated risks, contributing directly to the local economy, solving social needs and problems but who chooses to remain a manageable size.

ENTREPRENEURSHIP, ECONOMIC GROWTH AND DEVELOPMENT

Several policymakers and researchers have identified entrepreneurs as key role players contributing to a country's economic prosperity (Mitchell 2003:724; Tamilmani 2009:8; Toma, Grigore & Marinescu, 2014:437), while the role of

entrepreneurship has become more noticeable in society. Toma *et al.* (2014:437) point out that in open and modern economies entrepreneurship has become vital, not just for economic growth but also for economic development. In order to understand the relationship between them, these terms must first be defined and their differences explained. In neoclassical terms, economic growth would be defined as a cumulative increase of output, or the accumulation of production factors reflecting a quantitative measurement of a country's progress or growth (Masoud 2014:51).

The concept of economic growth is to a large extent based on models developed by traditional economists such as Myrdal (1957:20), Rostow (1959:3) and Solow (1956:65) and can further be explained as a method to track the progress of a country's GDP and per capita GDP. One of the main controversies regarding the measurement of GDP is that it does not incorporate aspects such as human development, equality and social cohesion (OECD 2005). Economic development, on the other hand, refers to a multidimensional measuring concept (Todaro & Smith 2011:16) providing a comprehensive overview on a country's progress, specifically including social development aspects (Iyer, Kitson & Toh 2005:1016). This concept was rarely used in economic literature before the Second World War (Toma *et al.* 2014:438) and is referred to as the 'new' endogenous growth theory (Wennekers & Thurik 1999:35). In other words, economic development involves a holistic improvement of a society's standard of living through the growth of all sectors of the economy, such as education, health, technology and infrastructure and the overall reduction of poverty and unemployment (Carlson 1999:10). In essence, economic development is the balance between the economic and social measurements of a country (Huq, Clunies-Ross & Forsyth 2009:22; Toma *et al.* 2014:438). It is important to understand these differences and comprehend that economic growth on its own is not a true reflection of a country's growth and development.

A link exists between economic growth and entrepreneurship and economic development and entrepreneurship. There has been a consistent correlation between per capita GDP and TEA rates (Herrington & Kew 2013:22) as well as the level of entrepreneurship and economic development (Naudé 2013:1). The following economic background holds importance for its contribution to an understanding of this link. Attention to supply-side economics and its underlying factors attracted renewed emphasis after the 1980s period of global stagflation and consequent high unemployment level. During this time, much attention was drawn to the role of entrepreneurship and small businesses (Toma *et al.* 2014:439). As pointed out by many researchers (North & Thomas 1973; Olsen, 1982; Van de Klundert 1997, cited in Wennekers & Thurik 1999:27), the institutional foundation of an economy is important. However, these research efforts have neglected the role of economic agents (including entrepreneurs) and their role in linking

these micro-level institutions to economic outcomes at macro-level (Wennekers & Thurik 1999:27).

Many researchers have realised that the bulk of economic growth no longer lies predominantly in contributions by large companies and that small and medium enterprises (SMEs) are making a considerable contribution to the GDP (Brock & Evans 1989; EIM 1997:15; Toma *et al.* 2014:437). Evidence exists indicating that a shift from large precarious firms to smaller, more robust firms has occurred. Since the 1970s a considerable amount of literature has emerged making very explicit reference to the role and contribution of SMEs in economies (Toma *et al.* 2014:439). In 1997 a shift was identified showing that small business growth exceeded that of large businesses for the period 1988 – 1997 in Europe (EIM 1997:15) while similar trends had previously been identified in the USA (Brock & Evans 1989). These shifts were due to: changes in the world economy, evolution in the types of technology processes, labour supply (lower real wages), increasing education levels, changes in consumer taste and ease of entry regarding regulation of business (Wennekers & Thurik 1999:28). The realisation of these global trends has placed much needed emphasis on the advancement of the small business sector, while some of the contributing causes of this shift have resulted in increased entrepreneurship development, improved innovation, enhanced industry dynamics and, most importantly, job creation (Acs 1992:39). Locally, SMEs contributed 45 per cent to the South African GDP in 2015 (Kelley *et al.* 2016:111), emphasising the importance of this sector. A matter of concern is that this rate decreased substantially during 2016, down to a 36 per cent contribution to the GDP (Herrington & Kew 2017:93). The economic trend of downsizing large industries is also prevalent in South Africa with large firms such as Arcelor Mittal, Sasol Industries and Samancor reducing their production and work forces. The ripple effects from downsizing ultimately lead to unemployment; thus, the creation of new SMEs may, in the long-run, result in reduced rates of unemployment.

Traditionally, there was no room for entrepreneurship in theoretical neoclassical models as these models assumed perfect competition and accorded no consideration to dynamic innovation in the equilibrium process (Wennekers & Thurik 1999:35). However, with the realisation of the new endogenous growth theory, which impacted industrial and evolutionary economics and managerial literature, new possibilities evolved, creating more room for this concept to develop. According to Wennekers and Thurik (1999:36) one of the first examples of this inclusion was evident in Romer's model which assumed that an instrument of growth can be found in new varieties of capital goods. Furthermore, this model suggests that growth is motivated by the development of new products; thus economic change could be sparked by the various activities executed by profit-pursuing entrepreneurs. From the perspective of connecting entrepreneurial activity

to economic growth, two key roles of an entrepreneur may be identified. The first role is new entry; which refers to the role of creating a new business, regardless of the level of innovation. Second, innovation or novelty as a key economic role; this entails transforming ideas and discoveries into economically feasible actions (Baumol 1993:198; Wennekers & Thurik 1999:33; Toma *et al.* 2014:440). This 'newness' effected by means of pioneering businesses and innovation may be considered one of the most relevant factors linking entrepreneurship and economic growth (Toma *et al.* 2014:440). The very existence of entrepreneurship is key to economic functioning as it addresses inefficiencies within these economies (Toma *et al.* 2014:439), ultimately contributing to market supply and demand.

Entrepreneurship is directly and indirectly linked to economic growth and development (Wennekers & Thurik 1999:30; Herrington & Kew 2013:22). Toma *et al.* (2014:440) empirically identify entrepreneurship as a booster of economic growth, occurring for a number of reasons, such as:

- Improved competition as the number of businesses increases. This in itself can be perceived as growth since an increase in the numbers of businesses ultimately leads to an increase in employment. Furthermore, competition creates a conducive environment for the growth of knowledge.
- Knowledge 'spill-overs' that are created; as new knowledge is created; the effects thereof are transferred to other individuals or businesses. Knowledge 'spill-over' is an important causal instrument for endogenous growth.
- Diversity and innovation that is created among economic agents. This creates uniqueness which in turn influences economic growth.

Empirical evidence supporting some of these statements was found by Audretsch and Thurik (2000:19) in a longitudinal study they undertook of 23 OECD countries over a period of 20 years (1974–1994). The study involved an empirical analysis investigating whether an increase in the number of entrepreneurs resulted in lower levels of unemployment. Evidence from this study suggests that when the number of small businesses increases, lower levels of unemployment are reported. Wennekers and Thurik (1999:29) declare that entrepreneurship has a positive effect on GDP which, in turn, results in improvement of general employment levels. Additional advantages of entrepreneurship include new product innovation and service development (Toma *et al.* 2014:438).

However, as with most phenomena, there may be researchers with differing views. Some studies have neglected to provide empirical evidence that entrepreneurship leads to economic growth, productivity and employment (Naudé 2013:9). There are, furthermore, many underlying factors such as strict labour laws, low innovation and a strong trend towards necessity-driven entrepreneurship, which may contribute to the foregoing. These, however, do not form part of the scope of this article.

It is important to note that entrepreneurship has many positive spill-over effects that influence economic growth, development and job creation, and although very important, these are not its only positive outcomes (Wennekers & Thurik 1999:30). Intermediate variables or linkages include an increase in innovation and the creation of competition. Knowledge spill-over in the form of innovation, research and development (R&D) and technology transfer have been identified as an important part of the creative destruction and construction process. Through this process businesses revive industries, regions, sectors and economies. The way businesses combine entrepreneurial skills provides new opportunities, thereby creating improved competitive advantages (Ferreira, Ratten & Dana 2017:162). From a human development perspective, entrepreneurship may create a multidimensional sense of well-being in people as they realise their various capabilities (Naudé 2013:7). Considering entrepreneurship from a capabilities approach, it can be viewed as a human function that could create a sense of well-being and happiness. Data from the GEM revealed that opportunity-motivated entrepreneurs reported a higher level of subjective well-being and may contribute to the level of happiness in a country (Naudé 2013:7).

Entrepreneurship does impact economic growth and development positively for a number of reasons. First, the progression of economic development is linked to the outcome of a complex set of activities and discoveries which constitute entrepreneurial actions (Harper 2003:280). Entrepreneurs facilitate the reallocation and distribution of less productive resources to more effective ones (Toma *et al.* 2014:441). Second, entrepreneurs are known as being key instruments in economic development through directly contributing to employment, innovation and well-being (Acs & Szerb 2010:5). Third, innovative entrepreneurs are essential for developing new products and services that contribute positively to a growing economy (Kressel & Lento 2012:6). Lastly, opportunity-driven entrepreneurs have a higher reported level of subjective well-being and job satisfaction, indirectly resulting in them becoming more productive (Naudé, Gries, Wood & Meintjies 2008; Naudé 2013:7).

THEORETICAL FOUNDATIONS FOR ENTREPRENEURSHIP

This section discusses the various views on entrepreneurial and related theories as set out by historic and recent economists and theorists.

Origins of entrepreneurship

The term entrepreneur takes its origin from the French word '*entreprendre*', denoting 'one who undertakes or is a 'manager', and stems from the phrase '*celui*

qui entreprend' which roughly means 'those who get things done' (Price 2011). Entrepreneurship and the understanding of this concept have since evolved. The concept of entrepreneurship derived from the traditional neoclassical economists who left little room for this concept in the newly industrialised era where innovation and competition, key elements of the notion, were regarded as very important.

Neoclassical theorists suggested that all agents who participated in the economy possessed perfect information and that by creating economic equilibrium, consumers and producers agreed on a set of prices where demand ultimately equalled supply (Bula 2012:86). Conceptually, this left little to no room for innovation, competition and risk-bearing initiatives (Wennekers & Thurik 1999:32). The neoclassical model inhibited the decision-making characteristic of entrepreneurs (Kirzner 1985:22). As industrialisation progressed, overlooking the significance of entrepreneurial actions became more difficult as politicians and economists began to realise the economic contribution small businesses were making (Wennekers & Thurik 1999:32).

From this progression, two new theoretical developments emerged: X-efficiency (Leibenstein 1968:75, 1979:127–129; Leibenstein 1979:128) and institutionalism (Coase 1937). In essence, X-efficiency refers to the magnitude of the inefficient use of resources within a business, thus limiting its production potential (Wennekers & Thurik 1999:32). Coase (1937) originated the institutionalism approach and viewed an entrepreneur as a manager of production factors within a business, something the price mechanism alone fails to do. The facts that information is not perfectly available and tension between hierarchies in businesses exists also draw attention to this approach (Wennekers & Thurik 1999:33). Considering the aforementioned, it is likely that a paradigm shift within the neoclassical rationale would take place.

Economic theory shaping the concept of entrepreneurship

A theory can be defined as a set of interconnected paradigms, concepts and suggestions that, together, present a methodical view of a specific idea, resulting in the understanding, explanation and prediction of a concept (Kerlinger 1973:9). Many historic and modern theories, to some degree, touch on the concept of entrepreneurship. However, a few stand out as they encapsulate the essence of entrepreneurship. These include, but are not limited to, Cantillon's theory of entrepreneurship (1755), Von Thünen's location theory (1783 – 1850), Menger's subjective theory of value (1840 – 1921), Marshall's theory of substitution (1842 – 1924), the Schumpeterian theory of innovation (1883 – 1950), Knight's theory of profit (1885 – 1972), Schultz's theory on entrepreneurship (1902 – 1988) and Kirzner's 'alert' entrepreneur (1930 – current), (Bula 2012:83–88).

Cantillon (1680–1734), one of the first economists to write about the notion of entrepreneurship, identified three distinct categories of economic agents: property-owners, entrepreneurs and workers (Wennekers & Thurik 1999:31; Toma *et al.* 2014:438). He saw an entrepreneur as a risk-taking agent who takes supply and demand into account in order to create balance. He did not view the entrepreneur as a production factor (Bula 2012:83). As part of the original Austrian school, Cantillon (1755:53, 65), whose works were only published two decades after his death, studied entrepreneurship extensively and, at that time, held similar views on entrepreneurship as are currently advanced by the said school of thought. He stated that creating entrepreneurs leads to the development of an economy through the creation of exchange, price fluctuations, money transfer and increased competition; and added that entrepreneurs are responsible for bringing prices and production in line with demand.

Taking the aforementioned into consideration, the Schumpeterian entrepreneurs were perceived as flexible and being creators of variability and creative destruction, thereby referring to the potential creation of new possibilities (Wennekers & Thurik 1999:31; Naudé 2013:2). Schumpeter followed a different approach to that of Cantillon, mainly by classifying an entrepreneur as an innovator and an agent of change (Toma *et al.* 2014:438). His theory assumed that an entrepreneur is an economic and social front-runner and profit is not the main goal of the entrepreneurial activity, but rather that of fulfilling a need in society through new innovations (Bula 2012:85). He proposed that five conditions occur during the entrepreneurial process: new production processes, new products, new markets, new production factors or materials and new ventures (Toma *et al.* 2014:438). Von Thünen, also of the Schumpeterian view, differentiated between an entrepreneur and a supplier of capital or, as referred to by Cantillon, as an owner of property or land (Wennekers & Thurik 1999:31). Baumol (1990:895), who is also associated with the Schumpeterian view, identifies an entrepreneur as an individual who possesses the ability to find new and creative means to add wealth, authority and status to their life. He further lists two tendencies of entrepreneurship: first, the business-organising entrepreneur and second, the innovative entrepreneur. The first refers to the characteristic of sufficiently organising and bringing structure to a business in the form of management; whereas the latter refers to individuals who are driven by the need to innovate and being economic game changers (Williams-Middleton 2010:4).

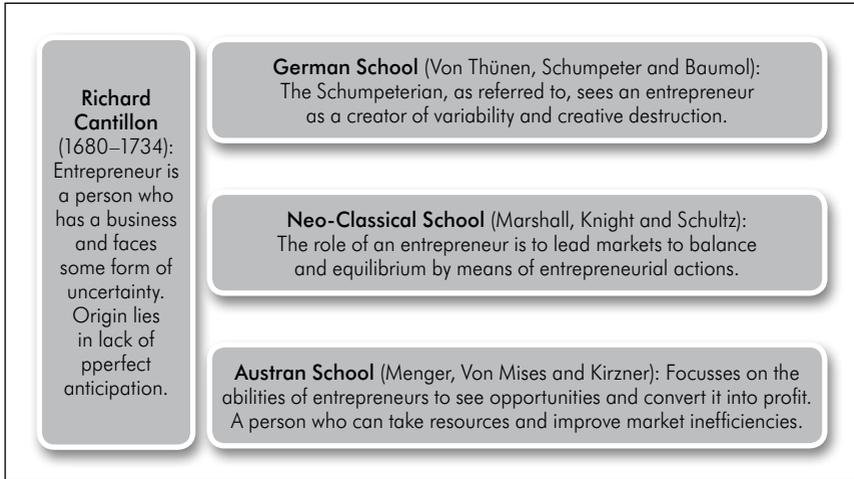
Menger, as part of the Austrian school, shares the aforementioned view of Von Thünen and Cantillon, but, in addition, viewed an entrepreneur as one who mainly merges various production factors. He compiled the theory of subjective value which, summarised, states that both parties benefit from an exchange. This implies that people will only exchange something if they receive something more valuable in return. This exchange is in most instances facilitated by a middleman

or the entrepreneur (EconLib 2008). Another economist from the Austrian school of thought, Von Mises, asserted that the entrepreneur is a key component of the market economy. Production factors cannot come together instinctively, requiring the role of the entrepreneur, which is a crucial driving force of the entire market system (Gunning 2009:3). Previously, Kirzner (1973:39) argued that an entrepreneur is someone who is alert to unrecognised opportunities and can create business ventures by timeously identifying such. He stated that in the context of economic development, an entrepreneur can be classified as a role player, reacting to opportunities and not necessarily creating them – seizing profitable opportunities instead of generating profit (Naudé 2013:2; Toma *et al.* 2014:438). He represents the neo-Austrian entrepreneurship approach, claiming that a country's economy may be imbalanced and that alertness as regards identifying opportunities by entrepreneurs can move such an economy into equilibrium (Bula 2012:84).

Several renowned economists emerged from the neoclassical school of thought, such as Marshall, Knight and Schultz. Marshall, also linked his thoughts to those of Menger in line with the latter's view that an entrepreneur is the manager of production in a business; Marshall furthermore adds that they are the creators of new ways (Wennekers & Thurik 1999:31). Marshall did not refer to the concept of entrepreneurship but rather to a function known as 'business ability', which he defined as managing talent, leadership structured organisation of factors, assuming demand, monitoring outcome, being willing to try new things and taking risks in doing so (Moss 1982:5). He further recognised innovative technological entrepreneurship as an important part of business management, which adds a vibrant element to his theory of factor substitutions. In addition, he argued that continuous change is a factor inherently contributing to entrepreneurship (Moss 1982:4). Marshall's theory of substitution relates directly to the role of an entrepreneur in that they are continuously searching for cheaper and better ways in combining production factors, thus resulting in a more profitable outcome (Moss 1982:6).

Knight (neoclassical) and Schumpeter (German tradition) both differentiated between the role of this 'manager' as pointed out by Menger and the role of the entrepreneur (Wennekers & Thurik 1999:31). In addition, Menger states that the central role of the entrepreneur is to manage and undertake uncertainty associated with certain entrepreneurial actions. He specifically contends that entrepreneurs are owners of businesses striving for profit and, in doing so, undertake three tasks. First, they activate change through innovation; second, they adjust to economic change; and lastly, they weigh up the consequences of uncertainty (Bula 2012:86). The Schultz approach argues that entrepreneurship is inextricably linked to imbalances in the economy and that entrepreneurs possess the capability to deal with this state. Entrepreneurs have the ability to modify resources in times of disequilibrium and accomplish higher levels of satisfaction (Bula 2012:84). Figure 3 summarises the different schools of thought regarding entrepreneurship.

Figure 3: Evolution of entrepreneurship and different schools of thought



Source: (Wennekers and Thurik 1999:31)

To further analyse the concept of entrepreneurial-oriented theories, an additional classification of scholarly views on entrepreneurship can be undertaken. These include behavioural, occupational and synthesis perspectives (Toma *et al.* 2014:437). These are linked to some of the views and theories previously discussed. From a behavioural perspective, views by Schumpeter (1934) and Kirzner (1985:7, 29) take centre stage. As previously mentioned, Schumpeter's definition of an entrepreneur encapsulates the essence of innovation and new creation; whereas Kirzner recognises an entrepreneur as an alert person seeing opportunities and acting on them (Bull & Willard 1993:190). A person acting from a behavioural perspective chooses to become an entrepreneur due to their 'opportunity-grabbing-for-profit' nature and risk-taking propensity (Naudé 2013:3). Furthermore, behavioural entrepreneurs act on their entrepreneurial traits and characteristics rather than external events and surroundings (Williams-Middleton 2010:1). However, these latter factors do exert some influence on the process. Behaviour can be considered a visible social human action activated by predisposed reasoning, intention and choice or decision (Williams-Middleton 2010:3). Choosing to become an entrepreneur due to behavioural traits, often leads to opportunity-based high-growth potential ventures. The occupational perspective on entrepreneurship mainly distinguishes between the choice of self-employment or wage-employment, assuming that someone would only consider entrepreneurship if the benefits of self-employment exceed that of wage-employment or unemployment (Naudé 2013:3). Shapero and Sokol (1982:74) further state that entrepreneurial actions often occur as a result of the concatenation of cultural,

social and personal factors. In a social context, negative shifts, such as retirement, retrenchment, divorce or the passing of a spouse could lead to shocks resulting in entrepreneurial actions. These actions are often linked to necessity or survival rather than opportunity (Naudé 2013:3) and result in low growth potential businesses. Finally, the concept of synthesis has been developed by Gries and Naudé (2011:2017), merging behavioural and occupational perspectives.

The authors link the synthesis perspective to three distinct economic development concepts: structural economic transformation, development as a multidimensional concept and the coordinating role of the government in preventing market failure (Naudé 2013:2). Table 1 demonstrates this link.

The first grand idea can be explained as the entrepreneurial ability which is central to structural change. The efficiency of entrepreneurial actions creates technological change which is crucial for R&D. Nelson and Pack (1999) opine that quick expansion of structural transformation leading from technological advancements can only be absorbed if entrepreneurial capability is high. If this is not the case, returns on capital investment and human capital could be low (Naudé 2013:5). The second grand idea avers that in general, entrepreneurial writings fail to link entrepreneurship to development and rather focus just on the aspects of GDP, productivity and job creation. Yet, various multidimensional aspects of development do exist within the entrepreneurial paradigm. These include human functioning that could create a sense of well-being and happiness. Data from the GEM revealed that opportunity-motivated entrepreneurs reported a higher level of subjective well-being and job-satisfaction and may contribute to the level of happiness in a country (Naudé 2013:7).

Lastly, as part of the third grand idea, Naudé (2013:8) mentions that a reduction in the role of the state and more emphasis on markets could be beneficial to an economy. Market failures could be reduced by entrepreneurs acting as

Table 1: Link between economic development ideas and entrepreneurial synthesis view

Grand ideas in development economics	Synthesis entrepreneurial view
Grand idea 1: Structural economic transformation (dual economy models)	Entrepreneurs re-allocate resources, leading to structural change and economic growth as a result of their ability.
Grand idea 2: That development is a multidimensional concept	Entrepreneurship is also a multidimensional concept taking many factors into account.
Grand idea 3: Market and state failures	Entrepreneurship is a catalyst for organisational change and institutional progress.

Source: (Naudé 2013:4)

catalysts for organisational change and institutional progress (Naudé 2013:8). In agreement, Acs, Estrin, Mickiewicz and Szerb (2018:2) argue that the idea of entrepreneurship is essential in economic growth and development. The authors further state that institutional influence and structure have a profound impact on the allocation of productive, unproductive, and destructive forms of activity and even if all countries had comparable levels of entrepreneurship the institutional structure could determine the allocation thereof.

