

Anti-corruption Guide on Understanding Corruption and Public Accountability

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Table of contents

Part 1	Understanding Corruption <ul style="list-style-type: none">- What is corruption?- Things that enable corruption- What is not corruption?- What are the signs of corruption?- How can we combat corruption?	3
Part 2	Understanding accountability <ul style="list-style-type: none">- Structure of government- How do I become an active citizen?	9
Part 3	Public Accountability: Tools for countering corruption <ul style="list-style-type: none">- What can communities do?- How to hold your municipality accountable?	11

Part 1:

Understanding corruption.

Defining Corruption

- Corruption: The abuse of entrusted power for private gain. (Transparency International)
 - Entrusted power: If I am appointed as a public servant, I am entrusted with the responsibility to do my work professionally in the interest of the public. If I am appointed in a private sector company I am entrusted with the responsibility to do my work in the interest of the company. If I then abuse this entrusted power for private gain, it is corruption.
- Corruption: When one party gives another party anything of value with the purpose of influencing them to abuse their power. (Prevention and Combating of Corrupt Activities Act (PRECCA)
 - Corruption occurs in the presence of a corruptor and corruptee.

Grand and Petty Corruption



Grand corruption

- Refers to corruption that takes place at the highest levels of government, involving major political and economic actors.
- This type of corruption typically involves significant amounts of money and can have widespread impacts on a country's economy, governance, and society.



Key characteristics of grand corruption

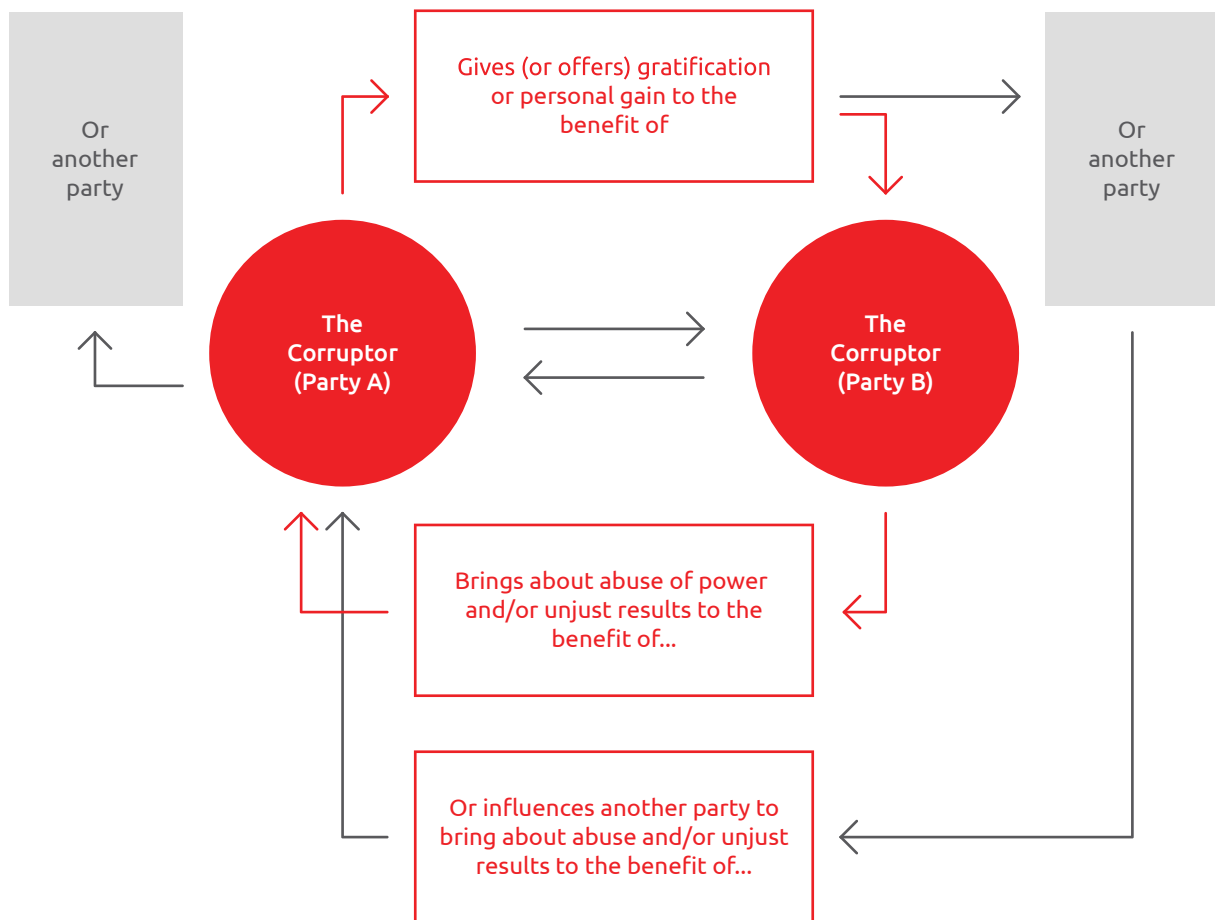
- High-Level Involvement: Grand corruption usually involves top government officials, politicians, and influential business figures.
- Large Financial Scale: The sums of money involved are typically very large, often running into millions or billions of rands.

