

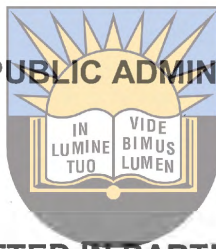


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**“IDENTIFYING ETHICAL PROBLEMS AND CHALLENGES CONFRONTING
EASTERN CAPE LOCAL GOVERNMENT: THE CASE OF BUFFALO CITY
METROPOLITAN MUNICIPALITY” (2004-2011).**

BY

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MASTER OF PUBLIC ADMINISTRATION

**MINI-DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF MASTER OF PUBLIC
ADMINISTRATION TO THE DEPARTMENT OF PUBLIC ADMINISTRATION IN
THE SCHOOL OF PUBLIC MANAGEMENT AND DEVELOPMENT, UNIVERSITY
OF FORT HARE, BHISHO CAMPUS**

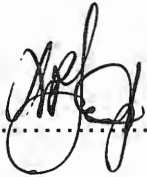
**SUPERVISOR
DR. THOZAMILE RICHARD MLE**

JANUARY 2012

DECLARATION

I, Nomthandazo Patience Tempi, hereby declare that this research entitled "Identifying ethical problems and challenges confronting Eastern Cape local government: The case of Buffalo City Metropolitan Municipality (2004-2011)", is my own work and has not previously been submitted at any university in order to obtain an academic qualification and that any reference included herein have been duly acknowledged.

Signed



Date

20/04/2012



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DEDICATION

To my mother Nozukile Angelina Tempa for being my pillar of strength. To my late father Zolile Skutu Tempa and my late grandmother Ntombizodwa Linah Tempa who by their example taught me to live my faith in whatever I do, and to my beautiful aunt Lulama Tempa who has been my role model and supported me in my journey just as she has in so many others.



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ACKNOWLEDGEMENTS

Praise and glory be to QAMATA, the Almighty, for giving me the opportunity to study at this level. Without His grace it would have been impossible to accomplish this work.

I would like to extend my sincere gratitude and appreciation to my supervisor Dr. Thozamile Richard Mle for his guidance and helpful suggestions throughout the research period.

Earnest thanks to my former boss, Mr. Zingi Dlova. Your motivation and inspiring words constantly propelled me towards a successful completion of this research.

To my MPA classmates, I would like to thank them for their contacts, discussions and the friendly moments we had together.



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I also wish to acknowledge the financial support offered by Amathole District Municipality. I also wish to acknowledge the contributions made by members and officials of Buffalo City Metropolitan Municipality.

Lastly but not least, I would like to thank Mncedisi Moko and Esona Moko for their support and understanding. Thanks to all my sisters Thembeke, Lindelwa and my brothers Thembelani and Thembaletu. I am thankful to my aunts Nombeko, Lulama and uncles Mlungiseleli and Mbulelo Tempa for their support. May God bless you all my family.

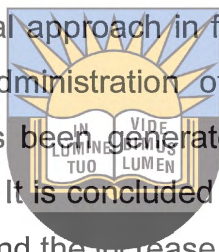
You all have influenced and motivated me to remain focused and successful in my career and studies.

ABSTRACT

Local government in South Africa is characterized by widespread allegations of unethical conduct, and this has generated concern among citizens, councilors and officials and consequently a search for remedial interventions. The purpose of this research was to identify ethical problems and challenges confronting Eastern Cape local government. The study followed a case study of Buffalo City Metropolitan Municipality.

Ethics in the municipal administration has become an important issue of good governance. The lack of ethics by officials and councilors undermines the confidence that people have in the administration of a municipality. The impact of unethical practice in the administration of a municipality is unsupportable in the development of local government, and resulting in a loss of confidence and erosion of public trust. The study attempts to identify the challenges facing the municipality with a view to providing some recommendations.

The researcher followed a behavioral approach in finding ways in which ethics and values can be promoted in the administration of a municipality. Through the research conducted, knowledge has been generated that will be of benefit to the decision makers of the municipality. It is concluded that preventing ethical violations assist in improving service delivery and the increase in public confidence.



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ABBREVIATIONS

AG	-	Auditor General
BCMM	-	Buffalo City Metropolitan Municipality
CGE	-	Commission for Gender Equality
EC	-	Eastern Cape
IDP	-	Integrated Development Plan
IEC	-	Independent Electoral Commission
IMATU	-	Independent Municipal Allied Trade Union
MEC	-	Member of Executive Council
MPA	-	Master of Public Administration
PA	-	Public Administration
PR	-	Proportional Representative
PSC	-	Public Service Commission
RSA	-	Republic of South Africa
SALG	-	South African Local Government
SAMWU	-	South African Municipal Workers Union
SANCO	-	South African National Civic Organization
TLC	-	Transitional Local Council



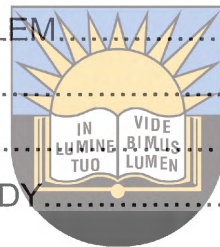
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Table of Contents

Declaration	ii
Dedication.....	iii
Acknowledgements.....	iv
Abstract.	v
Abbreviations.....	vi
Table of contents.....	vii

CHAPTER 1: INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION/BACKGROUND.....	1
1.2 STATEMENT OF THE PROBLEM.....	2
1.3 RESEARCH OBJECTIVES.....	3
1.4 HYPOTHESIS.....	3
1.5 SIGNIFICANCE OF THE STUDY.....	4
1.6 LITERATURE REVIEW.....	4
1.7 RESEARCH METHODOLOGY.....	9
1.7.1 Research design.....	9
1.7.2 Target group and sampling.....	10
1.7.3 Data collections methods and procedures.....	11
1.7.4 Data analysis and interpretation.....	12
1.8 DELIMITATION OF THE STUDY.....	12
1.8.1 LIMITATION OF THE STUDY.....	13
1.9 ETHICAL CONSIDERATIONS.....	13
1.10 CLARIFICATION OF CONCEPTS AND TERMS.....	13
1.10.1 Municipalities.....	13
1.10.2 Public service ethics.....	14
1.10.3 Good governance.....	14
1.10.4 Accountability.....	14
1.10.5 Transparency.....	14
1.11 OUTLINE OF THE STUDY.....	15
1.12 DRAFT WORK PLAN OF THE STUDY FOR 2011.....	16
1.13 CONCLUSION.....	16



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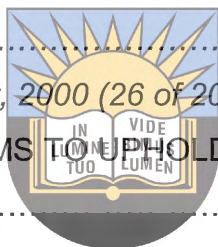
CHAPTER 2: LITERATURE REVIEW

2.1	INTRODUCTION.....	17
2.2	CONCEPTUALISATION AND CONTEXTUALISATION OF ETHICS IN LOCAL GOVERNMENT.....	17
2.2.1	ROLE AND PURPOSE OF LOCAL GOVERNMENT.....	17
2.2.2	CURRENT STATUS OF LOCAL GOVERNMENT IN SOUTH AFRICA.....	18
2.2.3	ETHICAL GOVERNANCE IN LOCAL GOVERNMENT.....	20
2.2.4	DEFINITION OF ETHICS.....	21
2.2.5	PRINCIPLES OF ETHICAL GOVERNANCE.....	22
2.2.5.1	Selflessness.....	22
2.2.5.2	Integrity.....	23
2.2.5.3	Objectivity.....	23
2.2.5.4	Accountability.....	23
2.2.5.5	Transparency.....	23
2.2.5.6	Honesty.....	24
2.2.5.7	Leadership.....	24
2.2.6	LEADERSHIP AND ETHICS.....	24
2.2.7	THEORIES OF ETHICS AND VALUES.....	25
2.2.8	MAJOR CAUSES OF ETHICAL TRANSGRESSIONS.....	28
2.2.8.1	Transformation.....	28
2.2.8.2	Culture of corruption.....	29
2.2.9	MANIFESTATIONS OF UNETHICAL CONDUCT IN THE PUBLIC SERVICE.....	30
2.2.10	IMPLICATIONS OF UNETHICAL CONDUCT FOR ORGANIZATIONS AND THE CITIZENS.....	31
	(a) A drop in standards of service delivery.....	31
	(b) Trust and credibility.....	32
	(c) Financial and material resources.....	32
2.2.11	ASPECTS OF MANAGING ETHICS IN THE ORGANIZATION.....	32
(a)	Leading by example.....	32
(b)	Developing a code of ethics.....	33
(c)	Creating ethical structures.....	33



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(d)	Managing whistle blowing.....	34
(e)	Value for ethics training.....	34
2.3	LEGISLATIVE FRAMEWORK OF ETHICAL RELATED ISSUES IN SOUTH AFRICA.....	35
2.3.1	<i>The Constitution of the Republic of South Africa, 1996.....</i>	35
2.3.2	<i>White Paper on Local Government, 1998.....</i>	36
2.3.3	<i>The Local Government: Municipal Systems Act, 2000 (32 of 2000)</i>	37
2.3.4	<i>The Municipal Finance Management Act, 2003 (56 of 2003)</i>	37
2.3.5	<i>The Promotion of Access to Information Act, 2000 (2 of 2000)</i>	38
2.3.6	<i>The Protected Disclosures Act, 2000 (26 of 2000).....</i>	39
2.4	INSTITUTIONAL MECHANISMS TO UPHOLD GOOD GOVERNANCE	39
2.4.1	<i>The Auditor-General.....</i>	39
2.4.2	<i>Public Protector.....</i>	40
2.4.3	<i>Public Service Commission.....</i>	40
2.5	CONCLUSION.....	40
 CHAPTER 3: RESEARCH METHODOLOGY		
3.1	INTRODUCTION.....	42
3.2	RESEARCH DESIGN.....	42
3.3	TARGET GROUP AND SAMPLING.....	44
3.4	DATA COLLECTION METHODS AND PROCEDURES.....	45
3.4.1	Primary data collection.....	45
3.4.1.1	Conducting the interviews.....	46
3.4.1.2	Questionnaire administration.....	47
3.4.2	Secondary data collection.....	48
3.5	DATA ANALYSIS AND INTERPRETATION.....	48
3.6	CONCLUSION.....	48



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CHAPTER 4: DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1	INTRODUCTION.....	49
4.2	EFFECTIVENESS OF CODE OF ETHICS.....	49
4.3	TRAINING ON ETHICS.....	50
4.4	ETHICAL LEADERSHIP.....	52
4.5	REPORTING MECHANISMS OF ETHICAL VIOLATIONS.....	53
4.6	ETHICAL CHALLENGES IDENTIFIED.....	54
4.6.1	Improper recruitment practices.....	56
4.6.2	Lack of internal controls.....	57
4.6.3	Inadequacy of transparency.....	57
4.6.4	Communication challenges.....	58
4.6.5	Political instability.....	58
4.6.6	Lack of professionalism and commitment.....	59
4.7	CONCLUSION.....	60



CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

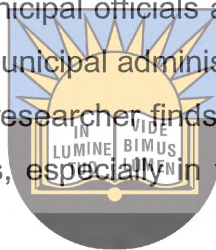
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5.1	INTRODUCTION.....	61
5.2	SUMMARY OF FINDINGS.....	61
5.3	CONCLUSIONS.....	62
5.4	RECOMMENDATIONS BASED ON FINDINGS.....	63
6.	BIBLIOGRAPHY.....	65
7.	APPENDICES.....	70

CHAPTER ONE INTRODUCTION AND BACKGROUND

1.1 INTRODUCTION/BACKGROUND

Within the discipline of Public Administration (PA) the researcher finds it very interesting and worth investigating the issue of local government administration and public service ethics. The researcher has basic knowledge of the literature in this area and understands the central concepts and theories. Due to the erosion of public trust towards municipal officials and councilors, and how public service ethics can be restored in municipal administration in order to ensure good governance to municipalities, the researcher finds it necessary to identify ethical challenges faced by municipalities, especially in the Eastern Cape Buffalo City Metropolitan Municipality.



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The government of the Republic of South Africa, through **Chapter 7 of the Constitution, 1996**, established three categories of municipalities (metropolitan, district and local) in the local sphere of government to cover the whole of South Africa. In the Constitution, they are referred to as categories A, B, and C. Buffalo City Metropolitan Municipality (BCMM) is a category A Municipality, which was, established in 2000 following the amalgamation of the then East London and King William's Town Transitional Local Councils (TLC's), as well as the large rural areas that fall under representative and coastal councils.

The significance of ethics in municipal administration and the public service as a whole is high for several reasons. Firstly, public officials are seen as stewards of public resources and guardians of a special trust that the citizenry has placed in them, in return for this public confidence, officials are expected to put the public interest above self-interest. It is the erosion of public trust towards municipal officials and councilors that there are currently service delivery protests. In a report published by TNS Research Surveys, 2010, 75% of respondents in East

London are not happy with service delivery (**May 2010 SA Local Government Briefing**). According to the SA Local Government briefing (2011:20) the Auditor-General (AG) said that Buffalo City Metropolitan Municipality was unable to account for nearly R2 billion of its expenditure in the 2009/10 financial year. The audit report blames the suspension of key officials, a lack of financial skills, and political in-fighting and deficient supply chain management for the city's poor performance.

Lack of accountability, unethical behavior and corrupt practices have become so Pervasive in the local sphere of government to the extent that the confidence of the public towards the municipality has been shaken. The purpose of the study is to identify ethical challenges confronting local government, with reference to Buffalo City Metropolitan Municipality and attention will be paid to effective interventions that can be fostered to address or restore professional and public sector ethics in order to ensure the provision of services to communities in an efficient and sustainable manner.



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1.2 STATEMENT OF THE PROBLEM

Although Buffalo City Metropolitan Municipality was awarded a national prize (Vuna Award) for being the best-governed municipality in South Africa (SA) in 2003, some ethical problems and challenges started to surface in the beginning of 2004. Buffalo City's municipal administration has been badly damaged in terms of quality of performance, public trust and political and administration relations. It is evident that the disruptive changes in municipal managers and mayors that in some instances led to court cases are some of the causes of the ethical problems and challenges confronting Buffalo City Metropolitan Municipality. The instability in administration and politics have also contributed to the situation in that a number of service managers have been suspended for misconduct and that means most departments are being run without leaders which results in service delivery being compromised.

Senior managers on precautionary suspension, reduced productivity, dissatisfied customers and qualified reports from the Auditor-General are indicators that there are ethical problems and challenges confronting Buffalo City Metropolitan Municipality. The impact of corruption, unethical conduct by municipal officials and councilors has caused a rift between the municipality and the citizens. Some ratepayers have in so many instances considered a route of withdrawing their municipal payments as a way of protesting. Managers should not only be aware of various challenges in municipal administration, but should also take a leading role in ensuring ethical conduct in the rendering of public goods and services.

Addressing the issue of ethical challenges in municipal administration is a research problem. The problem statement emerges, namely: Sound public service ethics will enhance the delivery of public goods and services in an efficient and sustainable manner.



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1.3 RESEARCH OBJECTIVES

The objectives of the study are to:

- Identify ethical problems and challenges facing Buffalo City Metropolitan Municipality.
- Propose remedial strategies that will enhance positive public service, professional ethics and ethos in the municipal administration of Buffalo City.

