

Ethical Dilemmas Emanating in Politics and Administration: Concomitants Effects on Chapter 9 Institutions in South Africa

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Abstract: This paper employs empirical and intuitive theory to argue that ethics remains critical and vital in transformation and delivering services to the public and this is the responsibility of both the elected and appointed public officials. Therefore, ethical dilemmas continue to be the greatest threats to improved and efficient political and administrative governance. This paper deduces and denotes that public servants have the mandate to ensure that public administration is carried out swiftly and efficiently, as well as effectiveness, are practiced in executing public policies. This paper deduces that efficacious public administration and political governance are contingent on the trust of the citizens. Poor conduct, deficient performance as well as ethical dilemmas generate public cynicism and create room for political as well as administrative instability. This paper makes a conclusion that ethical dilemmas continue to weaken governance and infiltrate public sector institutions blurring the lines of accountability and transparency in South Africa and Chapter 9 institutions still have no clear role to play in addressing ethical dilemmas emanating from the political and administrative arena due to the limited powers allocated to such institutions. Therefore, this paper has noted that Chapter 9 institutions are failing to address ethical dilemmas facing politics and administration due to limited powers and shifting as well as the transfer of responsibility to the perpetrators to execute as well as implement remedial actions by Chapter 9. This is more of a "shoot yourself" approach which has proven to not be effective. Chapter 9, as independent institutions, should be allowed and granted the power and freedom to implement and execute the remedial actions proposed in their reports. This will result in impartiality and independence not limited to theory but practice.

Keywords: Administration, Chapter 9 institutions, Empirical, Intuitive, Politics

1. Introduction

The notoriety and effectiveness of the actions of public officials and what the public believes about them. Therefore, it is of essence that both the elected and appointed officials act fairly and impartially toward everyone, not just political pandering to ethical behaviour, but also ensure that it is clearly and unequivocally shown to be done. When embracing government employment, all public functionaries must acknowledge that they have a specific responsibility of exercising openness, equitability, and nonpartisan in their interactions with any member of society. Self-serving should be completely subservient to the public benefit on all occasions, especially when the prospect of a conflict of interest creates an ethical quandary. The private lives of public figures must be of such high calibre that they do not introduce delegitimize to their positions and disapprobation of the administration (SA News, 2020a). South Africa is currently confronted with intensifying ethical dilemmas in both administration and politics, leading the electorate and public to lose confidence

in service delivery as well as reliable and efficient oversight free of ethical quandaries.

According to Madumi (2018), the allegations of corruption that headlined the Zondo and Mkgogoro Commissions show how serious ethical dilemmas have filtered through in South African public administration. The scandal involving the Gupta family, which included previous President Jacob Zuma on allegations of corruption and several government members, is important. This indicated an ethical violation (February, 2019). Despite the fact that the hearing was contested, and all parties denied the allegations, scholars and columnists were unable to turn a blind eye as the media throughout the country regarded this as 'state capture.' According to the latest Zondo Commission investigations, fraud, self-serving, and nepotism in the government service monopolize both administrative and political sphere, and Chapter 9 institutions are merely bystanders in the ordeal as ethical quandaries remain and monitoring degrades and collapses (SA News, 2022b). Disoloane (2010) asserts in his

study that leaders should enforce acoustic ethical behaviour in the performance of their obligations, which is necessary to improve public service delivery in a developing state. This paper opposes the notion that both designated and political leaders bear responsibility for service delivery. As a result, the South African public service through public officials plays a critical role in carrying out the public service's developmental obligation.

Menyah (2010) emphasizes the importance of public oversight, which necessitates authorities to disclose to their higher authority as well as the general public. As moral arbiters of the people, government leaders can use their prerogative in policymaking to ensure that every initiative they consider taking advantages the citizens (Thornhill, 2012). As a result, when public administration in the political landscape fails to centre people in developmental mandates, ethical quandaries persist. This is the dilemma that South African public service is currently facing, and it has commensurate consequences, as Chapter 9 institutions are disclosed to be captured. The involvement of the justice system in politics, coupled with the impact of holders of political offices on Chapter 9 institutions such as the Public Protector, demonstrate the severity to which the state has been captured, and Chapter 9 institutions are failing to practice oversight (Mathebula, 2020).

