

GROWING PAINS IN FIGHTING CORRUPTION

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MORAL FRAGMENTATION

More than 300 years ago, when South Africa was first being visited by Dutch explorer Jan Van Riebeeck, a Jewish philosopher, who interestingly enough spent most of his life in Amsterdam, was pondering the human predicament of socially deviant behaviour.

Spinoza, as he is known, came to the following conclusion:

“. . . if the greedy person thinks only of money and possessions, the ambitious one only of fame, one does not think of them as being insane, but only as annoying; generally one has contempt for them. But factually greediness, ambition, and so forth are forms of insanity, although usually one does not think of them as "illness"."

The forms of insanity which Spinoza had in mind would obviously include most forms of behaviour that ultimately lead to a violation of public interest, and for that reason, be deemed socially unethical. Spinoza also believed that "in the state of nature all men are made hostile to one another by their passions" but allows "that we have benevolent or sociable impulses". Hope for a "union of hearts" in all human transactions is therefore still a possibility and redemption of society from a morally debilitating sickness conceivable. Having evolved from a legacy of perpetual injustice South Africa braces itself for a new millennium against a backdrop of moral bankruptcy. To guarantee itself a democratic future and a better life for all urgent steps will have to be taken to rebuild the moral fibre and reconstruct our integrity.

South Africa remains a nation deeply scarred by its apartheid past despite the momentous changes ushered in since 1994. The findings of the Truth and Reconciliation Commission have been ample testimony to the need for the citizenry to coalesce if the content of the nation's character is ever going to take shape. Diversity might be a highly sought goal to achieve in advancing a society's larger interests; in our situation it can and has hindered our progress in repairing the psychic damage inflicted by one group upon another. It needed the passing of time and the almost magical interventions of Nelson Mandela to still the troubled waters and channel the country towards a united future. For only if black and white, male and female, proletariat and bourgeois, able and disabled, collectively share a joint responsibility and common understanding for the eradication of the national ethics deficit will the bounds of probability be exceeded. To more beyond rhetoric, beyond blaming victim or foe, beyond draconian legislative measures to stem the tide, a national integrity coalition must evolve to implement the reconstruction and development of the soul of our nation. Currently attempts to fight corruption across sectoral lines in developing the NATIONAL INTEGRITY STRATEGY might be the initial spark to set the country on a road to recovery.

INTEGRITY STRATEGY

Every society is shaped by a set of shared or contested values. Contestation, however, breeds polarisation; hence the obligation to meet at a centre if competing interests are to ever be integrated. The national integrity strategy being developed around the fight against corruption can be a useful framework to assess possibilities for co-operation on a broader range of ethical concerns. Legal compliance to a series of rules and regulations, while viewed as necessary, is not in itself sufficient to address root causes of misconduct. The law is not the most useful instrument to inspire imagination or excellence nor the most effective guide for best practice. For as someone once said, "It is not an adequate ethical standard to aspire to get through the day without being indicted". What holds true in the context of business ethics might actually have a more profound application in mopping out a national ethics agenda:

An integrity strategy is characterised by a concept of ethics as a driving force of an enterprise. Ethical values shape the search for opportunities, the design of organisational systems, and the decision-making process used by individuals and groups. They provide a common frame of a reference and serve as a unifying force across different functions, lines of business, and employee groups. Organisational ethics helps define what a company is and what it stands for.

If reinventing government is about "how the entrepreneurial spirit is transforming the Public Sector," South Africa can take comfort that both business and civil society are critical partners in its anti-corruption initiative thus far. For such collaboration to extend to moral healing of the land, a shared vision and common goals will have to be clearly articulated. Again, President Thabo Mbeki has clearly set the tone in calling for a "partnership with the people" in outlining his government's programme of action to rid the country of the moral decrepitude it has been plunged into. It shows evidence of a much broader approach to governance, involving not just the rule of law but the cultivation of a new ethos embracing the core values of integrity. Whatever the programme, leading consistency is also critical to avoid the credibility gap between values espoused and action executed.

