

# **IMPACT OF ACCOUNTABILITY AND ETHICS ON PUBLIC SERVICE DELIVERY : A SOUTH AFRICAN PERSPECTIVE**

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## **ABSTRACT**

Government and society cannot promote and enforce ethical behaviour solely through the utilisation of ethical codes of conduct or through the promulgation of a plethora of legislation. Communities tend to equate moral values and moral norms with values and norms, which apply only to personal relations. In terms of South Africa's Constitution (Act 108 of 1996), all government departments are required to be efficient which includes observing particular ethical codes of conduct.

Campbell (in Chapman, 2000:185) writes that public officials who are employed in complex government departments, have to be accountable to their immediate superiors, the political leadership and the public at large.

According to Stewart (in Hondeghorn, 1998:132):

**“Public accountability rests both on giving an account and on being held to account”.**

All government departments have to be efficient because they have to ensure value for taxpayers' money. Efficiency encompasses the qualitative and value-laden expectations of the society.

It can be argued that accountability is the fundamental prerequisite for preventing the abuse of power and for ensuring that power is directed towards the achievement of efficiency, effectiveness, responsiveness and transparency. Open, transparent and

accountable government is an imperative prerequisite for community-oriented public service delivery because without it covert unethical behaviour will result.

Within the context of the above, this paper will analyse the impact of accountability and ethics on public service delivery with specific reference to the role played by local government. The paper will provide an overview of the following:

- (a) The government hierarchy in South Africa.
- (b) The concepts “ethics” and “accountability” within the context of the public sector.
- (c) The impact of ethics and accountability on public service delivery.
- (d) The new developmental mandate assigned to local government.
- (e) The importance of the Batho Pele Principles (People First).
- (f) Conclusion and recommendations based on the Batho Pele Principles.

## INTRODUCTION

The adoption of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) heralds a significant new phase in the South African local government transition process. In terms of section 40 (1) of the 1996 Constitution, government is constituted as national, provincial and local spheres, which are distinctive, interdependent and interrelated. This establishes local authorities as a distinctive sphere, with a mandate to govern, to provide services and to promote social and economic development.

The 1996 Constitution (Act 108 of 1996), establishes the framework on which the body politic of the “New South Africa” is to be constructed. 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 a safe and healthy environment; and
- (e) to encourage the involvement of communities and community organizations in the matters of local government.

The above responsibilities establish a new mandate for local government in South Africa, which requires that each local authority develop specific policies aimed at meeting the particular needs of local communities, with their consent. In terms of this new mandate, local authorities are required to proceed beyond the narrow service-provision role implicit in most local government ordinances. In order to meet these Constitutional prescriptions, the national government engaged in a process to develop an inclusive and consensually based policy for local government, which ultimately resulted in the publication of the White Paper on Local Government, 1998 (Richards, 1999:135).

## ORIGIN OF ETHICS

**“Ethics are as important for the public servant as blood for the body”**

(Unknown in Van der Waldt & Helmbold, 1995:170).

The public sector, like individuals, is constantly changing through new leadership, environmental influences and socio-political development. Government and society cannot promote and enforce ethical behaviour solely through the utilisation of ethical codes of conduct or through the promulgation of a plethora of legislation. Social mindsets are often still entangled in a micro-ethic paradigm. People tend to equate moral values and moral norms with values and norms, which apply only to personal relations structures within which they interact. South Africa needs an organisational culture that not only supports ethical behaviour, but sees that it also defines and underpins right and wrong conduct at an individual and institutional sphere. The concept of interrelatedness corresponds with the African concept of “*ubuntu*” which means brotherliness and good neighbourliness. What affects one’s brother, directly or indirectly also affects oneself (Lynch, 1999:84).

The origins of ethics have a meta-ethical basis. Several philosophers have argued that human beings are inherently ethical. Mencius (in Singer, 1994:28), asserts that human beings are naturally virtuous in that if people follow their nature, they will be able to do good. Rousseau contends that the origins of ethics are natural human sentiments. Pity

is considered as a natural human feeling which tempered selfishness and consequently contributed to the mutual preservation of the whole species (Singer, 1994:18-36).