2. Legislative Framework Underpinning Ethical Dilemmas in South Africa

The paper use the Public Service Act 103 of 1994 which serves as a signatory and normative regime that outlines the discourse to which public administrators must adhere in order to safeguard acoustic ethical principles in the performance of service duties. According to Auriacombe (2005:221), this legislative framework enhances appropriate ethical standards and specifies the protocol and mechanisms that must be followed when interacting with incompetent and inefficient public figures. The Public Service Regulations of 1999 must be regarded as the most important legal provision ensuring the relevance of how public officials must also function when carrying out their responsibilities effectively. Holtzhausen (2007:72) asserts and makes the argument that Section 20 of this Act speaks to and raises concerns concerning public service malpractice. It is a perfect illustration of the government's legislative efforts to eradicate embezzlement and misappropriation of resources of public entities. This paper

argues and denounces Section 21 of the Act, which intends to castigate public officials' malpractice and the consequences of such deeds as clearly stipulated. As a result, any impropriety will be penalised under the law.

The Public Audit Act 25 of 2004 is another framework that promotes ethical behaviour in good governance. This paper contends that this form of legislation requires the Office of the Auditor-General to perform tasks and act independently of the government's dominion. It must therefore, be acknowledged that Article 46 of the Act prohibits any manager or worker in the public sector organisations from participating in party politics, which could jeopardize the Office of the AG's independence. This, however, does not include taking part in a public meeting in a personal or private capacity. Additionally, according to Article 41, all government servants employed at the Auditor-General's Office to deteriorate unauthorised payments because accepting them would necessitate that payments would be incurred from their salaries. According to February (2019), public funds misused can be recovered from the organization where they were settled. Overall, this framework summarizes the ethical behaviour anticipated of public figures in the AG's Office.

3. Theoretical Approaches to Ethics in Politics and Administration

Theoretical approaches to ethical behaviour contend that ethics is more concerned with assisting people in deciding what is right than with getting them to incorporate and enforce what they presume to be appropriate and right in public service (Menyah, 2010). The paper employs two theoretical diverse strategies to deciding what is right and wrong, what is ethical and what is not, which will be discussed further below. This paper will continue to be relevant to the following theories:

3.1 Empirical Theory

Observations based on perception impressions or explicit conceptual expansions of sense impressions are referred to as "empirical" (Menyah, 2010). According to empirical theory, all expertise must come from what can be seen, empirically validated, and evaluated. Empirical theory adherents recognize that the activities of both political and public officials can be right or wrong, but they require extensive corroboration before consenting that a distinctive

action is acceptable or immoral. Additionally, an empiricist would translate a common value judgment about right and wrong into perceptible terms, allowing an individual to interact with it on a substantiation (Pillay, 2004). According to Pauw, Woods, Van der Linde, Fourie and Visser (2009), empirical theory is concerned with "interactions to sweeping statements about empirical reality (with this reality consisting primarily of phenomena which can be perceived by the senses". Thus, empirical theory is based on the notion that all scientific consciousness is acquired through experience, and that true extensive understanding of reality can only be obtained through substantiated perception impressions (Sibanda, 2017). As such, by establishing appropriate guidance, a code of conduct may formalize what government servants may view to be improper.

3.2 Intuitive Theory

According to Disoloane (2010), intuitionism is "a doctrine that holds that moral and pragmatic quandaries can be remedied through intuitions or basic realities that are intuitively known." The intuitive theory arose in response to the rational theory, and it held that public sector employees are not forced by any law enforcement to go undergo any coherent or exploratory process to determine what is ethical or unethical, because humans are born with a basic knowledge of moral truths. Individuals' native intuition would alert them instantaneously whenever something is wrong, but individuals have diminished their intuitive powers as a result of ethical dilemmas of external forces such as poor settings, insufficient political structures, impoverished literacy, and misguided religious teaching all contribute to natural moral philosophy. This condition could only be rectified if individuals restored living healthy, high standard of living. Sindane (2011) contends that a code of ethics would be extremely useful in the fight against corruption as eventually as it is evident that a public official's intuitive powers are becoming corrupt. A code of ethics would allow public administrators to rediscover their true intuitive abilities.