- **Systemic Impact:** This type of corruption can undermine the entire political and economic systems of a country, leading to widespread inefficiencies, reduced foreign investment, and erosion of public trust.
- **Complex Networks:** Grand corruption often involves complex networks of individuals and institutions, including offshore accounts, shell companies, and intermediaries.
- **Legal and Institutional Weaknesses:** It often flourishes in environments with weak legal and institutional frameworks, limited transparency, and inadequate accountability mechanisms.

Petty Corruption

- This refers to small-scale, everyday corruption that typically involves minor amounts of money and occurs at the lower levels of public administration or private sectors.
- Examples include bribing a traffic officer to avoid a ticket, paying extra to expedite a government service, or offering small gifts to influence minor decisions.
- Although each instance might seem trivial, the cumulative effect of petty corruption can significantly undermine trust in public institutions, perpetuate inequality, and hinder economic development.

Understanding Corruption

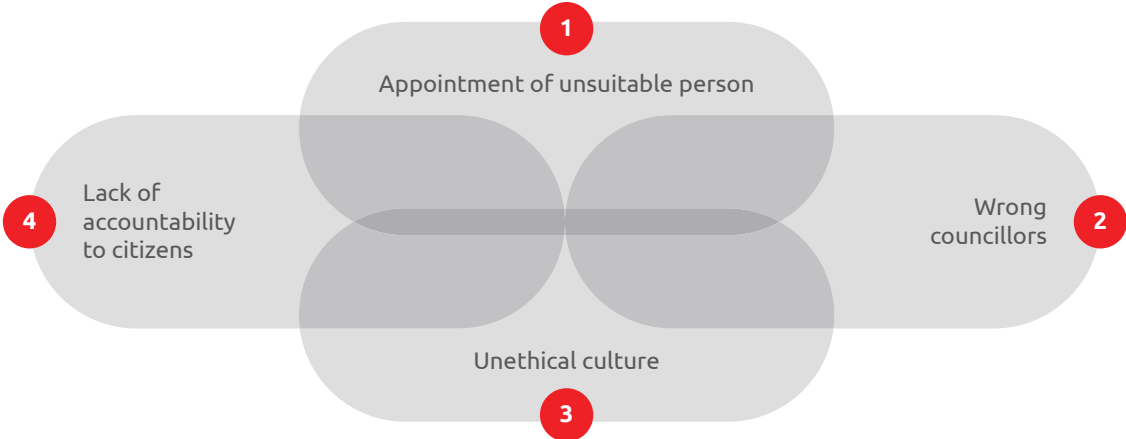


Examples of Corruption



What Enables Corruption?

While they are not legally corrupt, there are some actions that lay the foundation for corruption to happen – especially in municipalities. Communities need to be especially aware of these issues so that they can act in time to ensure that they can act in time to ensure that the governance systems are not broken.



Wrong Appointments

According to legislation, politicians do not have the authority to decide who is awarded tenders. However, they do have the power to appoint municipal managers and senior managers directly below them. When politicians appoint their cronies to these positions, those individuals may be easily influenced to unlawfully award tenders or to appoint further cronies within the administration.

If these appointees refuse to comply with political demands, they risk being dismissed through political decisions—making it a "career-limiting move" to resist. This dynamic enables political interference in administrative processes, paving the way for the capture of municipal decision-making structures by criminal networks.

