



TEACHING INTEGRITY INTENGRIITY IN THE PUBLIC SERVICE

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Public Procurement LLM Lecture, 04 April 2023



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OVERVIEW

Introduction

Ways of Teaching
on Public Sector
Integrity and
Conclusion

Integrity
Background:
Promised land
v Reality

Relationship
Between
Integrity, Ethics
and Corruption
and Drivers of
Integrity Lapses

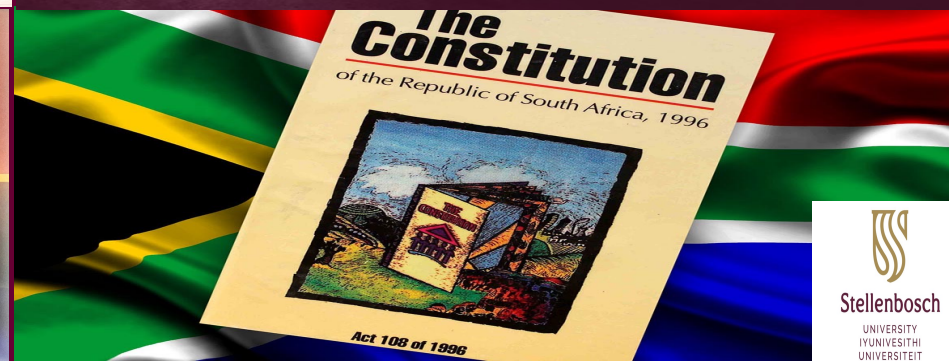
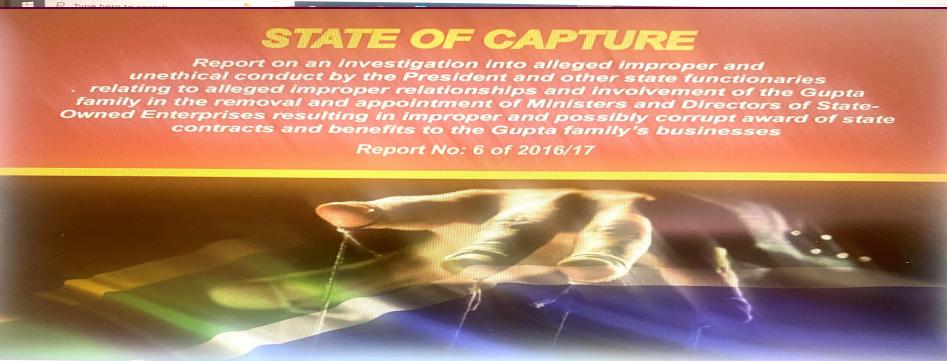
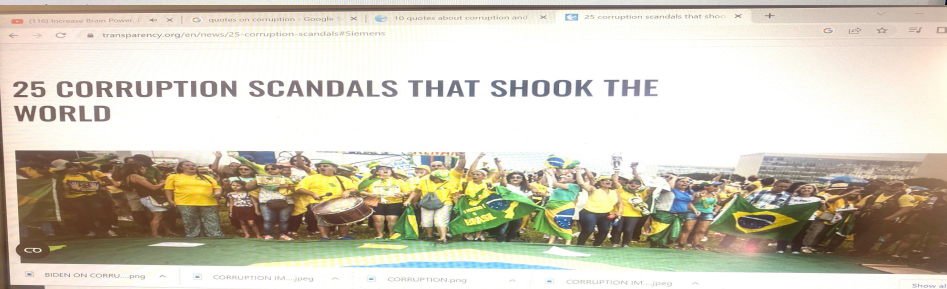
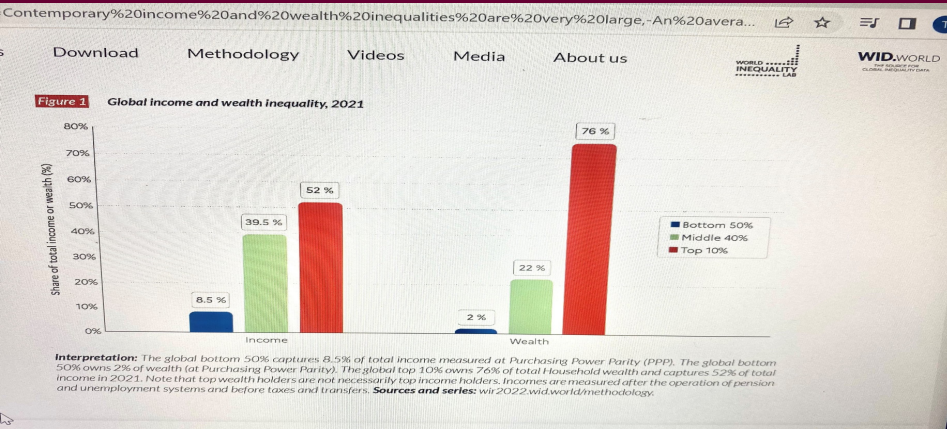
What is
Integrity and
Why Does It
Matter?