As noted before, entrepreneurship is a multidimensional concept and can be viewed and defined from various angles and perspectives, such as economic, psychological, social, managerial and sociological (Bula 2012:81). This notion of complexity is also discernible concerning entrepreneurial theory. Two distinct entrepreneurial theories can be added to the aforementioned discussion: The Creation theory and the Discovery theory. As the concept of entrepreneurship is in many cases a conscious act flowing from a combination of choices and decisions it is relevant to further explain the Theory of Planned Behaviour (TPB) and Theory of Intention (TI).

The Creation Theory and the Discovery Theory

Many aspects in the field of entrepreneurship have been addressed and researched over the past few decades. Studies by Knight (1921), Schumpeter (1934) and Kirzner (1973) laid a foundation for general entrepreneurship theories but the need for advancement in these theories was evident. This necessity informed the writings of Shane and Venkataraman who originated the Discovery and Creation theories (Alvarez & Barney 2005:2). Within the context of an entrepreneurial setting the following three attributes should be present: the nature of entrepreneurial opportunities, entrepreneurs as individuals and the nature of decision-making (Alvarez & Barney 2005:3–4).

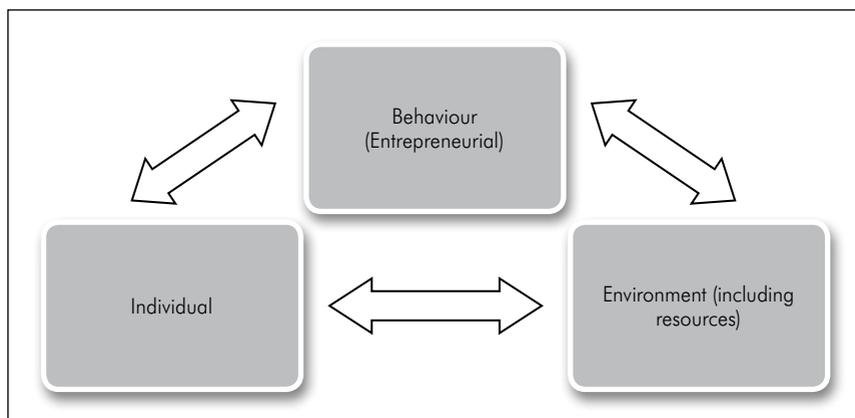
In terms of the first of these two theories, the Discovery Theory, as inspired by the views of Kirzner (1973), can be summarised as: the ability of individuals to be overly alert, spotting and exploiting opportunities during a high probability of risk. The first assumption that can be made is that the main task of an entrepreneur whom this theory describes is to discover and take advantage of new opportunities (Alvarez & Barney 2005:4). Second, opportunities are considered objective, meaning that in principle, everyone in an economy should be able to spot and act on these opportunities (Alvarez & Barney 2005:6). The last assumption refers to the riskiness of a decision. In order to make a decision whether to act on an opportunity or not, risk is involved and in this assumption the extent of the risk is, to some degree, known (Alvarez & Barney 2005:8).

Assessing the Creation Theory which finds its origin in the work of Schumpeter (1934), three key assumptions are also made. First, this theory assumes that

an opportunity is subjective and not objective as in the case of the Discovery Theory. In other words, individuals create their own opportunities in order to generate wealth, in contrast to simply recognising opportunities (Alvarez & Barney 2005:9). The second assumption declares that the individual or entrepreneur is not necessarily unique, especially before entering the creative process, and that their experiences may shape entrepreneurs differently (Alvarez & Barney 2005:11). The final assumption is that individuals or entrepreneurs entering and proceeding through the creative process will experience some form of uncertainty as this differs according to the risk entrepreneurs face within the Discovery Theory assumptions (Alvarez & Barney 2005:13; Williams-Middleton 2010:2). The Creation Theory ties in to entrepreneurial behaviour in the sense that it is a combination of activities completed by the entrepreneur while adjusting and refining opportunity as well as market position, with the main goal being to create a new business. This all takes place in a situation of great uncertainty (Williams-Middleton 2010:2). Completing this process results in a behavioural state referred to as entrepreneurial behaviour. This entrepreneurial action does not happen in a vacuum, because three key factors influence this process – environment and resources, the individual, and the process of behaviour. This is illustrated in Figure 4.

Figure 4 indicates that entrepreneurial behaviour can be considered as a result of a combination of the individual and the environment one finds oneself in. The Creation Theory is linked to the Social Learning Theory developed by Bandura in 1977 in which it is argued that individual behaviour is formed as a result of the direct environment (Williams-Middleton 2010:3). For this reason, creating an enabling economic environment is important since it creates room and intention for entrepreneurs not just to start new businesses but to remain in them.

Figure 4: Behaviour as an expression of the environment and the individual



Source: (Williams-Middleton 2010:3)

Table 2: The Discovery and Creation Theories

	Discovery Theory	Creation Theory
Nature of available opportunities	Objectives are set independently of individuals (Objective opportunity)	Develop as a function of the method of searching for economic prosperity and wealth (Subjective opportunity)
Nature of the individual	Entrepreneurs are considered unique and different from non-entrepreneurs. Main difference is alertness	Entrepreneurs can be similar or not when compared to non-entrepreneurs. Differences exist on the effect and not the cause of an event
Nature of decision-making	Risky – probability and outcomes are knowable	Amount of ambiguity and uncertainty unknown

Source: (Alvarez and Barney 2005:4)

Table 2 provides a summary of the main differences between the Discovery and Creation Theories.

CONCLUSION

Entrepreneurship development is an important aspect within economic growth and development. This was pointed out by the literature referred to in this article. Entrepreneurship and the many activities linked to it have been evident in the writings of many major economists, dating back centuries. In addition, numerous research studies emphasise the importance of developing female entrepreneurs, not only to contribute to the economic growth and development of a country, but also to assist with the development of females and the reduction of the socio-economic challenges faced by this cohort. Hence, entrepreneurship development is equally important for economic growth and the general well-being of a country; therefore, a deeper understanding of this topic is crucial.

The article established the theoretical foundations for entrepreneurship, concentrating specifically on economic and entrepreneurial related theories. In summary, neoclassical theorists viewed entrepreneurs as role players in ensuring market equilibrium. The Austrian school placed a great deal of emphasis on opportunities to make profit and create competition; whereas the Schumpeterian theorists regard entrepreneurs as innovators within the economy (Wennekers & Thurik 1999:34). Important definitions and concepts relating to the field of entrepreneurship were discussed and the importance of entrepreneurship as a factor contributing to economic growth and development highlighted. From the content

within this article, based on the existing literature, it was found that entrepreneurship is an important aspect resulting in many advantages within a country and its individuals, if properly implemented and executed.

NOTE

- * The article is based on the doctoral thesis of the author for the degree *Doctor of Philosophy in Entrepreneurship* at the North-West University titled: *South African female entrepreneurs' intention to remain in business*.

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Manifestation of Unethical Conduct in National Departments in South Africa

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ABSTRACT

This article investigates unethical conduct in state departments, with specific reference to deviations from internal control systems and non-compliance with applicable legislation. It aims to outline unethical procurement practice in national departments by using the Auditor-General of South Africa and the Public Finance Management Act 1 of 1999's consolidated Auditor-General reports 2010/11 to 2015/16 (in Mazibuko 2019). These reports play an instrumental role in analysing the challenges concerning implementation of legislation, compliance with legislation and unethical practices which are apparent in the public sector. This is followed by supply chain management challenges based on case studies of national public sector departments. It is argued that national departments and state organs should pay more attention to procurement-related corruption, so that public sector managers can gain a deeper understanding of risk and plan for procurement cycles. To gain more insight, selected unethical procurement practices in the seven national departments within the South African public sector are discussed.

INTRODUCTION

The South African public sector faces challenges concerning procurement/supply chain management (SCM) practices in national departments. The Auditor-General

of South Africa (AGSA) exercises *ex-post* judicial oversight to ensure that publicly funded institutions conform to the laws and regulations that govern their activities. On a micro-scale, AGSA investigates the efficiency of internal control systems.

Internal control in the public sector refers to the arrangements through which governments can reasonably ensure the effectiveness, efficiency and economy of their service delivery. It is an ingrained part of management across and within national departments. Internal control is meant to ensure that operations are reliable and comply with applicable laws, regulations and policies to minimise the incidences of loss, waste and fraud. Internal control processes are intended to balance risk with cost to improve the likelihood that policy objectives are met (Organisation for Economic Cooperation and Development (OECD) 2016 in Mazibuko 2019).

Overall audit outcomes performed by AGSA dating from 2011/12 to 2015/16 revealed notable deviations relating to internal control systems. These internal control deviations were mostly found concerning non-compliance to key legislation areas of SCM. This article focuses on a number of national departments that incurred irregular expenditure due to deviations from internal controls that govern transactions and other unethical procurement-related conduct (AGSA 2014 in Mazibuko 2019).

Government's policy objectives can only be achieved and sustained if organs of state comply with the rules, legislation, norms and standards of public SCM. Section 217(1) of the *Constitution of the Republic of South Africa, 1996*, states that: "When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is fair, equitable, transparent, competitive and cost-effective". Despite this constitutional prescript, non-compliance with legislation persists.

OVERVIEW ON NATIONAL DEPARTMENTS

While the article does not intend to do a comparative analysis of the national budget, expenditure for the 2015–16 financial year will be discussed in brief. During this financial year, the expenditure budget for departments was R1 218 billion, of which R669 billion was for operating expenditure; R70 billion for capital expenditure; and R479 billion for transfers and subsidies (AGSA 2016 in Mazibuko 2019).

The subsequent sections discuss key compliance-related challenges based on the consolidated report of AGSA audits for the 2011/12 to 2015/16 financial years. The AGSA annual audit outcomes report is a substantial barometer of the situation within the national and provincial departments, municipalities and entities entrusted with infrastructure development through the procurement of goods, services and public works.

Non-compliance with key legislation

According to AGSA (2013 in Mazibuko 2019) the non-compliance rate to key legislation is too high and needs significant attention. It was revealed that the number of national departments with material compliance findings decreased slightly from 76% to 72%. Material misstatements, poor SCM and not following up on irregular expenditure have consistently been areas where most non-compliance occurred.

Nonetheless, some overall progress has been made in reducing the number of national departments that failed to comply with SCM legislation from 281 to 266 (AGSA 2013 in Mazibuko 2019). Furthermore, AGSA points to an improvement in compliance with key legislation, as the number of auditees with no material findings on compliance increased from 27% to 33% since 2013–14.

Areas that showed some improvement during the period under review were procurement and contract management (also referred to as SCM) for public entities, where compliance issues dropped from 32% to 25%. In turn, the findings and quality of submitted financial statements for both departments and public entities dropped from 62% to 52% and 52% to 37%, respectively. Departments slightly improved their expenditure and consequence management from 36% to 25% and 24% to 13%, respectively. Little change was recorded in all other areas (AGSA 2016 in Mazibuko 2019).

Non-submission of documents for audit purposes

The AGSA report highlights an 11% overall reduction in the number of national departments with material findings. This could be a sign that there is a stronger focus on SCM. However, 44 (10%) auditees could not provide AGSA with procurement documentation (AGSA 2013 in Mazibuko 2019).

Supply chain management (also referred to as awards)

During the 2012/13 financial year, AGSA's consolidated report reviewed close to 6 303 contracts (with an approximate value of R75.5 billion) and 19 959 quotations (with an approximate value of R3 billion) were tested. The aim was to determine whether the prescribed processes were followed to create a procurement environment conducive to where all suppliers can compete on an equal footing – without favour or discrimination (Mazibuko 2019). AGSA also focused on contract management, as shortcomings in this area can result in delays and wasteful expenditure that could have a direct impact on service delivery (AGSA 2013 in Mazibuko 2019).

Furthermore, AGSA assessed the financial interests of employees and their close family members to determine whether they were suppliers to national departments. In this regard, AGSA states that procurement legislation does not

prohibit awarding tenders to employees or their close family members. However, employees and prospective suppliers are required to declare any financial interest so that safeguards can be implemented to prevent improper influence and unfair procurement process (AGSA 2013 in Mazibuko 2019).

The assessment aimed to determine whether auditees implemented adequate internal controls to ensure compliance with legislation and to prevent irregularities in their SCM procurement processes. Auditees should put in place adequate SCM controls. It was found that overall, the number of auditees with inadequate internal control deficiencies did not improve significantly from the 2011–12 financial year (AGSA 2013 in Mazibuko 2019).

AGSA was unable to audit awards to a value of R3 billion at 49 auditees (11%), as these departments could not provide evidence of awards being made in accordance with SCM legislation requirements. During the previous year, AGSA encountered similar limitations at 17 of these 49 auditees (35%) (Mazibuko 2019). The fact that that AGSA could not perform any alternative procedure to determine whether these awards were not irregular should serve as a red flag to oversight structures (AGSA 2013 in Mazibuko 2019). The main reason why AGSA could not audit these contracts was because the documentation either did not exist or could not be retrieved due to poor document management.

Awarding contracts to employees and close family members

AGSA reports that awarding contracts to employees and close family members was a cause for concern. Departments made awards to the value of R612 million to suppliers in which employees or their close family members had an interest (Mazibuko 2019). While such awards are not prohibited, it is concerning that suppliers and employees rarely declare their interests. The reported findings were linked to 9% of auditees' awards to employees and also 9% awarded to close family members (Mazibuko 2019).

The report analysed whether awards to employees and family members, as well as the required financial-interest declarations were disclosed. In this regard, 53 (33%) departments and 18 (6%) public entities awards were made to employees and their family members (Mazibuko 2019). Overall, there was no significant reduction in this regard. AGSA reiterates that, although such awards are not prohibited by current legislation, no progress has been made in addressing the lack of financial interest declarations made by employees and suppliers (AGSA 2013 in Mazibuko 2019).

Uncompetitive or unfair procurement processes

The report is seen as a relevant and accurate framework that reflects the South African public sector's procurement practices. One of the main findings was

that 50% of auditees revealed uncompetitive and unfair procurement processes (Mazibuko 2019). There was no significant reduction in the number of auditees with findings on uncompetitive or unfair procurement processes. A total of 111 (68%) departments showed repeat findings on uncompetitive or unfair procurement processes, while 92 (32%) public entities reflected repeat findings. The most common findings were:

- “Three written quotations were not invited, and the deviation was not approved, or the approved deviation was not reasonable or justified.
- Procurement from suppliers who did not have a SARS tax clearance.
- Financial interest declaration was submitted by suppliers or, where submitted, such financial interest declarations were false” (AGSA 2013 in Mazibuko 2019).

Inadequate contract management

Findings relating to contract management remained unchanged. Only 11 departments addressed the prior year’s findings in this focus area, while nine additional public entities produced findings. The most common unethical findings related to “no or inadequate contract performance measures and monitoring and contracts amended or extended without proper approval” (AGSA 2013 in Mazibuko 2019).

Inadequate supply chain management controls

The report revealed that national departments failed to implement adequate SCM controls to ensure compliance with legislation and to prevent procurement-related irregularities. It was revealed that there was no significant improvement in the number of auditees with internal control deficiencies from the previous financial year. The most common findings were: “Employees that performed additional remunerative private work that had not been approved and no or inadequate actions taken to address SCM risks identified” (AGSA 2013 in Mazibuko 2019).

Irregular expenditure

Irregular expenditure refers to expenditure that was not incurred in the manner prescribed by legislation. This type of expenditure must be reported when it is identified, even if it was incurred in a previous financial year. National Treasury (2016 in Mazibuko 2019) instructs that Section 38(1) (b) of the Public Finance Management Act 1 of 1999 (PFMA) requires the accounting officers of departments and constitutional institutions “to be responsible for the effective, efficient, economical and transparent use of their respective institutions” resources. Sections 38(1)(c)(iii) and 51(1)(b)(iii) of the PFMA require accounting officers and accounting authorities to take effective and appropriate steps to manage

the available working capital of their respective institutions efficiently and economically. In terms of that, accounting officers and accounting authorities are mandated to implement control measures to ensure that all expenditure in their respective institutions is necessary, appropriate, cost-effective and is recorded and reported, as prescribed by the relevant legislative framework.

In terms of Sections 45(c) and 57(c) of the PFMA, employees must take effective and appropriate steps within their areas of responsibility to prevent unauthorised and irregular expenditure. Non-compliance with the provisions of this National Treasury Instruction can constitute grounds for financial misconduct, as regulated in Chapter 10 of the PFMA. Financial irregularities resulting from non-compliance with the above Treasury Instruction must be recorded in the irregular expenditure register and disclosed appropriately in the institution's annual financial statements.

Irregular expenditure does not necessarily point to fraudulent activity or money wastage. However, it is an indicator that prescribed legislation is not followed and that there is a significant breakdown of control within national departments. In this regard, the PFMA provides for steps that accounting officers should take to investigate irregular expenditure to determine whether any officials are liable for the expenditure and to recover the money if liability is proven. The controls that should be put in place in the procurement process are from the constitutional requirements of SCM, as set out in Section 217 of the Constitution, 1996.

The report states that irregular expenditure continues to be of particular concern throughout the five financial periods (AGSA 2013 in Mazibuko 2019). It was found that irregular expenditure increased from R22.1 billion in 2010/11 to R26.32 billion in 2011/12, with a slight increase to R27.5 billion in 2012/13. The R62.7 billion spike was ascribed to the backdated R30.7 billion that the Property Management Entity (PME) identified and reported in 2013/14 (Mazibuko 2019). There was a slight decrease in 2014/15 to R25.6 billion. The R16.9 billion remaining irregular expenditure was incurred by the departments in the education, health and public works sectors (Mazibuko 2019).

Non-compliance with SCM legislation was responsible for 93% of the irregular expenditure (R58.3 billion) (Mazibuko 2019). AGSA determined that goods and services were received for R22.3 million (38%) of irregular expenditure relating to supply-chain activities, despite the fact that normal procurement procedures were not followed. AGSA did not confirm that the goods and services were delivered at the best price and value for money (AGSA 2014 in Mazibuko 2019).

Since 2013–14, irregular expenditure has increased by nearly 40% to R46.36 billion. The increase from the previous year was nearly 80% (AGSA 2014 in Mazibuko 2019). Continued non-compliance with SCM legislation was the main reason for this increase in irregular expenditure. With irregular expenditure, goods and services are procured without following prescribed processes. The

procurement-related controls are based on constitutional SCM requirements, as outlined in Section 217 of the Constitution, 1996. With procurement audits, the application of approved processes are scrutinised. Where deviations from the controls are identified during the audit, such expenditure that is properly accounted for in the records will be classified as 'irregular', as prescribed in the PFMA. Some of the reasons for deviations include emergencies, suppliers that have monopolised the process and the lack of competitive quotes and extensions.

In terms of financial management across all areas, cash outflow with no or limited required benefits are usually facilitated by these deficiencies. While the total amount of irregular expenditure does not represent total losses, this might become the case should follow-up investigations not take place. AGSA ascertained that 89% of the R42.3 billion irregular expenditure arising from procurement was linked to received goods and services (Mazibuko 2019). Due to a lack of transparency and competitiveness, it could not be determined whether prices were not inflated. Hence, there is a need for leadership to investigate red flags in procurement processes (AGSA 2016 in Mazibuko 2019).

CASE STUDIES OF NATIONAL DEPARTMENTS

Departments mostly have a 'mechanical' approach to SCM that sidelines the country's constitutional spirit and fails to maximise cost-efficiency in a legally compliant environment. The selected case studies of national departments are based on the knowledge outputs of the Special Investigating Unit (SIU) and the AGSA. National departments face a multitude of increasingly complex SCM-related challenges that require a nuanced and strategic turnaround. Challenges include risk areas relating to procurement or tender compliance; expenditure on items where value-for-money was not adequately considered; inadequate contract management; uncompetitive, unfair bids; lack of record-keeping; and irregular expenditure. This section highlights pertinent issues relating to unethical behaviour in national departments. The behaviour relates to non-compliance with legislation, SCM challenges, irregular expenditure, and lack of control and unavailability of records for public audits.

The International Auditing and Assurance Standards Board (IAASB) (2015 in Mazibuko 2019) highlights that laws and regulations relating to financial statements vary considerably. Legislative provisions constitute the legal and regulatory framework within which departments function and outline the reported amounts and disclosures in national departments' financial statements.

Bor, Chepkwonmy and Bonuke (2015:96) state that whenever an employer instructs employees about the law, it performs a compliance function. Thus, compliance is the degree to which an agent adheres to a principal's directives,

policies and procedures. Non-compliance is the degree to which an agent initiates deviant policies and procedures that are not approved by the principal, unless the principal and the agent are cohorts to promote an unethical behaviour (Bor *et al.* 2015:96).

Notably, departmental managers should comply with these pieces of legislation or set provisions under which the given department can conduct business without having a direct bearing on its financial statements. To this end, management should ensure that the national department's operations are conducted in accordance with legislative provisions. This should include compliance with the provisions that determine the reported amounts and disclosure in the national department's financial statements. The internal and external auditor is responsible for ensuring that the financial statements are free of material misstatements, whether caused by fraud or error. In this regard, the researchers are of the opinion that the auditor is not responsible for preventing non-compliance and cannot be expected to detect non-compliance with all legislations.

The administration of procurement practice leaves much to be desired. In this regard, AGSA's annual reports highlight unethical behaviour in the South African public sector. This indicates that there are serious governance issues which remain unresolved. This includes bidding processes, kick-backs, collusion, conflict of interest, irregular expenditure and non-compliance with legislation in the SCM environment. AGSA has also identified the root causes of unethical behaviour in the South African public sector's procurement processes. Non-compliance may involve concealing unethical conduct in a national department, such as collusion forgers, deliberate failure to record transactions, management overriding controls or intentional misrepresentations (IAASB 2015 in Mazibuko 2019).

During the 2011/12 financial year, the Department of Public Works (DPW) and Department of Water and Sanitation (DWS) had the highest irregular expenditure (see Table 1). The above-mentioned departments were followed by the Department of Cooperative Governance and Traditional Affairs (CoGTA) and the Department of Human Settlements (DHS) to a lesser extent. As indicated above, there was no record of irregular expenditure during the 2012/13 financial year in any of the national departments (Mazibuko 2019). During the 2013/14 financial year, the DPW topped the list by recording an irregular expenditure of R30 billion (Mazibuko 2019). This department was followed by the DWS, Department of Basic Education (DBE) and CoGTA.