Centuries of debate on the origin of ethics culminate in: either ethical principles, such as justice and human rights which are independent of human experience, or they are human inventions. The choice between these two understandings regulates the difference in the way we view ourselves as a species. It measures the authority of religion and it determines the conduct of moral reasoning (Wilson, 1999:02).

In the empiricist view, ethics is behaviour advocated consistently throughout a society to be expressed as a code of principles. It reaches its precise form in each culture according to historical circumstance. The codes, whether adjusted as good or evil by outsiders, play an important role in determining which cultures flourish and which decline (Wilson, 1998:05).

The thrust of the empiricist view is its emphasis on objective knowledge. Since the success of an ethical code depends on how wisely it interprets moral sentiments, senior officials who frame one should know how the brain works, and how the mind develops. The success of ethics also depends on how accurately a society can predict the consequences of particular actions as opposed to others, especially in cases of moral ambiguity (Wilson, 1998:07).

In South Africa, the proliferation of ethical codes of conduct, public accountability and the promulgation of a number of pieces of legislation to thwart unethical behaviour is likely to fail because it is necessary to inculcate within the public and public officials particular dispositions, attitudes and virtues to guide human conduct.

The empiricist argument holds that if we explore the biological roots of moral behaviour and explain their material origins and biases, we should be able to design a wise and enduring ethical consensus. The current expansion of scientific inquiry into the deeper processes of human thought makes this venture feasible (Wilson, 1998:07).

Aristotle contended that humans are not inherently virtuous and that ethics must be taught and practiced. Furthermore, virtues are attained by first exercising them and people become just by doing just acts (Singer, 1994:26). Kant, who concurs with Aristotle, argued that ethics were not derived from human feelings. Ethics can be identified by the use of reason (Singer, 1994: 18).

For example, since public officials in South Africa operate in a diverse society, their ethical convictions and accountability to its populace are bound to be tested. To ensure that officials act confidently with organisational support, training in ethics is essential as an initiative for the establishment of an efficient and effective ethical and accountable public service.

Religious transcendentalism is enhanced by secular transcendentalism, to which it is fundamentally similar. According to Kant, human beings are independent moral agents with a wholly free will, capable of obeying or breaking moral law. Nature is a system of cause and effect, whereas moral choice is a matter of free will, absent from cause and effect. In making moral choices, human beings transcend the realm of nature and enter a realm of freedom that belongs exclusively to them as rational creatures. Furthermore, Kant contended that an act is not judged to be correct by virtue of its consequences, but rather whether it is right if done out of respect for moral law (Kernaghan & Langford, 1990:25).

In transcendental thinking, the chain of causation runs downward from religion or natural law through jurisprudence to education and finally to individual choice. The transcendentalists argue that:

**“The order of nature contains supreme principles, either divine or intrinsic, and we will be wise to learn about them and find the means to conform to them”** (Wilson, 1998:11).

Rawls (1971:12), proposes that:

**“In a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests”** (Rawls (1971:12).

The empiricist view, in contrast, searching for an origin of ethical reasoning that can be objectively studied, reverses the chain of causation. The individual is seen as predisposed biologically to make certain choices. Through cultural evolution, some of the choices are hardened into precepts, then into laws and, if the predisposition or coercion is strong enough, into a belief in the command of the Creator. The empiricist view concedes that moral codes are devised to conform to some drives of human nature and to suppress others. The empiricist view recognises that the strength of commitment can wane as a result of new knowledge and experience, with the result that certain rules may be desacralised, old laws rescinded and formerly prohibited behaviour set free. It also recognises that for the same reason new moral codes may need to be devised with the potential of being made sacred in time (Wilson, 1998:25).

The table below is a comparison of public sector ethics in the twentieth-century with envisaged public sector ethics for the twenty-first-century (Sardar, in Clapper, 1999:149).