If a nation's integrity strategy is to succeed, it must furthermore be integrated into the way the citizens behave - how they do business, how they set goals, how they relate to each other, how they find opportunities, how they seek fulfilment, etc. Especially in areas where the management of conduct becomes an issue, how decisions are reached and implemented become determining variables in defining the prioritisation of values. South Africans already have a vast reversion of experience in strategic thinking, albeit in the area of resistance and compliance politics. The matter of rewards and incentives is an additional layer of an ethics infrastructure that is worth exploring. In the United States it is possible for companies guilty of transgressing the law to have their fines determined by the extent to which their ethics management systems are in place. Exemplary conduct is

certainly conduct worth recognising in an antinomian situation and role modes might be the best hope for a guaranteed future of coming generations. One must actually believe in a future worth living for and be willing to die for, in the patriotic sense, and this also should be clarified at the outset.

STRATEGIC CHOICES

The evolving strategy to control and prevent corruption in South Africa might again be an interesting case to demonstrate a nexus of options available to build national integrity. How do we translate our commitment into appropriate steps and forms of action? Perhaps a few propositions for qualitative problem solving can point the way forward as we deliberate over the ethical dilemmas we face. Firstly, any problem requiring a practical solution should be properly understood and clearly defined as a false diagnosis will result in an ineffective remedy being prescribed. I am not suggesting that a final and definitive concept should be in place at the outset of our initiatives but at least a provisional description should evolve. This seems necessary as every form of mismanagement or mal-administration should not be equated with the moral overtones of corruption or lack of ethics management. Still, no attempt should be made to underplay the notion that whether it is fraud, graft, bribery or corruption, it is in each case a subversion of the public interest, it amounts to an abomination of the content of our character and must therefore be viewed as conduct befitting severe sanctions. Not the slightest degree of mercy or sympathy should be entertained in devising measures to root out this cancer from our society.

Secondly, it has been shown time and again that there is a large degree of consistency between the manner in which a problem is perceived and the way in which people respond to it. The question often being asked is whether corruption is a characteristic trait of the present order. It needs to be borne in mind that corruption by its very nature is a silent animal moving stealthily, seeking situations to exploit not by working against a system so much as adapting to its weaknesses, and finding a niche to operate within it. Today we extol a democratic culture where the virtues of good governance, transparency and accountability are being promoted as never before. Our democracy is open to the point where information is not ordinarily the preserve of a select few. It should come as no surprise therefore that those working contrary to the public interest are increasingly being exposed.

Our problem is not unique to this country or this continent or this historical moment as some would have us believe. For this reason one must exercise caution in using an instrument such as the Corruption Perception Index developed by Transparency International. This supposed measure of corruption is clearly misleading in targeting corruption levels in government without adequately recording events of bribery and fraud initiated by multinational corporations. Those who believe that corruption is a problem of government will obviously expect the resolution of such a problem to emanate from government alone. On the other hand, those who recognise all corrupt activity occurring in all sectors of society as a matter of national concern will want to engage each other in

search for a strategic solution where every South Africa can play a constructive role. We need to seek not a top-down governmental but a truly bottom-up South African resolution to a debilitating problem.

My third proposition in qualitative problem solving requires that each aspect of a core problem cannot be solved in a mutually exclusive way. One of our greatest enemies in the fight against corruption and for an ethics infrastructure is fragmentation. It seems that at times we dare not talk to each other for fear of encroaching upon each other's space. We lack co-ordination and a visible sense of, 'united we stand, divided we fall'. Fellow artisans across the occupational spectrum of society can and should plough their efforts into a common strategy where duplication is cast aside, where the wheel is not reinvented but made to turn more efficiently, where we work together in harmony. We must put asunder our petty quarrels and tackle the kernel of the problem, yet the old adage that Rome was not built in a day should not be lost. An infectious disease is never cured overnight. For this reason it may be prudent for us to sharpen our focus on what is urgent, immediate and within our grasp. The timeframe we set for ourselves must be one that allows for performance measurement, monitoring and evaluation. Otherwise we could speak about ethics until "the cows come home". Some of the emergent issues include the need for a whistleblowing infrastructure, legislative reform, more effective prosecutions against corrupt practices, tackling misconduct and blacklisting those engaged in fraudulent procurement.