1.4 HYPOTHESIS

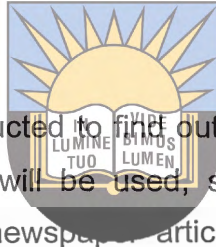
In order to investigate the problem statement, the following hypothesis has been developed for testing:

H1: Service delivery is being hampered by the unethical behavior of municipal officials and councilors.

1.5 SIGNIFICANCE OF THE STUDY

The research study will bring awareness to the municipality about the extent of ethical problems and challenges it faces. The final report will contribute in providing guidelines or policy lessons on how public service ethics can be restored in the administration of the municipality. The study will also assist the researcher in the fulfillment of the Master of Public Administration (MPA) requirements.

1.6 LITERATURE REVIEW



The literature search will be conducted to find out what has already been done. Primary and secondary sources will be used, such as annual reports, audit reports, books, journal articles, newspaper articles, internet, and government documents. Concepts and theories will be explored. Chandler and Plano (1998:17) concur that ethics essentially deal with the question about whether one ought or ought not to perform certain kind of actions and whether the actions are good or bad, right or wrong, virtuous or vicious, worthy of praise or blame, reward or punishment. According to Sindane (2009:500), ethics is a concept used to pass judgment on human behavior.

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Lues (2007:226) states that whilst professionalism embraces the quality of work performed by public servants, public service ethics are concerned with actions and decisions that have a direct effect on members of the public. Values and principles such as accountability, professionalism, ethics, effectiveness, responsiveness, and transparency should form the cornerstone of all actions, which individual municipal officials and councilors undertake.

Transformation has required fundamental changes in the way local government exercise its role and this shift is evident in the now transparent budgeting

processes, Integrated Development Plans (IDPs) and implementation of performance contracts of municipal managers to improve accountability.

To achieve these objectives the following legislation has been implemented:

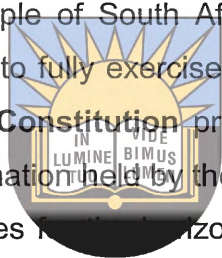
- **The Constitution of the Republic of South Africa, Act 1996 – section 152 (1)** provides for the objectives of local government, which are:
 - (a) To provide democratic and accountable government for local communities;
 - (b) To ensure the provision of services to communities in a sustainable manner;
 - (c) To provide social and economic development;
 - (d) To promote safe and healthy environment;
 - (e) To encourage the involvement of communities and community organizations in the development of local government.
- **Local Government: Municipal Systems Act, 2000 (32 of 2000) – Schedule 1 and 2 of the Local Government: Municipal Systems Act** contains a code of conduct for councilors. The sections dealing with general conduct emphasize values such as loyalty, good faith, honesty, transparency, credibility, integrity and impartiality. These values are essential in addressing and meeting the basic need of the local community and for engaging in social and economic development. The codes stress the performance dimension of local government activity (Dlalis and Mafunisa, 2009: 695).
- **Municipal Finance Management Act, 2003 (56 of 2003) – Section 216** provides for the National Treasury, to prescribe measures to ensure proper expenditure control in all the spheres of government. In passing the Act, Parliament wanted to regulate financial management in municipalities; ensure that all revenue, expenditure, assets and liabilities



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of municipalities and municipal entities are managed economically, efficiently and effectively; determine the responsibilities of officials and councilors entrusted with local financial management; and provide for other financial matters concerning municipalities.

- **Promotion of Access to Information Act, 2000 (2 of 2000)** – The Act gives effect to two constitutional provisions (section 32) aimed at fostering a culture of transparency and accountability in public and private bodies, by giving effect to the right of access to information and actively promoting a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect all of their rights. **Section 32 (1) (a) of the Constitution** provides that everyone has the right of access to any information held by the State and **Section 32 (1) (h) of the Constitution** provides for horizontal application of the right of access to information held by another person to enable a person to exercise or protection of his/her rights.



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The study is motivated by **Section 195 (1) of the Constitution of the Republic of South Africa, 1996**, which provides that public administration, as an activity must be governed by the democratic values and principles. The following are the selected principles:

- A high standard of professional ethics must be promoted and maintained.
- Efficient, economic and effective use of resources must be promoted.
- Services must be provided impartially, fairly, equitably, and without bias.
- Public administration must be accountable. (**Constitution 1996, Chapter 10**).

Several independent state institutions support ethical conduct. These include the following:

- The Public Protector, which investigates the conduct of state officials on behalf of the public.
- The Human Rights commission which promotes respect, protection, development and attainment of human rights.
- The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities which promotes respect for the rights of cultural, religious and linguistic communities.
- The Commission for Gender Equality (CGE), which encourages respect for and general protection of gender equality.
- The Auditor-General which audits and reports on financial statements and the financial management of national and provincial financial departments and administrations and municipalities and
- The Independent Electoral Commission (IEC), which coordinates free and fair national, local and municipal elections. **(Constitution 1996, Chapter 9).**

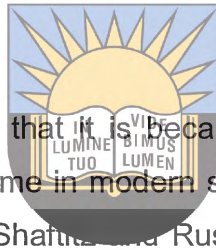


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The Public Service Commission (PSC) functions as an independent body that monitors and arbitrates the activities, ethos and conduct of the public service **(Constitution 1996, Section 196).**

Mafunisa (2002:194) identified seven causes of unethical behavior i.e. psychological, social, economic, and organizational factors, as well as complex legislation, lack of ethical awareness and deficient control and accountability. Several measures could be used by managers to promote ethical behavior and service excellence such as providing clear codes of conduct and codes of ethics (Mafunisa, 2002:196-200).

It is necessary that the training of public officials be a continuation of the training provided by Higher Education Institutions and other service providers, and that it provides clear direction of what is permitted and what is not within the public service environment. It is proposed by Mafunisa (2002:197), that in order to change this culture of unethical behavior, the main instigator should be brought to justice and made an example of. Chapman (2000: 230-231) writes that public officials should follow the Nolan Committee's Principles of public life i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership.



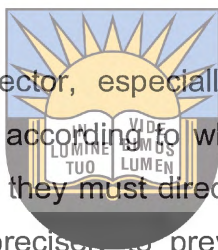
King (2007:104) is of the opinion that it is because of the absence of ethical guidelines from the church and home in modern society that organizations must now try to bridge/close the gap. Shattis and Russel (2005:85) maintain that in public administration there is a specific structure whereby each person has his or her set of responsibilities. The first level is individual ethics, which requires a person to apply his or her sense of right or wrong. This level is concerned with individual ethics that are determined by factors such as family influences, personal values and moral, life experiences and situational factors. The second level deals with professional ethics. Public administration is built on and recognizes a set of professional norms and rules that necessitate public managers to act in a professional manner.

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It is stated by Hosmer (2008:13) that human beings are obliged to ethical duties, and these are a method of moral analysis that attempts to provide a set of rules as to what would be in the interest of society under all conditions and/or situations. According to Larimer (2004:18), there are five levels of ethics namely; personal, cultural, societal, professional and organizational. The study will focus on professional and organizational ethics. Cheminais, Bayat and Van der Waldt (1998:74) state that in delivering goods and services to members of the public, the conduct of individual municipal officials and councilors should always be in

the public interest. It should be noted that the public sector is also subject to public scrutiny.

In the State of the **Public Service Report 2008**, the Public Service Commission (PSC) highlighted some areas of concern that constitute unethical and unprofessional conduct in the public service, and the unethical activities include the diversion of public resources, delivering low quality materials, ghosting, bid rigging, honest graft and public servants trapped in debt (**Public Service Commission Report 2008: 32**).



For practitioners in the public sector, especially for public managers, it is important that there be guidelines according to which they must cooperate and administer and according to which they must direct the public service and place subordinates on the right track precisely to prevent corruption and eliminate maladministration (Mle and Umeva, 2000). According to Stoner and Freeman (1989:48), Chester Barnard believed that the executives of an organization have a duty to instill a sense of moral purpose in their employees, and to think beyond their narrow self-interest and to make an ethical commitment to society. The theory on which this study is pinned is the behavioral and management science theory by Chester I. Barnard.

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1.7 RESEARCH METHODOLOGY

The method of research will now be explained.

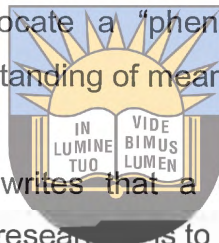
1.7.1 Research Design

A qualitative research will be followed since the research to be conducted will involve the study of the human element. Merriam (1998:165) defines qualitative research as an investigation based on distinct methodological tradition of inquiry that explores a social problem. Qualitative research enables the research to

work with a smaller research population. One of the advantages is that qualitative studies can be used successfully in the description of organizations.

The study will identify the environmental conditions that influence individual official's conduct, in order to understand the organization as it relates to ethics and sense of good practice. This will be done through the analysis of the official documentation of the local government and relevant oversight bodies.

According to Denison and Mishra (1995:205), when studying organizational behavior, most researchers advocate a “phenomenological” approach with emphasis on the qualitative understanding of meaning and interpretation.



Further, Winegardner (2004:89) writes that a qualitative approach is more appropriated when the goal of the researcher is to develop a theory to explain the data through a process of inductive reasoning, as opposed to the researcher whose aim is to locate data and then match it to the theory through a process of deductive reasoning.

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As a researcher who is trying to identify the ethical challenges faced by Buffalo City Metropolitan Municipality, as someone who has to deal with frustrations of the affected individuals facing those challenges, a case study is arguably the ideal.

1.7.2 Target group and sampling

Within the case study research paradigm, there are various case studies, namely the individual case study, community studies, social group studies, studies of organizations and institutions, studies of events, roles and relationships and studies of countries and nations. In terms of this study, the researcher will choose a case study of an organization.

The sample is a technique used to select a small group with a view to determine the characteristics of a large group. The sample will be representative and the researcher will use purposive sampling. In purposive sampling researchers rely on their experience or previous research findings to obtain a unit of analysis and the sample they obtain may be regarded as being representative of the relevant population. The target group would be the Acting Municipal Manager and 7 section 57 Managers from 7 Directorates, the Mayor and the Speaker, 10 Chairpersons of the Ratepayers Associations (5 from former King William's Town municipality and 5 from former East London municipality), 10 South African National Civic Association (SANCO) members, 25 Ward/PR councilors from selected wards within the Buffalo City Metropolitan Municipality and labour representatives from both South African Municipal Workers Union (SAMWU) and Independent Municipal Allied Trade Union (IMATU). The respondents have been targeted on the strength of their insight on the challenges facing Buffalo City Metropolitan Municipality.



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1.7.3 Data Collection Methods and Procedures

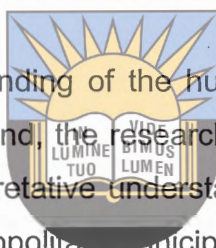
Questionnaires and interviews will be used in order to gather primary data from the sample population. The primary data of the study will be gathered through interviews with the Municipal Manager and the 7 Section 57 Managers (Service Managers/Directors), the Mayor and the Speaker. When selecting respondents for the collection of the data, the respondents must have knowledge on the subject matter being examined, and secondly the respondents should be currently involved in the matter being studied and thirdly respondents must be able to make time available for the interview.

The Mayor, the Speaker, the Acting Municipal Manager, Directors, General Managers should be officials responsible for the implementation of the legislation or directives of ethical conduct. Anonymous self-administered questionnaires will be handed to 25 Ward Councilors, 10 Chairpersons of Ratepayers Associations

and 15 SANCO representatives. The researcher will use both structured and unstructured interviews. The researcher will ask for permission before the distribution and collection of questionnaires. The researcher will self-administer the process. Annual reports, Council resolutions, minutes of the meetings, memoranda, policy documents would be accessed and the offices to be targeted mainly will be that of the Office of the Speaker and office of the Acting Municipal Manager.

1.7.4 Data analysis and interpretation

As the pursuit is for the understanding of the human phenomena, there is an appreciation that to try to understand, the research must look for meaning. The researcher will strive for an interpretative understanding of the live experiences by individuals of Buffalo City Metropolitan Municipality (whether are providing or receiving goods or services).



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Raw information will be reduced by means of filtering, meaning filter in relevant, and filter out irrelevant data. Various summaries will be compared to identify similarities or convergences of evolving themes. The researcher will allow the other person to apply themes to check for reliability.

1.8 DELIMITATION OF THE STUDY

It is important to identify the major focus of the study and ensure that it is comprehensively dealt with. The study is delimited to the identification of ethical problems and challenges faced by Buffalo City Metropolitan Municipality.

1.8.1 LIMITATION OF THE STUDY

Due to limited time and quite a number of wards in Buffalo City Metropolitan Municipality, the researcher may not be able to reach all the wards of the municipality, selected wards by means of purposive sampling will be studied.

1.9 ETHICAL CONSIDERATIONS

According to Remenyi (1998:110), there are three major ethical considerations to consider when conducting research i.e.

- How the information is collected.
- How the information is processed.
- How the findings are used.



The researcher will be open and honest with the respondents and will keep the respondents anonymous and confidential if so requested and information will not be obtained under duress. The researcher will obtain and produce a declaration letter stating the nature and objectives of the research.

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1.10 CLARIFICATION OF CONCEPTS AND TERMS

1.10.1 Municipalities

The local sphere of government consists of municipalities, which have specific characteristics that distinguish one of them from one another (**Constitution, 1996, section 151(1)**). These characteristics differ in the boundaries of each municipal area, the name of the municipality, its population size, multiplicity of industrial areas and business districts, economic activity, interdependent social and economic linkages, the category and type of each municipality as determined by the Minister of Cooperative Governance and Traditional Affairs, the number of municipal councilors as determined by the Member of Executive Council

(hereafter referred to as the MEC) responsible for local government in the province, the powers and functions assigned to the individual municipality (Craythorne, 1999: 69).

1.10.2 Public service ethics

Public service ethics is a set of principles that guide officials in their service to the constituents including their decision-making on behalf of their constituents. Fundamental to the concept of public service ethics is the notion, that decisions and actions are based on what best serves the public's interests, as opposed to the official's personal interests (including financial interests) or self-serving political interests.



1.10.3 Good governance

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Good governance is a term used to describe how public institutions conduct public affairs and manage public resources in order to guarantee the realization of human rights.

1.10.4 Accountability

Public officials should be accountable for their actions/inactions to the superiors and more broadly, to the public. Accountability should focus both on compliance with rules and ethical principles and on achievement of results. Mechanisms promoting accountability can be designed to provide adequate controls while allowing for appropriately flexible management.

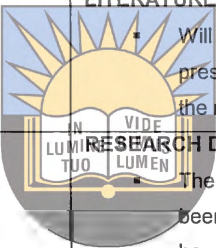
1.10.5 Transparency

The public has a right to know how public institutions apply the power and resources entrusted in them. Transparent and democratic processes should

facilitate public scrutiny, oversight by the legislature and access to public information. Transparency should be further enhanced by measures such as disclosure system and recognition of the role of oversight bodies.