In 2014/15, there was a lower percentage of irregular expenditure in all national departments. It could be that departmental management took SCM and procurement matters more seriously during that particular year. However, the DBE still reflected R728 000 000 irregular expenditure, followed by CoGTA. In 2015/16, the overall irregular expenditure in all national departments was reported to be R46 billion. However, the DWS topped the list by recording an irregular

Table 1: Irregular expenditure reports case studies national departments

Case studies National Department	2011/12	2012/13	2013/14	2014/15	2015/16
Department of Cooperative Governance and Traditional Affairs	512 532 000	-	588 882 000	235 100 000	5 300 000
Department of Home Affairs	50 170 000		1 870 000	6 500 000	32 300 000
Department of Public Works	1 308 000 178	-	30 000 000 000	64 462 000	6 300 000
Department of Basic Education	74 090 000		779 000 000	728 000 000	59 970 000
Department of Social Development	46 650 000		70 000 000	42 500 000	1 066 000 000
Department of Human Settlements	204 726 000		130 400 000	54 000 000	30 000 000
Department of Water and Sanitation	1 283 450 000		1 040 716 000	87 000 000	1 800 000 000
Total	3 479 618 178		32 619 868 000	1 217 562 000	2 999 870 000

Source: (Adopted from AGSA, Consolidated National Audit Reports 2011/12–2015/16 in Mazibuko 2019)

expenditure of R1.8 billion, followed by the Department of Social Development (DSD), at R1.06 billion (Mazibuko 2019).

There was no consistency in terms of recording irregular expenditure for the other years. It was therefore critical for the researchers to restrict the irregular expenditure to the 2011/12, 2013/14 and 2015/16 financial years. The case studies' results regarding irregular expenditure within national departments are reflected in Table 1.

UNETHICAL PROCUREMENT PRACTICES

The administration of procurement practices in national departments continue to be a challenge. National departments draft policies to establish the general parameters organisations should follow when carrying out responsibilities. In South Africa, the SCM code of conduct governs set principles concerning conflict of interest, accountability, openness and confidentiality. The code of conduct mandates institutions to ensure that members are cleared on the level of 'confidential' (RSA: National Treasury 2003 in Mazibuko 2019). In addition, verifying an official's financial standing, interest and past practices helps accounting officers to select committee members who are above reproach. Legislation allows for the precautionary suspension of an employee. Affected departments can use this safety measure to facilitate an unhindered investigation prior to formal disciplinary procedures. In terms of South Africa's Disciplinary Code and Procedures (Resolution 1 of 2003), public institutions have 60 days to hold a hearing (Fourie 2015:42).

There is a growing trend towards increased devolution of authority. More discretion for public sector managers allows more opportunities for irregular behaviour. However, irregular behaviour may not be all bad, as it might reflect innovation rather than misconduct. Moreover, some public officials may not be entirely sure about their responsibilities. This is especially the case where detailed regulations and rules have been reduced and management information systems and accountability structures have not kept pace with devolution (El-Ayouty, Ford & Davies 2000:42). In this regard, the presence of political commitment is critical to enhancing ethical behaviour.

Despite key procurement policies, selected national departments continue to face challenges relating to unethical behaviour, the unavailability of documents, uncompetitive or unfair procurement processes, contracts awarded to employees or state officials, irregular expenditure and non-compliance with such policies and regulations. This state of affairs results in the perception that these departments are characterised by procurement fraud and corruption (AGSA 2012 in Mazibuko 2019). The research revealed that this was related to:

- non-compliance with SCM legislation;
- lack of ethical leadership;

- lack of professionalism and transparency in public procurement;
- poor internal governance, accountability and controls;
- inadequate contract management;
- conflict of interest;
- uncompetitive or unfair procurement processes;
- lack of supporting documentation for the award process; and
- continuous irregular expenditure in their departments.

MANIFESTATION OF UNETHICAL PROCUREMENT PRACTICES

The next section provides a synopsis of the various findings of this research.

Non-compliance with supply-chain management legislation

Non-compliance with key legislation remains high and irregular expenditure continues to be a particular challenge in national departments. The monitoring of public procurement plays an important role in all national public procurement systems. This includes each systematic observation of the public procurement system that is conducted to assess how the system functions and develops over time. Also, it aims to establish whether the desired targets, as defined by policymakers, have been achieved. The compliance assessment functions include methods and proceedings that are applied to detect and remedy irregularities in public procurement. In some countries, public procurement organisations were given an even more proactive role to initiate proceedings for judicial review in courts (OECD and European Union (EU) 2013 in Mazibuko 2019).

Ethical leadership and tone at the top

Leadership did not take appropriate action concerning a lack of controls in the finance and SCM directorates, which resulted in non-compliance. Such non-compliance remained undetected until the audit. Moreover, there was a lack of communication of new or amended policies and procedures between auditees and affected officials. In any contemporary industry, data and reports showing compliance to regulatory needs must be robust and come from a reliable source.

Many developing countries lack a systematic approach to record management. It is argued that accurate and readily accessible records of judicial rulings reduce the potential for delays, corruption, and inaccuracies. Dysfunctional record management undermines legal and judicial reform. It negatively affects enforcement and reduces compliance and leaves room for corruption or collusion in the procurement environment. Importantly, data sources must be safeguarded against

tampering. Moreover, poor record management has an adverse effect on service delivery (Bor *et al.* 2015:98). Citizens expect public servants to render services with impartiality, legality, integrity and transparency on a daily basis. In this regard, core values guide the judgement of public servants on how to perform their tasks in daily operations (OECD 2011 in Mazibuko 2019).

Professionalism and transparency

Non-compliance to public procurement policies has been associated with a lack of professionalism. Professionalism in public procurement relates to the levels of education and qualifications of the workforce, as well as a professional approach to conducting government business activities. If the workforce is not adequately educated in procurement matters, it could lead to breaches of codes of conduct. Procurement professionals grapple with various issues affecting their practice and the organisation in which they work. This includes whether it is important to attain procurement certification and skills required of procurement professionals to perform effectively and deliver results. Lack of a high degree of professionalism in public procurement could lead to vices like corruption, which ultimately impedes compliance (Tukamuhabwa 2012). Building an ethical culture requires understanding the underlying challenges that may hamper service delivery and compliance with SCM-related legislation. During its case studies, AGSA (2014 in Mazibuko 2019) found that the minimum legislative actions for effective and appropriate disciplinary steps were not taken against officials involved in transgressions. In view of the above, it is often assumed that leadership condones unethical behaviour within national departments. Appel and Plant (2015:59) and Amundsen and De Andrade (2009 in Mazibuko 2019) caution management to be aware of the reasons why staff may not value ethics, and to take remedial action.

Inadequate internal good governance, accountability and controls

Efficient public procurement helps ensure that public entities obtain the best value for money. Ensuring transparency of the procurement process is also an important determinant of efficiency. It enhances and encourages competition by giving all potential suppliers a chance to bid (Abebe 1267–1268). In line with this, internal control forms the foundation of sound financial management and administration. Without effective internal control systems, public procurement will not be executed effectively and efficiently. Abebe (nd: 1267–1268) states that internal controls help ensure that public organisations deliver efficient, quality services in accordance with planned outcomes. Internal controls safeguard public resources against waste, as well as maintain reliable financial and management information.

In addition, internal controls ensure compliance with applicable legislation. Internal controls can help prevent corruption provided that there are guarantees in place to ensure the independence of internal audits and the adequate capability of internal auditors.

Kgomo and Plant (2015:87) describe the control environment as the foundation and anchor of the ethics climate, as it sets the tone at executive level. This important factor determines the role internal controls play and the expected conduct within the organisation. The combination of monitoring legislative compliance and reviewing control activities has always been proposed as the most effective internal control system for financial reporting. However, such arrangements seem to be lacking in the South African national departments that were selected for the study.

When leadership does not set the correct tone at the top, it leads to a lack of adequate internal controls and procedures to ensure compliance with applicable laws and regulations (AGSA 2012 in Mazibuko 2019). Undeniably, this leads to a loss in public confidence. Many departments and public entities show a lack of day-to-day monitoring and involvement by departmental leadership. This includes taking ownership of compliance issues and addressing key control deficiencies. No one accepts accountability for actions and/or audit outcomes regarding procurement processes, the use of deviations and not following a competitive bidding process due to poor planning.

This inconsistency results in frustration within and outside the procurement organisation, and the possibility that procurement actions may appear to be arbitrary and unfair. The national departments being researched have developed procurement policies that lay out policies and applicable laws to ensure procurement staff and all stakeholders follow proper procedures and rules and have a clear idea of how procurement work is carried out in the public sector. However, there are still some challenges regarding legislative compliance in SCM environments. This state of affairs has been depicted in AGSA's outcomes for the past five years.

Many suggested reasons why national departments do not comply with legislation include: a lack of proper record management, documentation and tools; procurement planning; using standard tender documents and generating mandatory PFMA reports; standard requisition; properly established procurement units staffed with professionals; and effective post-award contract management. The enforcement of rules is as important as the rules themselves. According to the Institute of Directors in Southern Africa (IoDSA) (2016 in Mazibuko 2019), the King IV Code recommends that those charged with governance should ensure that compliance is understood, not as an obligation, but as a source of rights and protection.

Bor *et al.* (2015:97) state that non-compliance is linked to inaccurate advertising procedures, unlawful selection criteria for, and awarding of, contracts; and an insufficient or discriminatory definition of the contract's subject-matter

and negotiation during the award procedure. In some instances, contracts are awarded through open or restricted procedures. Contracting authorities seldom negotiate with bidders during the award procedure, except where discussions are solely intended to clarify or supplement the content of their bids or specify the obligations of the contracting authorities.

Carter (2010 in Bor *et al.* 2015:98) and Saini (2010 in Bor *et al.* 2015:98) state that ethical issues relating to the procurement functions deserve serious attention. Procurement executives are caught between trying to source the best-quality goods while keeping their costs at the lowest possible level. Any unethical actions by procurement executives, such as sourcing poor-quality goods in return for any favour by the suppliers, could harm the procurer's government performance, reputation and competitiveness.

Inadequate contract management practices

Inadequate SCM controls pose a risk to the supply chain and procurement environment in national departments (AGSA 2013 in Mazibuko 2019). Most findings related to no or inadequate contract performance measures and monitoring procedures, as well as contracts being amended or extended without proper approval. As public servants are increasingly involved in commercial operations, it could create areas of risk such as contract management and managing privatisation processes on a national level. More direct contact with public finance, coupled with less control over its use, could lead to a higher prevalence of procurement corruption or conflict of interest (El-Ayouty, Ford & Davies 2000 in Mazibuko 2019).

Conflict of interest

Conflict of interest relating to awarding of contracts to employees and close family members is a cause for concern among South African citizens. Politicians should demonstrate their commitment by leading by personal example and taking action. This includes creating legislative and institutional arrangements that promote a culture of integrity in government and create sanctions against wrongdoing. The public availability of disclosed information in the public sector is also important to ensure accountability and can reinforce trust in national departments (OECD 2012 in Mazibuko 2019).

Public procurement is considered as a politically sensitive activity. Tukamuhabwa (2012) argues that senior officials and political leaders tend to use public office for private gains. Interference from the local politicians, business persons, Members of Parliament and top management individuals has disrupted the procurement process and deterred transparency (Tukamuhabwa 2012). It is argued that ministers and political parties have been receiving undisclosed payments during government

procurement processes. In developing countries, ministerial interference emerged as one of the major obstacles in the procurement and the awarding of tenders. The threat of being suspended or fired has intimidated public officers into obeying illegal ministerial directives, which has further compromised compliance.

Goviello and Gagliarducci (2010 in Bor *et al.* 2015:98) argue that politicians influence procurement through acts such as collusion. When the accounting officer has some vested interest in the tender process they could compromise the procurement process (Bor *et al.* 2015:98).

Uncompetitive or unfair procurement processes

Uncompetitive or unfair procurement processes lead to discrimination against suppliers in national departments, which is against the regulatory framework and relevant legislation. Khumalo, Nqojela and Njisane (in Mazibuko 2019) state that tendering procedures are designed to provide competition in new areas. A crucial feature of the system is that potential suppliers prepare and submit bids independently. In the event that uncompetitive or unfair procurement processes prevail it could point to possible collusion taking place in the procurement environment. The Configuration Management Working Group (CMWG) (2015 in Mazibuko 2019) states that a competitive bidding process includes non-discriminatory participation of a sufficient number of bidders. When it comes to taxpayer expenditure, it is important to ensure good value for that money.

Lack of supporting documentation for the award process

The research revealed a lack of proper record-keeping and management (specifically concerning tenders) and failure to safeguard documentation to support tender procedures. It could be argued that documentation either did not exist or could not be retrieved due to poor document management. Raga (2008:117) states that government issues public sector procurement guidelines to outline the standards of behaviour, ethics and accountability required within the public service. Despite that, non-compliance with SCM regulations still persists in the South African public sector.

Irregular expenditure

For the past five years, procurement management and irregular expenditure have consistently been the areas that have shown the most non-compliance. The most common non-compliance findings relates to irregular expenditure, which showed no significant movement over the past year under study. The main contributor to irregular expenditure remains auditees' non-compliance concerning legislation on SCM (GCIS Communication Centre: The WITNESS 2016 in Mazibuko 2019).

Public sector managers should adopt an array of measures concerning the organisation and management of their activities, which represents implementing their own system of internal control.

The negative results of non-compliance include interruptions to the procurement of goods, services and works; and failure to source goods and services at the right price and at the right time. In addition, common findings in the AGSA's annual reports on SCM non-compliance and irregular expenditure include appointment of suppliers who are not tax compliant; a failure to use competitive processes for quotations and bids; incorrect use of the preference points system; lack of appropriate bid committees; use of unqualified suppliers; and rejecting bids for incorrect reasons (National Treasury 2015 in Mazibuko 2019).

The National Treasury points out that state organs use incorrect procurement processes in relation to threshold values for quotations and competitive bidding; extension of validity periods; the limited bidding process; controls and procedures to handle bids; appointment of bid committee members who are not aligned with policy requirements; and a propensity to deviate from SCM procedures. This confirms unethical conduct in the South African public procurement environment.

CONCLUSION

This article analysed the manifestation of unethical procurement practices and challenges in the South African public sector national departments. Specific attention was paid to non-compliance with SCM legislation. It was found that non-compliance with legislation could lead to unethical procurement practices in the public sector. In addition, it was found that a lack of accountability has a negative effect on efficiency, implementation and public trust in public SCM.

NOTE

- * The article is based on a doctoral thesis of G P Mazibuko under the supervision of Prof D Fourie at the University of Pretoria titled: Analysis of the administration of procurement practices in the South African public sector.

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Promoting Public Participation in Community Policing Forums

The Case of the Stellenbosch Local Municipality

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ABSTRACT

To give impetus to the philosophy underpinning community policing it is necessary to create mechanisms for the police and the community to work together in a partnership that will help them solve complex crime-related problems. The South African Police Service (SAPS) Act 68 of 1995 (Section 7) in this regard stipulates that Community Policing Forums (CPF) must be utilised as “vehicles” to facilitate public engagement. However, for this participation to be sustained, a clear and comprehensive strategy should be implemented to ensure that each CPF is able to confront particular demographical and social realities. In light of this context, the purpose of this article is to report on findings of an empirical investigation conducted at Stellenbosch Local Municipality to uncover challenges associated with public involvement in CPFs and to propose elements for the design of a public participation strategy for CPFs in this regard. The qualitative study revealed that community policing as a relatively new approach and style of policing should become embedded in the organisational culture and operational activities of the SAPS. The study further emphasised the crucial role of communities in crime prevention endeavours.

INTRODUCTION

With the advent of a democratic dispensation in 1994, the SAPS had to reconstruct itself by becoming a service-oriented organisation through positive

community-policing relationships. This approach, referred to as “community policing”, can be regarded as an approach that includes the local community as a partner in identifying crime and anticipating any wrongdoings in accordance with the law (Department of Safety and Security 1997:23). Sections 214 to 223 of the *Constitution of the Republic of South Africa*, 1996, stipulate that the SAPS must serve as “a partner” in crime along with communities regarding the safety and security of civil society. The SAPS is further obligated to ensure effective and efficient public consultation regarding crime-related issues as well as to ensure the public is afforded an opportunity to be part of police decision-making through the use of public participation mechanisms.

The purpose of this article is to report on findings of an empirical study conducted at Stellenbosch Local Municipality as case study. The main problem the study had as focus was the absence of a comprehensive SAPS public participation strategy, resulting in poor community participation in CPFs. Two police stations in Stellenbosch, namely Stellenbosch Police Station and Cloeteville Police Station, were sampled. A number of challenges experienced by the respective CPFs in Stellenbosch and Cloeteville were identified, including the lack of adequate public participation in matters regarding public safety as well as the absence of a public participation strategy to foster public participation in crime prevention endeavours. Based on the challenges identified in the empirical investigation, a number of recommendations aimed at the development of a comprehensive public participation strategy are proposed.

CONCEPTUAL AND THEORETICAL FRAMEWORK FOR PUBLIC PARTICIPATION AND COMMUNITY POLICING

Roberts (2003:9) explains that the concept of public participation has a long lineage and social science practitioners generally believe that its principles originated in the Greek city-states (“polis”) through the expressions in the Ecclesia of Athens. This Ecclesia comprised an assembly open to all free male citizens aged 18 and above.

Post-1994 South Africa brought about a strong focus on effective implementation of government policies. In this regard, Government has continued strengthening its core functions by developing oversight and public participation strategies (Masango 2002:52; Girma 2012:123). The Constitution, Section 1(c), more specifically states that South Africa is founded on a “multi-party system of a democratic government, that is responsible for ensuring accountability, responsiveness and openness” to all its citizens. Therefore, it is important that public representatives value communities’ feedback and participation in matters that affect them (Scott 2009:112).

Participation in local government affairs

Boyte and Kari (1996:28) and Priscoli (2004:206) view public participation as “a way to modify and help make democracy work for all citizens”. Hassink (2011:548) is of the view that public participation is principally about “educating, connecting and formally counselling the local community about issues of concern”. Mishra (2011:8) states that sufficient public participation should be guaranteed by equality and equal access to government decisions and services. Every community member should have a say in the identification and addressing of local concerns and problems (Van der Waldt 2018:25). Public participation is thus based on the belief that those who are affected by a decision have a right to be involved in the decision-making process. Public participation is also characterised by government consultations with interested or affected individuals, communities and organisations, before making a decision. In this regard, the International Association for Public Participation (2007) views public participation as a “collaborative problem-solving instrument” with the goal of achieving better and more legitimate decisions.

According to scholars such as Rowe and Frewer (2005:45) and Van der Waldt (2010:13), public participation facilitates the planning and decision-making processes of government initiatives by bringing in new insight and ideas. Smith and McDonough (2001:239) in this respect add that public participation can further aid government with the implementation of new ideas by promoting transparency, responsiveness and fairness. While the definitions of public participation are fairly broad, scholars have attempted to narrow its scope by focusing on its main tenets, namely information sharing, two-way communication, engagement, openness, transparency, and consultation (Ledingham and Bruning 2000:87).

In South Africa, local government as sphere of government comprises of local, district and metropolitan municipalities. These municipalities are mandated to inculcate a sense of involvement and ownership of political processes that control local communities’ daily lives (Brody, Godschalk and Burby 2003:245). Stellenbosch Local Municipality, which was the locus of this study, is categorised as a local municipality. In terms of the Local Government: Municipal Systems Act 32 of 2000, municipalities across South Africa are obligated to have effective community participation structures in place.

Community policing in perspective

According to Friedmann (2000:3), interpretations of community policing highlight different approaches, dimensions and principles and do not yield themselves easily to a single description. In its broadest form, community policing is generally

regarded as a philosophy and approach requiring significant and fundamental organisational change to engage local communities in policing affairs. Murphy and Muir (1985:22) in this regard view community policing as recognition of the significance of community involvement in influencing the philosophy, management and delivery of police services. Bayley (1989:13) opines that community policing represents a “paradigmatic shift” and an entirely new policing philosophy. Goldstein (1987:65) and Clairmont (1991:469) further suggest that, rather than a specific programme, community policing is a philosophy that incorporates an expanded role of the police in society, coupled with internal organisational change and a greater linkage between the police and the community. Trojanowicz and Bucqueraux (1994:2), Oliver (1998:32) and Hupe and Hill (2007:294) further add that community policing as a philosophy guides the management style and operational strategies of the police, which emphasise the establishment of community-police partnerships and problem-solving approaches responsive to the needs of the community.

Bratton (1996:781), Oliver (1998:32), and Friedmann (2000:6) state that community policing is characterised by three common elements namely, police-community partnerships, a problem-solving approach, and organisational transformation. As far as police-community partnerships are concerned, it is vital that mutual communication channels between the police and the community are established and maintained. Oliver (1998:51) argues that the problem-solving element generally refers to “joint proactive and systematic examination of identifying community-related problems to ultimately develop and evaluate effective responses”. Based on the third element of community policing, namely organisational transformation, it refers to the adjustment and alignment of police management praxis, organisational structures and culture, human resources, policing infrastructure and assets, as well as information systems to support a partnership with communities in crime-fighting solutions (Friedmann 2000:6). Oliver and Bartgis (1998:51) add that organisational transformation should also be aimed at the realignment of the police philosophy and culture towards community policing as well as the restructuring of police departments around community participation principles.

Friedmann (2000:6) suggests that “Social Structural Theory” of community policing should be applied since it represents an approach that requires citizens to take responsibility of controlling crime by reporting any suspicious behaviour. This approach to crime prevention does not only engage police in a traditional manner (that is, reactive, *post facto*) but also proactively cooperate with and participating in policing decisions. Lombardo and Lough (2007:122) add that Social Structural Theory suggests that community meetings, programmes and projects can enable citizens to contribute to maintaining social control (that is, “social structure”) within their communities.