4. Public Administration, Politics and Ethical Leadership in South Africa

As a result of prevalent ethical dilemmas and the interference of the elected officials in various government bodies, attempts to maintain consistent morally upright leaders in South African Public Administration as well as the political landscape

has proven to not be a simple task to execute. According to a study conducted by Chene (2012:2), public officials in South African local government are frequently caught breaking the law – guilty of fraud, corruption, and money laundering, which impedes the effective delivery of public goods and services. This paper also argues that ethical dilemmas are confronting the public service, and this is great threat to democracy. In South Africa, the public sector is subjected to disproportionate political influence, which destabilizes decision-making processes. Conflicts between appointed and elected officials have a negative impact on public service delivery, causing policymaking and fund disbursement to be delayed. According to the State of Local Government Report, which incorporates the Local Government Turnaround Strategy, socio-political turbulence is the leading source of poor effectiveness and immoral governance in South African public sector (Godinho & Hermanus, 2018). Therefore, it is significant to argue that three spheres of government as well as the political arena are confronted with a concerning and serious surge of ethical dilemmas and Chapter 9 institutions are ineffective and inefficient to address the challenges facing the two arenas.

February (2019:16) contends that the involvement and overlap of public protector and chief justice into the political space has led to the compromise of the independency of chapter 9 institutions as well as the judiciary leading to the public to questioning the integrity of the two houses. There is a serious challenge of ethical leadership. The Zondo Commission reports support this paper's conclusion that the appointed and elected have become blind to ethical quandaries. The third section of the report detailed corruption in Bosasa, where the vast majority of authorities are impacted. The review finds rampant corruption in government departments, SOEs, agencies, and entities awarding contracts and tenders to Bosasa and its associated business entities or organizations. Members of the national executive, public officials and members of various state organs influenced tender awarding to benefit themselves, their families, or entities in which they had a self-need (Ries, 2020:473-485).

According to Swilling (2019:24-27), Zondo's report also recommended that ANC leaders and government officials such as former President Jacob Zuma, Gwede Mantashe, and Nomvula Mokonyane be probed for possible corruption. In accordance with the Zondo commission report, this paper asserts that

the leadership personally accountable for administration in South Africa has been impacted in ethical quandaries at some point, and that, despite numerous attempts by Chapter 9 institutions, ethical quandaries persist to dominate, reflecting negatively on the responsibility and principles on which Chapter 9 institutions operate and are founded. Zuma benefited from lavish birthday parties endorsed by the company Bosasa, as well as purported payments to the Jacob Zuma Foundation, according to the report. The commission found "reasonable grounds" to presume Zuma's actions in relation to Bosasa violated his "duties as president under the Constitution". It was about the alleged R300,000 per month payment to the foundation, as well as the former president's purported obstruction in deterring government departments, primarily the correctional services department, from cancelling Bosasa contracts (SA News, 2022b).

The study advised law enforcement to take action against Mokonyane. According to the Zondo panel findings, the matter should be sent to the authorities for further inquiries and indictment of Ms Mokonyane on corruption charges. The study also suggested that Deputy Defence Minister Thabang Makwetla be probed for alleged corruption for agreeing to have a security system installed at his home. Makwetla paid Bosasa R25 000 for the security system, far less than the stated R90 000, and only after the system's presence was made public (February, 2019). The involvement of prominent ANC officials as well as designated public officials in ethical quandaries with no repercussions and retributive justice for allegations made against them demonstrates how captured and biased the justice system as well as Chapter 9 institution is in establishing ethical leadership and democratic South Africa free of ethical quandaries (SA News, 2022b). As a result, this article suggests that ethical leadership is a subject of concern as governance and administration in public service continue to degrade. The amount of conflict of interest as an ethical quandary in public institutions necessitates Chapter 9 institutions free of coercion. Leadership guided by ethics is required to save what remains of good politics and government.