1.11 OUTLINE OF THE STUDY

CHAPTER 1	INTRODUCTION AND OVERVIEW <ul style="list-style-type: none"> Will provide background, rationale for the study as well as the statement of the problem.
CHAPTER 2	LITERATURE REVIEW <ul style="list-style-type: none"> Will show in brief, review of the literature that presents the most authoritative scholarship on the research problem.
CHAPTER 3	RESEARCH DESIGN AND METHODOLOGY <p>The researcher will report how the research has been conducted. The research methodology will be described in terms of research design, methods and techniques.</p>
CHAPTER 4	RESEARCH FINDINGS <ul style="list-style-type: none"> Qualitative data analysis will be presented. Results of the questionnaires and interviews will be reported and interpreted.
CHAPTER 5	CONCLUSIONS AND RECOMMENDATIONS <ul style="list-style-type: none"> It is a final chapter where critical issues from the above chapters will be concluded from both the theoretical and empirical components of the study, recommendations will be made regarding remedial actions to the problem statement and objectives of the study.



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1.12 DRAFT WORK PLAN OF THE STUDY FOR 2011

PLAN OF ACTION	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
CHAPTER 1	INTRODUCTION					
CHAPTER 2		LITERATURE REVIEW				
CHAPTER 3			RESEARCH DESIGN AND METHODOLOGY			
CHAPTER 4				DATA ANALYSIS		
CHAPTER 5					CONCLUSIONS AND RECOMMENDATIONS	
EDITORIAL AND SUBMISSION						WORK EDITION



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1.13 CONCLUSION

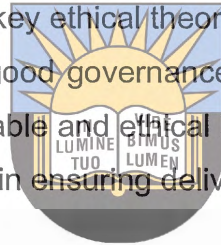
Ethics is a concept that many people, administrators, legislators and communities have recognized as one of the pillars of good governance that helps all human beings function in a society. It remains logical to concur that South African local government system is currently beset with many perceived or real issues of unethical conduct and continued charges of inefficiencies. Chapter 2 will deal with the literature review.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter provides a brief review of the existing literature on the research problem that is relevant to the research topic. The researcher highlights the role and purpose of local government. The chapter also provides a concise overview of concepts such as ethics, values, good governance, accountability and transparency. It also sets out the key ethical theories that can be applied to local government in order to enhance good governance. A brief review of legislative framework that aims to create a viable and ethical local government, making sure that municipalities are responsible in ensuring delivery of services.



2.2 CONCEPTUALISATION AND CONTEXTUALISATION OF ETHICS IN LOCAL GOVERNMENT

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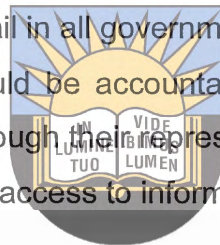
Ethics in local government will now be conceptualized and contextualized.

2.2.1 ROLE AND PURPOSE OF LOCAL GOVERNMENT

According to Craythorne (1997:13) local government is multidimensional in that it does not exist only as a legal entity, it exists in and for communities at grassroots level closest to the communities. Local government is the sphere of government closest to the people. Local municipalities deliver main basic services and local ward councilors are the politicians closest to communities. The South African municipalities and councilors should be sensitive to community views and responsive to local problems. According to Geyer (2007:12), it is stated that local government is the coalface of service delivery.

It is stated in the **Constitution of the Republic of South Africa, 1996** that municipalities have the responsibility to make sure that all citizens are provided with services to satisfy their basic needs. According to Roberts and Edwards (1991:82), the following features amongst others demonstrate what true democracy demands from a democratic government:

- Implementation and enforcement of the procedural and sustainable principles of democracy that appear necessary for municipalities operations.
- Political office-bearers always have to act in the interest of the residents.
- The rule of law should prevail in all government actions.
- Political office-bearers should be accountable and be removable by the people, either directly or through their representatives.
- Basic civil liberties, such as access to information must be maintained.



Local government as a public service is a public trust. Citizens expect municipal officials to serve the public interest with fairness and to manage resources properly on a daily basis. Fair and reliable public services inspire public trust. Public service ethics are a prerequisite to, and underpin, public trust, and are a keystone of good governance (Lewis and Gilman, 2005:22).

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2.2.2 CURRENT STATUS OF LOCAL GOVERNMENT IN SOUTH AFRICA

According to Geyer (2007:2), the form of local government that exists today is very different from the local government structures that were in place before South Africa became a democratic country, i.e. before 1994. Local government in South Africa before 1994 was based on racial lines. There was a lot of conflict in the past between community structures and what was considered the illegitimate structures of local government before 1994. The whole of South Africa is divided into local municipalities. Each municipality has a Council where decisions are made and municipal officials and staff who implement the work of

the municipality. The Council is made up of elected members who approve policies and by-laws for their area. The work of the Council is co-ordinated by a Mayor, who is elected by a Council. The work of the municipality is done by the municipal administration that is headed by the Municipal Manager and other officials. The Municipal Manager is responsible for employing staff and co-ordinating them to implement the programmes approved by the Council.

There are different types of municipalities namely, Metropolitan municipalities (Category A), Local municipalities (Category B), and District municipalities (Category C). The focus will be on Category A municipalities, as the municipality under study is a Metropolitan Municipality. Metropolitan municipalities are highly populated, with intense movement of people, goods and services. Metropolitan municipalities have extensive development with multiple business districts and industrial areas. Metropolitan municipalities are large centres of economic activity. Category A municipalities require the implementation of a single Integrated Development Plan (IDP). This is desirable because of strong social and economic links across the municipality. Category A municipalities are broken into wards. Half the councilors are elected through a proportional representative's ballot, where voters vote for a party. The other half are elected as ward councilors by the residents in each ward.



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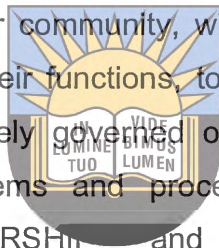
Local government, which is the oldest form of government, originates from early tribal villages and primitive communities. It is often called the third sphere of government, the first and second being the national and provincial governments (Cloete: 1995:1). Cloete (1995:7) sees local government as the management and administration of local communities in order to regulate and promote activities of such communities. Most local communities or municipalities consist of the following:

- Municipal Council: The Council comprises politicians who are elected by communities through democratic elections.

- An Administration: is the organizational structure that is responsible for the actual delivery of services to local communities.

2.2.3 ETHICAL GOVERNANCE IN LOCAL GOVERNMENT

Low levels of trust, are caused or sustained by poor standard of behavior, and therefore there is a need for officials and councilors to adhere to the highest ethical standards to help increase the public's trust in public institutions. Huberts (2008: 124) states that ethical governance is the framework of accountability to users, stakeholders and the wider community, within which organizations take decisions and lead and control their functions, to achieve their objectives, this definition recognizes that effectively governed organizations combine reliable "HARD" data from robust systems and processes with effective "SOFT" characteristics such as LEADERSHIP and cultural attributes such as OPENNESS and TRANSPARENCY in order to make decisions. Within this approach, this importance of high standards of behavior and ethics becomes clear (Huberts, 2008:125). According to the Development Bank of South Africa (DBSA) Local Government Report (2009: 4) the National Local Government Indaba agreed to declaration committing participants to cooperating in addressing the local government challenges by supporting a National Local Government Turnaround Strategy Framework. One of the acknowledgements is the promotion of good citizenship that is underpinned by governance values such as ethical behavior, transparency and accountability.



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The Local Government Report noted with concern that some of the contributing factors facing local government can be controlled and managed by municipalities and include;

- Political management and stability (intra and inter political conflicts).
- Professional administration and management (lack of skilled staff, unqualified staff and appointments, and conflict of interest).
- Financial management (lack of systems and controls).

- Accountability (poor mechanisms of community consultation and feedback) (DBSA, 2009:2).

2.2.4 DEFINITION OF ETHICS

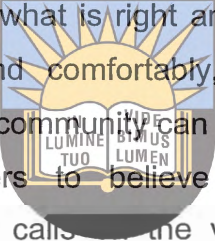
According to Ciulla (2004:4) the study of ethics, generally consist of the examination of the right, wrong, good, evil, virtue, duty, obligation, rights, justice, fairness etc., in human relationships with each other and other living things. Ethics has to do with developing standards for judging the conduct of one party whose behavior affects another. Good behavior intends no harm and respects the rights of all the affected and bad behavior is willfully or negligently trampling on the rights and interests of others.



Ethics, then tries to find a way to protect one person's individual rights and needs against and alongside the rights and needs of others. The central tension of ethics lie on the fact that while we are by nature communal and in need of others, at the same time we are by disposition more or less ego centric and self-serving. Ethics is about the assessment and evaluation of values because all of life is value-laden. Values are the codes and beliefs that influence and direct our choices and actions. Whether they are right or wrong, good or bad, values both consciously or unconsciously, mobilize and guide how people make decisions and the kind of decisions people make (Ciulla, 2004:28). If ethics is a part of life, so too are work, labor and public administration, public officials need ethics to produce good services. The ethical point of view requires than an actor take into account the impact of his/her actions to others, in the case of Buffalo City Metropolitan Municipality officials and councilors need to take into account the impact of their actions on citizens.

Ciulla (2004:30) pointed out that if and when the interests of the municipal officials and councilors and those affected by the action conflict (because of conflict of interest, corruption, nepotism, fraud and maladministration), the

officials in question should at least consider suspending or modifying their actions, and by so doing recognize the interests of the people they serve. In other words ethics requires that on occasion public officials “ought not to act” contrary to their self-interest and that on occasions a person ought to act actively on behalf of the interests of the public.

According to Lewis and Gilman (2005:36) ethics is the capacity for making systematic, reasoned judgments about right and wrong and to take responsibility for these judgments. Ethics is about a special kind of action, rooted in moral values and a principle expressing what is right and important. Ethics is action that you can defend publicly and comfortably, and the action should be something a public official and the community can live with. What is important is for public managers and leaders to believe in ethics, democracy and professionalism. Professionalism calls for the values of excellence, quality, competence and merits.  University + Professionalism + Ethics = Integrity (Lewis and Gilman, 2005:37). *Together in Excellence*

2.2.5 PRINCIPLES OF ETHICAL GOVERNANCE

The principles of ethical governance will now be explained.

2.2.5.1 Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves or their family and friends.

2.2.5.2 Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organizations, that may seek to influence them in the performance of their official duties.

2.2.5.3 Objectivity

In carrying out public business, including public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.



2.2.5.4 Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office. Citizens either directly or through their elected representatives, are the source of accountability within a democracy. Accountability occurs through a system of governance. Good governance systems have effective checks and balances, including a strong audit function.

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2.2.5.5 Transparency

Holders of public office should be as transparent as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it. Transparency is needed to develop a bureaucracy that conducts its business in a manner that aligns with the principles of democracy.

2.2.5.6 *Honesty*

Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest.

2.2.5.7 *Leadership*

Holders of public office should promote and support these principles by leadership and example.

2.2.6 LEADERSHIP AND ETHICS



Organizations are made up of individuals, and some individuals are given leadership roles for the enhancement of good governance. Ethical values are crucially important to leadership, whether in politics or other fields. Responsibility and accountability are the tests. Moral values lie at the heart of transforming leadership, which seeks fundamental changes in society, such as the enhancement of individual changes and expansion of justice and equality of opportunities.

The question that arises, do leaders have to be ethical in all the areas of ethics (i.e. the ethics of the means, the ethics of the person or the ethics of the ends) to be ethical? The morality of leadership depends on the particulars of the relationship between people. In Ciulla, citing Rost (2204:12) the leadership process is ethical if the people in the relationship (the leader and followers) freely agree that the intended changes fairly reflect their mutual purposes. Ethics is plural, it always occurs in the context of others. Leaders must always set a good example. The undisputed truth that leaders should at all times adhere to values, norms, strategies, policies and procedures they introduce and expect subordinates or followers to follow is entrenched in household proverbs such as

“Practise what you preach”. This basic principle is one of the most important factors in the creation of trust and integrity in an organization, and when leaders fail to do this, it inevitably filters down to their employees, with disastrous consequences for the organizations, and ultimately for the community at large (Malan and Smit, 2001:39).

2.2.7 THEORIES OF ETHICS AND VALUES

The early pioneers of public administration like Woodrow Wilson and Luther Gulick, built their new field around two principles, which tended to exclude the discussion of values. The first principle was that the study of public administration should be a science focused narrowly on determining the scientific verifiable principles and practices that will maximize the efficiency of government. The second related principle was that public administration was very separate from politics, meaning that once the democratic process has determined what was to be done, public administrators would be responsible for implementing it as efficiently as possible. Wilson and Gulick believed that there was no significant place for any values other than efficiency.

Herbert Simon’s positivist approach put even greater emphasis on empirical research and thought. Simon acknowledged values played a role in decision-making, but proposed a new fact-value dichotomy. According to Simon, both facts and values are involved in public administration, but only facts can be scientifically studied and analyzed. Values affect decision-making. Dwight Waldo criticized the approach saying that values could not be simply ignored. The opening to the consideration of values created by Waldo’s work has produced an extensive literature on ethics and the proper set of values guiding the ethical practice of public administration.

According to Cooper (2006: 283) public officials are at the vortex of competing obligations and interests, some are professional – obligations the superiors,

legislators and the public – and some are personal – family, community, profession and personal values. The responsible public official is a juggler managing a multitude of competing obligations and interests. Cooper went on to argue that public officials are unavoidably caught in the tension between conflicting objective and subjective responsibilities. Objective responsibilities involve accountability to superiors, the public, the law *etc.* Subjective responsibilities are personal and professional values to which one believes in oneself to be responsible. The result is that sometimes-subjective responsibilities call for public officials to act in ways contrary to the mandates of the organizations. In Cooper's model, conflicts between objective and subjective responsibilities are further complicated by three crosscutting levels of conflict namely;

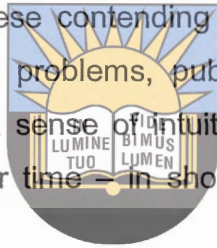
- Conflicts of authority - conflicts among different objective responsibilities i.e. your boss says one thing and the law dictates something else.
- Role conflicts – complicated by the fact that each public official has many different public and private roles.
- Conflicts of interest – relates to the balancing of conflicting public interest of different parties or the personal conflicts to bribery, gifts and information access.

Cooper says, each of these conflicts confront public administrator and public office-bearers with quandaries about where their ultimate responsibility lies and present opportunities to engage in unethical conduct (Cooper, 2006: 283-4).

The ground for integration of the competing perspectives must be the values and beliefs each person brings to the job. These values may include professional and organizational standards, but they also include the personal beliefs. If the personal beliefs cannot be aligned with the core values of the organization and the profession, the result will either be actions inconsistent with externally asserted rules and codes, or actions which leave the person unfulfilled and uncommitted because they were inconsistent with the personal beliefs, e.g. a person who values personal gain above all else working in an organization which

values service more than compensation, in that situation the person who values personal financial gain above everything else will either always be susceptible to corruption or feel constantly unrewarded and unfulfilled (Cooper, 2006: 284).

Cooper makes the point that administrator's ethical identities emerge incrementally over the course of a career. More often than not, this is done without much conscious consideration of the ethical dimensions of these decisions. However, without the guidance of a coherent and widely shared tradition, public officials need to cultivate a process of systematic reflection as ethical dilemmas emerge from these contending interests and responsibilities. Though contemplating real moral problems, public officials may cultivate an ethical theory or moral conduct, a sense of intuitive judgment, and integrity of character that are cumulative over time – in short an ethical identity (Cooper, 2006: 284).