Two additional theoretical approaches that underpin community policing are the “Broken Windows Theory” and “Community Implant Theory”. Lombardo and Lough (2007:122) point out the “Broken Windows Theory”, originally introduced in 1982 by James Wilson and George Kelling, is based on the idea that “if a window in a building is broken and left unrepaired, all the rest of the windows will soon be broken as well”. This suggests that a single window forms part of a bigger frame of windows. Therefore, if one is left unrepaired the rest of the windows will soon be broken. With this analogy, Wilson and Kelling (1982) place emphasis on the fact that when a single crime-related incident is not addressed, soon it will have a knock-on effect resulting in an entire community becoming vulnerable to criminality. Lombardo and Lough (2007:123) maintain that the application of Broken Windows Theory can be a driving force in community policing programmes, because of the belief that unattended unacceptable human behaviour may lead to the breakdown of community controls, thus leading to crime.

According to Lombardo and Lough (2007:122), “Community Implant Theory” is based on the assumption that the main cause of high levels of crime within communities is the lack of informal social controls (for example, CPFs). Community Implant Theory, suggests that community members should actively participate in programmes that ensure collective (that is, “implanted”) responses in combating crime. In this regard, Mastrofski, Worden and Snipes (1995:22) argue that this theory places a premium on “community building”, regarded as a process by which the police strengthens the capacity of community members to resist crime by building positive relationships with them. Lyons (1999:45) supports this notion and adds that innovative police strategies that help strengthen community capacity in the fight against crime, such as educational and occupational opportunities, can mobilise the informal mechanisms of social control within communities to facilitate a safer environment.

According to Bayley (2006:298), another theory that is applicable to the success of community policing is “Democratic Theory”. This Theory is premised on the fundamental principles of participatory democracy and suggests that government is always accountable to the people it serves. Therefore, government institutions that exercise authority (that is, police) on behalf of the community are ultimately accountable to the community for the exercise of that authority. The Democratic Theory of community policing furthermore involves the empowerment of community members and civil society organisations to work with the police, thus instilling a sense of ownership over the safety and security initiative. Bayley (2006:298) adds that Democratic Theory also highlights the legitimacy of a democratic government that largely depends on the compliance of citizens regarding laws, policies and norms.

According to Cordner (2010:432), in order to assess community policing in full, it is helpful to identify four major dimensions thereof. These dimensions are the -

- philosophical dimension, that is, a shift towards a new paradigm that focuses on fostering a sense of community in policing styles, within a particular geographical area;
- strategic dimension, that is, how to convert community policing philosophy ideas, values and beliefs into police programmes and practical action taken by the police;
- tactical dimension, that is, concerned with creating and establishing programmes, projects, tactics, and positive behaviour for effective and efficient community policing; and
- organisational dimension, that is, concerned with the police's organisational capacity to implement policing policy and a community policing approach within a community.

These dimensions of community policing add to the nature of the conceptual framework thereof. In more practical terms, Myhill (2006:34), Smartt (2006:43) and Virta (2006:23) identified the following benefits of community policing:

- police and community relationships and community perceptions of police are improved;
- public accountability through community participation is strengthened;
- community and police's shared goals and vision are improved;
- the communities' capacity to deal with crime-related issues is strengthened;
- the community is empowered to respond to community concerns;
- community attitudes towards interacting, dealing with, and solving problems with the police are improved;
- police officers' attitudes and behaviours are more community friendly;
- police officers increase interaction with the community and have confidence in the community to combat crime;
- police and community develop positive relationships; and
- community policing can result in increased job satisfaction for police officers.

While there are clear advantages and benefits of community policing as mentioned above there are also factors and challenges that hamper community policing and therefore require further analysis. An overview of the factors and challenges of community policing, according to Myhill (2006:34), Virta (2006:23) and Nyaura and Ngugi (2014:76), include the following:

- widespread malpractice and corruption within law enforcement agencies;
- mistrust between various community policing stakeholders such as private security companies, the community, and the local police;
- limited training, development and performance assessments of the police on community policing praxis;
- lack of transparency within the police regarding crime-related decisions;

- senior police officials' perception that a community policing approach is too cumbersome and time-consuming to combat crime effectively; and
- limited participation of community members in CPFs and the fact that the police do not adequately encourage community input regarding crime-related matters.

The advantages and various challenges that are associated with community policing add to understanding the phenomenon of community policing as well as highlight various aspects that are central to the success of a community style of policing.

From the above-mentioned points of view, it is evident that community policing involves not only increased police involvement with the public, but a complete overhaul of police management and structures to make these changes in the policing philosophy possible. It further implies that community policing is primarily aimed at promoting partnerships, cooperation and involvement, through public participation where the local community can identify, prioritise and participate in solving issues related to crime.

THE ESTABLISHMENT AND FUNCTIONING OF CPFs AS COMMUNITY PARTICIPATION MECHANISMS IN LOCAL GOVERNMENT

The interim Constitution of the Republic of South Africa, Act 200 of 1993 (section 214) suggested that community policing ought to be viewed as a "SAPS methodology" to guarantee that the security prerequisites of the Republic are accomplished. In adherence to this Constitutional obligation, the statutory mandate of the SAPS is to operationalise an alliance between communities and the SAPS through the creation of CPFs (South Africa 1993). Furthermore, CPF's legal principles are formalised in the *Constitution of the Republic of South Africa, 1996* (Section 206(3)) which states that each province is entitled to "promote good relations between the Police and the community", as well as the SAPS Act 68 of 1995, Section 10 (1) which states that a provincial commissioner "shall, subject to the direction of the member of the executive council, be responsible for establishing community policing fora at the stations in the province". Furthermore, Section 7, Chapter 19(1) (2) of the SAPS Act 68 of 1995, stipulated that community policing fora should be established within local police stations across the Republic. Section 18 (1) of the Act further purports the objectives of the CPFs as:

- "creating and preserving an alliance between the community and SAPS; and
- advancing co-operation between the SAPS and the community in satisfying the requirements of the community with respect to policing".

In accordance with the principles of *Batho Pele*, the purpose of a CPF in connection to public participation incorporates (Department of Public Service and Administration 1997:15):

- cooperation: CPFs ought to encourage a co-agent or partnership process with the local community;
- critical thinking: CPFs and the SAPS have the obligation of identifying and examining the reasons for wrongdoing and struggle within the local community, and through creating inventive procedures, CPFs and the SAPS should address issues experienced by the local community; and
- strengthening the local community: The purpose of CPFs ought to be to make the local community have a sense of control over the community's safety and security as well as create a culture of duty in identifying wrongdoing.

The South African Government's vision on community policing, as captured in the National Crime Prevention Strategy (NCPS 1996), the National Development Plan 2030 (NDP 2030), and various other crime prevention strategies; places an obligation on the SAPS to focus on working in partnership with the community. There is thus a clear shift towards a proactive approach of crime prevention where most government resources are committed to crime prevention which sole purpose is preventing crime through the use of public involvement.

RESEARCH METHODOLOGY

Research methodology can be described as the manner in which the researcher gathers, analyses and presents evidence throughout the research process (Fenley 2005:2; Auriacombe and Mouton 2007:447). This study has utilised a qualitative research approach with a case study design, a literature review, and empirical data to operationalise the research objectives. The empirical survey was utilised to analyse the knowledge, understanding and perceptions of senior SAPS officials (cohort 1), and the CPF's chairpersons and CPF members (cohort 2) within the Stellenbosch Local Municipality regarding challenges associated with promoting public participation.

According to Sturman (1997:61), a case study is "a general term for the exploration of an individual, group or phenomenon". Thus, a case study is a comprehensive description of an individual case and the analysis thereof, the characterisation of the case and the events, as well as a description of the discovery process of these features, that is, the process of research itself (George and Bennett 2005:45). Furthermore, Schurink and Auriacombe (2010:437) suggest that a case study is a design that analyses a phenomenon within its natural context, through the use of several sources of information.

Population and sampling

According to Brynard and Hanekom (2006:55), a (target) population alludes to all subjects/people who have the traits in which the study's researcher is interested for the purpose of gathering data or information. The Stellenbosch Local Municipality comprises two police stations situated in Stellenbosch and Cloeteville. The study population thus consists of two units of analyses. Two groups (cohorts) were purposively sampled within these units of analyses, namely police station management, CPF chairpersons and CPF members (Table 1). CPF members are elected into positions of chairperson, deputy chairperson, assistant secretary, treasurer and additional members.

Table 1: Sampling strategy and number of participants

Cohort	Participants	Sample Size
1	Police station management	5
2	CPF chairpersons	2
	CPF members	7
Total		14

Data-collection instrumentation

The study has utilised two instruments for the purpose of data collection, namely document analyses as well as semi-structured interviews. According to Tlhoalele, Nethozhe and Lutabingwa (2007:56), document analyses comprise information derived from documents within which a specific problem is located. Official SAPS documents were analysed for this purpose. Document analyses were supported by an extensive literature review on international and local sources regarding the role and functioning of CPFs. This included an analysis of the statutory and regulatory framework enabling and promoting CPFs in South Africa.

Data analysis

Thematic analysis was used as data-analysis strategy. According to Boyatzis (1998:22), thematic analysis is a method for identifying, analysing and reporting patterns within data. It also interprets various aspects of the research topic. Furthermore, thematic analysis can be described as a type of qualitative analysis (Namey *et al.* 2008:146). According to Marks and Yardley (2004:112), thematic analysis is considered the most appropriate for any study that seeks to discover interpretations.

Ethical considerations

An ethics clearance certificate (NWU-00737-17-A7) was obtained from the Ethics Committee of North-West University to ensure that all processes and research procedures comply with ethical standards. These standards included informed consent of participants, their anonymity, as well as the confidentiality of their responses.

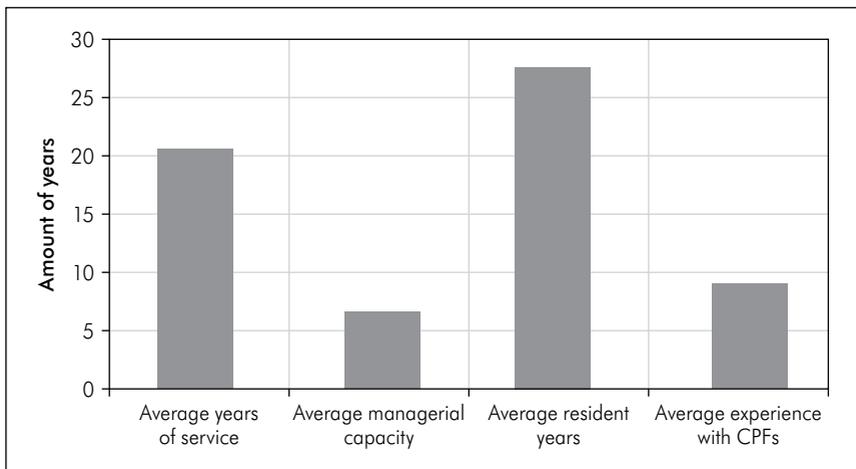
EMPIRICAL FINDINGS

This section reports on findings of the research conducted on CPFs within the Stellenbosch Local Municipality. The main objective of this section is to identify and analyse the challenges faced by the SAPS and the CPFs in promoting public participation. The responses obtained from the two cohorts are reported separately.

Cohort 1: Police station management

As far as the biographical information on police station management is concerned, it was found that the average number of years of service for the SAPS in any capacity is 20.6 years. The average number of years of service in a managerial capacity for the SAPS is 6.6 years and the average number of years police station managers have been resident in Stellenbosch Local Municipality is 27.6 years. The average number of years police station managers have been associated with CPF activities in Stellenbosch is nine years. These findings suggest that police station

Figure 1: Biographical profile of police station managers



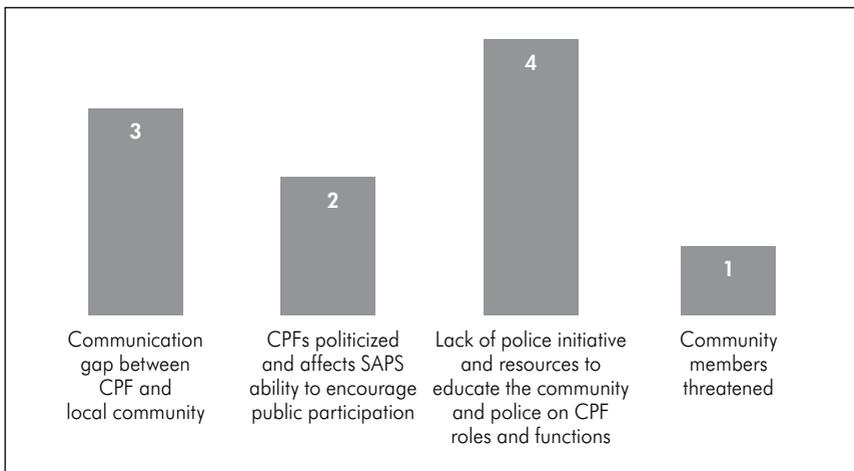
managers who have participated in this study have ample experience in CPFs and community policing. Therefore, their knowledge and insights are valuable to inform this study. Figure 1 reflects the biographical profile of cohort 1.

The next questions put to police station managers dealt with CPF challenges as experienced by the SAPS within the Stellenbosch Local Municipality regarding public participation. The findings of these questions are detailed below.

What are the main challenges facing police station managers in facilitating and ensuring public participation regarding CPFs?

According to police station management, adequate public participation is a challenge generally due to a lack of information distributed to the public on the affairs of the CPF or simply a lack of information regarding its existence. There is a perceived communication gap between the work of the CPF and its existence to the local community. Furthermore, a challenge brought to light by the police station managers is the fact that CPFs tend to be politicised and this affects the SAPS' ability to encourage adequate public participation as people often opt not to get involved in politics, when in fact CPFs are meant to encourage public participation and prevent crime. Moreover, people already involved in CPF activities are typically individuals that have been directly affected by crime. It was therefore argued that a relatively large section of the population in Stellenbosch does not fully understand the roles and functions of a CPF and the potential public participation can have on preventing crime. According to police station managers, the politicising of CPFs and challenges regarding the sharing of information to the public is

Figure 2: Main challenges facing police station managers in Stellenbosch



largely due to a lack of police initiative and resources to educate the community and police officials on CPF roles and functions. A further challenge highlighted is that individuals who want to get involved in CPF activities are often threatened by community members involved in gang-related activities as CPF members are perceived to be “police informants”. The above-mentioned challenges can help encourage recommendations towards a public participation strategy that can counter these challenges and bring about positive changes. Figure 2 highlights the main challenges in facilitating and ensuring public participation concerning CPFs.

In your opinion, what are the main challenges that the CPFs currently face in fulfilling their responsibilities?

Police station management participants highlighted three main factors hampering CPFs from fulfilling their responsibilities. First, it was pointed out that CPFs in the Stellenbosch area do not enjoy support from either the provincial Department of Community Safety on a local level nor do they get financial support from the SAPS on a national level. Due to a lack of funds, these CPFs are restricted on the number of activities they can carry out on a yearly basis. A second challenge brought to light by police station managers is a lack of training CPF members on their roles, responsibilities and relationship with the SAPS. There is a perception that CPF members often take on the SAPS officials’ roles and responsibilities and therefore are in breach of an ordinary member’s CPF functions. The overlapping of CPF roles and responsibilities by members can lead to a dysfunctional relationship between the SAPS and the CPF, thus hampering CPFs from fulfilling their responsibilities. The third challenge is concerned with “geographical biases”. This occurs due to a general perception that the majority of the CPF members in Stellenbosch are made up of individuals who live in formal housing in urban Stellenbosch. According to police station managers, CPFs in Stellenbosch are tasked with representing all of Stellenbosch’s community issues related to crime. Due to CPF members’ biases towards their particular geographical area of living, rural parts of Stellenbosch’s concerns are not brought to the SAPS’ attention. Therefore, CPFs generally fall short of fulfilling their responsibilities and may cause a level of mistrust among community members as some areas are perceived to be favoured by the SAPS.

All five (100%) police station managers agreed that although public participation engagements are not a frequent event, public participation engagements that do take place have a positive impact on the work of the police. This positive impact is largely due to information that is shared with the SAPS that can lead to drug busts or confiscating illegal firearms. On a negative note, some police station managers suggested that members of the community, or CPF members who attend public participation engagements, may feel restricted on the information they choose to share with the SAPS due to threats or intimidation from community members involved in

gang-related activities. Threats and intimidation have a negative effect on the SAPS in trying to develop and foster public participation. Therefore, it is important that proposed recommendations in the coming section deal with enhancing positive aspects of public participation and countering negative aspects that hamper public participation in the Stellenbosch Local Municipality.

What advantages have public participation in CPFs brought for the police in crime prevention?

According to all five police station management participants, two main advantages of public participation in CPFs were brought to light. Participants pointed out that communication channels have opened from the community directly to the police, this has resulted in an increase in crime-related information being shared with the SAPS, “which often leads to a safer environment for all living in Stellenbosch” as suggested by one police station manager. Due to the sharing of crime-related information directly to the SAPS, police officials can either respond to crime more quickly or prevent crime before it occurs. Therefore, “community members inform SAPS about strange or suspicious activities and this often results in arrests regarding illegal possession of firearms or illegal possession of drugs”. Moreover, a second advantage highlighted by participants was a perception that the SAPS and local community relations have drastically improved due to public participation engagements, as negative perceptions of the SAPS have decreased. According to one police station manager, the reason for an improved community-police relationship is that CPF members understand challenges faced by the SAPS and help convey positive success stories of the SAPS to the community, which are not always published in the media.

Is there a public participation strategy that is currently in place for CPFs?

The majority (90%) of the police station managers agreed that there was no public participation strategy currently in place that would help encourage local community members to get involved in CPF activities. However, one police station manager suggested that although public participation regarding CPFs was perceived as being low, there is a public participation strategy in place regarding the general door-to-door campaigns in asking community members to get involved in CPF activities. One police station manager suggested that there should be a greater effort in door-to-door campaigns as well as the use of social media in attracting community members to participate in public participation and CPF activities.

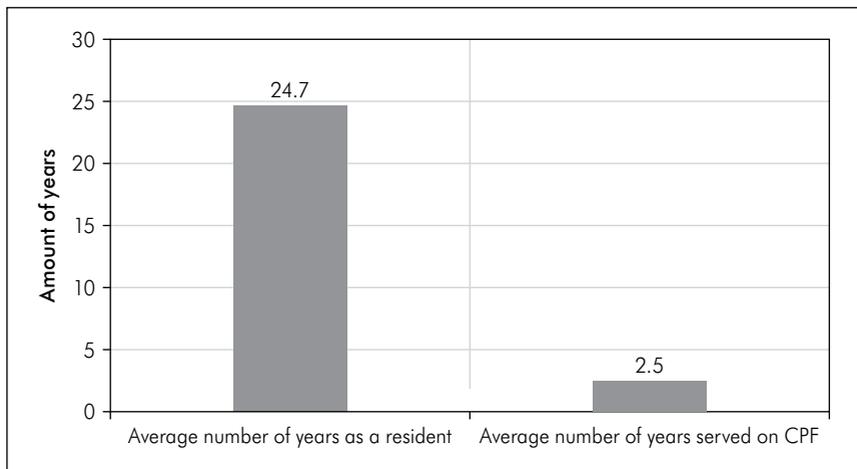
The majority (90%) of the participants identified three factors that need to be considered or included in a public participation strategy for Stellenbosch.

First, the section of the population in Stellenbosch that comes from a poor social background needs to be engaged on crime-related issues on a regular basis through holding community meetings where members are helped with transport to ensure that they participate. Community meetings are important so that members are granted the opportunity to share information and concerns with the SAPS. Second, as mentioned earlier, the majority of police station managers agreed that the SAPS need to adopt modern forms of communication and make use of various social media spaces and technology that will inform community members about public participation engagements. Third, it was highlighted that although the SAPS and CPFs generally experience a lack of resources, it is important that the CPFs are visible to the local community and are encouraged to get involved through hosting frequent information sessions across Stellenbosch.

Based on the thematic analyses of the responses from Cohort 1, it is evident that there are distinct challenges that currently hamper public participation in CPFs. These challenges include the following:

- there is a perceived communication gap between the work of the CPF and its existence to the local community;
- CPFs tend to be politicised and this affects the SAPS' ability to encourage adequate public participation; mostly due to lack of understanding CPF responsibilities;
- lack of police initiative and resources to educate the community and police officials on CPF's roles and functions; and
- geographical biases causing mistrust between community members.

Figure 3: Biographic profile of CPF Participants



Cohort 2: CPF chairpersons and CPF members

Interviews with CPF chairpersons and CPF members (CPF participants) brought to light perceived challenges that CPFs in the Stellenbosch Local Municipality currently face. Figure 3 reflects the biographic profile of this cohort.

Participants' average number of years of being a resident of the Stellenbosch Local Municipality is 24.7 years, and their average number of years of service regarding CPF activities is 2.5 years. The majority of participants (67%) have personally experienced crime and therefore got involved in the CPF to participate in building a safer community.

What are the main challenges in the CPF regarding adequate public participation?

The thematic analysis of participants' responses revealed three main challenges that negatively affect adequate public participation. These three challenges are –

- mistrust between the SAPS and the CPF and a lack of commitment from SAPS to regularly conduct public meetings regarding crime-related matters (78.2%);
- a lack of resources and adequate funding to support public participation endeavours (74.5%); and
- intimidation and threats from community members involved in gang-related activities (54.3%).

What are the main advantages and contributions of the CPF to the police?

The majority of participants (82.5%) are of the opinion that the biggest advantage and contribution of the CPFs is to share crime-related information with the SAPS that often leads to crime prevention or arrests of criminals, thus making the community of Stellenbosch safer. Moreover, participants felt that building a relationship with the police helps close a communication gap between the local community and the police. Further particular advantages highlighted by participants include -

- the sharing of crime-related information with the SAPS that often leads to the crime prevention or arrests of criminals in Stellenbosch;
- creating a CPF and SAPS partnership that closes a perceived communication gap between the community and the SAPS, thus helps the SAPS to either prevent crime or react more quickly to crime-related activities; and
- CPF helps ensure transparency and accountability in the work of the police.

The above-mentioned advantages and contributions of the CPFs to the police coincide with the literature review of this study.

Is there a public participation strategy for your specific CPF?