- Consequences of Wrongful Appointments: Municipal maladministration
- Cronyism

- Incompetence makes it easy for corruption to prevail
- Incompetence results in corruption
- Room for incompetent employees, especially at crucial decision-making positions.
- Politicians cannot award tenders (legally)
- Appoint cronies in positions of power
- Cronies comply
- Politicians interfere in municipal governance
- Municipal capture

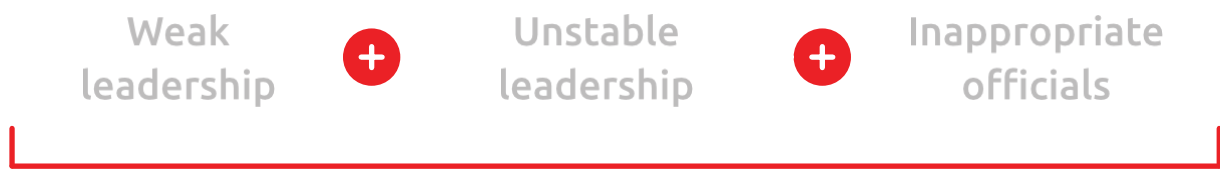
Wrong Councillors

It is important to note that minimum competency requirements apply only to people in administration, not councillors.

Therefore,

- Councillors are politically elected (not appointed) – part of the democratic process.
- No specific competence requirements they need to comply with – red flag.
- As members of the governing body, they fulfil the oversight role over officials.
- Fulfilling the duties of councillors requires one to possess good understanding and appropriate application of:
 - Corporate governance (the Municipal Structures Act, MFMA, and other pertinent legislation)
 - Municipal laws
 - Municipal policies