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Writers on management such as Chester Barnard (1938) addressed the moral implications of management in business and other organizational settings. Barnard further states that moral sensitivity can be associated with satisfactory output and employee satisfaction. The study on ethical challenges confronting local government is underpinned by the behavioral theory of Chester Barnard. The behavior of the people in organization: Chester Barnard developed the behavioral approach to administration. To Chester Barnard administration is a cooperative social action, he defined organization as system of consciously coordinated activities or forces of two or more people. Barnard believed that managers of an organization have a duty to instill a sense of moral purpose in their employees, to think beyond their narrow self-interest, and to make an ethical commitment to society (Pardeep and Elekula, 2010:314).

Since there is no single view in general ethics of what makes something right or wrong makes the issue of ethics a very complex one. One school of thought emphasizes duties, things that must be done (or refrained from) irrespective of

the consequences. This *deontological* point of view holds that goodness or badness is only evident in the action itself: that, for example, lying is bad because it is bad in itself. By contrast, a *consequentiality* view of ethics holds that the goodness and badness of a proposed action is only evident in the consequences of that action: whether a lie is good or bad depends upon the consequences of that particular lie at the time. *Utilitarianism* is a consequentiality theory, in that it seeks to maximize the net happiness for everyone affected by a particular action - 'the greatest good for the greatest number', as it is sometimes expressed (Mullins, 2005: 169). Both duties and consequences (or means and ends) are plainly important in the way municipal officials and councilors deal with ethical issues in everyday business of the municipal administration.



2.2.8 MAJOR CAUSES OF ETHICAL TRANSGRESSIONS

Major causes of ethical transgressions will now be explained.

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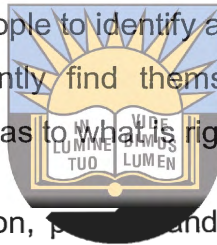
2.2.8.1 Transformation

Malan and Smit (2001:30) define transformation as a process of radical change; everything is called into question, both for the good and the bad, until a new definition is given to the needs and expectations of the people who motivated the change in the first place. The process of transformation can be vulnerable to corrupt leadership and socio-economic decay. Malan and Smit further point the reasons of ethical transgressions caused by transformation and they are:

- Transitional governing situations are always vulnerable because there are poorly developed administrative and political structures.
- The speed of change in itself, the uncertainty about what else is going to change and how it is going to influence people's lives and those of their families creates a huge feeling of vulnerability. People feel threatened and

insecure, which causes many of them to focus on basic needs and personalized interests.

- Previously held customs, beliefs, values and norms are discarded as wrong, for they are seen as the creation of the previous regime, and people are suddenly let loose to explore their newly acquired freedom, for which the boundaries are not yet set.
- Where transformation is sudden, it does not allow for substitute value systems to evolve, or for people to identify and internalize the new order of things. People consequently find themselves in a value and norm vacuum, with little guidance as to what is right and what is wrong.
- During radical transformation, people end up in executive positions for which they lack the necessary exposure and training, in which case unethical leadership is more a result of incompetence than corruption. This is specifically valid in specialized areas such as strategic planning, budgeting, financial control and logistics management. People often make decisions on gut feelings rather than sound judgment.
- Because transformation emphasizes the importance of the individual and what she/he has forfeited in the past and is now entitled to, it tends to lead to the rise of authoritarian leaders who focus on personal gain and power at the expense of everyone and everything else.



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more a result of incompetence

2.2.8.2 Culture of corruption

According to Gildenhuis, (1991: 57) poverty does not only force people to tolerate corruption and maladministration, but even provides incentives for initiating corruption and maladministration. Corruption breeds corruption, especially when government leaders are corrupt. Favors are also done with the

objective of creating favorable attitudes for reciprocal future benefits from those who have been favored unjustifiably and all this creates a culture of corruption. The nature of political culture may serve as an explanation for corruption and maladministration. If the dominant political culture grants a large amount of autonomy to the authorities and underplays the role of public control this may increase the manifestations of corruption and maladministration (Gildenhuis, 1991: 59).

2.2.9 MANIFESTATIONS OF UNETHICAL CONDUCT IN THE PUBLIC SERVICE



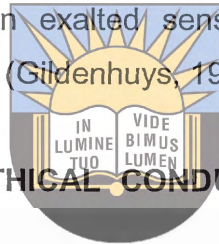
Maladministration and corruption are among the most important manifestations of unethical conduct in the public sector. Gildenhuis (1991: 43) defines maladministration as administrative actions based on or influenced by improper considerations or conduct. Anisyanidze, et al (2010) defines improper biases, including discrimination, are examples of improper considerations. Neglect, unjustifiable delay, failure to take relevant considerations into account, failure to observe relevant rules and procedures or to review rules and procedures whenever it becomes necessary, are all examples of improper conduct.

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Gildenhuis argues that the cause of maladministration is the result of poor or bad laws, poor because they are ambiguous, obscure, self-contradictory or obstructive; bad, because they are discriminatory, biased, unjust and unreasonable. Corruption is described as any conduct or behavior in relation to persons entrusted with responsibilities in public office which violates their duties as public officials and which is aimed at obtaining undue gratification of any kind for themselves and others. Corruption is a deviation from the normal pecuniary or status benefits, and this kind of corruption includes bribery and the misuse of public resources for personal gain. A public official is corrupt if he/she accepts money or other benefits for doing something that he/she is in any case duty-bound to do, or fails to do something, which he/she is, bound to do, or to exercise

a legitimate discretion for improper reasons. Corruption is an unlawful phenomenon being used by groups or individuals to gain influence over the actions of public officials. As such, corruption indicates that these groups or individuals are being allowed to influence the public decision-making process to their advantage at the cost of other groups or individuals.

Power can have an influence on corruption. Power becomes desired as an end in itself, to be sought at virtually any cost. Holding power tempts the individual to use organizational resources for self-benefit even illegally. Power creates the basis for false feedback and an exalted sense of self-worth. Generally, corruption violates the public order (Giddens, 1991: 44).



2.2.10 IMPLICATIONS OF UNETHICAL CONDUCT FOR ORGANIZATIONS AND THE CITIZENS

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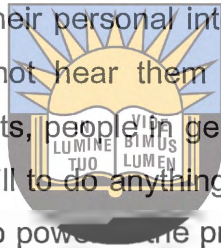
Implications of unethical conduct for organizations and the citizens will now be explained.

(a) *A drop in standards of service delivery*

Corruption and inefficiency inevitably lead to a general drop in the standards of service delivery, as well as to a national culture of complacency and foot-dragging. Such a situation has very bad implications, especially for essential services such as access to clean water and sanitation, electricity, housing, education, health and the criminal justice system. The situation worsens when officials justify incompetence and declining standards by rationalization and the blaming of extraneous circumstances, and the personnel involved are not only protected, but even rewarded for their “loyalty and good performance” (Malan and Smit, 2001: 66).

(b) Trust and credibility

Malan and Smit (2001:64) state that corrupt leadership and managerial practices inevitably lead to people no longer believing in and trusting their leaders, a state of affairs that ruins any chance of sound governance and effective performance. Employees question the motives and actions of discredited leaders, and they cease to believe that these leaders will act with integrity or protect the interests of their subordinates. Organizational behavior consequently becomes a low-risk affair where everyone plays it safe, builds alibis for potential failure, and plays power games in order to defend their personal interests. If people cannot trust their leaders anymore, they cannot hear them anymore. Where trust and credibility in leaders no longer exists, people in general lose hope for the future, become depressed and lose the will to do anything about the future, and if there is no hope in the future, there is no power in the present (Malan and Smit, 2001: 65).



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(c) Financial and material resources

Malan and Smit (2001: 66) further state that as far as finances are concerned, a situation develops characterized by poor prioritization, misappropriation of funds, financial losses (debts), unauthorized expenditure, the shifting of money from one activity to another at the expense of the business plan, *etc.*

2.2.11 ASPECTS OF MANAGING ETHICS IN THE ORGANISATION

(a) Leading by example

The first and most important requirement for fostering a culture of good ethics in an organization is leading by example. The crucial role of leaders from both politics and administration was emphasized as one of the most important aspects of ethics in organizations in a report on ethics policy and practice issued by 250

American organizations. The report stressed that the chief executive officer in the case of a municipality, the municipal manager and the directors or the mayor and the councilors need to be openly and strongly committed to ethical conduct and should provide constant leadership in reinforcing ethical values in the organization. They should communicate this commitment as often as possible in speeches, directives, and organizational publications. It is essential that their actions should set the example for ethical standards in their organizations (Smit *et al*, 2007: 420).

(b) Developing a code of ethics



Smit *et al* (2007: 420) argue that another way of managing ethics in the organization is by means of a code of ethics. Many organizations, in an attempt to set an internal standard of behavior in ethical matters, develop a code of conduct or code of ethics. A code of ethics or organizational code of ethics sets out the guidelines for ethical behavior within the organization. A code usually comprises a written statement of an organization's values, beliefs, and norms of ethical behavior. Top management usually develops an organization's code of ethics. Ideally a code of ethics should provide employees or councilors with direction in dealing with ethical dilemmas, clarify the organization's position in specific areas of ethical uncertainty, and in general achieve and maintain organizational behavior that the organization views as ethical and desirable (Smit *et al*, 2007: 421).

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(c) Creating ethical structures

Smit *et al* (2007: 421) went on to argue that an organization could create various ethical structures to implement ethical behavior. An ethics committee, usually comprising senior officials, can be established to judge the doubtful ethical behavior of municipal employees and councilors, and enforce discipline where necessary. An organization can also appoint an ethical ombudsman who is an

official responsible for receiving and investigating ethical complaints and to alert top management to potential ethical issues that may create problems. Ethical training programmes at all levels of the organization can also help to entrench ethical behavior in organizations.

(d) Managing whistle blowing

According to Dellaportas *et al* (2005: 170) whistle blowing occurs when one or more employees disclose, without authorization, information about an unethical or illegal act by the employing organization, to a party external to the employing organization that owns the information. Malan (2010:1) defined whistle blowing as the act of exposing (perceived) organizational wrongdoing by reporting it to the authorities (complaint recipient) that are in a position to correct the situation. Some theorists locate the whistle blowing within the framework of pro-social behavior within the organization, or behavior pursued in the interests of the organization, society or both. Malan (2010: 2) further argues that while the expositions are true, it is equally true that the whistleblower is often disliked and even victimized for exposing corruption, fraud and any misconduct, and consequently whistle blowers might be discouraged to disclose information.

(e) Value for ethics training

Lewis and Gilman (2005: 202) pointed out that one of the keys to a successful ethics program is effective regular communication and training, which is needed to clarify expectations and provide guidance. Public managers must have a sense of the rules but also need a solid understanding of the principles underlying them. Regular ethics training is a key systematic component.

2.3 LEGISLATIVE FRAMEWORK OF ETHICAL RELATED ISSUES IN SOUTH AFRICA

The legislation that addresses the issues of ethics in South Africa will now be explained.

2.3.1 *The Constitution of the Republic of South Africa, 1996*

The legislation most definitely forms the cornerstone of the new democratic local government in South Africa. The South African legal system depends on the *Constitution, which* became effective in 1996. The *Constitution of the Republic of South Africa, 1996* contains a *Bill of Rights*, which provides for not only basic human rights but also social and economic rights. The *Bill of Rights* upholds, among other things, the right to social security.



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Chapter 7 of the Constitution, 1996 makes provision for the establishment of local government as a third sphere of government. This provides a framework for the roles and functions of local government, which are implemented through *inter alia* the *Local Government Municipal Structures Act, 1998 (117 of 1998)*.

Chapter 12 of the Constitution of the Republic of South Africa, 1996 recognizes traditional leaders, but fails to define their roles and functions in developmental local government because Section 212 of the Constitution does not provide for the specific roles and functions for traditional leaders in matters affecting rural communities. According to Craythorne (1997:13), under pre-1994 provincial legislation, municipalities were classified as corporations; these classifications gave municipalities the status of corporate body i.e. juristic person. In terms of the provisions of the *Constitution of the Republic of South Africa, 1996*, municipalities are no longer considered as corporate bodies, they are entrenched in the *Constitution* as a sphere of government.

The preamble of the *Constitution of the Republic of South Africa, 1996*, makes a commitment to laying foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected and equal before the law. This means, election of public office bearers is critical to building democracy and democracy is about the will of the people. The commitment to community development is emphasized in *Chapter 7 of the Constitution* wherein Section 152 points out the objectives of local government as including the provision of services to communities in a sustainable manner; the promotion of social and economic development and a safe and healthy environment; and the involvement of communities in matters of local government.



According to the *Constitution of the Republic of South Africa, 1996* the local government sphere consists of municipalities, which must be established for the whole of the territory of the Republic. The executive and legislative authority of a municipality has the right to govern by its own initiative the local government affairs of its community, subject to national and provincial legislation as provided for in the *Constitution*.

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2.3.2 White Paper on Local Government, 1998

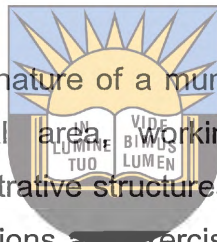
White Paper on Local Government, 1998 proposed a restructured system of municipal finance that is in line with the following basic principles:

- Revenue adequacy and certainty
- Sustainability
- Effective and efficient use of resources
- Accountability, transparency and good governance
- Equity and redistribution
- Development and investment, and
- Microeconomic management.

2.3.3 The Local Government: Municipal Systems Act, 2000 (32 of 2000)

The Act aims to ensure that services delivered by local government are well received by its citizens and that local government staff have the skills and the abilities to implement the development plans. It consists of 12 chapters and is aimed at providing for the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local municipalities, and ensure universal access to essential services that are affordable to all.

This Act further defines the legal nature of a municipality as including the local community within the municipal area, working in partnership with the municipality's political and administrative structures; to provide for the manner in which municipal powers and functions are exercised and performed; to provide for community participation; to establish a simple and enabling framework for the core processes of planning, performance management, resource mobilization and organizational change which underpin the notion of a developmental local government system. Sections 16, 17, 18 and 19 of *Municipal Systems Act, 2000*, provides for public participation to allow for transparency, involvement, openness, accountability, responsibility and participation. The municipality must encourage, and create conditions for the local community to participate in the affairs of the municipality (Mafunisa, 2009: 733).



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2.3.4 The Municipal Finance Management Act, 2003 (56 of 2003)

The *Municipal Finance Management Act, 2003 (56 of 2003)* is one of the most important pieces of local government legislation in so far as ensuring good governance is concerned, especially on financial management matters. It deals with the management and control of municipal bank accounts, handling of withdrawals, budget preparation processes, publication of annual budgets, auditing requirements, debt disclosures, use of municipal websites to publish

information, and financial management matters (sections 85-130) dealing with irregular, fruitless and wasteful expenditures, provisions for reporting of improper interference by councilors and, most importantly, barring of councilors in participating in the tender committees (Mafunisa, 2009: 730).