This question was put to participants to confirm the problem statement of this study as well as to compare it with the responses given by police station managers. The majority of participants (77.8%) are of the view that there is no public participation strategy currently in place for encouraging public participation in CPFs. However, one CPF chairperson and one CPF member believe that there are some “visibility campaigns” and “community awareness campaigns” that are aimed at crime prevention and fostering a positive relationship between the SAPS and the community.

In a follow-up question regarding ways in which participation in crime prevention endeavours could be fostered, participants identified the following possible mechanisms:

- information regarding public meetings to be distributed to the local community;
- the more appropriate and frequent use of social media;
- sharing of positive police success stories in various media spaces; and
- more public meetings with the SAPS need to take place on a regular basis.

It is compelling to uncover that the majority (77.8%) of CPF chairpersons and CPF members are of the opinion that there is no public participation strategy for both the Stellenbosch and Cloeteville police stations. Based on this key finding, the section below makes some recommendations for the design of such a participation strategy.

RECOMMENDATIONS TOWARDS A CPF PUBLIC PARTICIPATION STRATEGY

The empirical investigation conducted was aimed at highlighting various challenges experienced by the SAPS and the CPFs in the Stellenbosch Local Municipality concerning public participation; in which a lack of a public participation strategy was identified as a core challenge. This section aims to bring to light recommendations for the design of such a strategy.

Recommendation 1: Steps for designing a CPF public participation strategy

The first step that should be taken is for CPFs to analyse the environment in which they operate as well as to identify issues that need to be addressed (that is, challenges hampering participation as pinpointed by the two cohorts) in order to achieve a desired outcome (that is, a crime-free community).

The second step recommended is for the CPFs to establish an organisational vision and mission that will provide direction and purpose. By establishing a

vision and mission, CPF members should also set clear objectives, strategic goals, and performance targets for realising its mandate and obligations. The vision and mission statements should emphasise the statutory obligations of CPFs and focus members' attention on their role and functions. The vision and mission statements should further represent shared responsibility, co-ownership, partnership, and transparency as core principles for community engagement.

The third step that is recommended is for the CPFs to formulate a strategy for community engagement. According to Jennings (1986:18), formulating a strategy can be done by weighing up pros and cons related to a desired outcome that will eventually lead to the final decision on the best strategy that would meet desired objectives. The CPF's aim in strategy formulation should be based on information gained from analysing the strengths, weaknesses, opportunities, and perceived issues facing it (Rouleau and Sequin 1995:101). By gaining the above information, CPFs should identify a suitable strategy that would best suit each outcome identified. Formulating a strategy should help CPFs identify and address participation challenges emanating from this research such as:

- mistrust among community members;
- general unawareness of the role and functions of CPFs;
- lack of resources; and
- limited public interest in crime prevention.

The final step is to approve and implement the formulated strategies. It is important that all the sub-strategies identified to address the above-mentioned challenges, should be incorporated in a comprehensive strategic plan for the CPF. The process of strategy implementation is done by utilising the selected strategy in such a manner that objectives to be achieved are prioritised. According to Masifern and Vila (1998:16), it is of utmost importance that throughout the duration of the implementation phase of a strategy, focus is maintained on the selected strategy as well as critically observing the strategy in order to make the necessary adjustments if circumstances change.

It is further recommended that the public participation strategy of the CPFs should constantly be monitored and assessed to determine whether it achieves the desired results. Strategies formulated to address each participation challenge should thus receive the necessary attention by the SAPS, including resource allocation, performance targets and time frames for implementation.

Recommendation 2: Training CPF members and SAPS officials

The empirical findings highlighted police station managers' perceptions that CPFs tend to be politicised. This affects the SAPS' ability to encourage adequate public participation. Moreover, police station managers pointed out that the politicising

of CPFs is largely due to a lack of training and educating the community and police officials on CPF roles and functions. The lack of training of CPF members on their roles, responsibilities and relationship with SAPS often leads to operational over-reach where CPF members take on SAPS officials' roles and responsibilities. Therefore, CPF members and SAPS officials should be trained on a regular basis to ensure meaningful public participation takes place in Stellenbosch. Adopting a public participation strategy that includes the formal training of CPF and SAPS roles and responsibilities, can help counter any mistrust among CPF members as well as ensure all stakeholders are well informed on their specific responsibilities and can therefore avoid any operational over-reach.

Recommendation 3: Fostering public participation

The survey brought to light a number of recommendations suggested by participants regarding developing a public participation strategy that would further foster public participation in CPFs. These recommendations include the following:

- *Utilise social media and modern communication technology:* Police station managers agreed that the SAPS need to adopt modern forms of communication and make use of various social media spaces and technology that will inform community members about public participation engagements. Participants in this study suggested that it is important for any public participation strategy to ensure that information regarding crime in Stellenbosch as well as information regarding public meetings is distributed to the local community. Social media should be considered as a valuable tool in informing the local community and thus encouraging participation.
- *Community meetings:* Community members need to be engaged in crime-related issues on a regular basis through holding community meetings. Members should be supported with transport to ensure that they participate in such meetings. Therefore, in order to foster public participation in Stellenbosch more public meetings with the SAPS need to take place on a regular basis to prove that the SAPS is committed to crime prevention.
- *Visible campaigning:* Although the SAPS and the CPFs generally experience a lack of resources, it is important that the CPFs are visible to the local community and are encouraged to get involved through hosting frequent information tables or door-to-door campaigns in Stellenbosch.

The challenges and recommendations regarding the SAPS and the CPFs highlighted in this study are significant to the Stellenbosch Local Municipality. However, it should be noted that local circumstances are dynamic and may differ depending on the geographical area. It is recommended that further research should be conducted in other municipalities around the country to establish similarities and

variations in challenges experienced by CPFs. Further research in public participation taking place in CPFs across South Africa would help identify a universal public participation strategy that can be implemented in fostering and promoting public participation in CPFs.

CONCLUSION

In order for democracy to flourish in society, the general population needs to take an interest in the business of government. This also holds true for full participation in CPF activities. Public participation is a key method for incorporating the public's ideas, values and interests into decisions, resulting in a more responsive and democratic government. To foster such participation, the community should be educated regarding their roles and responsibilities as citizens of the country in general and regarding the role and functions of CPFs in particular. Engaging local communities about issues of crime will grant them the opportunity to influence policing decisions. It will also assist the SAPS to realise its constitutional mandate and legal obligations.

NOTE:

- * Mr Geoghegan is a Community Officer working for the Democratic Alliance in the Western Cape Province whose focus area is finding solutions to various social issues facing local community members. This article is based on his Master's dissertation under the supervision of Prof Gerrit van der Waldt titled "Promoting public participation in community policing forums: The case of the Stellenbosch Local Municipality".

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Strengthening the Measurement Function to Facilitate Evidence-based Policy Implementation for Health Care Quality Improvement

The Case of Western Cape's 'Healthcare 2030' Strategy

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ABSTRACT

The efficacy of in-programme health care quality assessment methods utilised by the Western Cape Department of Health (WCDoH) to generate health evidence to improve health care quality in the Province's primary health care facilities was evaluated in this study. The commitment to inculcate a culture of continuous improvement of health care quality tested in terms of the data generated to improve quality; was also included in the study. The literature reviewed presented an increased demand for knowledge-driven health systems where the data generated would facilitate the evolution of performance, client satisfaction, clinical quality and professional development of health workers. A qualitative research methodology was adopted with purposive selection of 12 participants from two Community Day Care Centres (CDC) and eight senior administrators from the WCDoH's Directorates. A survey was conducted which included open and closed-ended questionnaires which tested the appropriateness of the instruments utilised to generate information needed to facilitate patient-centred care and evidence-driven health care. Participants highlighted the need for increased awareness campaigns on the WCDoH Healthcare 2030

vision among health care professionals; the need for a measurement metric to gauge the progress of medical instruction compliance over time; a stakeholder focused health facility management programme; and a tailored institutional support framework. The research concluded that the measurement of patient wellness should be monitored over a determined period of time, information systems should be integrated to facilitate information sharing, introduction of improved policy awareness across the Department, and a culture of interdepartmental knowledge sharing should be implemented.

INTRODUCTION

Health scholars and practitioners are of the view that the need for quality health care provision has necessitated a demand for knowledge-driven health systems where data is gathered to evaluate performance, client satisfaction, clinical quality, health establishment standards and the professional development of health workers. The premise is that, efforts to improve universal access to health care should be complemented by an equal focus on quality of care assessment as a measure for improving equitable health outcomes and delivery of care. An endeavour to inculcate a culture of continuous improvement to improve health care quality was made a central tenet of the WCDoH's multiyear health strategy, Healthcare 2030. The article will attempt to review whether the Western Cape is able to meet its health care quality objectives as stated in the health strategy, and to assess the effectiveness of the methods used to generate health evidence to attain improved quality of care outcomes in the Western Cape Province in South Africa. To achieve the foregoing, qualitative research methodology was used to survey office-based health administrators at the WCDoH and health facility-based staff at Bothasig CDC and Du Noon Community Health Centre (CHC). The sample of 36 participants was purposively selected based on their knowledge of the phenomenon under study.

MEASUREMENT FOR HEALTH CARE QUALITY IMPROVEMENT

According to Morris and Bailey (2014:2), quality measurement in health care is a function of health care system performance management where health information is used for health plan performance evaluation using recognised quality standards.

The deliberate focus on health care quality assessment, as argued by Finkelman (2017:26), has largely been driven by rising costs, need for accountability, inequality, medical injuries and errors, poor service and falling health budgets. The World Health Organization (WHO 2016:15) is of the view that the focus on quality in health systems is prompted by the need to ensure that there is an incremental and timely provision of professional care for the attainment of health outcomes that are consistent with prevailing professional knowledge and answers to individual health service preferences.

Performance measurement of health care quality produces evidence in the form of data sets that are central in enabling a health system to effectively and efficiently use its resources to achieve optimal health outcomes in the service of its users. Smith and Papanicolas (2013:1) indicate that evidence generated from these assessments are instrumental in public health monitoring to inform safety interventions, treatment paths, professional development of health care staff and promotion of accountability. The expected outcome is to have a health care system that provides quality services for everyone and ensures reliable medicinal provision.

CURRENT STATE OF SOUTH AFRICA'S HEALTH INFORMATION SYSTEM

Developing a culture of quality improvement within the health care system has been a priority of the national government since the adoption of the Transformation of the Health System White Paper in 1997. The policy gained further impetus through the National Development Plan (NDP), a multiyear plan designed to guide government in achieving socio-economic growth until the year 2030. One of its key priorities is achieving “quality health care for all” (National Planning Commission 2012:52). Furthermore, the recently promulgated White Paper for a National Health Insurance (NHI 2017) envisions universal health coverage and comprehensive quality health care services for all (Department of Health 2015:16). The importance of health evidence generation and use has only gained recent prominence at policy level as a result of the need to improve health care quality for all and bridge the inequality gap within the health system. The introduction of the Ideal Clinic Programme (ICP) and the strengthening of the District Health Management Information System (DHMIS) are some of the key interventions adopted by the national government to improve the quality of care provided in primary health care facilities, especially clinics.

Ideal Clinic Programme

In 2013, the National Department of Health (NDoH) launched the ICP as a policy intervention to spearhead the improvement of Primary Health Care (PHC) facilities

and the quality of care rendered by them. An ideal clinic, according to a working definition provided by Steinhobel, Massyn and Peer (2015:9), is a facility that uses applicable clinical policies, has adequate staff, medicine, functional administrative processes, adequate infrastructure and operational bulk supplies. The ICP's focus is centred on the use of knowledge systems to influence decision-making and promote efficiency within the various component parts of the health system.

On 24 February 2016, in a briefing to Parliament's Portfolio Committee on Health to give a progress report on the Ideal Clinic Initiative, the Committee Chairperson – Ms Dunjwa, stated that the initiative was as a result of a realisation by the NDoH, through its assessment of facilities between 2009 and 2011, that clinics were not primed to deliver on the goals of the NHI because of poor management, lack of facilities and equipment, poor staffing and poor location (SAMED, 2016). As the Western Cape Province was not included in this three year progress report on the ICP, this research provided a micro view of the quality of health care in the Western Cape through the Du Noon CHC and the Bothasig CDC, within the context of the Western Cape Province's Healthcare 2030 vision document.

District Health Management Information System (DHMIS)

Health care quality improvement, according to Finkelman (2017:28), is only made possible if policy interventions are developed from reliable evidence or data derived from the health behaviours of any given population. South Africa adapted this approach by developing a DHMIS to manage health data. The DHMIS is a product of the National Health Act 61 of 2003 designed to collate data from various sources using routine or survey data collection methods, to measure service delivery (Department of Health 2012:11). DHMIS policy attempts to improve the availability of health data for efficient and effective planning, leading to the betterment of health outcomes through this information management instrument (Department of Health 2011:8). The DHMIS has seven priority areas which include: information coordination, data management, indicators, data security, data analysis, data dissemination and health information systems.

Cognisant of the need to optimise the performance of the DHMIS in the Western Cape, it was vital to ascertain the extent to which the Province has developed health care measurement indices that are reflective of the need to address challenges currently being faced by DHMIS as identified by the NDoH (2011:14), namely:

- *Poor alignment between health sector objectives, performance indicators and information systems;*
- *Limited involvement and collaborative efforts between programme managers at District, Provincial and national levels on data validation, analysis and use;*
- *Failure to standardise the DHMIS leading to ad hoc implementation of indicators;*

- *Shortage of personnel with experience in information management, mostly as a result of poor career development pathways. This has negatively impacted processes aimed at developing an accurate assessment of health sector performance;*
- *Underdeveloped Information and Communication Technology (ICT) infrastructure has impeded progress towards the regular use of web-based systems and remote data storage. Poor internet connectivity and the use of personal emails are some of the challenges faced by health information management personnel;*
- *Unavailability of paper based data collection tools and limited attention given to the efficacy of data collection tools often present structural difficulties in the health system performance value chain;*
- *Poor internal controls on basic software such as Windows and anti-virus software often creates challenges in formal training, on the job support and skills transfer among staff; and*
- *Emergence of vertical data collation systems due to donor driven programmes.*

The attainment of Healthcare 2030's quality objectives is dependent on addressing these challenges in the provincial health information systems and streamlining the use of health evidence to engender a culture of continuous improvement.

PROBLEM STATEMENT EXPLANATION

The generation of relevant health care evidence is a critical requirement for the attainment of quality health care outcomes. However, according to an evaluation conducted by the NDoH on the District Health Management Information System in 2011, it was established that the quality of information collected to improve health care was affected by limited attention given to the efficacy of data collection tools necessary to provide useful information to meet the goals and objectives of the health sector. In 2012, the Facilities Baseline Audit carried out by the Health Systems Trust concluded that no province was at the required level to meet the National Core Standards (NCS) and that primary health care facilities especially clinics, were struggling to meet 50% of NCS requirements. These shortcomings are occurring despite a 2007 National Policy on quality health care which tasked Provincial Health Departments to commit to quality assurance and continuous quality improvement. The launch of Healthcare 2030, strove to improve health care quality by prioritising patient-centred experience, caring for the carer and improving technical quality. In this context, the research statement is: 'An absence of operating knowledge to ascertain the efficacy of health care quality measurement methods used by the WCDoH to generate health evidence needed to meet

the Province's health care quality objectives espoused in the vision document 'Healthcare 2030'.

RESEARCH METHODOLOGY AND DESIGN

The overall research objective of the study was to review the effectiveness of in-programme health care assessment methods used by the WCDoH to generate health evidence needed to improve health care quality in the Province as envisioned in the Healthcare 2030 vision document. To achieve this objective, the research sought to:

- establish whether or not the information generation mechanisms are in place at the Province's primary health care facilities aligned with the health care quality data objectives of Healthcare 2030;
- evaluate the process by which the WCDoH collates information at the health facility level to improve health care quality;
- establish the extent of patient involvement in generating data for quality health care outcomes;
- assess the extent to which data generated by health care facilities and collated by the WCDoH informs health care quality reviews; and
- ascertain the nature of changes that need to be made to the Western Cape's health data generation system in order to achieve health care quality by 2030.

The specific qualitative method that was used to extract qualitative data on health care quality output in the WCDoH was the descriptive evaluation method. Descriptive evaluation, viewed within the context of the phenomenological approach, was used to gain insight into scholarly thought currently informing the phenomenon under study, concerning the competing variables (Key 1997:39). The use of the descriptive evaluation method was informed by the need to determine whether the health care quality system assessment framework being used by WCDoH is operating as planned, producing the types of outputs and outcomes required, and to ascertain whether it is operating under clear processes, goals and objectives.

Research design

This study used a phenomenological research design because of its strong emphasis on descriptive analysis of phenomena under study.

The phenomenological approach, according to Lester (1999), allows for the identification of specific elements under study and the acquisition of perceptions

of actors involved through information gathering using qualitative methods and presenting it from the viewpoints of research participants.

The approach to this study was such that there is a need to describe the health care quality measurement methods currently in use by the WCDoH and evaluate their efficacy in generating relevant health evidence to improve quality of care as set out in the vision document Healthcare 2030. In this context therefore, the adoption of the phenomenology research design allowed the researcher to understand the health systems framework in the Province from the perspectives of decision-makers and health professionals.

Research method

The rationale for the use of the qualitative research methodology for this study was to produce the data necessary to understand the process flow of health evidence generation to improve health care quality.

The research population comprises of Chief Directors responsible for overseeing the WCDoH's eight Directorates and health facility-based staff at Bothasig CDC and the Du Noon CHC.

Health facility-based staff at Bothasig CDC and the Du Noon CHC, are made up of clinic administrators and health care professionals. They are tasked with providing a quality health service and generating health data in real-time on patient outcomes.

The research sample

The study did not include patients as participants as the WCDoH already conducts annual patient satisfaction surveys that seek to gauge the quality of health services rendered from the patient's viewpoint. Instead, an attempt was made to determine how the information generated from these surveys was utilised to facilitate health system improvement and improved patient experience.

Purposive sampling was applied to select 36 individuals for this research from the WCDoH's office and health facility-based staff. Purposive sampling is a qualitative research technique that identifies and selects information rich cases from either groups or individuals knowledgeable about a phenomenon of interest (Cresswell & Clark 2011:28).

The attainment of health care quality outcomes is an integrated approach which requires cross departmental cooperation. As such, the 36 individuals selected for this study represented a cross section of the health delivery system for the WCDH. They were either involved in health evidence generation or health evidence use to improve health outcomes. Table 1 represents a cross section of the respondents selected for this study:

Table 1: Cross section of health administrators selected for study

WCDoH Chief Directorates [8]			
<ul style="list-style-type: none"> • Chief Director: Metro District Health Services • Chief Director: Rural District Health Services • Chief Director: Health programmes • Chief Director: Financial Management • Chief Director: Strategy and health support • Chief Director: Infrastructure and technical management • Chief Director: Human Resources • Chief Director: General specialist and emergency 			
Health Facility Based Staff: Bothasig CDC [12] and Du Noon CHC [16]			
Bothasig CDC		Du Noon CHC	
Clinic Manager	1	Clinic Manager	1
Medical Officer	1	Emergency Certified Medical officers	1
Clinical Nurse Practitioners	3	Emergency Certified Practice Nurse Specialty	2
Professional Nurse General	1	Outpatient Department Medical Officer	3
Enrolled Nurses	2	Outpatient Department Certified Nurse Practitioner	3
Enrolled Nursing Assistants	2	Child Health Certified Nurse Practitioner	1
Pharmacists	1	Child Health Medical Officer	1
Post Basic Pharmacists	1	Midwife Obstetric Unit–midwives	4

Source: (Author’s own construction)

Data collection

The primary data gathering instruments for the selected population was done through self-administered key informant open-ended and closed-ended questionnaires. Open-ended questionnaires were administered on office-based health administrators and clinic managers while data from health facility-based staff was gathered through closed-ended questionnaires.

Both sets of data gathering instruments were distributed electronically to the respective groups.

Open-ended questionnaire interviews were used for the office-based staff and hospital managers at both Bothasig CDC and Du Noon CHC because it gave

the respondents the freedom to freely answer questions as and when they found time within their schedule. It also removed the added pressure from respondents to respond immediately, without first thinking through an answer, which often comes with face-to-face interviews. Most importantly, according to Groves *et al.* (2004:46), open-ended questionnaire interviews are relatively constructive, easily administered, managed and allow respondents to formulate answers in their own words.

Furthermore, the questionnaire for the office-based staff and hospital managers at both Bothasig CDC and Du Noon CHC, did not only give an overview of the current state of the health system in the Province but also highlighted how the various Directorates were integrating their efforts to enable the use of health evidence to achieve health care quality objectives set out in Healthcare 2030.

Closed-ended questionnaire interviews were administered on health facility-based staff at Bothasig CDC and Du Noon CHC as part of an attitudinal assessment to determine the level of awareness on health evidence generation and use among health workers at these facilities. The successful use of health evidence to meet the health care quality objectives of Healthcare 2030 will partly depend on the attitude health personnel have on health evidence generation and use, to achieve quality outcomes on evidence-based practice.

In addition, the closed-ended questionnaire for health facility-based staff helped to generate information on how health evidence is generated and used to improve patient/user experience, enhance staff morale and optimise health facility performance.

This research's five research questions formed the basis upon which the questionnaires to the different segments of the research population were designed. Data requirement areas that were covered by the questionnaires include information generation mechanisms at primary health care facilities, health information management by the WCDoH, patient involvement in health evidence generation, attitudinal approach to health evidence use and generation by health staff, use of health evidence for health care quality outcomes, and the progress made to meet the health care quality objectives set in Healthcare 2030.

RESEARCH FINDINGS AND ANALYSIS

Using content analysis, data gathered was analysed through two thematic focus areas and their associated sub-themes, namely:

- **Health evidence generation**
 - Patient-centred care
 - Caring for the carer
 - Tangibles

- Evidence-driven health care
- Health system functionality
- **Health evidence use**
 - Culture of data use
 - Data quality
 - Technical functions
 - Health care quality assessments

Health evidence generation

This theme analysed the system of health evidence generation at facility level from the perspective of 28 health care professionals at both Bothasig CDC and Du Noon CHC. The closed-ended questionnaire that was administered on the health professionals (excluding the clinic managers at the two facilities), at Bothasig CDC and Du Noon CHC allowed respondents to register their answers by making a mark on four possible choices labelled as ‘Strongly Disagree’, ‘Disagree’, ‘Not sure’, ‘Agree’ and ‘Strongly Agree’.