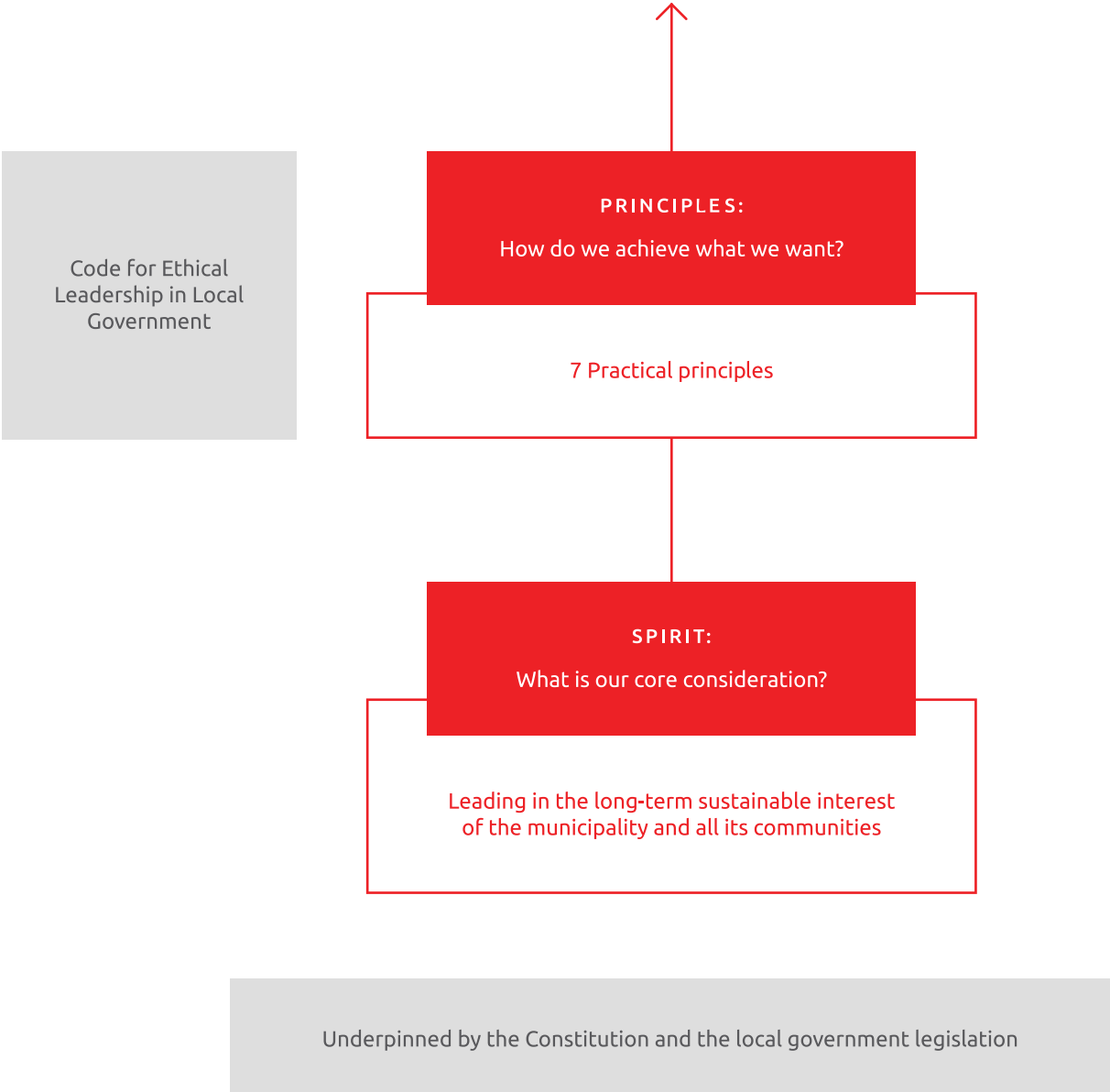
Unethical Culture



Negative ethical culture of professionalism

Where leadership is weak (or leaders change too frequently), and inappropriate people have been employed in the system, it is unlikely that a positive ethical culture of professionalism will develop. Good governance systems may not be implemented, people may not abide by the legislation, and policies and procedures may be bypassed. People may not follow the rules and may not be held accountable.

What do we want to achieve?



The 7 Principles: How do we achieve what we want?



PRINCIPLE 1:

An ethical municipal leader sets the tone for ethical culture



PRINCIPLE 2:

An ethical municipal leader follows a community-centred approach to governance



PRINCIPLE 3:

An ethical municipal leader respects the boundary between the political and administrative spheres of the municipality



PRINCIPLE 4:

An ethical municipal leader ensures the appointment of staff who have competence and integrity



PRINCIPLE 5:

An ethical municipal leader ensures the appropriate level of competence, integrity and diversity on committees and oversight structures



PRINCIPLE 6:

An ethical municipal leader deals fairly and decisively with ethics transgressions and poor performance



PRINCIPLE 7:

An ethical municipal leader engages respectfully and constructively with other leaders

What is NOT corruption?

Not everything that goes wrong in government is corruption. Sometimes poor planning, lack of skills, limited resources, or honest mistakes are to blame. That said, it's completely understandable to feel frustrated when services don't meet your needs.

Still, it's important to avoid labelling something as 'corrupt' without clear evidence — doing so can be harmful and distract from real issues. However, if you do suspect corruption, report it. Every report helps to protect your community and hold those in power accountable.

Signs of Corruption

Corruption is generally done in secret, and it is therefore very difficult to know when it is happening.

Decisions that do not make sense

- Sometimes you can see that something has been purchased, or built, and that this is not a logical use of resources. Under South African legislation—including the Constitution, the Public Finance Management Act (PFMA) of 1999, and the Municipal Finance Management Act (MFMA) of 2003—such cases may fall into the following categories:
- Unauthorised expenditure – where something was bought even though there was no budget for it.
- Irregular expenditure – where something was bought without following the right procedures.
- Fruitless and wasteful expenditure – where there was no need for the product or service, or there was no public benefit from the product or service.

Secrecy

Where there is corruption, people often try to hide the details of transactions. Information

i

Most public servants work with honesty and dedication to serve the community. While holding institutions accountable is important, let's also recognise and support those who are genuinely doing their best to deliver public services.

that should be publicly available may be withheld, and even when you request it, access is often denied. This lack of transparency is a red flag and creates an environment where corruption can thrive.

Unexplained wealth

When people suddenly come into a lot of money, they can generally explain how that happened. For example, a relative might have left them money in their will, or they had a business success, or sold an asset. When people cannot explain where their money comes from it becomes suspicious.

Combating Corruption

Corruption is complex, and tackling it requires action by all of society, including the public sector, private sector, communities and civil society. In theory, we can combat corruption by:

- ① Limiting monopoly power
- ① Limiting discretionary decision-making
- ① Increasing transparency
- ① Ensuring accountability
- ① Improving ethics

Part 2:

Understanding accountability.