<b>Twentieth-century ethics</b>	<b>Twenty-first-century ethics</b>
Determinants - ruling elites	Determinants - authentic discourse among all who will be affected
Common ethical code - belief in final solutions	Constantly managing code(s) - based on continuous authentic discourse
Support guaranteed through coercion	Support guaranteed through consensus
Dissenters subject to punitive measures	Dissenters subject to punitive measures
Western (colonial) ethics	Ethics based on anthropological and sociological pluralism
Corporate accountability (amounts to non-accountability)	Personal accountability
Exercise of personal morality stifled and discouraged	Exercise of personal morality encouraged
Exercise of personal discretion discouraged	Exercise of discretion encouraged
Public interest nebulous, determined by governing elites	Public interests(s) disparate but relatively distinct, determined with all involved (authentic discourse), constantly redefined

It can be inferred from the above-mentioned examples of era-specific ethics can neither contribute to high quality public service nor a more equitable distribution of scarce resources in the 21<sup>st</sup> century and beyond.

## **ETHICS AND THE PUBLIC SECTOR**

The question of ethics is one that is linked with the history of mankind. Ethics deals with the character and conduct and morals of human beings. It deals with good or bad, right or wrong behaviour, it evaluates conduct against some absolute criteria and puts negative or positive values on it (Hanekom, 1984:58).

Guy (1990:06), agrees with Hanekom because he views ethics as the study of moral judgements and right and wrong conduct. Furthermore, he views ethics as different from

law because it involves no formal sanctions. It is different from etiquette because it goes beyond mere social convention. It is different from religion because it makes no theological assumptions. It is different from aesthetics because it is aimed at conduct and character rather than objects. It is different from prudence because it goes beyond self-interests of others. Ethics is both a process of inquiry and code of conduct. As a code of conduct, it is like an inner eye that enables people to see the rightness or wrongness of their actions (Guy, 1990:06).

The ethical question is closely linked to human existence. The essence of mankind lies in the fact that he/she can reflect upon, as well as evaluate, him/herself and his/her deeds. To be in a position to evaluate, a set of evaluation criteria or values is required as yardsticks (Van der Waldt & Helmbold, 1995:157).

Heynes (1986:01), is of the opinion that ethics has to do with the actions of man. Consequently, it requires adjustments in the actions and attitudes of the public manager in relation to his colleagues and the public as well as in relation to himself.

According to De Villiers (1989:162), the basis of the evaluation of human behaviour is to be found in a system of values. Ethical values and integrity as a basic value as well as the rule of law, are key elements of every democratic society. Public officials in their daily execution of their functions and management of public funding, dispose of discretionary competencies. These values must not only protect the citizens against arbitrary use of this public power, but also the public authority itself against any

improper use of this power by its public officials. The public officials themselves must be protected against any abuse or diversion of law or authority on behalf of the public authority or its official bodies (Hondegheem, 1998:173).

In addition to the above, Hondegheem (1998:173), writes that ethical behaviour is essential for an effective and stable political-administrative authority as well as social and economic structures. Corruption can disturb economic competition, endanger free trade and stability on which the free market economy is based.

Esterhuyse (1989), writes that to make this evaluation possible, specific criteria are required. These evaluation criteria can be utilised as yardsticks and have a regulatory and evaluatory function. Aspects such as quality of life, legitimacy of public institutions and the management style of the public sector may be derived from the moral-ethical. The moral-ethical culture which prevails in the public sector is dependent on the values of society. A society which does not, or is not allowed to express moral protest in public can cause political office-bearers to have a low sense of responsibility and integrity. Consequently, the possibility of corruption and maladministration is increased (Esterhuyse, 1989).

Ethics must be seen as an ongoing activity and not as a status to be attained. Ethics is not just about establishing a set of rules or code of conduct but are an ongoing management process that underpins the work of government (Hondegheem, 1998:29).

According to Denhardt (in Hondeghem, 1998:29):

**“Ethics are not a set of rules or values waiting to be discovered, that provides all the answers. In the complex world of public administration, norms and values rarely provide clear-cut answers to difficult problems. Ethics should be thought of as helping to frame relevant questions about what government ought to be doing and how public administration ought to go about achieving those purposes”** (Denhardt, in Hondeghem, 1998:29).