5. Ethical Challenges Confronting Politics and Public Administration in South Africa

This section of the article examines and critiques the issues that state sector and the political sphere face

in South Africa. The following issues have been identified as crucial by public figures when doing their jobs in the public sector. This study discusses ethical concerns that have made the rounds and are important in a variety of peer-reviewed studies and documents from South African public administration and politics.

5.1 Ineffective Control Systems

Several factors are root causes contributing significantly to the exploitation and disregard of statutory frameworks, as well as the abuse and poor upheld of ethics in the administration arena and politics, including a lack of willingness to provide excellent services, corruption, and a lack of internal controls. Recent incidents of ethical problems in public administration and politics reveal that there is a severe problem with a schism amongst Chapter 9 institutions and the judiciary in terms of maintaining certain provisions of the constitution. Corruption is on the rise in the country, and the culprits are not being held accountable as a result of the chasm. When government officials identify a gap within a certain policy or legislative framework or code of conduct, they have the responsibility of being inclined to fulfil it. Corruption is caused by weak control mechanisms that are not enforced. Madonsela's presentation at the Nigerian Conference in 2010 focused on the status of corruption in South Africa's public sector. She bemoaned the corruption that has quickly become the fundamental cause of bad community service delivery.

Van de Merwe (2006:32) asserts that "effective anti-corruption measures should consider both the nature and causes of public sector corruption". This remark supports Madonsela's (2010) suggestion that pro procedures and mechanisms of corruption be accoutred to prevent corruption. According to Kroukamp (2006:208), underlying sources of corruption and ethical violations in South Africa are circumstantial, thereby making it more challenging to give a coherent narrative of its origins amid the skewed political atmosphere. In most cases, government corruption reigns supreme, making it impossible to maintain control since systems are used for personal advantage. South Africa is faced with poor control systems as far as combating corruption and other related concepts of ethical dilemmas and this is a great threat to constitution democracy and freedom.

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both the nature and root causes of public sector misconduct." This remark supports Madonsela's (2010) suggestion that anti-corruption mechanisms be implemented to prevent corruption. According to Kroukamp (2006:208), the causes of corruption and ethical violations in South Africa are contextual, thereby making it more challenging to provide a meaningful account of its causes given the skewed political landscape. In most cases, political corruption reigns supreme, making it impossible to maintain control since systems are used for personal advantage. South Africa has inadequate regulatory measures in place to prevent corruption and other ethical quandaries, which poses a significant threat to the country's constitution, democracy, and freedom.

5.2 Nepotism

Nepotism is one of the ethical quandaries that have impacted South African public administration and political context. According to Hanekom (1995), nepotism is the hiring of friends or family to top posts in government despite regard for their qualifications. This is a problematic issue in public administration since it has resulted in party loyalists, relatives, and friends being recruited by their friends to crucial and strategic offices to administer public programs and report to them. This is often acknowledged as the underlying cause of subpar performance because those designated and elected politicians want to 'impress those who appointed them' commonly known as their masters; amidst the intentions to achieve such, they often result in the violation of the ethics guidelines and frequently blatantly ignore the predefined rules and guidelines that govern within the public sector. As a result, this paper concludes that nepotism in public administration might induce workplace unhappiness, which can lead to demotivated employees. Nepotism violates the idea of meritocracy as well as reasonableness by hiring candidates with no requisite skills and expertise individuals solely because they know the proper person. This is the type of strategy that disregards the merit system in public service, resulting in incompetent individuals at the forefront of government and administration, resulting in more examples of ethical quandaries with corruption at the centre.

Additionally, Nengwekhulu (2009:344) criticizes the manner in which individuals are promoted to higher levels of government because they are more likely to support the government's political and

philosophical agenda. Although there appears to be nothing amiss with recruiting a fellow cadre, their immoral practices lead to poor performance in the public service and in particular departments since they only respond to the appointing jurisdiction. This prodigy is widespread in both administration and the political sphere in South Africa, with the consequences being mediocre governance and accomplishment of mandate. Nepotism in public administration is an example of ethical dilemma that undermines the integrity of organisations in the public service, and, at times, discourages prospective stakeholders from conducting business with the government.