- The most important fact to know about South Africa's system of governance is that it is a constitutional democracy.
- This means that the Constitution is the highest law of the land and no other law may conflict with it; nor may the government do anything that goes against it.
- Therefore, all government decisions should be in line with the Constitution.
- The South African governance system is based on the separation of powers between the different branches of government.

***** No one branch of government holds all the power *****

What do we want to achieve?

FIDUCIARY	LEGISLATIVE	EXECUTIVE		BRANCHES
Constitutional Courts and Other Courts		POLITICAL	ADMINISTRATIVE	SPHERES
	Speaker Parliament	President Cabinet	DG Government Departments	National Government
	Speaker Provincial Legislature	Premier Provincial Executive Committee	HoD Provincial Departments	Provincial Government
	Speaker Municipal Council	Mayor Municipal Executive Committee	MM Municipal Administration	Local Government

Elected to Represent Citizens

- Citizens vote to get public representative into legislature positions.
- The Legislative branch writes the laws of the country and is responsible for holding the Executive to account.
- The Executive branch governs the country and seeks to implement the laws and policies
- The head of government is the president.
- The President will appoint a cabinet of ministers to be political heads of these departments.



The community is an integral part of the municipality, and it plays an important part in ensuring good governance.

How do I become an active citizen?

Active Citizenship

Some of the ways in which you can play your role as a citizen:

- **Vote:** Elect ethical leaders who will represent your interests.
- **Monitor how your elected leaders conduct themselves once in office:** Do they deliver on their promises?
- **Know your rights:** Understand the Constitution and laws and what these mean for you.
- **Know your municipality:** Who are your municipal leaders?
 - Participate in municipal decision-making processes
 - Engage in public participation processes around matters that affect your interests
 - Communicate with your municipality through written and oral submissions.
 - Attend forums and meetings convened by the municipality, providing inputs.
 - Hold your municipality to account: Understand what it should be doing, and hold them accountable when they don't do what they say they will do. Ask questions.
 - When something goes wrong, report it through the appropriate channels
 - Lodge complaints when services are not what they are meant to be.
 - Report illegal activities/corruption when you see it.

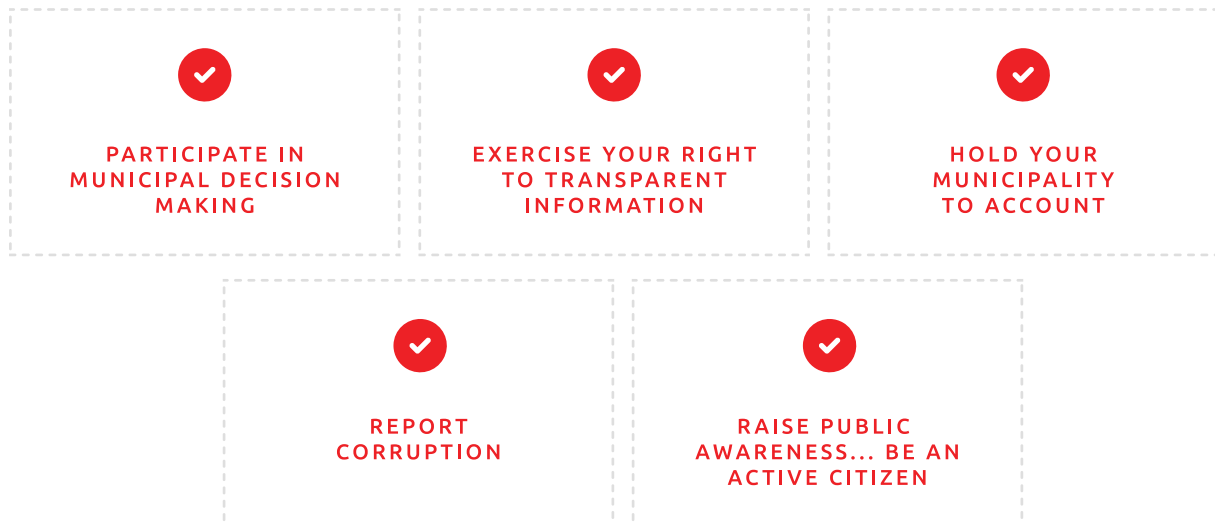


Your role as a citizen is critical. Empower yourself, know your rights, and use your voice.

Part 3:

Public Accountability: Tools for countering corruption.

What can communities do?