In order to have a clear understanding of the concept of ethics, the concepts **"norms"** and **"values"** need to be explained.

**"Norms are standards of behaviour within the organisation which serve as a guide to all its members"** (Barton & Chappel, 1985:333).

For example, one of the earliest norms in public administration was that of neutrality, meaning that public officials should be apolitical policy implementation functionaries rather than policy-makers. Within the context of public administration, the emphasis on norms is associated with the recommendation of certain values that are viewed as desirable by their promoters (Ferreira, 1996:143).

Van Dyke (1956:8), is of the view that

**"Normative statements express conceptions of the desirable. They indicate value preferences. They concern not what is, but what ought to be, endorsing ends, purposes or norms"** (Van Dyke (1956:08)).

There are concerns that with recruitment of personnel from the private sector, public sector norms and values need to be reinforced. Thompson (in Hondeghem, 1998:27), notes that since those who serve government come from more diverse backgrounds and begin with fewer values in common, the rules of government ethics are likely to become more important and more explicit.

Heyns (1986:02), writes that values are basic perceptions of the relative importance of our elements of existence. These perceptions always have to do with priorities, whereas norms are the function which direct and evaluate human attitudes and actions.

The common denominator of nearly all people problems is to be found in the area of values. It is widely recognised that values often differ widely from person to person and from culture to culture. The influence of values on people's thinking, acting and behaviour is underestimated. According to McMurry (1977:315), the influence of values on the individual is powerful because:

- (i) They principally determine what he/she regards as right, good, worthy, beautiful and ethical.
- (ii) They provide the standards and norms by which he/she guides his/her day-to-day behaviour.
- (iii) They chiefly determine his/her attitudes toward the causes and issues such as political, economic, social and industrial with which he/she comes into contact daily.
- (iv) They determine which ideas, principles and concepts he can accept, assimilate, remember and transmit without distortion (McMurry, 1977:315).

In addition to the above, it is accepted that individuals may temporarily or permanently discard their value systems in favour of specific goal attainment.

The importance of articulating ethics and the values that define and underpin the public service, cannot be underscored. This is seen as critical to providing both public officials and the public with a common frame of reference regarding the principles and standards to be applied and in assisting public officials to develop an appreciation of the ethical issues involved in effective and efficient public service delivery (Hondegem, 1998:30).

An example of the importance attached to the above-mentioned ethical principles is found in the “Seven Principles of Public Life” by the Nolan Committee in the United Kingdom. The principles (below), which are set out for the benefit of all who serve the public provide a valuable framework for evaluating recent experience and consider the

future. This should be viewed against the background of Van Dyke's (1956:08) distinction between what is and what ought to be. In other words, the difference between behaviouralism and normativism.

<b>Selflessness:</b> Public officials should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends
<b>Integrity:</b> Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
<b>Objectivity:</b> In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make their choices on merit.
<b>Accountability:</b> 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.
<b>Openness:</b> Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest demands it.
<b>Honesty:</b> Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
<b>Leadership:</b> Holders of public office should promote and support these principles by leadership and example.

The Nolan Committee's seven Principles of Public Life (Chapman, 2000:230-231).

## **BASIC NORMATIVE CRITERIA FOR EFFECTIVE AND EFFICIENT PUBLIC SERVICE DELIVERY**

From the literature it is inferred that specific criteria derived from the body of knowledge on general normative guidelines pertaining to public service delivery is that a universally

acceptable code of conduct is a necessary component for public officials to perform their activities ethically.

In the table below, normative criteria are proposed as being suitable as a base for effective and efficient public service delivery to its populace on the local sphere.

Normative criteria for effective and efficient public service delivery is based upon values, attitudes and aptitudes that can be measured or evaluated.