My fourth proposition is a more simplistic one. It requires candid recognition of the fact that opposition usually comes from those who benefit from the problem. The greater this number the greater will the resistance be to change. This has been demonstrated in our history over the years as men and women of all races have competed for jobs, wealth, status and power. People will gladly take refuge in old securities where corruption, structurally defined, constituted an abandonment of public good in favour of satisfying the wants of a minority elite. But still others, who feeling the weight of fighting the hurricane, do what human beings have done over and over again in the long road of survival - they adapt, accept the absurdity, recognise limits to their actions and cease to question. Their silence, born out of a complacent spirit, is one that is antithetical and contrary to the deepest intentions of our founding fathers and mothers. If it is the people who shall govern, so let it be! Reluctance to face the challenge of fighting corruption and promoting ethical values places one in the invidious position of acting contrary to the common good. For failure to act positively or negatively is itself a matter of choice distinct from neutrality.

My fifth and final proposition is a tried and tested problem solving mechanism that has served to sustain many in arduous struggles. If at first you don't see results, try harder. Promoting ethical values in all aspects of public life requires sustained action over time, a series of steps designed to address particular manifestations of the problem as these become known. Progress can sometimes be incremental and it might not always be immediately apparent that changes are taking place. The quest for the perfect good could well result in premature burnout as we find ourselves surrounded by much ambiguity,

uncertainty and perplexity. It is therefore important that we celebrate small victories and realise that small gains eventually add up. It was truly the first time that South Africa had gathered its peoples in such a noble precinct as parliament to find a truly indigenous answer to a problem tarnishing its image both domestically and abroad. This was the National Anti-Corruption Summit held in Cape Town on April 14 and 15, 1999. Such an historical event deserves special mention in the context of an ongoing struggle. However, it is not true that this struggle against an ethical deficit in our country has only just begun. Rather, the National Anti-Corruption Initiative has been in motion for some time but a new 'consensual validation' is being secured where all South Africans take their rightful place in a common struggle.

It is also not true that corruption is a disease peculiar to and characteristic of the present political dispensation. Corruption has indeed become fashionable in almost all human transactions involving the supply of goods and services and must be banished from all features of our life. Those who reap the benefits of corruption will prosper eternally at the expense of the poor. The law can be and must be made to come down heavily on those trafficking in illicit activities so that justice ultimately prevails. Our normative standard of goodness has been irretrievably lost by the penchant among so many for putting personal interest over public good. South Africans are people of a unique nation whose enduring quality is to rise to the occasion and put integrity first. Some think that corruption has reached such alarming proportions that our ability to govern is compromised. But South Africans across all sectors have come to a pressing realisation that urgent steps need to be taken to stem the tide and prevent further abuse of the public interest.

HOPE FOR THE FUTURE

When the United States Vice President Al Gore convened a global forum on fighting corruption in Washington, representatives from about a hundred nations, including South Africa, made the following declaration:

We are on the eve of a new millennium. As never before, the world's people need officials of their governments to serve them with unquestioned integrity. Corruption of justice and security officials especially betrays their trust. Corruption cannot long co-exist with democracy and the rule of law. Corruption mis-allocates resources, hurts the poor, and weakens economies and societies. . . . we emerge persuaded that corruption is not inevitable. It is made by actions of men and women. Governments and their peoples can act and can succeed in our struggle against it, if only we have will and the determination to do so.

It is not necessary for me to affirm that such a declaration should form the basis of our own approach. We dare not allow ourselves to be diverted from our course.

In conclusion, I am tempted by the metaphor of tragedy to consummate our understanding of the role of corruption in society and the need for a new ethical awareness. Our

experience of tragedy introduces us to a new horizon. It brings us into direct and unmistakable contact with a concrete world from which we may have hidden through our myths and abstractions. Tragedy is that voice from the real world breaking through our comfort zones and threatening our customary view of reality. In this sense it brings with it an opportunity and offers openings for creativity. Liberating possibilities await us when the waters are stirred. But tragedy is more than this too. Tragedy invites courage, and courage is the quality of our will exercising a powerful influence on our intellect; it represents a flourishing of the human spirit to face the future in the knowledge that the best is yet to come. Tragedy allows us to see with larger eyes that which lies beyond the overwhelming circumstances of distress and despair. Our experience of corruption as a nation constitutes such a tragedy. Hence we are being labelled a morally bankrupt society. The good news of course is that with courage and determination we can turn it around.