Participate in municipal decision-making

What can you do?

- Know where and how to access information that your municipality publishes about community participation processes.
- Engage your local councillors.
- Understand the needs of your community
- If you have a skill that you can use to help make the needs of your community known to the municipality, offer that skill.
- Participate in municipal decision-making processes.
- If municipal records including council agendas, minutes of meetings, and other public documents and records are not made routinely available, speak out and seek access.



Make your voice heard.

Exercise your right to transparent information

1. Know the Constitution
2. Promotion of Access to Information Act (PAIA)
3. Promotion of Administrative Justice Act (PAJA)



ASK A MUNICIPAL OFFICIAL



INVOLVE YOUR COUNCILLOR



WRITE TO THE DEPUTY INFORMATION OFFICER



APPEAL INTERNALLY



GO TO THE INFORMATION REGULATOR



GO TO COURT

How to hold your municipality to account?

Communities can increase transparency and raise accountability by being involved with the municipality. The one thing to improve the ethical culture in the public sector.

To hold your municipality accountable you can ask the following:

Who is appointed?

Where is the money spent?

- Are the right things budgeted for? (Check the IDP)
- Is it procured correctly, and are the right people appointed?
- Are the projects implemented correctly?

Other tools

- Auditor-General reports
- Accountability legislation

Appointment of senior officials

Some basics

- Due process must be followed
- The regulations on Minimum Competency Levels sets out the skills, expertise, competencies, and qualifications that officials must have.
- Senior officials may not hold political office.
- People who have been dismissed due to misconduct, or who resigned before disciplinary proceedings have been completed, may not be appointed.

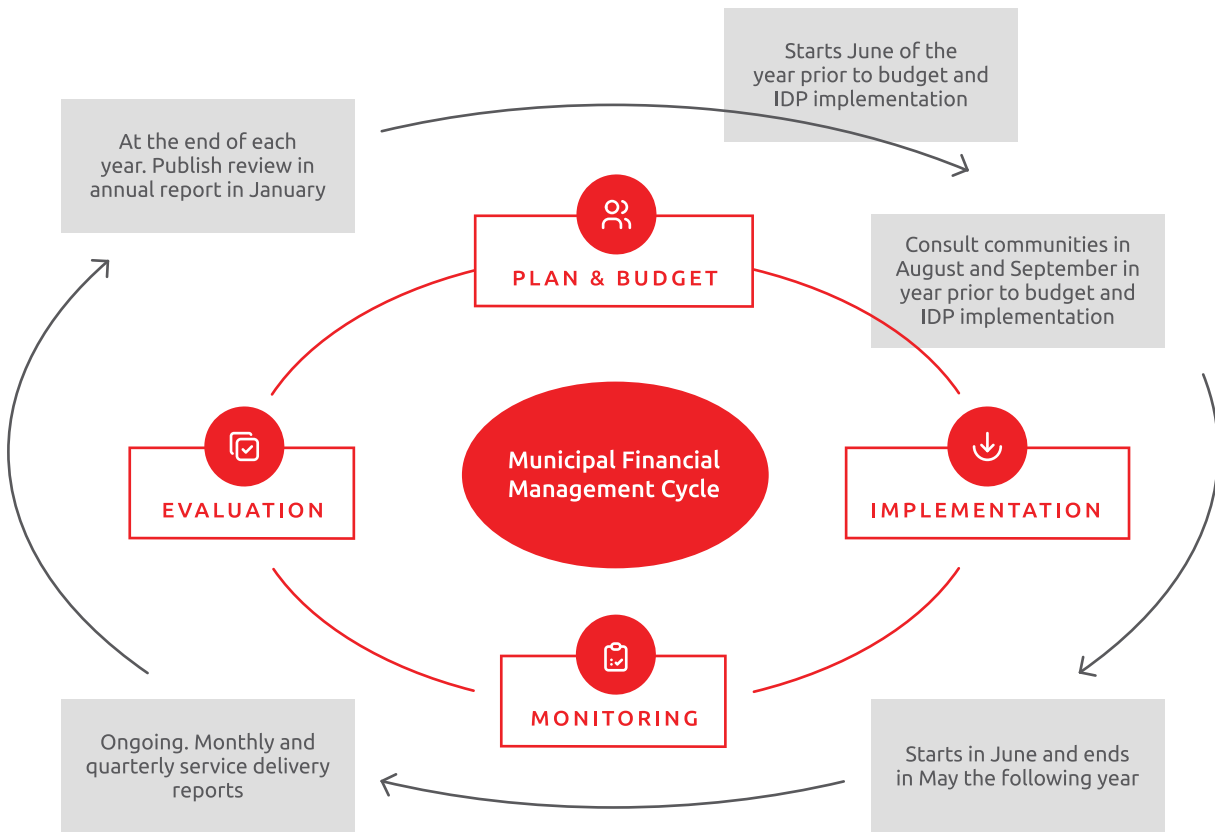
If the above is not complied with, the decision is null and void.