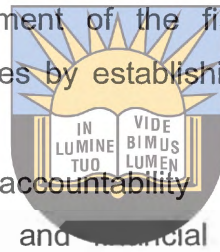
The Act is aimed at securing sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government; to establish treasury norm and standards for the local sphere of government; and to provide for matters connected therewith. The object of the Act is to secure sound and sustainable management of the fiscal and financial affairs of municipalities and municipal entities by establishing norms and standards and other requirements for:

- Ensuring transparency, accountability and appropriate lines of responsibility in the fiscal and financial affairs of municipalities and municipal entities.
- The management of their revenues, expenditures, assets and liabilities, budgetary and financial planning processes and the coordination of those processes with the processes of organs of state in other spheres of government.
- Borrowing and handling of financial problems in municipalities.
- Supply management and other financial matters.

The Act is part of a broader process to improve financial discipline in the local government.

2.3.5 *The Promotion of Access to Information Act, 2000 (2 of 2000)*

The *Promotion of Access to Information Act, 2000 (2 of 2000)*, gives you the constitutional right of access to information held by any public or private body that is required for the exercise or protection of human rights. There are records that are automatically available to the public and there are records that are not freely



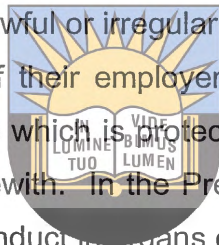
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available to the public for a variety of reasons. These are known as justifiable limitations and usually relate to matters of government security.

2.3.6 *The Protected Disclosures Act, 2000 (26 of 2000)*

The Protected Disclosures Act (PDA) came in force in 2000, and several initiatives have been undertaken to promote accountability and fight corruption within the public sector. The goal of the Act is to make provision for procedures in terms of which employees, in both the private and the public sector, may disclose information regarding unlawful or irregular conduct by their employers or other employees in the employ of their employers to provide for protection of employees who make a disclosure which is protected in terms of this act and to provide for matter connected therewith. In the Preamble of the PDA it is stated that criminal and other irregular conduct in organs of state and private bodies are detrimental to good, effective, accountable and transparent governance in organs of state, and open and good corporate governance in private bodies and can endanger the economic stability of the Republic and have the potential to cause damage to all levels of society.



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2.4 INSTITUTIONAL MECHANISMS TO UPHOLD GOOD GOVERNANCE

The Auditor-General (AG), Public Protector (PP), and the Public Service Commission (PSC) are the primary institutions to ensure good governance in the public sector.

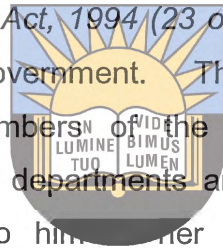
2.4.1 *The Auditor-General*

The Auditor-General was created in terms of Section 188(1) of the *Constitution, 1996*. The functions of the Auditor-General are to ascertain, investigate and audit all accounts and financial statements of all departments of national, provincial and local spheres of government as well as any statutory body or any

institution financed entirely or partly by public funds. The Auditor-General frequently reports on financial irregularities, lack of keeping proper records and filing, wrong allocation of funding and fiscal or budget dumping at the end the financial year.

2.4.2 Public Protector

According to Bauer (2002: 170) the Office of the Public Protector was established under Chapter 9 of the *Constitution, 1996* with the operational requirements stipulated by the *Public Protector Act, 1994 (23 of 1994)*. The Public Protector functions independently from government. The Public Protector receives complaints from aggrieved members of the public against government, government officials, government departments and government agencies and may explore matters referred to him. He makes recommendations on corrective action and reports to parliament.



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2.4.3 Public Service Commission

The Public Service Commission is mandated in terms of the *Constitution, 1996* to promote and maintain a high standard of professional ethics throughout the public service. The Commission has the responsibility of promoting and implementing ethical frameworks.

2.5 CONCLUSION

The increasing interest in public sector ethics demonstrates the rising concern of the public, practitioners and researchers in the domain of professional ethics in the public sector especially at local government level. Despite the legislative and institutional mechanisms in upholding good governance in local government, there seems to be a gap in the implementation of ethics rules and approaches and the study is designed to identify the gaps and come up with remedies that

will boost public confidence and trust towards municipalities. Chapter 3 deals with research methodology and design.



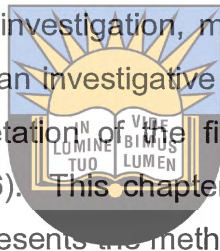
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CHAPTER THREE

RESEARCH METHODOLOGY

3.1 INTRODUCTION

This chapter presents the methodology processes carried out to accomplish the research objectives including the research techniques, sources of data and collection methods. The use of the scientific method has its purpose to ensure a direct analysis of data that is oriented towards the identification of a problem and with reference to the topic under investigation, moreover the scientific method calls for a review of the literature, an investigative design, the collection of data, the analysis of data, the interpretation of the findings, and conclusions and recommendations (Cielo, 1995: 16). This chapter presents an overview of the methods utilized in the study. It presents the methodology processes carried out to accomplish the research objectives, including the research techniques, sources of data and collection methods. The chapter is backed up by literature that specializes on the topic of research methodology.



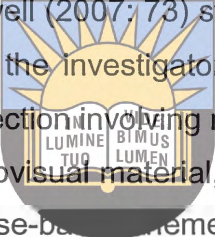
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3.2 RESEARCH DESIGN

The type of research design and methods used were guided by the nature of the problem that was investigated. The desired outcome of this research was to identify ethical problems and challenges confronting Eastern Cape local government, the case of Buffalo City Metropolitan Municipality. According to Mouton (2001: 55) research design is a plan or blueprint of how you intend conducting research. A research design is the plan according to which researchers obtain research participants (subjects) and collect information from them. In it, researchers describe what they are going to do with the participants/respondents with a view to reaching conclusions about the research problem/research hypothesis or research question (Welman and Kruger, 2001: 46).

In addressing the research problem, a qualitative approach was therefore undertaken. It is the purpose of this qualitative research to identify ethical challenges and problems confronting Eastern Cape local government, the case of Buffalo City Metropolitan Municipality. A qualitative methodology was chosen for this study because “qualitative methods can be used to obtain the intricate details about the phenomena such as feelings, thought processes, and emotions that are difficult to extract or learn about through more conventional research methods” (Strauss and Corbin, 1998:11).

Explaining this type of study, Creswell (2007: 73) states that case study research is a qualitative approach in which the investigator explores (a case) over time through detailed, in-depth data collection involving multiple sources of information (e.g. observations, interviews, audiovisual material, documents and reports), and reports a case description and case-based themes. A qualitative approach or phenomenological inquiry seeks to understand a phenomenon in a context-specific setting.



The logo of the University of Fort Hare is a circular emblem. It features a central sun with rays extending upwards and outwards. Below the sun, the Latin motto "LUMINE BIVMUS TUO LUMEN" is inscribed. The emblem is set against a dark background with a lighter border.

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Qualitative research, broadly defined, means “any kind of research that produces findings not arrived at by means of statistical procedures” (Strauss and Corbin, 1990: 17). Lincoln and Guba (1985: 120) further argue that the ability of qualitative data to more fully describe a phenomenon is an important consideration not only from the researcher’s perspective, but from the reader’s perspective as well. Stake (1978: 58) states that qualitative research reports, typically rich with detail and insights into participants’ experiences of the world, may be epistemologically in harmony with the readers’ experience and thus more meaningful. It is with the above statements that the researcher decided to choose a qualitative research design.

The following features of qualitative research were represented in the research study and they are:

- Qualitative research uses the natural settings as the source of data. The researcher attempts to observe, describe and interpret settings as they are, maintaining “empathic neutrality” (Patton, 1990: 55).
- The researcher acts as a human instrument of data collection.
- Qualitative research predominantly use inductive data analysis.
- Qualitative research reports are descriptive, incorporating expressive language and the presence of voice in the text (Eisner, 1991: 36).

3.3 TARGET GROUP AND SAMPLING



It was not possible, nor was it necessary to collect information from the total population, instead a smaller group of target population was selected for the purpose of the study. The respondents with potential data were identified and added to the study. The scope of this study was limited to senior managers, and leaders within a municipality hierarchy, and they involved councilors, municipal officials, public representatives and employee/workers representatives.

The respondents at the research site were the Acting Municipal Manager, the Executive Mayor, the Speaker, Directors and General Managers, ward and PR councilors, chairpersons of ratepayers associations, SANCO representatives and labour representatives from both SAMWU and IMATU. The respondents were chosen using a purposive sampling method. A purposeful approach was used through the discussions with the senior officials and leaders of the Buffalo City Metropolitan Municipality. The senior officials and leaders identified are the respondents who provided data for the research study.

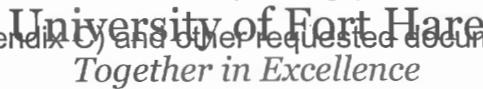
The term “purposive sampling” was derived from the richness of the information from participants from whom the research can receive adequate data about the issues that are central to the purpose of the study (Merriam, 1998: 165).

3.4 DATA COLLECTION METHODS AND PROCEDURES

As suggested by Lincoln and Guba (1985: 290) the researcher took the following steps to collect data:

- Determined where and from whom data will be collected.
- Planned data collection and recording modes.
- Planned the logistics of data collection, including scheduling and budgeting.

Respondents were identified using the information available in the public domain. Once identified, they were contacted by the researcher and briefed about the purpose of the study. A letter from the University of Fort Hare was provided to the office of the Acting Municipal Manager (see appendix A). It was not difficult to meet with the respondents, as letters requesting permission (see appendix B), oath of secrecy (see appendix C) and other requested documents were provided.



According to Kumar (2006: 118), there are two major approaches to gather information about a situation, a person, problem or phenomena and they are:

Primary data: data collected through sources such as questionnaires and interviews.

Secondary data: data collected through sources of documents that already existed. The secondary data included earlier researches, government publications, *etc.*

Both approaches have been used in this research and a detailed overview of each method is explained.

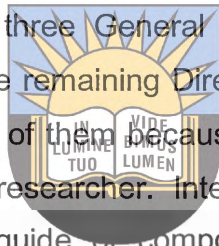
3.4.1 Primary data collection

The collection of primary data was accomplished through the application of questionnaires and interviews. Before proceeding to fieldwork, questions were prepared and the list of contacts from various directorates of the municipality was

pre-contacted. Mostly they were communicated with secretaries of the selected directorates via electronic mails. The following research techniques were used to collect data.

3.4.1.1 Conducting the interviews

Qualitative interviews were used as the primary strategy for data collection, and in conjunction with document analysis. Interviews were conducted with the Acting Municipal Manager (see appendix D), the Mayor and the Speaker (see appendix E), four Directors and three General Managers (see appendix F). Attempts were made to include the remaining Directors and General Managers, but it was not possible to meet all of them because of their tight schedules and time constraints on the side of the researcher. Interviews were scheduled for 30-45 minutes using an interview guide composed (15 to 17) open-ended questions.

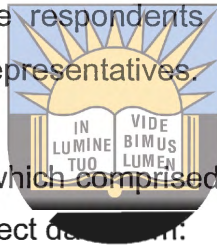


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The main objective of the study is to obtain qualitative data regarding ethical challenges confronting Buffalo City Metropolitan Municipality. According to Leedy and Ormrod (2001: 196), the most commonly used method of collecting qualitative data is the structured interview. Open-ended questions were utilized to allow for individual variation. An interview schedule was prepared to ensure that basically the same information is obtained from each person. The interview schedule helped in ensuring good use of limited interview time. Some interviewees asked the researcher for a copy of the questionnaire prior to interviews. The questionnaires were sent via electronic email. The purpose of sending the questionnaires to some of the interviewees prior to interviews was to provide the respondents with the context of the study. The researcher preferred or relied on written notes in recording interview data. The possibility of technical failure of recording devices prompted the researcher to decide on written notes. Interviews held with the senior officials and councilors gave insight into ethical challenges facing the municipality.

3.4.1.2 Questionnaire administration

The researcher went out to selected wards of the municipality and visited the selected participants to conduct the interviews. For self-administered questionnaires, appointments were made to the potential respondents by telephone. Questionnaires used direct questions and some used an answer scale. The questionnaire included questions related to code of ethics, education and awareness on ethical issues, the influence of unethical behavior on service delivery, ethical leadership, ethics auditing and monitoring, whistle blowing, challenges and suggestions. The respondents were ward councilors, public representatives and labour union representatives.



Self-administered questionnaires, which comprised both open-ended and closed-ended questions, were used to collect data from:

- 25 PR/Ward councilors from five selected wards within the municipality. They were selected from different political parties that are represented in the council.
- 5 Ratepayers Associations, all were from the coastal areas. Attempts to find others from inland were unsuccessful; the official from the King William's Town Civic Centre confirmed their non-existence.
- 6 Union representatives from both municipal labour unions SAMWU and IMATU.
- 5 public representatives from SANCO.

The questionnaires were designed to accommodate the councilors (see appendix G) the electorate who serve as the interface between the citizens they represent and the municipal officials who design and implement development policies. There was a questionnaire for union representatives (see appendix H) as they are directly involved in the implementation of policies in ensuring good governance and that service delivery is not compromised. A questionnaire for civic organizations (see appendix I) was also designed as they represent the

interests of the citizens in ensuring good governance standards are maintained. The use of BCMM as a case study allowed the researcher to interact with respondents in the whole data gathering process.

3.4.2 Secondary data collection

Municipal documents such as official records, annual reports, audit reports, published data used in a review of literature were also used.

3.5 DATA ANALYSIS AND INTERPRETATION

An interpretation analysis approach was employed in the study. The researcher looked for patterns, constructs, commonalities within the data, organized, and broke the data into manageable patterns in order to explain the phenomenon. Raw information was reduced by creating categories, relevant data was filtered in and irrelevant data was filtered out.



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3.6 CONCLUSION

In this chapter, the research methodology for the study was discussed. Primary data was collected through the administration of questionnaires, which were hand delivered and collected by the researcher. Interviews were conducted to senior officials and leaders of the municipality. The researcher also made use of official documents, audit reports, annual reports and published data secondary data. Data collected was then filtered to get the relevant data. In the next chapter, the results of the research study are presented.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

This chapter presents the results obtained from the questionnaires and open-ended interviews with the senior officials, senior leaders, labour union representatives and the public representatives of the municipality. Both questions for questionnaires and interviews were constructed based on an ethical governance benchmark. The qualitative data obtained by the questionnaires and interviews is analyzed in six themes and they are (i) code of ethics (ii) training on ethics (iii) ethical leadership, (iv) reporting mechanisms on ethical violations (v) ethics auditing and monitoring and (vi) biggest challenges in fostering ethical standards.



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4.2 EFFECTIVENESS OF CODE OF ETHICS

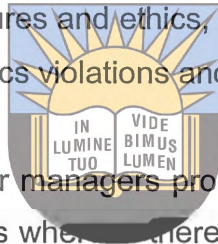
In an effort to get answers on how effective are ethics and ethical guidelines, a number of items concerning code of ethics were included in the questionnaire and interviews. The first questions of the questionnaires were intended to collect information about the code of ethics.