<b>VALUES</b>	<b>ATTITUDES</b>	<b>APTITUDES</b>
*Integrity	*Transparency	*Knowledge
*Transparency	*Responsibility	*Acceptance &
*Publicity	*Quality awareness	comprehension of
*Accountability	*Legibility	the goals & functioning of
*Equity	*Clarity	the administrative
*Non-discrimination	*Simplicity	institutions
*Quality	*Inquisitiveness	*Leadership qualities
*Professionalism	*Adaptability	*Communication skills
*Reliability	*Listening ability	*Social skills
*General interest	*Involvement	*Independence
	*Speed	*Ability to use experience
	*Effectiveness	*Ability to further education
	*Efficiency	& training
		*Analytical capability
		*Sense of renewal

It is proposed that the above-mentioned criteria constitute a point of departure for the implementation and maintenance of an acceptable, effective and efficient public service delivery.

## **NEW DEVELOPMENTAL MANDATE**

In terms of section 152 (1) (e) of the 1996 Constitution (Act 108 of 1996), one of the objectives of local government is to encourage the involvement of communities and community organisations in the matters of local government. This constitutional prescription is further endorsed in terms of the White Paper on Local Government, 1998 (Government Gazette No. 18739, 13 March 1998:37), which defines **developmental local government** as local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve their lives.

The term “developmental local government” encapsulates a new mandate, which will be intrinsic to the developmental role local authorities will be required to perform. In terms of the White Paper on Local Government (1998:38-42), developmental local government has four inter-related characteristics:

1. Maximising social development and economic growth.
2. Integrating and co-ordinating.
3. Democratising development; and
4. Leading and learning.

The key developmental outcomes envisaged for local government are:

1. Provision of household infrastructure.
2. Creation of liveable, integrated cities, towns and rural areas.
3. Local economic development; and
4. Community empowerment and redistribution (The White Paper on Local Government, 1998: 38-42).

The shift in emphasis from “government” (the power to govern) to “governance” (the act of governing) is linked to the global acknowledgement that organs of civil society need to be empowered to share the responsibility for governance. In essence, government institutions require a new citizen-oriented management approach. In this sense, relationships and partnerships have become more important for local government than in the past (Ismail, Bayat & Meyer, 1997:3).

The new system of local governance in South Africa requires municipal councils to develop a culture that shifts from representative government to participatory governance. In essence this means that councils must take steps to create a more active local democracy in terms of which decisions will be taken with communities rather than for them (Barichievy, 2003:2).

## **THE NEED FOR COMMUNITY PARTICIPATION**

The 1996 Constitution (Act 108 of 1996) and the White Paper on Local Government, 1998 contains specific prescriptions concerning the need for enhanced community participation and consultation regarding local government matters. In terms of new “developmental” municipal legislation such as the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) and the Local Government : Municipal Structures Act, 1998 (Act 117 of 1998), the requirements for community participation are taken further.

In terms of Chapter 4 of Act 32 of 2000, a municipality must adopt or promote community participation and must also provide for the following:

- Receipt, processing and consideration of petitions and complaints lodged by members of the community.
- Notification and public comment procedures.
- Public meetings and hearings by the council.
- Consultative sessions with community organisations; and
- Report-back sessions.

Local communities must be encouraged to participate in, *inter alia*, matters such as the following:

- The preparation of their municipality's budget.
- Decisions on the provision of municipal services.
- Monitoring and review of their municipality's performance; and
- The preparation, implementation and review of Integrated Development Plans.

There is a responsibility on municipalities to develop the capacity of local communities to understand and participate in the governing process as a partner. This envisages greater participation than the casting of a vote every five years at election time (Barichiev, 2003:4). In the new system of developmental local government as proposed by national government, municipalities are firmly embedded in local communities. The legal definition of a municipality is that it comprises not only of the councillors and bureaucracy, but also the community as well. A defining feature of the new system is the opportunity it offers ordinary people to become actively involved in the governing process.

## **SERVICE DELIVERY BASED ON THE BATHO PELE PRINCIPLES**

The thrust of the Batho Pele Principles is the improvement of service delivery in the public service. Implicit in the eight Batho Pele Principles concomitant to the nine Constitutional Values and Principles (see elucidation after the 8 Batho Pele Principles) is an attempt to adapt the norms of service delivery in the private sector, such as a focus on customer / client satisfaction, into the public service (Khoza, 2002:33). While this attempt is a welcome innovation, it is of paramount importance not to lose sight of the fact that (i) Batho Pele is a means to an end in itself and (ii) that there are certain indelible features of the public service which make it distinct from the private sector.