This must be enforced by the MEC for local government or the Minister for CoGTA.



- The Municipal Manager is appointed for five years.
- Section 56 managers are appointed permanently.
- Both must sign performance agreements.
- If they don't perform in line with agreements, they can be removed.

i A simple thing you can do is an internet search of the people who are shortlisted or appointed, to see if they have previously been involved in unscrupulous activities.

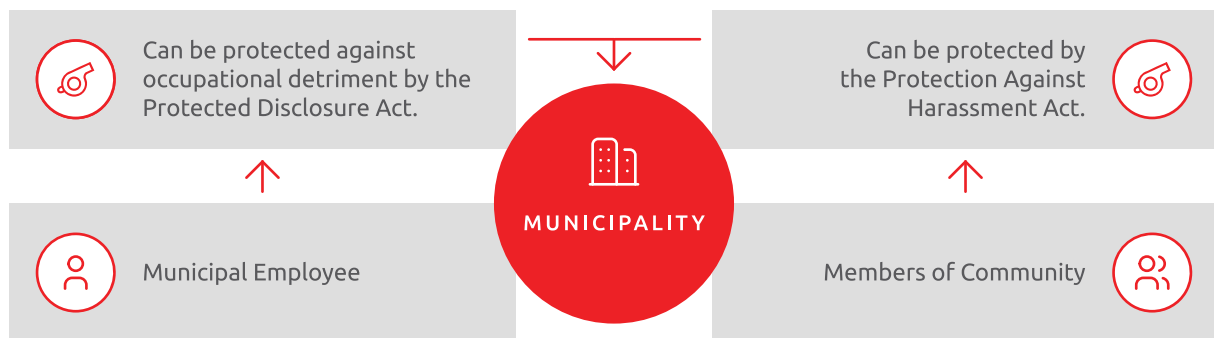


Report Corruption

Consider your safety:

- **Public Reports:** Your name is known.
- **Confidential Reports:** Your name is known but is kept secret.
- **Anonymous Reports:** Your name is not known.

Whistle-blower protection



Your rights when reporting corruption

As a citizen, if you report corruption, your rights are:

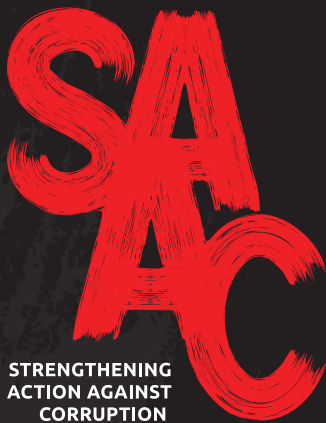
- To be free from intimidation, harassment, fear, tampering, bribery, corruption and abuse;
- You can report to the SAPS if you are harassed.

If you become a witness in a criminal case, you:

- Must report any threats to the police or to a senior state prosecutor;
- Can be placed in a witness protection programme;
- And if the matter goes to court, the court can order that your evidence is provided behind closed doors.

Whistle-blower support

REPORT	ADVICE
Directly to government department or municipality	Whistleblower House
National Anti-Corruption Hotline	OUTA
Provincial Hotlines	Corruption Watch
Public Protector	Legal Advisor
SAPS	SIU



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This anti-corruption guide is adapted from the Anti-Corruption Guide and Tools for Civil Society, originally developed to support civic action against corruption. We gratefully acknowledge the authors and contributors of the original toolkit for their commitment to empowering communities with knowledge and practical tools to strengthen transparency and accountability.

The adaptation and reproduction of this content have been made possible with permission, and it has been re-purposed to align with the objectives of the Strengthening Action Against Corruption (SAAC) Project.

We further thank our partners and supporters for their continued collaboration in advancing anti-corruption efforts at local government level.



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