Question: Does the municipality have an ethics code or code of conduct?

Answer: The majority of councilors (78%) answered positively to the existence of the code of conduct. The results pertaining to the existence of the code suggest that the majority of municipal officials (90%) are aware of the code of ethics and what it entails. The survey revealed that the municipality had a written code of conduct policy. Effective codes of ethics are directed at prevention, providing guidelines for ethical behavior and eliminating risks or opportunities for unethical practices.

Question: Is an ethics code regularly enforced?

Answer: 80% of the respondents were of the opinion that there is lack of enforcement of the creed of ethics. The majority of respondents (80%) found that the weakness in the regulation of ethics in Buffalo City Metropolitan Municipality is not so much the provision of rules and procedures but the lack of concern for their administration and enforcement. Without enforcement, the guiding elements such as code of ethics, campaigns for clean administration, and training sessions for municipal members and councilors become meaningless. Equally a management framework to promote sound public service ethics, clear administrative policies and procedures and ethics, also remain ineffective without swift and fair action in cases of ethics violations and corruption.



Furthermore, interviews with senior managers provided useful explanation as to why there are still ethical violations when there is a code of conduct to guide municipal officials and councilors. The majority of the interviewees were of the opinion that there are shortcomings in the implementation of rules and the lack of capacities and efforts in the enforcement process. It can be deduced that more rules or codes of ethics do not necessarily provide an efficient response to the decline of public trust and ethics issues. Codes of ethics make little sense unless the officials and councilors accept them. Those to whom they apply do not always recognize codes. Codes require practical systems of enforcement and associated sanctions. It is understood that ethics are only effective if people believe in their usefulness and effectiveness.

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4.3 TRAINING ON ETHICS

Question: Does the municipality sponsor ethics training to its councilors and officials and how critical is ethics training in promoting an ethical environment in the municipality?

Answer: The results pertaining to ethics training suggest that the majority of respondents have not received any training on ethical issues and they only heard

of the code of conduct during the induction process. During the interviews, 10% explained that the municipality provides training on ethical issues through workshops and road shows in order to raise awareness on ethical issues. The interviewee further emphasized the willingness of the municipality in meeting the ethical agenda. 88 % of respondents noted the lack of continuous training on ethical issues. The respondents further emphasized that training reduces uncertainty and clarifies what is and is not acceptable. 55 % of respondents agreed that without the training, municipal officials and councilors might unintentionally breach the ethics rules. 50% of the respondents suggested that the municipality needs training that deals specifically with items on the municipality's code of conduct. They agree that training is beneficial but have been offered training during induction.



One of the interviewees noted that "ethics management is a journey, not a destination", so continuous training and communication is very critical in promoting an ethical environment. Training and outreach programs on ethical issues must be continuous to be useful, offering it at once is not sufficient. People need to be reminded. Officials and councilors should be trained on how to interact with co-workers, the public, the contractors, consultants *etc.* Training gives officials and councilors a chance to discuss grey areas, which will help in policy reviews. One interviewee explained "Training is critical in ensuring that everyone understands the rules and codes and how to apply them". Continuous training on ethical issues was also regarded by 64% of the respondents as another area that would contribute to high ethical standards in the municipal administration. Consequently, ethical behavior needs daily routine as well as organizational and motivational support *e.g.* by way of continuous training. Another suggestion, put forward by 30% of the respondents, is that training should focus more on those positions vulnerable to corruption such as in the areas of supply chain, recruitment, financial management and the front line staff.

4.4 ETHICAL LEADERSHIP

Question: To what extent do senior members and senior municipal officials display effective leadership in the municipality? Do you think they are a catalyst for change? How critical is ethical leadership in promoting an ethical environment in an organization?

Answer: Repeatedly during the interviews, 95% of respondents stressed the lack of leadership and that an organization must have an ethical tone at the top to create an ethical culture throughout the organization. As suggested by 70% of respondents the municipality lack the exemplary leadership. Some ethical violations are because of lack of ethical leadership and weak internal controls. Findings related to leadership tend to support findings of Malan and Smit (2001: 39) mentioned in Chapter 2 when the researcher was reviewing literature. Ethical leaders have a moral facet. As a moral manager, an ethical leader will convey the importance of ethics by communicating with the followers about ethical issues and by being a role model for ethical behavior. Ethical leadership involves personal moral behavior as well as moral influence. An ethical leader has an influence to change the ethical climate and ethical culture.

On the issue pertaining to ethical leadership 100% of the respondents described ethical leadership as critical in promoting ethical environment. The majority of the respondents agreed that ethical leadership is very critical in promoting an ethical environment. 67% of the respondents concluded by saying that when an organization lacks ethical leadership, the entire organization suffers, and when the organization suffers, the customers or clients, and in a case of a municipality the citizen suffers.

One respondent made a comment that “an action of leadership sometimes affects the attitudes, which later affects the decisions taken”. 60% of the comments suggested that “having unethical leadership has led to many problems that have made news in recent years, problems such as qualified and

disclaimer reports, suspension of certain senior officials and financial mismanagement”. One interviewee emphasized, “The lack of ethical leadership in Buffalo City Metropolitan Municipality is the cause for the overriding of internal controls and the morale of the officials to become negative”.

Both the literature and the research emphasize that ethical leadership is critical in maintaining and ethical culture in an organization. Leaders should walk the walk. In setting the right tone, those in positions of power and management have to lead by example. Ethical leaders need to:

- Communicate to employees or members what is expected of them.
- Provide a safe mechanism for reporting violations.
- Reward integrity.



The research results indicate that ethical leadership is the most important factor in encouraging officials and members of the council to be ethical and the lack of it has negative consequences in the municipality.

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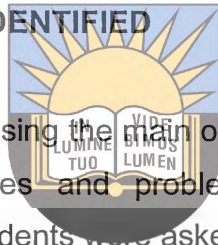
4.5 REPORTING MECHANISMS OF ETHICAL VIOLATIONS

Question: Are there procedures and obligations for members and officials to report suspected ethical violations and misconduct? Is protection/safeguard available to officials who expose wrongdoing?

Answer: 100% of the respondents confirmed in this study that there are no whistle blower provisions in Buffalo City Metropolitan Municipality. Whistle blowing procedures are defined as special mechanisms outside the chain of command, by which officials, councilors and the citizens can lodge complains if they have significant evidence of possible ethical violations and are required to act. In order to improve staff accountability, staff members must feel protected from reprisals for reporting violations of the guidelines on professional conduct and when breaches of regulations and rules are reported, a proper review or investigation must be conducted.

The concept of whistle blowing has been created in response to reporting unethical violations. Those who wish to raise concerns about serious wrongdoings to authorities must be given a platform to do so. Municipalities should establish a whistle blowing policy and procedures of reporting suspicions of wrongdoing. The procedures must make it possible to report anonymously. The authorities are obliged to inform the whistle blower about the outcome of the investigations and the steps that were taken during the investigations. Legal protection for whistle blowers must also be provided.

4.6 ETHICAL CHALLENGES IDENTIFIED



This research is carried out addressing the main objective of the research, which was to identify ethical challenges and problems confronting Buffalo City Metropolitan Municipality. Respondents were asked to say what, in their opinion, were the ethical challenges and problems confronting the municipality, and the impact of the challenges on service delivery. The responses to this question are provided below.

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RESPONDENT A

“There is lack of transparency in the supply chain processes. The user departments are not involved in the actual procurement process, and most of the time the user departments do not get value for money from the service providers. When things go wrong with service providers, it is only then the user departments will be asked to get involved, by responding to the failures of the service providers. Openness and transparency is inadequate. The non-involvement of user departments in supply chain processes result in service delivery being compromised”.

RESPONDENT B

“Recruitment is the big issue. The municipality is experiencing challenges of corrupt recruitment processes. Another contributing factor to the challenge is the vulnerability of management (senior managers). Councilors have an influence in the recruitment processes. Because of the pressures from councilors, managers become vulnerable to the pressures even if they know that it is unethical. This is causing a huge problem on service delivery, because whoever comes to the employ of the municipality, will be disrespectful of the supervisors if appointed through political connections not on merit”.



RESPONDENT C

“The issue of third parties. Members of the public and suppliers play a role in officials committing unethical behavior. The issue of bribes and rewards especially in areas of recruitment, supply chain and revenue services by the public and suppliers promotes unethical conduct by officials and councilors”.

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RESPONDENT D

“There is lack of open and honest communication or working relations between senior officials and members of the council. Most of the time municipal officials do not attend standing committee meetings, where they have to account and there are no disciplinary actions taken for such conduct”.

RESPONDENT E

“Leadership or ethical leadership is a very critical issue. The municipality officials and the members of the council, most of the time they do not display effective leadership. Some councilors are more concerned with political faction and are divisive. They are not concerned about the implementation of service delivery

programs. To a large extent this unbecoming behavior has a negative impact on service delivery; as a result confidence in the administration of the municipality is decreasing”.

It is clear from the above answers that there are ethical challenges and problems confronting Buffalo City Metropolitan Municipality, and these challenges affect the performance of both the municipal officials and the municipal councilors, resulting in service delivery being compromised. 90% of the participants responded to the questionnaires by saying that there is a clear link between ethical/unethical behavior and service delivery. A high ethical standard stimulates higher ethical performance. The following manifestations of unethical conduct have been identified through the survey questions and case study interviews.



4.6.1 Improper recruitment practices

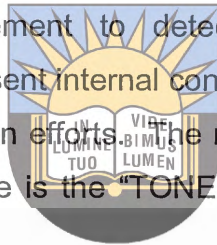
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The favoring of relatives or friends has been identified as the cause of the deterioration of the municipal services, because unqualified candidates are being recruited or promoted to posts for which they are unsuitable. Public representatives are concerned that municipal officials and councilors are not committed to the needs of the public, they are more concerned with their interests and those of their families and friends, and an example of nepotism was highly quoted by the 82% of respondents. The public is also encouraged to make bribes because they want to get into the employ of the municipality. There is lack of fair selection and recruitment procedures. Non-screening of staff before acquiring the positions has been mentioned as another problem in ethics. Municipal officials should be appointed based on achievement criteria and merit rather than political loyalty considerations. Merit selects the best personnel for the public institutions like a municipality. Inefficient municipal officials and councilors are also unaccountable and unresponsive to the concerns and needs of the public and that results in service delivery being compromised.

4.6.2 Lack of internal controls

Inadequate internal controls and implementation of processes have been analyzed as a source of ethical problems and they are being weakened because of the lack of management control and ethical leadership. Improving internal controls will help prevent or detect behaviors that may be unethical or fraudulent. Prevention is better than cure. Recent audit reports tend to support the notion that the municipality is experiencing lack of internal controls especially in financial control, management control and recruitment and appointments control. Internal controls should enable management to detect irregularities and identify procedural problems. Weak or absent internal controls present the greatest risks and the areas to start any detection efforts. The most important internal control for building a strong ethical culture is the "TONE AT THE TOP" and enforcing policies and procedures.



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4.6.3 Inadequacy of transparency

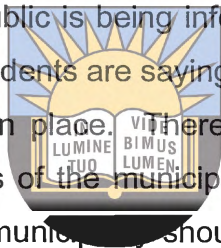
Lack of transparency in decision-making processes has been identified as the ethical challenge and it affects the performance of officials in the sense that no engagements are taking place with the affected parties. The municipality has clearly defined and well understood roles and responsibilities for both members of the council and officials and clear management processes for policy development, policy implementation and review, and for decision making, monitoring and reporting:

- The decision making process should generally be transparent.
- Decisions should be based on evidence and following appropriate debate and involvement of all stakeholders.
- Decision making should take heed of community needs and local priorities, budgets and agreed protocols

4.6.4 Communication challenges

Gaps have been identified in the communication between municipality representatives and local citizens, and are leading to the inefficient use of accountability systems and mechanisms. No regular and sufficient information about ethics has been provided to the public. The public needs to be educated on the advantages of ethical conduct and participate in promoting it. The citizens need to learn not to pay bribes and to report incidents of corruption to authorities.

On the question of whether the public is being informed of the ethical values of the municipality, 63% of the respondents are saying there is no communication or community awareness programs in place. There is no feedback given to the residents about the state of affairs of the municipality. The public only get the information from the media. The municipality should inform the public about its state of affairs on a regular basis. Let the citizens know in an improved manner that the municipality is actively involved in a policy of ethics.



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4.6.5 Political instability

Political infighting has been highlighted as an ethical dilemma in the administration of the affairs of the municipality. Confidence of citizens in the municipals services is decreasing. The weakening confidence is related to the fact that citizens have the feeling that the political system is responding insufficiently to problems of poverty, unemployment and delivery of services to communities. The perception is that the politicians are more concerned with factionalism in the ruling party. The impact of political interest is affecting decisions and implementation of service delivery programs. The research results indicated that political instability within the municipality is the most challenging factor in discouraging ethical conduct in the delivery of services

4.6.6 Lack of professionalism and commitment

Municipal officials and members of the council see the diminishing level of professionalism in the municipal administration because of disregard for practices of accountability. Lack of professionalism has been identified as the reason of the declining sense of integrity and conflict of interest that has marred the municipal services. There is lack of leadership commitment – the extent to which officials and councilors create an environment to encourage ethical behavior, as well as they become ethically they is minimal.

4.7 CONCLUSION



This chapter attempted to capture the most salient findings conducive to remedial actions and improvements in promoting ethics and preventing unethical behavior in the administration of Buffalo City Metropolitan Municipality. Based upon the results of the research study and the review of the literature it appears as though the phenomenon of public service ethics and its impact on delivery could be classified as a causal relationship. Situations such gaps in the implementation of code of ethics and delays in enforcing disciplinary rules, insufficient training, inadequacy of transparency, lack of tone from the top or exemplary leadership, inadequate internal controls, lack of professionalism and commitment, political infighting in the municipal administration, lack of auditing and monitoring mechanisms and the absence of a whistle blowing policy, could be reasons that may explain ethical challenges confronting the case study municipality. All the findings discussed made a contribution in testing the hypothesis and the research objectives. The next chapter discusses the summary of findings and provides conclusions and recommendation of the study.

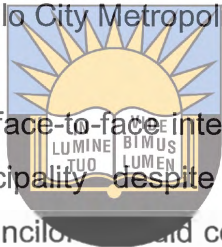
CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

This chapter is aiming to draw conclusions as well as recommendations, and the focus is on the challenges of public service ethics in the enhancement of service delivery in Buffalo City Metropolitan Municipality. The purpose of this qualitative study was to identify ethical challenges and problems confronting Eastern Cape local government, the case of Buffalo City Metropolitan municipality.

The literature, questionnaires and face-to-face interviews confirm the challenges and problems facing the municipality despite legislative and institutional guidelines on how officials and councilors should conduct themselves. Following the challenges identified in this research study, below are the summarized findings.



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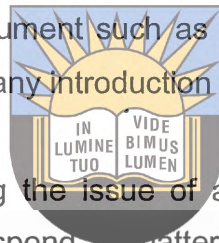
5.2 SUMMARY OF FINDINGS

There is no shortage of rules and mechanisms on instruments in the field of ethics. Rules are nothing but paper. The problem is clearly not the rules but the shortcomings in the implementation of such rules and the lack of capacity and efforts in the enforcement process. The gap is only in the implementation of ethics rules, codes and approaches. Officials perceive the rules and guidelines on ethical conduct as not that clear and simple.