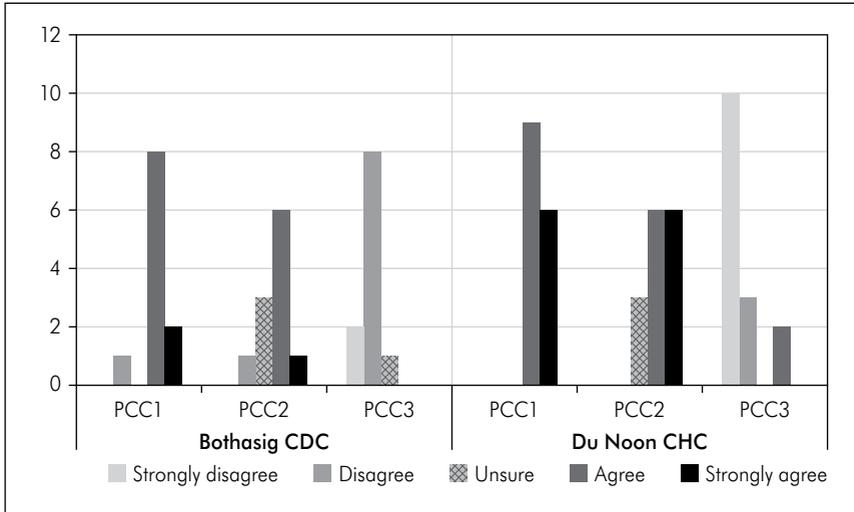
The questions asked in both questionnaires were grouped under six sub-themes, listed below. These sub-themes speak to the totality of the health care service delivery, attitudinal disposition of health care professionals to health evidence generation and institutional functionality. The health care quality function of each sub-theme is described as follows:

- **Patient-centred care:** positioning the patient to be the centre of the health care delivery process as measure to foster quality.
- **Caring for the carer:** giving adequate support to health care professionals and listening to their input to improve health care quality.
- **Tangibles:** functionality of the physical building that houses the health facility.
- **Evidence-driven health care:** attitudinal disposition of health care professionals to an evidence-driven health system.
- **Health system functionality:** efficiency of in-house routine functions in a health facility.

Patient-centred care

Despite the consistently high foot traffic which has increased service pressures and congested Primary Health Care Facilities (WCDoH 2016:15), health care professionals at both health facilities strongly hold the view that patients are receiving a satisfactory health care service. Figure 1 shows that 25 respondents either ‘Agreed’ or ‘Strongly Agreed’ about the service being offered to patients with only one respondent, from Bothasig CDC, disagreeing. The Bothasig Clinic Manager outlined that patient experience is enhanced at the facility through a two-pronged approach that involves the efforts of the:

Figure 1: Sentiment on patient-centred care



Source: (Author’s own construction)

“...Infection, Prevention and Control Policy Committee to fast track priority attendance of at risk patients and the use of an electronic appointment system with slots to improve efficiency.”

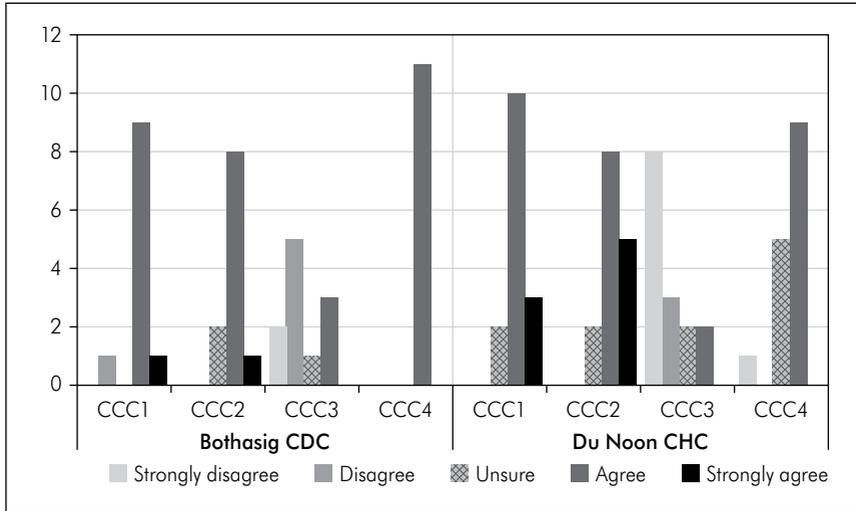
The view held by the health professionals is in tandem with the findings of Statistics South Africa’s General Household Survey which points out that only 19% of users of the Western Cape’s public health care facilities are inclined to be dissatisfied with their level of public health care (StatsSA, 2017:23).

Caring for the carer

The success of any public health care system relies on its ability to maintain positive satisfaction rates among its health care professionals. This is often determined by how their workload is managed, availability of professional development opportunities and the value that the health system gives to their input to improve service delivery.

Out of 26 respondents, only two were ‘Unsure’ and one ‘Disagreed’ with the notion that they were being given adequate support to do their job. While the concept of ‘job support’ and the satisfaction derived from its provision are relative to the post held by a respondent, it is still worth pointing out that even for the 23 respondents who expressed satisfaction with job support, 19 ‘Agreed’ with it with only four in the ‘Strongly Agree’ identifier. The absence of a strong affinity on the concept of job support, can also be found on the question of continuous training, where only 20

Figure 2: Sentiment on caring for the carer



Source: (Author's own construction)

respondents 'Agree' that training is a key feature of their professional development, partly confirming the commitment made by the WCDoH in its 2017 Annual Report that there should be a pathway for the training of health workers (WCDoH 2016:63).

The passive acknowledgement by the respondents to the sentiment of adequate job support, confirms the need by the WCDoH to consider its approach in providing that support. Even if health care professionals agree that they are receiving adequate support, the data gathering exercise on this sentiment must still gather adequate qualitative input on what they think should be done to improve the quality of job support being given. In this regard, the WCDoH has an opportunity because, as depicted in Figure 2, 87% of the respondents think that their input to improve service delivery is often valued. This open communication can be leveraged by the Department to gain insight into specific areas that can be capacitated to improve job satisfaction.

Tangibles

A consistent characteristic which emerged from the data gathered was that 55% of respondents at Bothasig CDC and 39% at Du Noon CHC were 'Unsure' of whether the health infrastructure of their respective health facilities was well maintained and always operated optimally. It is an admission that raises questions on the appropriateness of existing facilities to deliver a quality health service and their adequacy in supporting the population that the health facility is meant to serve. The Office of Health Standards Compliance's (OHSC) report on health inspection, gave the

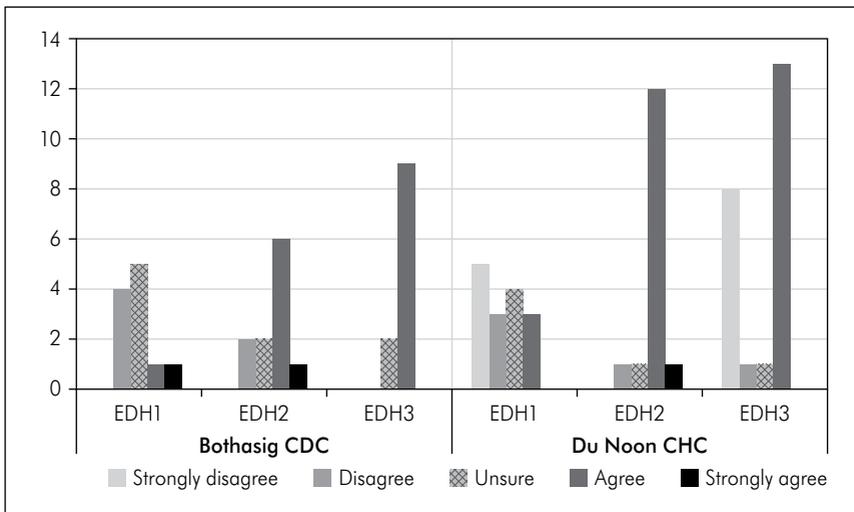
Western Cape 69% on health facility access but pointed out that some facilities had ramps which lacked handrails, unavailability of toilets for the disabled and health establishment entrances not signposted (OHSC 2017:114). The Du Noon CHC manager concurred with the notion of inadequate physical infrastructure by pointing out that clinical services needed were increasing and “clearly there was need for space and more medical staff to avert some of the pressure”.

The admission of infrastructure inadequacies by respondents indicates that the WCDoH needs to rethink its approach to health facility management, away from the current focus of care and maintenance. Infrastructure developers should take cognisance of the needs of professional health staff and the patients they serve. A patient-centred health system must not be restricted to clinical concerns, but should be a system-wide approach that involves patients in the development of infrastructure.

Evidence-driven health care

For a policy document that is designed to guide the WCDoH in improving care towards 2030, disconnect in implementation exists between what the policy aims to achieve and the poor policy awareness among one of its key constituencies, health care professionals. Figure 3 shows that of the 11 respondents surveyed at Bothasig CDC, four ‘Disagreed’ and five were ‘Unsure’ when asked whether they were well versed with the contents of Healthcare 2030. Comparatively, at Du Noon CHC, five ‘Strongly Disagreed’, three ‘Disagreed’ and four were ‘Unsure’. This indicates that the WCDoH has not done enough in building policy awareness

Figure 3: Sentiment on evidence-driven health care



Source: (Author’s own construction)

of its core strategy document among health care professionals who interact with patients on a daily basis.

Managers at both facilities, on the other hand, had a clear understanding of what constitutes quality health care. When asked about what they understood about the concept, their responses were anchored on ensuring that the patient derives maximum benefit from the service rendered. It is a position that is consistent with the 'patient-centred' core value of Healthcare 2030. That clinic managers are able to understand this core vision of the WCDoH; while health care professionals show limited appreciation of its objectives; speaks to an inconsistency that could inhibit quality of care improvement at facility level.

Health system functionality

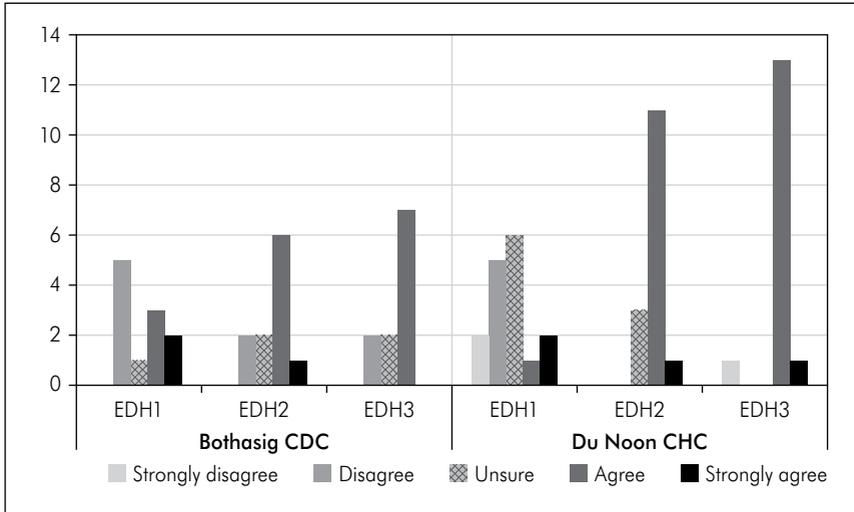
Despite a stated objective by the WCDoH, through Healthcare 2030, to ensure "... essential medicine availability at all times", in practice this has not been the case (WCDoH 2014: 37). Of the respondents 15 surveyed at Du Noon CHC either 'Disagreed' or were 'Unsure' of the notion that the pharmacy always had enough stock of medicine for patients. Comparatively, five respondents at Bothasig expressed disagreement on the same indicator. While erratic medicine availability is a common feature in South Africa's public health system, it becomes necessary to focus on "essential medicine" availability as a foundation for health care quality improvement. As such, the WCDoH health impact assessments should be repurposed away from focusing on general medicine availability to a specific function of "essential medicine" availability. An improvement on the "essential medicine" indicator has a corresponding positive effect on health care provision for low income earners, most of whom frequent facilities such as Bothasig CDC and Du Noon CHC.

Of the health care professionals at both facilities 20 'Agree' that patient information is stored appropriately and is easy to retrieve within the shortest period of time. It is an admission that lends credence to the 17 health professionals at both facilities who 'Agree' that there is a smooth transition between health professionals, the pharmacy and the patient records management section. Inasmuch as internal processes are considered to be operating effectively, views on integration with the wider WCDoH health information system are different. When asked to describe the functionality of the clinic's information system in connecting with the DHMIS, the Bothasig clinic manager labelled it as 'adequate' while the Du Noon CHC manager argued that it was:

"Poor. Not aware of ways to access more information".

The admission by the Du Noon CHC manager could be a factor that can negatively affect the use of health evidence to improve health care. Health facility staff must be adequately equipped to not only use the DHMIS but should be

Figure 4: Sentiment on health system functionality



Source: (Author's own construction)

adequately capacitated to understand its role in facilitating the transmission and use of health data to improve quality of care.

Health evidence use

The WCDoH's eight Chief Directors answered an open-ended questionnaire on the collection and aggregation of data to improve health care quality.

The questions asked in the questionnaire were grouped under four sub-themes which collectively define the primary theme of 'health evidence use for health care quality'. The purposes of the four sub-themes are described below:

- **Culture of data use** – how prevalent is the use of health evidence in decision-making processes to improve health care quality?
- **Data quality** – is the evidence generated, especially at health facility level, of good quality that it can be used to inform policymakers?
- **Technical functions** – how efficient is the data management tools used to collate and aggregate health evidence to improve the decision-making process?
- **Health care quality assessments** – to what extent are health quality assessments driven and informed by health evidence?

Culture of data use

When asked on what they understood to be quality health care, the respondents anchored their responses on the vision of Healthcare 2030 which advocates for

a patient-centred health care system. Key phrases that featured in the responses given defined quality health care as “community-centred” and premised on the view that the “patient is the most important person”. The Chief Director for General Specialist and Emergency Services (GSES) qualified this view by pointing out that quality health care should not only be patient-centred but it should also be an “equitable health delivery system”. In this regard, the Chief Director of Infrastructure and Technical Management (ITM) views equity in health care as “access to health care that is not only curative but also preventative”. The clarity of understanding among the Chief Directors surveyed on what constitutes quality health care testifies to a sound appreciation of the core vision of Healthcare 2030. This is in sharp contrast to a low level of appreciation of this vision document among some of the surveyed health care professionals. It confirms that, for the objectives of the health strategy to be achieved, the WCDoH needs to adopt a bottom-up approach to obtain vision buy-in from its internal stakeholders, especially health care professionals.

Even as the collective efforts of all Directorates contribute to the attainment of set health targets, a survey of what respondents understand to be the role and focus of their respective Directorates is necessary to determine whether their institutional objectives are aligned with the stated aims of Healthcare 2030. The responses received emphasised the need for efficiency, equity and monitoring of essential systems within the health delivery system. Critical to the attainment of a system-wide culture of health evidence use is the Chief Directorate of Strategy and Health Support (SHS) which indicated that its role is premised on the need:

“to provide technical support to facilities, Directorates and Chief Directorates and to monitor the quality of service delivery through structured monitoring systems and assist with quality improvement”.

This overarching role of the Directorate of SHS is supported through specific functions of other Directorates which range from health facility management, monitoring and evaluation research, financial resource management and skills, to professional staff development. From this background information, this research was able to establish that the WCDoH does have the requisite organisational structure to manage the implementation of Healthcare 2030. The organisational ecosystem projected by this structure is in tandem with the structural objectives of the multiyear health strategy which are primed on patient-centred care, health system efficiency and health staff professional development.

Data quality

All the respondents surveyed for this study agreed that the data sources used in their respective Directorates for decision-making are adequate to their needs. Even

so, the Directorate of Human Resource Management (DHRM) indicated that their unit “*required more business intelligence*”. The essence of business intelligence information is that it strives to ensure that information is synthesised to meet the specific needs of its users. It therefore figures that the DHRM is concerned that it is not receiving relevant information that is specific to its needs. In trying to ensure that the frequency and intensity of data use becomes engendered in the Department, the WCDoH ensures that only relevant information filters to officials and Directorates who have use for it.

When asked on what can be done to improve the quality of data generated, the respondents were very animated in their responses, confirming the value that they attach to the importance of quality health evidence. At the basic level, respondents identified ‘*better analysis of data*’ and ‘*integration of systems*’ as the primary building blocks needed for creating usable data. The Chief Director of ITM was more specific and admitted that:

“... information is available but not located in a central repository. The information is obtainable only by knowing who to contact and one requires tacit knowledge of these processes in order to know who to contact otherwise you will not obtain the information. Sometimes the user groups are limited and therefore may be limited leading to not fully informed decisions being made...”

This view is shared by the Chief Director of GSES who points out that “*...we need more granular data to perform data analysis...systems are not integrated or efficient at capturing information...standardised routine reports need to be generated*”. These revelations show that the WCDoH needs to streamline its health data generation and use a value chain to ensure that it meets users at the point of need. A centralised data warehouse that has a simplified user interface to extract specific information according to the needs of a user could limit the time wasted by policymakers searching for data.

Technical functions

Performance assessment, for most respondents, meant the ability to meet health care quality objectives set out in Provincial performance plans and national health programmes. For example, the Directorates of MDHS and SHS indicated that their performance was determined by how well they performed when measured against instruments such as ICP, NCS and the Provincial Health Annual Performance Plan. In hindsight, however, it is clear that the identified instruments affect performance assessments across all the Directorates that manage health care delivery in the Western Cape Province. What was significant was to obtain answers of whether or not health evidence was being used to drive performance assessments.

Some respondents did identify specific health data instruments that guide their Directorates in assessing performance for health care quality improvement. The ITM Directorate admitted that it uses the Project Monitoring Information System (PMIS) to track the physical functionality of all health centres across the Province. Similarly, the GSES Directorate conceded that it used *“Geomapping of information to better understand population outcomes and adjust health services provision accordingly”*. In spite of the previously identified weakness of a top-down approach to programme implementation in the WCDoH, the use of data generation instruments to inform decision-making is an established practice that can be leveraged to increase the participation, beyond the current level, for health facility-based staff.

When asked about how performance assessment tools can be improved to ensure optimal health outcomes, respondents identified customisation and ease of access as core requirements. The Directorate of Health Programmes (HP) was concerned that:

“...staff need to be empowered to be able to work around user interfaces which are often complex, for database based monitoring and evaluation tools...”

To overcome this challenge, the PM Directorate suggested that an attempt be made to introduce custom-built information systems that are able to cater for the specific needs of the Department’s diverse users. The GSES Directorate qualifies this view by pointing out that there is need for data-driven performance assessment tools that are designed to measure the value that health interventions add to the health system.

Health care quality assessments

Respondents shared a common view that the procedural approach to health care quality assessments can be improved to enhance institutional efficiency and service delivery. The Directorate of Metro District Health Services (MDHS) was particularly interested in the use of customised data analysis techniques that derived extensive meaning from a concentrated number of data sets. The Directorate’s Chief Director posited that there is an essential need to:

“...select a few data elements as key measure and measure them comprehensively and accurately. There is relatively sufficient processing and interpretive abilities, but substantive data is required to inform these analyses...”

In addition to customised data analysis techniques, the Directorate of ITM was of the view that health quality assessments can be improved through an increased

and sustained use of clinical data. The Directorate's view was that *"improved planning that takes more clinical input into account from the correct user groups and clinical staff"* must be streamlined into the fabric of health care quality assessments. This could be achieved through *"...awareness building, proper integrated Business Intelligence systems..."* as stated by the Directorate of PM. The respondents did not raise any material objections to the process of health care quality assessments itself, but believed that it could be made more effective through modifications that took into account the use of customised data quality techniques, increased use of clinical data and integrated information systems to simplify analysis.

As each Directorate is tasked with contributing to the overall objective of improving health care quality in the Province, it was important to expose the challenges that each Directorate was facing in accomplishing this task. The Directorate of GSES raised concern on institutional weakness as a key impediment affecting improving attainment of health care quality goals, stating that:

"...silo approach to Departmental activities with many stakeholders doing various work, often duplicating effort and not creating synergy... services are often overwhelmed and cannot find the operational space to make significant changes most changes are small and incremental..."

Taking into account this revelation and the admission made by the Directorate of SHS that *"budget and resource constraints"* were negatively impacting the attainment of quality care; it raises the question of whether resources are optimally being put to good use. The picture created is that of a Department whose internal processes are not streamlined enough to enable all units to speak with 'one voice'. This observation is validated by the Directorate of RDHS which argues that:

"...the concept of quality of care is interpreted differently. Not all role players take ownership. The National Standards are not widely used as a management tool. Skills of staff not adequately developed..."

In Healthcare 2030, the Department posits that *"over the next few years, focus is going to centre on the development of administrative...leadership and management capacity at institutional level directly responsible for service delivery and quality of care"*. However, as highlighted by the answers given by the respondents on the impediments they are facing in achieving the attainment of a quality health service, if a system-wide evaluation is not done to streamline processes and ensure the efficient use of resources, the Department may miss its target of engendering efficiency within its operational processes by 2030.

RECOMMENDATIONS

By addressing the operational challenges raised by office-based administrators and health facility-based staff, the WCDoH is faced with a unique opportunity to streamline the use of health evidence to facilitate patient-centred care, enable a better working environment for health care professionals, promote an evidence-driven health care system, engender a culture of data use and ensure health system functionality. Some of the key interventions that need to be implemented to achieve this goal include:

- While the WCDoH patient satisfaction questionnaire is responsive to most indicators measuring a patient-centred experience, its questions are silent on the efficacy of appointments in improving service delivery. The WCDoH recently piloted the use of appointments in selected public health facilities and it is therefore essential to measure the perception of patients on how this new innovation has impacted on their overall experience.
- A key focus area that could achieve immediate results in reducing the workload on overburdened clinical staff; is reducing the amount of time it takes to fill vacant posts. Currently, as is the norm across the rest of the public sector, it takes an inordinate amount of time to fill vacant funded posts. The health sector is a critical function area and it is therefore essential that bureaucratic red tape on staff hiring be kept to a minimum and positions filled within the shortest possible time.
- Health evidence use could be further enhanced through a collaborative cross-Directorate health information management committee. Such a development can assist with the development of policies and standard operating procedures to facilitate seamless data use at both clinical and administrative levels. In addition, a collaborative effort across the eight Directorates will make it easy to institute training programmes to equip policymakers and health professionals on the data value chain process of information generation, storage and use.
- The WCDoH must place increased focus in capacitating the data centre which it undertook to establish in the 2014/2015 financial year. Conceptualised for the primary purpose of consolidating and harmonising all departmental data, the data centre has the potential to integrate all the operational databases from the various Directorates into one data warehouse. Health data can be stored and retrieved in real time to facilitate continuity of care, pharmacy and medicine dispensary management, operational reporting and financial data.
- System integration should be the core focus of the health impact assessment department which is charged with overseeing information processes within the WCDoH. The creation of a central digital information clearing warehouse, that is accessible to health professionals and administrators across the Province,

will promote health evidence sharing and help improve the decision-making processes on health care quality improvement.