The present incarnation of the country's financial affairs, which shows a lack of foreign and domestic investment, is due to an ongoing spike of corruption in the country, which has yet to be resolved. Nepotism threatens the country's sovereignty and the feasibility of administration on the basis of meritocracy, raising many problems about the function of Chapter 9 institutions if public funds are exploited and section 195 of the Constitution is broken. Employing friends and family members, according to Kokemuller (2020:1), is a form of excessive nepotism that results in unproductive and wasteful use of public monies, resulting in poor service provision. Controversy and arguments in South African public administration frequently use the example of Black citizens promoting nepotism through affirmative action and the African National Congress' cadre deployment program. This study says that nepotism is at an all-time high in the public sector as a result of the development and use of affirmative action and cadre deployment policies as part of the economy's reconstruction and rehabilitation through a total encompassing strategy.

5.3 Lack of Transparency

In order to ensure that sound ethical conduct in Public Administration and politics emanate, this requires both the elected and appointed officials to exercise transparency in the execution of public duties. Therefore, in order for every organisation to achieve its goal and objectives, it is imperative that such strategic goals and objectives be founded on the backbone of accountability and transparency. Document analysis found that top management in South African public administration is overwhelmed with high complexity, which impedes openness of how decisions are made. In light of this statement,

this paper will employ the case of the procurement processes of Personal Protective Equipment in two provinces being Limpopo and Free State.

News SA (2020a) revealed that the Department of Health in Limpopo Province regressed, showing signs of complacency with misappropriation of funds during the procurement of PPE. There was underachievement, and underperformers with high levels of violation faced no sanctions. Poor accountability was also observed in finance management, all of which had a negative impact on service delivery. Similarly, the Free State Department of Health deteriorated by not accounting for its PPE procurement procedure, demonstrating the lack of oversight tendencies. According to News SA (2022b) the two provinces are implicated in a corruption scandal of PPE accounting to more than R120 million combined and to date accountability has not manifested. Where are Chapter 9 institutions and which role did they play to ensure those involved are investigated and prosecution perpetuate? This is where this paper argues that the bone of transparency and accountability is on the fiction and non-fiction basis as far as Chapter 9 institutions are concerned.

5.4 Corruption

Pauw *et al.* (2009:344) defined misconduct in South African Public Governance as "the egregious misuse of power or influence for self-benefit or the advantage of party comrades or associates. The state of corruption in South African Public Administration and politics is quite concerning as the country is currently failing to secure investors. Corruption is perpetuating within the political arena and Public Administration in South Africa in multi-diverse forms. According to Vorster (2012:133), corruption is a growing spectacle which is rampant in various facets of life, such as in trade and workplaces, among others. Public administration scholars argues that it is often difficult to control the landscape and act against those involved in corruption as it involves high ranking public officials in the powerful positions in politics and administration.

Therefore, this paper employs the Zondo commission report on Bosasa corruption scandal, which outlined the magnitude of state capture involving cabinet ministers as well as the former President Zuma to argue that indeed service delivery is being operated on the grounds of corruption. According to Mulenga and Mulenga (2018), the report by

Zondo commission revealed higher levels of corruption and unethical conduct involving the company Bosasa and as well as cabinet ministers and the former president. The third part of the report outlined all government officials involved in Bosasa corruption scandal and made recommendations. Although some deny the allegations of corruption, there was irrefutable proof of unethical interactions with government contracts (Daily Maverick, 2019). Fraud has expanded rapidly and entered South African public governance and the three spheres of government, resulting in increased public spending, encroachment of ethics and moral leadership, and diminishment in terms of accountability and transparency to safeguard the credibility and freedom of the Republic of South Africa's constitution, according to Du Plessis and Breed (2013:2).