Lack of basic internal control or weaknesses, allowed a number of significant abuses to occur and they present great risks. There is little or no fairness in the selection and recruitment processes. Inadequate training on ethics and leadership and training are a personnel management issue; they could be addressed through better training.

The municipality has no stringent administrative provisions for reporting ethical violations. There is no policy on whistle blowing. Officials and councilors hesitate to report cases of unethical behavior out of fear of negative repercussions such as poor career prospects.

The lack of ethical leadership is the cause of overriding of internal control. Internal controls are being weakened because of lack of ethical leadership and management control. Nepotism and political recruitment sacrifices excellence in public service for mediocrity. Ethical behavior in municipal administration proved not to depend on one single instrument such as an attractive code of conduct, effective disciplinary legislation or any introduction of effective punitive measures.



The identified challenge regarding the issue of auditing and monitoring is the reluctance by management to respond to matters that are reported in internal audit reports. One of the most interesting findings with respect to ethics in the questionnaires is the perception of the significance of ethics auditing and monitoring. Auditing can be a useful mechanism in helping ethical leaders to develop an ethical organization, particularly as an oversight to help monitor officials behavior. Auditing can help with the identification and correction of ethical lapses and creation of internal controls that become part of the institutional framework to encourage ethical behavior.

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Work processes are improved when being audited and monitored. Some individuals perform their work with more diligence because they know that they could be audited. Auditing and monitoring helps ethical leadership to get feedback of what they need to improve. Everything impacts on ethics, when officials or councilors see their leaders implementing recommendations from an audit team, what they see is ethical behavior that is being corrected. A finding is needed from people responsible for auditing and monitoring. A finding is a finding because something is not operating as if it should be or certain statutory requirement was not followed.

It is the obligations of internal auditors to examine existing internal controls for needed improvement. Internal auditors need to develop new internal controls if necessary. It is the role of internal auditors to monitor behavior and report any inappropriate behavior that they may observe. Internal auditors need to be ethical role models themselves.

5.3 CONCLUSIONS

Unethical behavior in local government is on the rise and leaders are facing difficult challenges to improve the ethical culture of municipalities. The failure to enforce the rules of ethics has led to low level of satisfaction with service delivery. The concern for ethics and integrity for enhanced public service delivery in municipalities is all the more legitimate because coupled with the efficient and effective provision of services, this is an important parameter of governance earns municipalities support and confidence from their citizens. In addressing ethical issues in local government, one has to identify the basic problems and issues.

Chapter One of this research introduced the research problem as well as explaining the objectives of the study, a presentation of hypothesis, delimitation and ethical considerations in relation to the study.

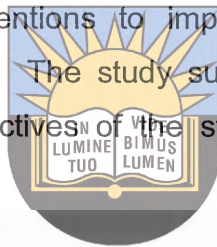
Chapter Two dealt with the detailed and extensive review of the literature. The chapter provided a concise overview of concepts such as ethics, values, good governance, accountability and transparency. A brief review of legislative framework and the key ethical theories were explained.

Chapter Three presented the research design and methodology that was followed in the research process of the research problem identified in chapter

one. The chapter identified the target group, sampling method, and the research techniques.

Chapter Four discussed how the collected data was analyzed. The analysis of the questionnaire, interviews conducted and the discussion of results were outlined in this chapter.

In **Chapter Five** the main conclusions of the study are drawn and recommendations are made against the findings, with a view to provide the municipality with remedial interventions to improve the ethical conduct of municipal officials and councilors. The study summarizes all the discussions above, linking the aims, the objectives of the study, data collected, and the literature reviewed.



5.4 RECOMMENDATIONS BASED ON FINDINGS

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Several recommendations for increasing level of ethical conduct in municipal governance and ethical consciousness of municipal officials and councilors can be formulated from both the research study and the literature.

- Increased level of transparency and smooth applications toward accountability may greatly help in lessening ethical problems not only in financial management but also in other areas such as human resource, community services, customer care *etc.* decentralization of responsibilities that are accompanied by effective systems of delegations to reduce risk of unethical behavior.
- Establishment of an ethics auditing and monitoring unit that will focus on assessing internal controls and making recommendations to strengthen or implement critical internal controls.

- Establishment and strengthening of a whistle blower program (fraud hotline) that will provide a safe mechanism for reporting violations.
- A culture of ethics is needed where the focus would be on guidance, prevention and greater awareness. The main task of effective instruments should not just penalize wrongdoings, but prevent such occurrences and promote incorruptible behavior by guidance and awareness measures such as continuous training. Training and awareness on the interpretation of codes need to be given.
- Clear roles must be defined. Managers must manage and councilors must not interfere on the administration issues e.g. recruitment and procurement.
- Appointments must be based on merit and the recruitment and selection processes must be outsourced. Screening and vetting of staff before the acquiring appointments is critical. Vetting of management on an annual basis.
- Officials and councilors need to be consulted and be allowed to participate in drafting any ethical policies; they need to be present in the process.
- Public surveys must be conducted frequently to test whether citizens still have trust in the municipality.
- Acts of unethical behavior by members and municipal officials e.g. fraud, corruption, *etc.* must be publicized.



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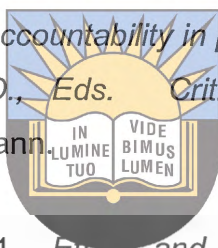
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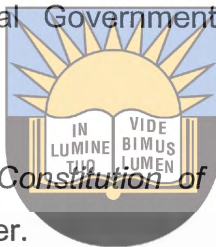
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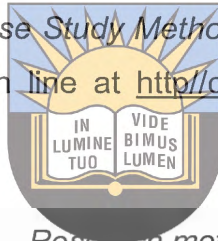
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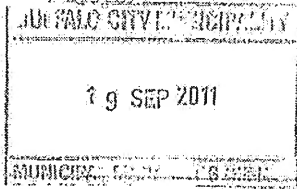


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7. APPENDICES

APPENDIX A



105 Stringfellow Street
ADELAIDE
5760

DATE: 19/09/2011

THE ACTING CITY MANAGER
BUFFALO CITY METROPOLITAN MUNICIPALITY
PO BOX 134
EAST LONDON
5200



Dear Sir,

RE: REQUEST FOR PERMISSION TO CONDUCT RESEARCH STUDY AT
BCMM

University of Fort Hare

I am a student at University of Fort Hare, completing a Master of Public Administration Degree. I am sure you are aware that any post graduate study involves completion of a Treatise or Dissertation or Thesis. It is for this reason that I request your personal and professional permission to partake in my research in directorates and departments within BCMM.

The title of my research Dissertation is "Identifying ethical problems and challenges confronting Eastern Cape Local Government: The case of Buffalo City Metropolitan Municipality" and is being undertaken under the Supervision/s or Promotion/s of Doctor Thozamile Richard Mle..

The objectives and aims of this research are to propose remedial strategies that will enhance positive professional ethics and ethos in the administration of the municipality. The research study shall make use of interviews/completion of questionnaires with key selected potential participants or respondents, chosen through/according to purposive sampling. The potential participants or respondents would thus include The Municipal Manager, HODs, General Managers from all Directorates, 25 Councillors from selected wards, 10 Chairpersons of Ratepayers Associations, and 15 Sanco

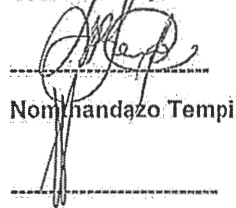
representatives. The study will be beneficial to BCMM in bringing awareness to the municipality about the extent of ethical problems and challenges it faces. The final report will contribute in providing guidelines/policy lessons on how professional ethics can be restored in the administration of the municipality.

The ethical research principles will be strictly adhered to throughout the research process so as to maintain a high standard of work and a high quality of the research study. The information obtained will be used only for purposes of this study, and will ensure anonymity and confidentiality of potential research participants or respondents. A copy of the full research report, once approved by the University will be handed to BCMM.

I thus request your permission to collect the necessary data/information from relevant officials (and operators) at BCMM for the purposes of completion of my Research Treatise or Dissertation or Thesis

Your kind assistance in granting me permission will be highly appreciated and thank you for taking the time in allowing your staff to be part of this research study as I am sure it will not only be of benefit to me but to them as well..

Yours faithfully,



Nomhandazo Tempi

ACTING CITY MANAGER

Approved	Not Approved
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APPENDIX B

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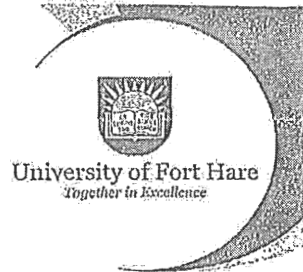
DEPARTMENT OF PUBLIC ADMINISTRATION

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Professor of Policy & Public Sector Economics

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13 September 2011

The Municipal Manager
Buffalo City Metropolitan Municipality
Trust Centre Building (10th Floor)
Cor Oxford and North Streets
EAST LONDON
5201.




RE: REQUEST TO ALLOW STUDENT TO CONDUCT RESEARCH

Miss TEMPI, Thandi is registered for Master of Public Administration Degree. As part of the requirements for this degree programme, the student is expected to conduct a research and submit a research report to the Department of Public Administration. The report is solely meant for academic purposes.

We humbly request you to allow the student to conduct the research in your institution and to interact with relevant selected policy makers and officials. We also request the student to observe professionalism and ethical considerations by maintaining anonymity of the participants concerned. The student has also been instructed to maintain strict confidentiality in her interactions with respondents.

Once the research is complete, it can be availed to your institution on request. We hope that the findings of the research will benefit your institution as a whole as well as your stakeholders. Your support in this research endeavour is greatly appreciated. We thank you in advance.

Kind regards


pp Dr TR Mlo (Research Project Supervisor & Lecturer)



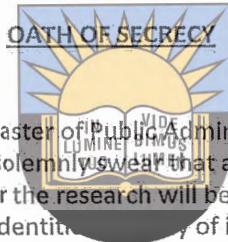
Department of Public Administration

www.ufh.ac.za

APPENDIX C




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I, Nomthandazo Tempi, a Master of Public Administration student at the University of Fort Hare, do solemnly swear that all the data and information collected and held by me for the research will be treated with utmost confidentiality. Secrecy of identity of information that could lead to disclosure of identities is guaranteed.

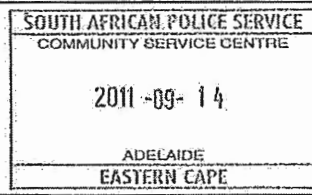
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I make this declaration and understand that any breach of confidentiality will be a breach of Oaths, Affirmations and Declaration Act.

Signed : 

Date : 14/09/2011

Before : 
Commissioner of Oaths



APPENDIX D



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INTERVIEW QUESTIONS TO THE ACTING MUNICIPAL MANAGER ETHICAL CHALLENGES CONFRONTING LOCAL GOVERNMENT: THE CASE OF BUFFALO CITY METROPOLITAN MUNICIPALITY.

Introduction

The aim of this study is to identify ethical challenges confronting local government. It is important to understand the challenges in order to generate information to enable the responsible authorities to propose strategies for correcting the problems identified. The study is scientific in nature and has been approved by the management of Buffalo City Metropolitan Municipality. All information will be treated in the strictest confidence.

1. What role does the MM play in ensuring that ethical standards are upheld?
2. Do you have an ethics committee in place or a special unit that deals specifically with ethical issues?
3. What sort of issues/problems arise that your ethics committee has to deal with?
4. What does your municipality do well/less well when it comes to ethics or how well is the municipality meeting the ethical agenda?
5. How often does the municipality conduct self-assessed surveys to test the municipality's approach to ethical governance?
6. To what extent do senior members and senior officials display effective leadership in the municipality (do they act as role models for appropriate behavior)?
7. How do you think the municipality responds to negative criticism or public concerns that ethical standards within the municipality are poor?

8. Do you feel there is sufficient guidance available on ethical standards? Provide examples. Where would you go for guidance?
9. In your view is there clarity between the roles and responsibilities of members of the Council and senior members. Can you give examples of when there has/has not been clarity.
10. Is there trust between members and officers? Can you give examples of where there has/has not been trust.
11. Do you offer training, which tackles “difficult” issues, such as conflicts of interest, handling demands for special treatment, relationships with contractors and suppliers, and give participants the skills to deal with “real life” issues.
12. How is it for members and staff to invoke the whistle blowing policy?
13. To what extent are ethics in the council assessed and monitored?
14. Can you give examples of where a lack of guidance or lack of internal controls may have led people to fail to follow set procedures?
15. In your experience do new reform measures such as Public Private Partnerships (PPPs), decentralization of responsibilities increase or decrease the risk of unethical behavior in the administration of a municipality. Give example to the extent on the increase or decrease.
16. What are the biggest challenges to foster high ethical standard in BCMM. List the three challenges according to dominance.
17. Lastly, please list at least three suggestions to further improve the effectiveness of ethics and integrity in municipal administration.



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*****THANK FOR YOUR TIME AND HELPFUL ASSISTANCE*****

APPENDIX E



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**INTERVIEW QUESTIONS TO THE EXECUTIVE MAYOR/SPEAKER
ETHICAL CHALLENGES CONFRONTING LOCAL GOVERNMENT: THE
CASE OF BUFFALO CITY METROPOLITAN MUNICIPALITY.**

Introduction

The aim of this study is to identify ethical challenges confronting local government. It is important to understand the challenges in order to generate information to enable the responsible authorities to propose strategies for correcting the problems identified. The study is scientific in nature and has been approved by the management of Buffalo City Metropolitan Municipality. All information will be treated as confidential.

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1. What role does the Executive Mayor/Speaker play in ensuring that ethical standards are upheld?
2. What do you think the public perception of ethics in the council might be?
3. How are ethical issues reported to the Executive Council?
4. What does your municipality do well/less well when it comes to ethics or how well is the municipality meeting the ethical agenda?
5. What is the frequency of reporting ethical issues to the Executive Council?
6. To what extent do senior members and senior officials display effective leadership in the municipality (do they act as role models for appropriate behavior?)
7. How do you think the municipality responds to negative criticism or public concerns that ethical standards within the municipality are poor?

8. Do you feel there is sufficient guidance available on ethical standards? Provide examples. Where would you go for guidance?
9. In your view is there clarity between the roles and responsibilities of members of the Council and senior members. Can you give examples of when there has/has not been clarity.
10. Is there trust between members and officers? Can you give examples of where there has/has not been trust.
11. Do you offer training, which tackles “difficult” issues, such as conflicts of interest, handling demands for special treatment, relationships with contractors and suppliers, and give participants the skills to deal with “real life” issues.
12. How is it for members and staff to invoke the whistle blowing policy?
13. To what extent are ethics in the assessed and monitored?
14. Can you give examples of where a lack of guidance or lack of internal controls may have led people to fail to follow set procedures?
15. In your experience do new reform measures such as Public Private Partnerships (PPPs), decentralization of responsibilities increase or decrease the risk of unethical behavior in the administration of a municipality. Give example to the extent on the increase or decrease.
16. What are the biggest challenges to foster high ethical standard in BCMM. List the three challenges according to dominance.
17. Lastly, please list at least three suggestions to further improve the effectiveness of ethics and integrity in municipal administration.