The concept Batho Pele was devised by a former Minister for Public Service and Administration in South Africa and is a Sesotho saying meaning: "The people first". It can be argued that all attempts at serving communities should be checked against the principles of Batho Pele, which are:

- (1) **Consultation.** Citizens should be consulted about the quality of the services they receive.
- (2) **Service standards.** Communities should be informed what level and quality of service they will receive so that they know what to expect.
- (3) **Access.** All citizens should have equal access to the services they are entitled to.
- (4) **Courtesy.** All members of the community should be treated with courtesy and consideration.
- (5) **Information.** Communities should be given full and accurate information about the public services they are entitled to.
- (6) **Openness and transparency.** Citizens should be informed on how local authorities function and the information they are entitled to.
- (7) **Redress and handling of complaints.** If community members do not receive promised services they should be entitled to a full explanation and also to a speedy remedy.

- (8) **Value for money.** Services should be provided economically and efficiently in order to provide citizens with the principle of best value for money.

According to the State of the Public Service Report 2005, the 9 Constitutional Values and Principles are:

1. Professional ethics
2. Efficiency, effectiveness and Economy
3. Development orientation
4. Impartial, fair and equitable service delivery
5. Public participation
6. Accountability
7. Transparency
8. Human resource management and development
9. Representivity

The success of Batho Pele will be determined by the progress made in efforts to transform the public service as well as transformation occurring in society in general. While there is scope for success, the limitations are more likely to be in the form of inherent qualities of the public service such as the bureaucracy and extensive legal regulations (Khoza, 2002:34).

## **RECOMMENDATIONS AND SUMMARY**

According to the South African Public Service Commission (State of the Public Service Report, February 2005), it is recommended that in order to ensure ethical, accountable, efficient and effective public service delivery, the following areas need to be taken cognisance of:

- Since there is an unclear link between the National Corruption Strategy and departmental strategies, training on integrated ethics management should be provided to all managers.
- A need for continued research and information on ethics management in order to ensure accurate and reliable information.
- Departments should specifically address Batho Pele Service Delivery Improvement Plans (SDIPs) in their annual reports in order to promote the implementation thereof.
- Government has addressed the need for fairness in service delivery through, for example, the Promotion of Administrative Justice Act of 2000 (PAJA). Research reveals that compliance by departments with the provisions of the Act is very disappointing. It is recommended that increased training be provided to all officials on the PAJA and financial support be provided to civil society organisations working in this area.
- In order to build public service accountability, both capacity and capability will need to be built systematically and incrementally. An accreditation system for public service managers is recommended to ensure that appointees have the skills and experience required for their work.

Furthermore, a specialist capacity that will support departments in difficulty should be created. Such capacity should be established to undertake thorough problem analysis, design appropriate solutions and support project implementation.

- It is also recommended that the implementation of departmental risk management and fraud prevention plans be prioritised.
- The flow of credible information in line with the Batho Pele Principles will enhance the sense of ownership of government programmes and processes by the beneficiaries.
- Annual Reports should be structured so that they directly reflect plans presented in the National and provincial Expenditure estimates. This will allow a clearer comparison of performance against plans and budgets.

It can be concluded that an ethical code of conduct, the adherence to accountable principles as well as appropriate training can make a difference in the ethical dilemmas of the public officials particularly with regard to effective and efficient service delivery.

An ethical code of conduct is necessary to guide the public official in his/her public service rendering to the community as well as to safeguard him/her against unfair demands by the community. This can lead to the promotion of a positive image of the public service.

Openness with regard to decision-making, participation and a public say is a necessity.

An adjustment of attitudes and actions in South Africa lies in contact and

communication across racial, cultural, language and geographical boundaries.

Normative communication between the political parties and the government with each their own electorates, is of prime importance.

A code of conduct should go a long way in providing the a suitable climate for an ethical culture to thrive and promote a professional ethos among public officials at all levels.

However, the code of conduct only becomes meaningful if there are measures to enforce it in order to provide for sanctions as well as disciplinary activities.

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