According to Van der Westhuizen (2009:162), regions with peak level and skyrocketing corruption have suffered from mediocre public services. The looting and using of public funds for personal gain remains a critical subject to address in the public service as even Chapter 9 institutions are failing to protect those serving as witnesses providing information in cases of in cases under investigation. According to Mafunisa (2007:261), corruption of services is perceived or classified differently in South African public administration depending on the strategy or point of view considered. Corruption is all too common throughout most circumstances, even among ordinary folks and high-level administrative entities. The misuse of public office by elected leaders displays the extent of immoral behaviour that leads to public distrust in service delivery. According to Mawela, Ochara, and Twinomurinzi (2017), the technological advancements which saw the introduction of e-governance within South African administration and political atmosphere has remedied significant problems to public organizations regarding how they should combat bribery and unethical behaviour using technological advances. Tiihonen (2003:3) notices enormous pressure for civic participation in the country's governance, which drives public service authorities to minimize corruption because the public dictates public decisions. Kanyane (2016:10) asserts that, in addition to unethical behaviour, public trust in state institutions indicates various gaps in accountability that require attention in order to improve the functioning of public institutions in South Africa. The viability of public administration and politics is jeopardised by a lack of public accountability, openness,

and adherence to ethics. As a result, Madonsela's (2010) address blasted corruption in the broadest sense. Who is to blame as the country faces a boom in public-sector corruption and an increase in reported cases of tender corruption scandals with no prosecution or competent scrutiny by Chapter 9 institutions and protection of the constitution?

6. Conclusions and Recommendations

Ethics serve as the guidelines and normative foundation within which Public Administration and politics operate on. In order to protect public resources, there is a need for public officials to be guided and abide by ethics and understand that public administration and politics is concerned with the public will. Therefore, there is a need to enforce ethics in administration and politics in order to organise the chaotic public will and prevent the emanation of ethical dilemmas. This paper has presented beyond reasonable doubt that public service in South Africa is in jeopardy due to lack of ethics in politics and administration. The paper also indicated that Chapter 9 institutions are at some point compromised and at the crossroads as to whether to side with the constitutional mandate as well as compliance to legislative framework or to protect their masters at the forefront of ethical dilemmas. As a result, in order to reverse the impacts of poor accountability, openness, and mishandling of public companies, the South African government must internalise principles and ethics, and Chapter 9 institutions must step in to preserve public resources. Sindane (1999:88) agrees that ethics and principles are essential for efficient public service delivery.

De Gruchy and Prozensky (1991:1) argue that South Africa has an extraordinarily rich and diverse culture of faith, information, and awareness that is essential in public leadership. If religious ethics are accepted in the government service, they can influence development. This, however, could be debatable. This paper employed the use of intuitive and empirical theory to argue that South African public officials being both the elected and appointed have failed to exercise ethical leadership. They also employed the Zondo commission report to argue that public officials who were supposed to protect resources are misusing public resources for personal interests and there is an issue of lack of transparency in executing public mandate by public officials. There is a need for ethics to be enforced in public institutions. Maintaining ethics in public administration

contributes to raising citizens' living conditions through effective service delivery. This study condemns unethical behaviour and concludes that it is a recipe for excellent governance in any organization. Cases of mismanagement, corruption, and abuse of funds occur when ethics are not followed, jeopardizing the integrity of public organisations.

Public officials have failed to exercise and practice ethics in politics and administration, and this has resulted in a skewed governance where investors fear to invest in South Africa. While chapter 9 institutions were expected to function as regulatory agencies for ethical quandaries such as public service corruption, the institutions have been unable to investigate and address disputes presented by current Chief Justice Raymond Zondo in the Bosasa case. Therefore, considering this statement, this paper concludes that Chapter 9 institutions in South Africa are at some slight point compromised and captured to favour a certain individual and investigate others. It is for this reason, that this paper recommends that ethics be incorporated as part of routine organisational training in the public service. Chapter 9 institutions investigation must be carried out or contracted out to third parties in order to ensure independence and impartiality in executing and discharging duties in order to protect the integrity and sovereignty of the constitution of the Republic of South Africa.

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