*****THANK FOR YOUR TIME AND HELPFUL ASSISTANCE*****

APPENDIX F



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INTERVIEW QUESTIONS TO THE DIRECTORS/GENERAL MANAGERS ETHICAL CHALLENGES CONFRONTING LOCAL GOVERNMENT: THE CASE OF BUFFALO CITY METROPOLITAN MUNICIPALITY.

Introduction

The aim of this study is to identify ethical challenges confronting local government. It is important to understand the challenges in order to generate information to enable the responsible authorities to propose strategies for correcting the problems identified. The study is scientific in nature and has been approved by the management of Buffalo City Metropolitan Municipality. All information will be treated in the strictest confidence.

1. Does the municipality deliver an induction programme for officials, which incorporates ethical standards and seeks to integrate them into all aspects of induction?
2. Have you been offered/undertaken training relating to ethics and standards? If so, how useful was that?
3. What does your municipality do well/less well when it comes to ethics or how well is the municipality meeting the ethical agenda?
4. Do all members and officials have a role to play in maintaining high ethical standards or is it just the responsibility of the ethics committee?
5. To what extent do senior members and senior officials display effective leadership in the municipality (do they act as role models for appropriate behavior)?
6. How do you think the municipality responds to negative criticism or public concerns that ethical standards within the municipality are poor?

7. Do you feel there is sufficient guidance available on ethical standards? Provide examples. Where would you go for guidance?
8. How easy is it for officials to invoke the whistle blowing policy?
9. Do you offer training, which tackles “difficult” issues, such as conflicts of interest, handling demands for special treatment, relationships with contractors and suppliers, and give participants the skills to deal with “real life” issues.
10. Any provisions in place to minimize the risk of unethical behavior of staff in vulnerable positions (e.g. screening of staff)
11. Is internal control in place to support the improvement of ethical conduct in the municipal administration, if yes what kind of internal control is used to promote ethics?
12. How does internal control support corruption prevention efforts? Give examples.
13. Can you give examples of where a lack of guidance or lack of internal controls may have led people to fail to follow set procedures?
14. Are disciplinary procedures available in case of a breach of public service ethics?
15. In your experience do new reform measures such as Public Private Partnerships (PPPs), decentralization of responsibilities increase or decrease the risk of unethical behavior in the administration of a municipality. Give example to the extent on the increase or decrease.
16. What are the biggest challenges to foster high ethical standards in BCMM. List the three challenges according to dominance.
17. Lastly, please list at least three suggestions to further improve the effectiveness of ethics and integrity in municipal administration.



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*****THANK FOR YOUR TIME AND HELPFUL ASSISTANCE*****

APPENDIX G



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**QUESTIONNAIRE TO MUNICIPAL COUNCILLORS
ETHICAL CHALLENGES CONFRONTING LOCAL GOVERNMENT: THE
CASE OF BUFFALO CITY METROPOLITAN MUNICIPALITY.**

Introduction

The aim of this study is to identify ethical challenges confronting local government. It is important to understand the challenges in order to generate information to enable the responsible authorities to propose strategies for correcting the problems identified. The study is scientific in nature and has been approved by the management of Buffalo City Metropolitan Municipality. All information will be treated in the strictest confidence.

SECTION A: AN ETHICS CODE

1. Does the municipality have an ethics code?

YES	NO	DON'T KNOW
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2. If the answer to question #1 is yes, is it regularly enforced?

YES	NO	DON'T KNOW
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3. Does your organization have rules and regulations that address breaches of ethics as cause for disciplinary actions?

YES	NO	DON'T KNOW
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4. Using the scale below, circle the response that best describes your opinion regarding the following statement.

4.1 Codes of ethics encourage councilors to practice good ethics.

AGREE	DISAGREE	DON'T KNOW
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5. Are the councilors, local government agencies involved in the development of the policy on ethics?

YES	NO	DON'T KNOW
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SECTION B: TRAINING ON ETHICAL ISSUES

1. Does your municipality sponsor ethics training to its councilors?

YES	NO	DON'T KNOW
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2. If yes, discuss in general the impact of ethics training in enhancing ethical behavior in local government.

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3. Using the scale below, circle the response that best describes your opinion regarding the following statement.

3.1 Ethics training encourages councilors to practice good ethics.

AGREE	DISAGREE	DON'T KNOW
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4. In your opinion, how critical is ethics training in promoting an ethical environment in your organization.

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5. Do you feel that a "public service ethos" is sufficient to maintain high ethical standards?

YES	NO	DON'T KNOW
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SECTION C: A PROCESS FOR REPORTING ETHICAL VIOLATIONS

1. Are there procedures and obligations for councilors to report suspected ethical violations and misconduct?

YES	NO	DON'T KNOW
-----	----	------------

2. Is there any obligation by the organization to inform the whistleblower about the outcome of the investigation and the steps taken?

YES	NO	DON'T KNOW
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3. Is protection/safeguard available to councilors who expose wrongdoing?

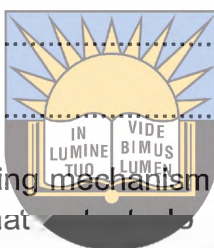
YES	NO	DON'T KNOW
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4. If your answer is yes to question #3, what kind of protection? Legal, anonymity or other, *please specify*

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5. Is there a confidential reporting mechanism in place in the municipality? If the answer is yes, to what extent do you have confidence in the confidentiality of the process

GREAT	GREATER	LESS
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SECTION D: ETHICS AUDITING AND MONITORING

1. Does the municipality perform ethics audit?

YES	NO	DON'T KNOW
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2. How often are ethics in the municipality assessed and monitored?

OCCASIONALLY	OFTEN	ALWAYS	NEVER
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3. Does the municipality have routine official/councilor surveys to determine the organization's current ethical climate?

YES	NO	DON'T KNOW
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4. Using the scale below, circle the response that best describes your opinion regarding the following statements:

4.1 Ethics audits encourage officials/councilors to practice good ethics.

AGREE	DISAGREE	DON'T KNOW
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4.2 Ethics audits help the municipality to be more transparent and more accountable.

AGREE	DISAGREE	DON'T KNOW
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SECTION E: ETHICAL LEADERSHIP

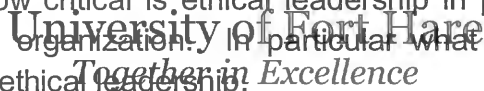
1. To what extent do senior members and municipal councilors display effective leadership in your municipality? Do you think they are a catalyst for change where necessary? Give examples...



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2. In your opinion, how critical is ethical leadership in promoting an ethical environment in an organization. In particular what happens when and organization lacks ethical leadership.



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3. Strong ethical leadership encourages councilors/officials to practice good ethics.

AGREE	DISAGREE	DON'T KNOW
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4. Please list at least three suggestions to further improve the effectiveness of ethics and integrity in the municipal administration.

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5. Do you think communication/working relations between a senior official and a member of the council is open and honest?

YES	NO	DON'T KNOW
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Provide examples to your answer

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***** THANK YOU FOR YOUR HELPFUL ASSISTANCE *****



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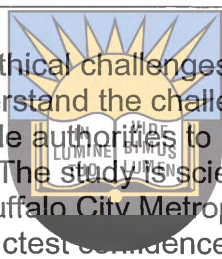
APPENDIX H



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**QUESTIONNAIRE TO LABOUR UNION REPRESENTATIVES
ETHICAL CHALLENGES CONFRONTING LOCAL GOVERNMENT: THE
CASE OF BUFFALO CITY METROPOLITAN MUNICIPALITY.**

Introduction
The aim of this study is to identify ethical challenges confronting local government. It is important to understand the challenges in order to generate information to enable the responsible authorities to propose strategies for correcting the problems identified. The study is scientific in nature and has been approved by the management of Buffalo City Metropolitan Municipality. All information will be treated in the strictest confidence.



SECTION A: AN ETHICS CODE
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a. Does the municipality have an ethics code?

YES	NO	DON'T KNOW
-----	----	------------

b. If the answer to question #1 is yes, is it regularly enforced?

YES	NO	DON'T KNOW
-----	----	------------

c. Does your organization have rules and regulations that address breaches of ethics as cause for disciplinary actions?

YES	NO	DON'T KNOW
-----	----	------------

d. Using the scale below, circle the response that best describes your opinion regarding the following statement.

4.1 Codes of ethics encourage employees to practice good ethics.

AGREE	DISAGREE	DON'T KNOW
-------	----------	------------

e. Are the employees, labor unions and other stakeholders involved in the development of the policy on ethics?

YES	NO	DON'T KNOW
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SECTION B: TRAINING ON ETHICAL ISSUES

1. Does your organization sponsor ethics training to its employees?

YES	NO	DON'T KNOW
-----	----	------------

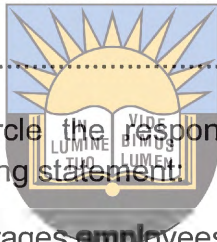
2. If yes, discuss in general the impact of ethics training in enhancing ethical behavior in local government.

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3. Using the scale below, circle the response that best describes your opinion regarding the following statement:

3.1 Ethics training encourages employees to practice good ethics.

AGREE	DISAGREE	DON'T KNOW
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4. In your opinion, how critical is ethics training in promoting an ethical environment in your organization.

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5. Do you feel that a “public service ethos” is sufficient to maintain high ethical standards?

YES	NO	DON'T KNOW
-----	----	------------

SECTION C: A PROCESS FOR REPORTING ETHICAL VIOLATIONS

1. Are there procedures and obligations for officials to report suspected ethical violations and misconduct?

YES	NO	DON'T KNOW
-----	----	------------

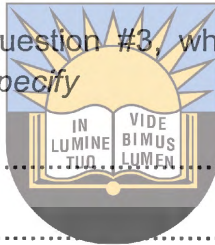
2. Is there any obligation by the organization to inform the whistleblower about the outcome of the investigation and the steps taken?

YES	NO	DON'T KNOW
-----	----	------------

3. Is protection/safeguard available to officials who expose wrongdoing?

YES	NO	DON'T KNOW
-----	----	------------

4. If your answer is yes to question #3, what kind of protection? Legal, anonymity or other, *please specify*



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5. Is there a confidential reporting mechanism in place in the municipality? If the answer is yes, to what extent do you have confidence in the confidentiality of the process

GREAT	GREATER	LESS
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SECTION D: ETHICS AUDITING AND MONITORING

1. Does the municipality perform ethics audit?

YES	NO	DON'T KNOW
-----	----	------------

2. How often are ethics in the municipality assessed and monitored?

OCCASIONALLY	OFTEN	ALWAYS	NEVER
--------------	-------	--------	-------

3. Does the municipality have routine employee/councilor surveys to determine the organization's current ethical climate?

YES	NO	DON'T KNOW
-----	----	------------

4. Using the scale below, circle the response that best describes your opinion regarding the following statements:

a. Ethics audits encourage officials to practice good ethics.

AGREE	DISAGREE	DON'T KNOW
-------	----------	------------

b. Ethics audits help the municipality to be more transparent and more Accountable.

AGREE	DISAGREE	DON'T KNOW
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SECTION E: ETHICAL LEADERSHIP

1. To what extent do senior members and municipal officers display effective leadership in your municipality? Do you think they are a catalyst for change where necessary? Give examples...



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2. In your opinion, how critical is ethical leadership in promoting an ethical environment in an organization. In particular, what happens when an organization lacks ethical leadership?

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3. Strong ethical leadership encourages employees to practice good ethics.

AGREE	DISAGREE	DON'T KNOW
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4. Any suggestions on how management can address the issue of unskilled personnel and administrators in municipalities.

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- 5. Do you think communication/working relations between a senior official and a member of council is open and honest?

YES	NO	DON'T KNOW
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Provide examples to your answer

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- 6. In your view what are the factors that influence unethical behavior in municipalities. Please list five factors according to dominance.



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- 7. Please list at least three suggestions to further improve the effectiveness of ethics and integrity in the municipal administration.

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***** THANK YOU FOR YOUR HELPFUL ASSISTANCE *****

APPENDIX I



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**QUESTIONNAIRE TO PUBLIC REPRESENTATIVES/CIVIC ORGANIZATIONS
ETHICAL CHALLENGES CONFRONTING LOCAL GOVERNMENT: THE
CASE OF BUFFALO CITY METROPOLITAN MUNICIPALITY.**

Introduction

The aim of this study is to identify ethical challenges confronting local government. It is important to understand the challenges in order to generate information to enable the responsible authorities to propose strategies for correcting the problems identified. The study is scientific in nature and has been approved by the management of Buffalo City Metropolitan Municipality. All information will be treated in the strictest confidence.

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1. Is the public aware of the procedures and supporting institutions available for the public to expose wrongdoing committed by public officials and councilors?

YES	NO	DON'T KNOW
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2. Do you think the public understand the ethical values of the municipality?

YES	NO	DON'T KNOW
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If the answer to question #2 is yes, how is this communicated to them?

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3. What do you think the perception of the wider public of the ethical standards of the municipality? Do you think they differentiate between councilors and municipal officials?

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4. Do members of the public understand who is responsible for what in the municipality?

YES	NO	DON'T KNOW
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5. Do you think that senior officials and the members of the council are accountable for the decisions they take?

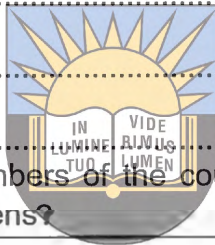
YES	NO	DON'T KNOW
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Can you give examples to your answer?

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6. Do senior officials and members of the council show appropriate dignity and respect for all their citizens?

YES	NO	DON'T KNOW
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Give examples of appropriate and inappropriate behaviors.

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7. Senior officials and members of the council demonstrate undue partiality for own party members or service teams and use their position to promote their agenda to the detriment of wider council needs.

AGREE	DISAGREE	DON'T KNOW
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8. Do council members and officials demonstrate that they mediate fairly between people with different needs?

YES	NO	DON'T KNOW
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Give examples of how they do / do not mediate fairly.

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9. How far has the unethical behavior of councilors and officials influenced service delivery?

LARGE EXTENT	MINIMAL	DON'T KNOW
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10. Confidence in the administration of the municipality is decreasing.

AGREE	DISAGREE	DON'T KNOW
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11. The feeling among the public is that too little is being done to combat unethical behavior.

AGREE	DISAGREE	DON'T KNOW
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12. There is lack of openness and transparency of procedures and processes.

AGREE	DISAGREE	DON'T KNOW
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13. The characteristics and interaction of local politics and economics play an influential role on the issue of ethics in municipalities.

AGREE	DISAGREE	DON'T KNOW
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14. In your view what are the factors that influence unethical behavior in municipalities? Please list five factors according to dominance.

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15. Please list at least three suggestions to further improve the effectiveness of ethics in the municipal administration.

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***** THANK YOU FOR YOUR HELPFUL ASSISTANCE*****



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