CONCLUSION

Primary evidence gathered from questionnaires administered on eight office-based staff at the WCDoH and 28 health facility-based staff, at Du Noon CHC and Bothasig CDC, revealed that, while the WCDoH's Healthcare 2030 strategy recognises the importance of health data in improving quality, there is still need to adopt a bottom-up approach in policy implementation, tailored information structured to the needs of respective Directorates and use of custom-built information systems for every Directorate. Most importantly, undue burden to generate health evidence should be removed from health professionals at facility level, instead, the clinical function must be made separate from data management. Policymakers should take active steps to ensure that their patient satisfaction measurement instruments track patient improvement over time, ensure systems integration to facilitate information sharing, improve policy awareness across the Department, engender interdepartmental knowledge sharing and develop a centralised clearing house for information storage and use. Opportunities for further research on health evidence generation and use in the WCDoH still exist, especially in the areas of health information system modelling and integration, data quality improvement and transformation of the WCDoH into a learning organisation.

NOTE

- * This article is based on a Master's thesis submitted by Mr Enocent Nemuramba in 2018 under the supervision of Professor Harry Ballard. *Public Health Management: An Audit on the efficacy of healthcare quality measurement methods for Western Cape's 'Healthcare 2030' Strategy*. Unpublished dissertation submitted in accordance with the requirements for the degree of Master of Public Administration. Cape Town: Cape Peninsula University of Technology (CPUT).

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The Nexus of the Study and Practice of Law and Public Administration

A Need for Rediscovery of the Debate and Principles?

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ABSTRACT

There is no doubt that public administrators in their pursuit of efficient public service delivery to the citizens need knowledge of law. Lawyers too need to understand the workings of administrative systems as law is practised in such systems. This position was highly recognised in ancient and classical discourses of public administration and by scholars who formulated the concept of the state and the importance of law in society. Lawyers practise their profession in a public administration context and as such their understanding of how the public sector operates in terms of laws made, the implementation of the laws and the judicial functioning are matters that need not much emphasis. While classical literature of law and public administration recognised the intimate relationship between the two, modern scholarship tends to favour an independent disciplinary focus. Whereas societies have evolved through different stages, each of these stages has had rules for managing the needs and expectations of the citizens. Public administration and law are practised in the three branches of government – executive, legislature and judiciary. Lawyers go to law schools while public administrators go to schools of public administration or public policy. The central question addressed by this article is whether there is a renewed need for the teachers of law and public administration to appreciate and apply the synergy between the two disciplines.

INTRODUCTION

The vitality of law as being at the heart of any development intervention and societal order is uncontested. There is hardly any contestation among legal and public administration scholars on a need for a civilised society (Adamolekun 2002:2; Funk 1972:269 and Schubert 2012:6). There appears to be a general consensus that such a society is only guaranteed by laws (rule of law) as opposed to a society managed on the whims of those who govern. This position was ably taken by Stone (1966:168) building on earlier works of other scholars like the most elaborate analysis by A Dicey (1885:1) in his classical book entitled *'Introduction to the study of the law of the constitution'*, where he is credited for having introduced the idea of rule of law. Law aspires to create social order and social order is an important prerequisite for development. It is also, however, arguable that attainment of development is a key factor in creating an orderly society. Societies which have prioritised orderly styles in the management of government affairs have produced greater development trajectories; unlike those countries which have opted to be governed under disorder, anarchy and confused systems.

Countries of the Western strand have generally attained higher per capita income levels because of their ardent belief in merit-based administrative systems and functional administrative structures. In Africa, countries which have journeyed this route (Rwanda, Kenya, Ghana, Botswana, South Africa) have made some noticeable progress in development and public service delivery systems compared to countries that appear to have preferred the pot-holed journeys characterised by conflict and disorder (Somalia, South Sudan, Democratic Republic of Congo, Zimbabwe). Some of these examples in each strand may also be contested and as such tend to vary from different commentators' perspective especially when measured against democratic and constitutional governance benchmarks. Law and public administration have the greatest leverage among other disciplines and fields of study to create rules, systems and structures which can promote or undermine development (Funk 1972:269). Those in charge of public administration and those who practice law, are important actors in the creation of any form of governments (Stillman 2009:567).

Aristotle and Plato in their earliest ideological philosophies as well as the words of the ancient philosopher Socrates had pointed at the importance of law as a foundation for management of society (Basheka 2012:14). Later, the social contract theorists who originated the idea of a government as we know it today had a common consensus on the position of law in the management of societal affairs (Hoff 2015:4; Mukherjee 2010:53). That is why, most classical scholars who were heavily influenced by the ancient world practices, regarded the disciplines and practices of law and public administration to be intimately related (Goodnow 1900; Lee & Rosenbloom 2005:118). A common consensus that development

was championed by sound public administrative systems and respect for rule of law became undisputed. However, whereas some commentaries on the terms politics, law, administration, and society could have casually treated this nexus of law and public administration, thereby at times subjecting the two fields to unimaginable intellectual injustices, the foundation of theoretical and practical relationship was a concluded matter among most classical public administration scholars who envisioned a fair and just society (Cooper 1997:120).

Ladipo Adamolekun (2002:2) reports that rule of law, underpinned by an independent court system, which implies a predictable legal framework; helps to ensure settlement of conflicts between the state and individuals on the one hand and among individuals or groups on the other. That rule of law helps to ensure respect for property rights and contracts. That in a law-based state, the government will not act capriciously. This position by the author confirms why and how administrators armed with legal competences can create checks in the running of government. Basheka (2014:655) asserted that public administrators can either enable effective functioning of government or even lead to the overthrow of government. Legitimate governments are run on institutionally strong, efficient, effective systems, anchored on publicly determined, predictable and increasingly rational rules of behaviour. In such a system, the public service becomes a central pillar of the government as it regulates, administers, executes, mediates, invests and delivers the construction, operations, maintenance and servicing of service delivery infrastructure, and ensures that the public service machinery is oriented to diligently serve the citizens (p. 655). An administrator with sound understanding of law is likely to apply fair and just reasoning in the execution of their mandate compared to those who are only schooled in the specific fields of public administration. This is possibly why some schools of public administration have tended to encourage the teaching of administrative law although the depth and coverage misses the foundational pillars.

Public administration functions like public finance, personnel management, budget management, public procurement, and international affairs are conducted based on legal frameworks (Hughes 2003). Yet, law schools have tended to starve their students from understanding the broad field of public administration. While some attempts are always made through specialised fields of law like constitutional law, the foundational public administration theories which help bring to the fore the synergy between law and public administration are not perfectly extracted; partly because the teachers of law have also suffered from similar starvation in their academic journey. Failure by legal scholars to peep into the jungles and intellectual fields of public administration to discover where legal practice is to be undertaken only produces legal practitioners who lack fundamental basics. In some cases, there has been unhealthy hostility among these two disciplines. Hence, law is not alone in this blame.

Schubert (2012:6) suggests that law exists for resolving disputes and for controlling government officials. Private law includes property, family, tort, probate and corporate law; while public law includes constitutional, civil and administrative law. Most students prepared for positions in public administration complete their programmes without taking a course devoted to the study of law. Public administration articles collections at most include limited material on constitutional law and the foundations of administrative power, if any (Shafritz, Hyde & Parkes 2005:15; Stillman 2009:567). This article advocates for a rediscovery of the need to examine intimately the relationship between law and public administration and calls for a renewed intellectual discourse on how this can be strengthened.

CONCEPTUAL FRAMEWORK

It is imperative to recognise that law impinges on administrative practices in a myriad specific and general ways. The outcome is then to infuse the needed values of lawfulness, fairness, justice and transparency into administrative conduct and decision-making. While describing the major functions of law in society, Funk (1972:269) maintained that functions of law are often defined concerning one type of society and it is inaccurate to say that law may serve exactly the same function in another type of society. Laws are established to regulate the governance of the state and each country's supreme law (the constitution) sets parameters for the operation of each branch of government. The constitution establishes the executive, judiciary and legislature and allocates powers and responsibilities to each of these organs of state. Public administration takes place in each of the three structures.

Beyond the supreme law of any country, there are other specific statutes and Acts made by the legislature and are to be implemented by the executive while the judiciary retains the adjudicative and interpretation roles of these laws. The laws made regulate how the branches of government execute their functional mandates. Laws, however, not only come from the legislature. There are customary laws, judicial precedent-based laws and international laws and all these provide an effective mechanism by which governments resolve the disputes among citizens (private laws) and citizens against government (public laws) but also between nations (international laws).

Fundamentally, there are function-specific laws. Regarding the institution of the family, a branch of law called family law exists. Regarding matters of land, land law describes not only how land is owned (land tenure) but the various rights that come associated with the different ownership. For those who transgress and need to be punished, tort law and negligence law exists. Yet other branches of law deal with equity and creation of trusts, international law and human rights, taxation matters, minerals and oil matters, and intellectual property ownership,

among others. In the application of each of these laws, public administrators are heavily involved; yet they are rarely allowed in their schooling to have an understanding of how their field relates to law.

Public administrators deliver public services and breathe life into public policy yet they exist in a strange place, suspended between the formal powers of elected officials and the cacophony of millions of voices, each focused on individual concerns. Public administrators are the translators who explain who gets what in real time and real terms. They must make sense out of reams of tortured statutes and occasionally stumble in the process (Verma 2010:3). While the practical orientation of law and public administration seems legitimately clear and easy to understand at an elementary level, the study and teaching of public administration has largely ignored the velocity of these legal foundations. This stand becomes unfair to the final consumers of services delivered by administrators – who are the citizens. While the concepts of government and society offer primarily frameworks for analysing the relationship between law and public administration, different approaches offer different conceptions of how to apply law and public administration to management of society.

Historical accounts on mankind's deepest concern and appreciation of the relationship between law and public administration does exist (Goodnow 1886:533; Woodrow Wilson 1887). The earliest philosophers in their attempt to understand how society was to be governed better, advocated for sound systems of managing public affairs based on rule of law (Verma 2010:7). The 'social contract theorists' like John Locke, Thomas Hobbes and Jean Jacques Rousseau insisted in their analyses that the nature of society and government was one which would function only if there was legal order and rules (Barker 1995:2; Hoff 2015:4). In their view, the development of a more stable society was never going to be possible without the improvement and coordination of political and administrative techniques that fostered social cohesion linked to the importance of law and fair and just dealings.

Hobbes advocated for a government in which there was an absolute leader to make laws, while Locke advocated for a government that was subject to the control of society – a government managed under rule of law (Hoff 2015:4). That the enterprise for managing public affairs-public administration had to be exercised in the system that only recognised law, was an important early recognition of the nexus between law and public administration. Locke's ideas later birthed the concept of separation of powers. On his part, Jean Jacques Rousseau, another outstanding social contract theorist whose views had significant implications on the importance of law and public administration, advocated for a government that had three branches with one for making laws, another for implementing the laws and another for trying the causes of men (the judicial function). This is what the modern-day branches of government do – the legislative

branch of government, the executive and the judiciary. Rousseau noted that the primary purpose of government was to create conditions that would promote equality among individuals.

At the centre of social contract theorists and early philosophers was equality and social justice (Barker 1995:2; Cooper 1997:120). Indeed, even in contemporary times, equity is viewed as the continuing province of government because government has the responsibility of running a constitution (Verma 2010:7). Lee and Rosenbloom, (2005 :118) who could be described as public administration scholars who have championed the need to have an understanding of the relationship between law and public administration in a contemporary perspective, took a stand that there needed to be a 'marriage' between public administration and law. They stated that law was important for preparing public officials to meet their professional responsibilities and law needed to be considered together with public policy; including the need for public servants to understand their legal duties, participate in formulating policy, address legal complications, and meet courts' expectations. Cooper (1997:118), a notable leading public administration scholar; had earlier cynically reported that the grounding of public administration in law was a "simple truth" and that "the law provides the tools that are used to make the most important, and often the most challenging public decisions".

The linkage between law and public administration seemed clear at the conception of the discipline of public administration as seen from the great classical works of Woodrow Wilson (1887); Rosenbloom (1983); Goodnow (1900 :10); and White (1926: iv) among other grandfathers of the academic study of public administration. While these authors were trained in different academic disciplines, with Woodrow Wilson being a political scientist and Goodnow being a constitutional lawyer, all did recognise the importance of law to public administration. Public administration, which broadly speaking has been conceived as the study and implementation of policy, is a moral endeavour linked to pursuing the public good through the creation of civil society and social justice. The academic study evolved in the United States from both academic political science and law as a separate study in the 1900s (Verma 2010:1).

During a time when many advocates of new public management (NPM) were clamoring to "free" public administrators to behave entrepreneurially by ridding the field of constraining laws and regulations, Cooper (1997:120) still emphasised the potentially positive relationship between public law and effective programme management; arguing that conscientious managers could actually improve the delivery of public goods to citizens by instrumentally using rulemaking, administrative adjudication, inter jurisdictional agreements, and contracts. While some scholars and implementors of government activities took heed, others simply ignored. In the law field, a group that championed a new field of law

and development, however, were commendable. This movement died in the 1970s but after a revival movement reignited in the 1980s and to date, the debate seems alive. But this was only after the significant failure of most administrative prescriptions.

Due to the increased hostility among competing approaches to the understanding of public administration; with the fiercest competition being among three leading approaches – legal, managerial and comparative approaches; calls for reconciliation have re-emerged. This is why we call for a renewed need to have both an intellectual conversation and a policy discourse around how law and public administration can be used to better societies in modern times. The concept of reconciliation between law and management can be detected in the criticism of new public management by De Leon and Denhardt (2000:96) who explained that the hyped public sector management reforms often brought administrators face-to-face with “aspects of democratic governance they had once been accustomed to rejecting”. Freeman (2000:1289) in the same year argued that a narrow or overly legalistic conception of public law was likely to underestimate the potential noneconomic benefits of privatisation. He thus favoured the use of public law as a facilitator and director of governmental affairs as opposed to their constraining nature to the role of the private sector. Moreover, Beermann (2002) argued that private firms carrying out public purposes were often more heavily regulated than traditional government providers of the same service. What then are the areas of intersection that need to be explained for a better appreciation of the relationship between the two fields? The next section turns to that debate.

RELATIONSHIP BETWEEN LAW AND PUBLIC ADMINISTRATION

This section now examines from a simplistic perspective how and why the intellectual discourses should treat law and public administration as concerned with the same subject matter and ought to be treated as disciplines sharing a common ideology and where possible a common approach in teaching. The section aims at giving the easiest understanding of this debate by one of our expected audiences – the policymakers who have no privilege to engage in intellectual debates of the two fields; yet such information on relational matrices perfectly guides policy formulation and implementation. The nexus between public administration and law has attracted some scholarly debates and neglect in equal measure throughout the evolution of public administration and law. While the debate involves interplay among the three branches of government – the legislature, the executive and the judiciary, there is one avenue that administrators often pursue when they

seek to change the legal environment through litigation that offers perfect areas of linkage. The relationship between judges and managers in the administration of public programmes that some refer to as the “new partnership” (Rosenbloom 1983) also becomes a very necessary undertaking.

According to O’Leary and Wise (1991:306) public managers can interface with the law through litigation to shape their operating context by either resisting legal remedies, capitalising on legal decisions to secure additional budgetary (and other) resources, and mobilising public opinion for or against legal remedies to support or disable their implementation. The author’s thesis was based on a landmark 1990 decision, where the court affirmed a federal district court order in the United States which imposed local property tax increases for Kansas City, Missouri, and residents, as a means of raising funds for desegregation efforts by the local school district; was at the heart of public management and law interface. This led to what scholars termed a new partnership between the judiciary and the administrators. While both law and public administration are disciplines in their independent rights, they should have an intimate relationship especially in their practices. Moreover, both share the same credentials in their evolution – they have both been birthed at the heart of human concerns.

While there has always existed disciplinary tension and neglect of each other’s focus, an urgent need to have a reduced hostility between public administration and law is envisaged to post better intellectual dividends regarding the approaches in teaching and public administration which will have spillover effects on the practices of the two fields and with the ultimate broader outcome touching the common good – better public services. This is an area that ought to appeal to both legal scholars and their public administration counterparts. The questions/reasons below provide the reasons why law and public administration are related and their relationship needs to be taken seriously for academic and practical purposes.

Deepest concerns of society: The fundamental concern question

This question concerns itself with what could have been the motivating factor in the establishment of the practice of law and public administration. Law was started as a strategy for creating order and a just society, which has been the concern of humanity as seen from earliest philosophers who advocated for the establishment of a democratic government. Public administration on the other hand was started as a field to address the deepest needs of citizens. The field started as an avenue for better management of public services for the benefit of the citizens. This implies that both law and public administration were started to address the deepest concerns of mankind. That is why the codes of conduct for lawyers as prescribed in the standard professional rules for those in legal practice direct themselves to a large measure to this goal. Public service codes of conduct

on the other hand also are directed at this greatest concern. The public sector is expected to service the citizens as their ultimate goal.

Historical origins: The evolutionary question

As partly themed in the preceding and subsequent sections of this article, law and public administration largely share the same history and one wonders why they should then be treated as fundamentally independent entities. The history or evolution of the two has been classed around the different stages of human civilization. Law and public administration did exist in the ancient world, they had a huge presence in the medieval and industrial revolution period and they still exist in the contemporary period. The types and origin of law as chronicled in the philosophies of jurisprudence are indicative of the human stages of development. The natural school of law (generally explained as the law of nature, divine law or law which is universal and eternal) believes that law is not created by man but by nature. The analytical school or the positivist school of law believes that law is man-made or is enacted by the legislature. The historical school of law considers history as the foundation of knowledge in the contemporary era. Laws according to this school are created by the interaction of local situations and conditions of the people. The sociological school of law considers law as a social phenomenon and it perceives law from the viewpoint of people in society. The realists place great importance on the role of judges in the implementation, interpretation and development of law. This evolutionary question thus advances an argument that the two fields share the same origins which calls for a better appreciation of how their joint application can be of better significance to society.

Domains of study: The academic study question

The two fields of law and public administration have the same unit of analysis which is government. Both have a philosophical common understanding of how and why government came into force. They both at an analytical level believe there is a difference between the state and government and that broadly while every citizen is a member of the state, not everybody is in government. In government, some officials are labelled '**state attorney**' as a state has territorial boundaries and sovereignty and a state has government which is an institution created to manage the interests of the state. Both fields attempt to examine the functioning of the three branches of government as they serve the wider citizenry. Law as an academic field further examines why administration needs to be exercised through institutions which are a creature of the law; while the teaching of public administration emphasises why public administration has to be conducted in strict compliance to the laws.

Schools in Universities: The locus question

This question deals with the locus matters of the two disciplines. The concern here is in which schools within universities should law and public administration be located. While in the contemporary era such a debate may not suffice, especially regarding law since it now has specialised schools or faculties, the evolution of this field faced a locus question. Public administration still faced this fundamental challenge. In Uganda just like other countries, law started as part of the broad classification of the social sciences and the department of law tended to be located in the social science faculty. Law at Makerere University started as a department in social sciences. Earliest philosophers and political thinkers favoured this. While in contemporary times law has its stand-alone schools or faculties of law and public administration has its own schools of public administration or so-called schools of public management, government and public policy, the two have historically shared the same roof. Public administration started as part of departments of political science but now in some universities it has completely divorced itself from political science; yet in others, it lacks its own home hence being fused under management or business departments.

Common approaches: The approach question

In the teaching of the two disciplines, similar approaches have been used and can be used. In public administration, the dominant approaches are the institutional, legal, managerial and comparative approaches. The legal profession has always used the institutional approaches as a laboratory ingredient for their experiments. Law examines how institutions need to function and deliver a service. Law can also be taught within the context of different jurisdictions; hence, the need to compare. Law has also been taught taking into consideration the changing paradigms of public management. Law in the era of privatisation and reliance on private actors in the delivery of public services is slightly modified when public services are purely to be delivered by the government. Courses like law and development have been created to cater for these changing paradigms.

Claim of being sciences: The scientific claim question

Both law and public administration have in their discourses made an attempt to claim that they are a science as opposed to being 'an art'. While both claim they have not reached the maturity expected and practiced in the natural sciences which have a high degree of precision, they believe they have both crafted principles which can be universally accepted. In law for example, there are universal guidelines on the relevance, admissibility of evidence in courts of law. Criminal

law offences have agreed upon elements or ingredients which need to be proved beyond reasonable doubt for one to secure a conviction. Criminal law also has a consensus on who has a burden of proof. In family law, they have agreed principles and guidelines on what constitutes a valid marriage. In land law, they have guiding principles on who owns land and the rights of a person on land either on surface, underground or in the airspace. Constitutional law has its parameters of determining rule of law. Public administration has its own principles as was conceived in the 'Principles Paradigm' (1927–1937) of the development of the field of public administration. While they do not claim the status of natural and biological sciences, they argue and more correctly so, that they have reached some universal principles and rules in their undertakings that qualifies them to be a science. A debate can be raised on the level of precision but no contestation exists on this fact. While the human factor always interferes in the judgement, some rules to guide decision-making exist and this is the only scientific status these disciplines claim.

Professional associations: The professional question

Both law and public administration have established associations to advance their fields and have established academic journals to propagate their disciplines. The discourses in the conferences and workshops of the two fields and in scholarly and academic journals concern the same unit of analysis – the government; and how to meet the needs and interests of society. Serious dividends would be derived where joint conferencing between these two brotherly fields would be encouraged.

