Chapter 3

Legislative Measures and Institutional Structures

Introduction

Corruption will likely appear on everyone’s list of factors obstructing South Africa’s path toward sustainable development, yet rather than decrease, corruption has proliferated to all segments of the South African public service (SAPS), making it the common cold of South African social ills.

South Africa is fast learning that corruption is one of the major impediments to effective development. The greater openness that democracy has brought since 1994 offers new opportunities to deal with the problem of corruption in the context of the country’s new constitutional values. But it also brings about a sharper focus on the constraints posed by corruption, past and present, for development and quality of governance. The more systemic the corruption, the more difficult it becomes to identify, deal with, and penalize.

South Africa offers an interesting case study of the link between corruption and governance because of the recent upsurge in reports of corruption. It therefore has ramifications for effective governance. This chapter attempts to address issues related to corruption and good governance in the South African public service. The main features of this chapter are to provide a profile of the legislative measures and institutional structures in the South African public service with an overview of good governance. This is in addition to possibly developing indications of a correlation between corruption and good governance in South Africa as two opposing forces to establishing democracy.
Public Administration, Governance, and Corruption

Calls for better public administration such as greater efficiency, transparency, and integrity in public institutions are driven by a number of factors:

a) the increasing realization that the achievement of a country’s objectives is only possible by improving governance and preventing corruption;
b) the observation that corruption in the South African (National) public service reinforces the unequal distribution of opportunities; and
c) the fact that corruption threatens democracy which is the basic premise of good public administration.

Reference is made in this chapter to the governance context of public administration, the governance environment of public administration, and the governance framework of public administration. In this context, it is necessary then, to also discuss effective measures for prevention of corruption in the South African public service.

In light of increasing attention being paid to the threat posed by corruption to good governance in the SAPS and the reality of limited state capacity, it becomes important to explore the complex dynamics that characterizes the impact of corruption on good governance and public administration.

Sustainability and Development: Challenges for South African Public Service Governance

Sustainability and development require awareness among citizens of the need to manage resources effectively to achieve maximum benefits at minimum costs. Development creates costs as well as benefits. Over the years, South Africa has aimed at focusing on the three pillars for sustainability and development, each of which may be achieved through good governance.

In this context, corruption can be reduced through measures that promote integrity, transparency, and public and private accountability, subsequently to be referred to simply as accountability. The empowerment of