As seen from the above, there is indeed a common ground set for the reunion of law and public administration; both as areas of practice and academic study. While both law and public administration as academic disciplines are rather recent in some countries, their practices are much older and have trekked the entire journey of civilization. Both fields in their practices concern themselves with management of society affairs and as academic disciplines, both aim at producing graduates with zeal and capacity to discharge their functions for the broader common good. Although both law and administration apply to the non-public sectors, their greatest concern directly or indirectly relates to the public. In this article we support the need to revisit the debate on the nexus and interlinkages between law and public administration through seven fundamental questions.

THE NEXUS OF LAW AND PUBLIC ADMINISTRATION: HISTORICAL TRAJECTORIES

From a conceptual analysis, public administrators are entrusted by citizens and their governments (the principal-agent theory) with the noble responsibility of

delivering public services that meet the public's will as expressed in laws enacted by the established institutions in a democratic process. There is no doubt thus that administrators of any jurisdiction derive their authority from the laws of the particular land. The absence of respect for law in the administrative affairs of a country only results in what the 1989 World Bank Study on sub-Saharan Africa (SSA) characterised as state officials serving their own interests without fear of being called to account. Law has thus been part of public administration areas of concern. In this section, we attempt some historical trajectories to show how philosophers and scholars of law and public administration have conceptualised the nature of the nexus between the two disciplines and areas of study.

Aristotle in his 'Politics' favoured a mixed form of government to operate under the doctrine of separation of powers and checks and balances. Aristotle defines the *polis*, or city, as a political association, and he asserts that all such associations, like all deliberate human acts, are formed with the aim of achieving some good. He adds that political association is the most sovereign form of association since it incorporates all other forms of association and aims at the highest good (Barker 1995:2). The doctrines of separation of powers and checks and balances which were later to govern the political associations were thoroughly explained by Montesquieu based on the British constitution of the early 18th century. He suggested that there are three distinct functions of government – legislature, executive and judicial functions.

According to Montesquieu, the three functions of government, or political associations to use Aristotle's words, should be vested in distinct bodies so that excessive power is not concentrated in the hands of one body (Hoff 2015:4). To do otherwise could be to abuse power, or what he called tyranny. The best version of separation of powers, which ultimately supported rule of law as a guiding framework; appeared in Montesquieu's 1748 book entitled 'The Spirit of Laws' although he too appears to have adopted John Locke's version of the nature of government. Montesquieu divided government powers into legislative powers; which he classed as that of 'enacting laws', executive powers which concerned executing the public resolutions; and judicial power which was for trying the causes of individuals. Locke's version of government had earlier merged judiciary and executive functions and separated the conduct of foreign affairs (the federative power). This analysis of the earliest philosophers tells us that law was given an increasing emphasis as a branch in management of public affairs (public administration).

Dicey (1885), who was a British jurist and constitutional law theorist, gave law the highest priority in society. This was in his book entitled '*Introduction to the study of the law of the constitution*'. He insisted that "no person is above the law and it is law that rules all". He argued for the impartiality of the courts and insisted that not even those in the highest positions of power were exempt from law. The author emphasised that rule of law was based on three features and these features

were undoubtedly central in public administration. The first feature is in administrative systems that emphasise rule of law and no person is punishable in both body or goods except for a distinct breach of the law. Second, that in such administrative system, every person, irrespective of rank, is subject to the ordinary law of the land and the jurisdiction of courts. Third, the common law creates a system of rights and liberties superior to that offered by any declaration or bill of rights.

Dicey believed that the freedom British subjects enjoyed was dependent on two pillars: the sovereignty of Parliament and the supremacy of common law through the means of the courts' freedom from governmental interference. Dicey believed that in a society organised in that way, political freedom could be preserved and democratic society could function harmoniously. In his analysis, the "Rule of Law" ensures that leaders, who were elected by the people and to whom were given the power and authority by the people, always act in the best interest of those people. Dicey, however, warned that the law must be followed by all, as people in power often thought that they were "above the law". Dicey argued that the inner tendency of all people in power is to satisfy their personal needs out of public resources. Recently Brigham (2010), in his book *'The Rule of law'* has attempted to give a more elaborate, accommodative classification of rule of law. He has condensed his views into eight principles that characterise the rule of law. His definition of rule of law is a form of arrangement where "all persons and authorities within the state whether public or private should be bound by and entitled to the benefit of laws publicly made, taking effect (generally) in the future and publicly administered by the courts".

Rule of law was widely held by several classical scholars to be a resounding bedrock principle of any democracy and an essential for effective functioning of a government. While constitutional law gave the general plan of state action according to Goodnow, administrative law was responsible for carrying out this plan in its minutest details (Goodnow 1886:534–535). In his well cited classical founding essay on public administration, *The Study of Administration*, Woodrow Wilson (1887:198) insisted on the need to develop "the eminently practical science of administration" and took pains to distinguish administration and law, bemoaning undue attention to the questions of lawmaking and constitutional framing at the expense of law implementation. He defined the object of administration in decidedly non-legal, policy laden terms – as being "to discover, first, what government can properly and successfully do, and, secondly, how it can do these proper things with the utmost possible efficiency and the least possible cost either of money or energy". He even advocated for a managerial approach to teaching of administration contrary to the legal approach that Goodnow had propounded.

In later years, particularly in 1893, Goodnow vouched for one specialised field of law and public administration which he defined as "that part of the public law which fixes the organization and determines the competence of the administrative

authorities, and indicated to the individual remedies for the violation of his rights” (Harriman 1916:658). This was an insightful analysis of the role that law played in the administrative affairs of society. Although little is known about him by today’s students of public administration, Frank J Goodnow is regarded as the actual “father of public administration” (Waldo 1948:79) but most public administration scholars associate the fatherhood of public administration to Woodrow Wilson (Basheka 2012:28; Uwezimana and Basheka 2017:1). In the 1880s, Goodnow, a constitutional lawyer by training, began to write systematically about law and public administration albeit in the American context. In 1886, he gave a definition of public law that he considered as “law which governs the relation of the state or its organs with other states or with persons real or artificial [that is, legal entities such as corporations] within the state itself” (Goodnow 1886:533). This classical attention to the linkage between law and public administration ought to provide modern scholars with an exciting discovery of the long debate on the relationship between law and public administration; and it urges a renewed need to systematically explore how best the two disciplines can be brought back to the house of their youth.

It is imperative to observe from the above analysis that the definition that Goodnow (1905) advanced excluded private law, yet it is also a huge branch of law in its own right and often such a branch deals with the relationships among citizens; also the state still comes into the equation to provide a civilized mechanism of resolving the differences among these citizens. Moreover, the emergence of NPM in the 1980s which called for the injection of an entrepreneurial spirit in the running of government meant the need for stronger regulatory framework. The contracting out of public services to the private sector creates room for many areas of private law to apply. Goodnow (1886:534) who relied on the now stand-alone branch of public law – constitutional law – was of the view that administrative law filled the places left open by constitutional law as it regulated all minor points in the entire political organisation of the state, and governed the exercise of those functions which the state was obliged to assume in order to attain the ends laid down by its constitutional law.

Bruce Wyman (1903), another leading early administrative law scholar framed his 1903 treatise around a distinction between internal and external administrative law. Accordingly, “external administrative law dealt with the relations of the administration or officers with citizens, while internal administrative law was concerned with the relations of officers with each other, or with the administration”. Such a clear external-internal distinction could be seen to set the groundwork for downplaying the internal dimension – more hidden to begin with and less familiar to lawyers than courts – in favour of the external. But Wyman expressly acknowledged the internal aspects of administration as part of administrative law. It was probably Leonard D White (1926:ii), famously known for his stand of dismantling

the linkage between law and public administration by declaring in the preface to his book that ***“the study of administration should start from the base of management rather than the foundation of law”***. In his view, “Exclusion of law was intended to protect administrative exercise of discretion from judicial interference and the restrictions of a rule-bound approach”. He was later to change this stance by the fourth edition that came 27 years later in 1955. Although this assumption disappeared and he became more sympathetic to law, the earlier quote continues to be widely cited.

Writing in 1933, Marshall Dimock (1933:35) perceived a need to revive Goodnow’s thinking as the basis for “a more realistic, a more complete development of public administration. Public administration and administrative law,” he said, “are as inseparable as cause and effect”. In a narrative of “cause and effect,” relationship, he argued that republican institutions and administration will produce a very different ethos of administration than a narrative of republican constraint that administrators must “minimize” and “go beyond”. John McDonald Pfiffner in his 1935 textbook argued that “law must lag behind social progress”. Making a case for the doctrine of precedents, he asserted that the lawyer must look to the past for his legal precedents, but in doing so he frequently develops an undue reverence for outworn social institutions. He, however, opposed the 18th century legalistic approach to government in favour of the realistic scientific method. It was his view that “the new public administration was impatient with blind obedience to technical legal rules, which, at least to its followers, served only to hinder social progress” (1935:18). As will become clear, Pfiffner anticipated many contemporary attitudes.

Friedrich (1940:6) had argued that “politics and administration played a continuous role in both the formulation and execution of policy”. Politics then was used to be the equivalent of policy-making as had been conceptualised by Woodrow Wilson (1887) in politics administration dichotomy analysis. While Fisher (1997:63) much later observed that “administrators and practitioners played a vital, creative, and continuing role in defining public law”. A review of literature mainly from public administration context portends a trend where law and public administration have been historically intimate fields of debate by scholars. Scholars like Fritz Morstein (1946:498) were clear on the need to have a synergy between law and public administration. He argued that the role played by the lawyer in public administration is not adequately described in a simple statement but his special skill is utilised in a great variety of ways. Moreover, lawyers occupied quite different positions on various levels of the administrative hierarchy and that their actual influence went in many instances beyond the range of their specific duties (p. 498). The rule of law had been universally regarded as a fundamental principle of democratic governance although the field of public administration always tended to exhibit the “anti-legal temper” in

1926, when Leonard White's managerialism largely displaced Goodnow's emphasis on the intimacy of law and administration (Lynn 2009:803). This was not unique to law and public administration. From the dawn of civilization, political science and public administration were considered a single discipline but separated into distinct disciplines of study. Both, however, had a close relationship with law as a field.

Ferrel Heady (1987:489) who was one of the outstanding scholars of public administration at the time observed how Goodnow believed that "administrative law could be properly understood only in the context of politics and of its relationship to public administration". Ernst Freund was another seminal thinker on law and administration and like Goodnow, he had graduate degrees in both law and political science and viewed the combining of bureaucracy with democracy as "one of the most important political problems of the present day" (Heady 1987:490). However, Freund attempted to draw a distinction between policy and justice, which he saw as two different aspects of administration. "In so far as administration is a matter of policy, it is a branch of political science; in so far as it is a matter of power, duty or individual right, it is a branch of jurisprudence" (Freund 1911:138). He continued, "[W]e shall not in this country get administrative law recognized as one of the legitimate and coordinate branches of jurisprudence, until we lay the main stress upon demonstrating that it contains a body of principles of constitutional and common law and of statutory construction in which the normal rules of law are modified by the interests and privileges of the public as a party to legal relations" (Freund 1911:139).

It is imperative to observe from the preceding paragraph that both Goodnow and Freund, saw politics, law, and administration as constituting a nexus by which public policy is formulated and carried out in accordance with constitutional principles and administrative law. Goodnow who began his 1905 treatise on administrative law with a disquisition on the meaning of administration, along with an insistence on paying attention to how government actually operates, provided an important parameter for understanding how law and public administration were close fields. The nexus of the narrative was that since administration and administrative law had to do with the actual operations of political life, it was absolutely necessary that the study of these two subjects take into account not merely the formal governmental system as it was outlined in charters of government and legal rules, but, as well, those extralegal conditions and practices which, it has been shown, had such an important influence on the real character of governmental systems. Goodnow followed this introduction with a detailed review of the organisation of administration, including the organisation of executive departments and chief executive authority, turning to judicial control of administration only at the end. Freund, in turn, sought to bridge what he saw as the differentiated study of administrative organisation and administrative powers.

Kettl and Fesler (2005:16) fully acknowledged the importance of law, but administrative responsibility “goes beyond ... external controls” and must be concerned with reducing the burdens of “elaborate external controls”. In yet another exciting text – *The Spirit of Public Administration*, Frederickson (1997:232) argued that because laws were “vague and contradictory and power was shared, public administrators were still in finality left to make the decisions” (1997:232). In Henry’s (2007:6) book on *Public Administration and Public Affairs*, he observed that the “tradition of administrative constraint” at the heart of American governance was viewed from the outset as a cause of “stalemate” and “enfeebled” executives (p.6). In a similar spirit, Janet and Robert Denhardt (2007:7) expressed another popular view when they argued that “the separation of politics and administration lies at the heart of the Old Public Administration’s version of accountability, one in which public administrators were held to be accountable to their political ‘masters’- and only through them to the citizenry”.

What emerges from the preceding literature is that the relation between law and public administration has long been recognised. One wonders therefore why such a relationship was never maintained and instead a separation focus on each of the disciplines – law and public administration, appears to be highly emphasised. Is it not time that law schools and schools of public administration should re-engage in brotherly debates and agreed on common approaches in the delivery of the curriculum to live up to the ideals of classical and ancient philosophers? In law and development, there is a renewed movement where it has been emphasised in no uncertain terms what law is to administration and the development enterprise. Let us now turn to why and how a renewed discovery is pertinent.

A NEED FOR REDISCOVERY OR RECONCILIATION BETWEEN PUBLIC ADMINISTRATION AND LAW?

Law is undoubtedly a profession and as such one of the oldest professions that has the deepest concerns of society. It fulfills this criterion of a profession based on five key features. Law graduates pass through a prescribed curriculum determined by an approved body, the practice of law has self-regulation, and is legally recognised; it involves client-advocate partnership and deals with matters at the deepest heart of society. Public administration has had such a claim of being a profession, but it does not yet fulfill all the credentials required for professions like law and medicine. However, public administration has professional associations and there is some modest consensus on what graduates of public administration need to study. Public administration has its specialised academic journals and it addresses matters of the deepest concern to society. It is in this context therefore to be regarded more an academic field of study and practice. But does the legal

profession or academic discipline recognise its long-time partner – public administration? Answers to this could lie in the nature of curriculum offered by law and how far they integrate public administration. There is an inherently discrete treatment of public administration in law rather than an overt attempt. Such covert analysis is only possible to scholars of public administration who venture into studying law.

In most law schools, the curriculum is covered in a progressive manner with more theoretical and conceptual modules covered at the beginning of the law course and more practical and applied courses being covered in later years of the study programme. Most foundational courses in law cover criminal and civil matters broadly. Law curriculum also covers an administrative law course which is critical for appreciating the linkage between law and public administration, as being argued in this article. Legal courses also address themselves to constitutional law and the development of the legal profession generally among other professionally-oriented modules. The constitutional history of a country shapes the nature and structure of public administrative systems. While the politics-administration debate remains a thorny contestation in public administration scholarship, there is less contestation that administrative systems of a country are heavily influenced by politics and law.

We advocate for a renewed rediscovery of the relationship between public administration and law. Some commendable scholarship has ventured into this health debate. While in 1995, Moe and Gilmour argued that public administration programmes tended to emphasise entrepreneurial models common in the study of business rather than affirm law as the field's proper foundation (Moe & Gilmour 1995:135) and Rosenbloom (2005:12) observed that "the legal approach to public administration had been historically eclipsed by the other approaches, especially the managerial";, analysis by Hartmus (2009) that public administrators confront constitutional law questions throughout their careers, but only a few graduate programmes even offer courses in constitutional law; is a position that needs to be expounded.

There is need to reduce the tension that has focused on three main approaches – management, public administration and law. The managerial approach favours the adoption of business philosophies in the running of governmental affairs. The public administration approach favours the use of known public values and ethos while the legal approach emphasises the legalistic lens to all issues regarding management of the public sector. From the foregoing historical trajectory, public administration used to be a darling of law and its foundational basis was the legal approach. However, the entry of the management philosophies changed these dynamics. On this subject, Christensen, Goerdel, and Nicholson-Crotty (2011:126) in their article '*Management, Law, and the Pursuit of the Public Good in Public Administration*' point out more specifically the tension between

managerialism and legalism in public administration as having been a recurring feature of Minnowbrook conferences and the tension had extended even to the literature. The tension is couched in the often conflicting values of efficiency and performance, on one hand, and legal and democratic values such as accountability, equality, and transparency, on the other hand.

Both law and management are important fields for our understanding of public administration. Public law is seen as either a champion of democratic values in the administrative process or as an unwarranted constraint on the effective implementation of public programmes. Likewise, management is viewed either as the paramount basis of the study and practice of public administration (White 1926: vii–viii) or as an offender, indifferent to constitutional values, of legitimate public bureaucracy. This calls for an integrated approach to our scholarship and understanding of public administration. Christensen, Goerdel, Nicholson-Crotty (2011:128) argued that law is either a hindrance to managerial reforms or that it is being neglected as the legitimate guiding force in management. Wilson (1887:212) who was among the earliest advocates of the need to link public administration to law noted the public administrative function is primarily the “detailed and systematic execution of the public law.” This observation was deeply rooted in Wilson’s regard for public law as a reflection of the political will of citizens at the time, which today may be contested on a number of grounds. Nonetheless, it was a prominent rationale for legitimising public administration within a representative democracy. Additionally, although White’s work (White 1926: vii) is often regarded as favouring a managerial over a legal approach to public administration, there was an early call for the integration of law and management into public administration. White specifically wrote that law provided the immediate framework within which public administration operated: defining its tasks, establishing its major structures, providing it with funds, and setting forth rules or procedures. In this way, it was his view that “legality becomes a primary consideration of administrators, and legal advisers acquire an importance, which far outweighs their strictly administrative contribution. Moreover, public administration is embedded in law, and the student of the subject will often be with the statutes” (White in Storing 1965).

The fear of losing identity needs to equally find scholarly attention. Indeed, this risk was raised by More and Gilmour (1995:135) when they reported that the question of whether public administration was at risk of losing its theoretical distinctiveness as a discipline of study and practice needed examination. In response to the harmful effects of efforts to subject the executive branch to management practices more appropriate to the private sector, the authors proposed principles which needed to reaffirm the distinctive character of public administration. These principles were rooted in public law and provided a basic theoretical framework through which the administrative state could be effectively managed. Properly

understood and implemented, these principles can accommodate and enhance many of the useful contemporary management concepts such as total quality management while still conforming to the requirements of the constitution for politically accountable public sector management.

Consideration of the law and the legal process is essential for students of public affairs who are preparing for responsibilities as leaders, managers, and policymakers. In their foundational courses, public affairs students will need to encounter political theories about the constitutional law framework on which administrative authority is based (Szypszak 2011:483). Indeed, Yang (2018) recently argued that, an identity crisis has plagued public administration for over a century. The core of the crisis has been how to address the relationship between public administration and the three major related disciplines – political science, management, and law. The debate on integration can effectively be used to solve the crisis. Public administration and law not only do study and develop techniques for management of society, but the two disciplines undoubtedly work in innumerable ways towards accomplishing the cohesion of society. Law is nothing other than those rules established to manage society; while public administration in its simplistic terms applies to the management of public affairs.

The harmony and working practice between law and public administration needs to be a mutual one. Moreover, the two fields have historically moved side by side on the long journey of civilization, almost without interruption. Despite this fact, most public administration scholars who have attempted to acknowledge the relevance of law to their field have had a rather limited focus to only a small field of administrative law; yet law is an expansive field that touches every aspect of society. Legal educators have also not warmed up to the need to have public administration as one of the fields worth including as their own except as a mere mention in some courses like constitutional law, administrative law, etc. While it is common for most public administration courses to have a unique course of administrative law, law courses rarely cover public administration directly. Public administration is hidden under constitutional law and history, etc. This is an unfair treatment for two sister disciplines which have walked the journey of civilization almost simultaneously. As Chase (1982) reminds us, the current divide between administrative law and public administration is not a new phenomenon, but dates back to when both fields were being born as areas of academic study and practice at the beginning of the 20th century. Early scholars of administrative law disagreed in fundamental ways about how the field should develop. Some, in particular Frank Goodnow and Ernest Freund – both political scientists as well as legal academics – saw features of internal administration as a core part of administrative law's ambit.

Rosenbloom (1983) suggests that a synthesis of what he identifies as the three mainstays of administration – politics, law, and managerialism – might be possible, though he concludes that it will be difficult because these forces are insulated by the

constitutional separation of powers within the federal government. Cooper (1985) at the height of the NPM era of the 1980s noted that the relationship between law and administration, or more precisely between judges and administrators, could be constructive despite the fact it was most often marked by animosity. In this regard, Dolan, (1984:86) conceded that while students of public administration may probably never agree on the proper blend for the elements of their discipline and on what degree of prominence should be given to the study of management, politics, social psychology, economics, or law, lawyers view the study of administrative law with a similar ambivalence. The challenge is now whether administrative law should be approached as a traditional law school subject, a compendium of judge-made and statutory substantive rules. A legalistic approach to public administration relies on law-based priorities and processes to balance discretion/innovation and accountability (Rosenbloom 1983). For nearly a century, theorists have debated whether the managerialism advocated by White (1926) or the legalism suggested by Goodnow (1886) should provide the legitimate basis for public administration. We support the legal approach to provide a legal basis for public administration.

CONCLUDING REMARKS

Public administrators benefit from being able to better inform themselves about the law. Governmental institutions must have an intimate connection with the making, application, and enforcement of legal rules in order to be considered also as legal institutions. Students preparing for public administration also benefit from gaining a better understanding of the realities of the legal system. An understanding of the dynamics of the legal profession can also better prepare future public administrators for managing lawyer relationships and legal services budgets. Also, future students who have experience with basic legal research learn how to find useful information but, just as important, they learn about how complex the law can be and not to be too confident about what seems to be a simple answer. This capacity and awareness can be very helpful in avoiding problems.

Public affairs programmes can better prepare their graduates for dealing with their future responsibilities by giving them more than a piecemeal or superficial knowledge of the law and the legal process. The curriculum should introduce students to fundamental legal principles and the basics of the legal subjects they are likely to encounter. It should also engage students in critical thinking about legal rights and obligations and explore personal responsibility for promoting a rule of law. When seen as a synthesis of political theory, decision-making, and personal responsibility, a law-based course can not only contribute significantly to students' knowledge about their field but also better equip them for making sound decisions with real-world consequences for themselves and the public.

NOTE

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Administratio Publica

ISSN 1015-4833