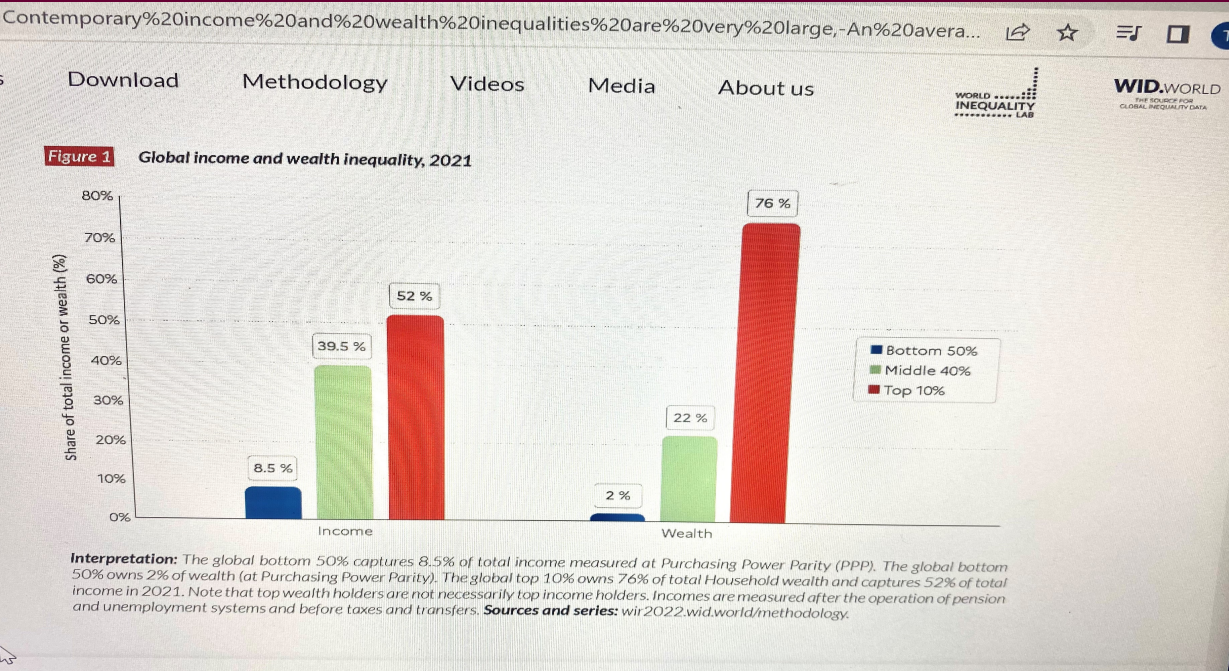
INTEGRITY BACKGROUND: DEFICIT BETWEEN THE PROMISED LAND AND REALITY

OUR REALITY

THE PROMISED LAND



INTEGRITY BACKGROUND: DEFICIT BETWEEN THE PROMISED LAND AND REALITY



52 % = What the richest 10% take of global income



8.5% = What the poorest half take of global income



Wealth inequality is worse



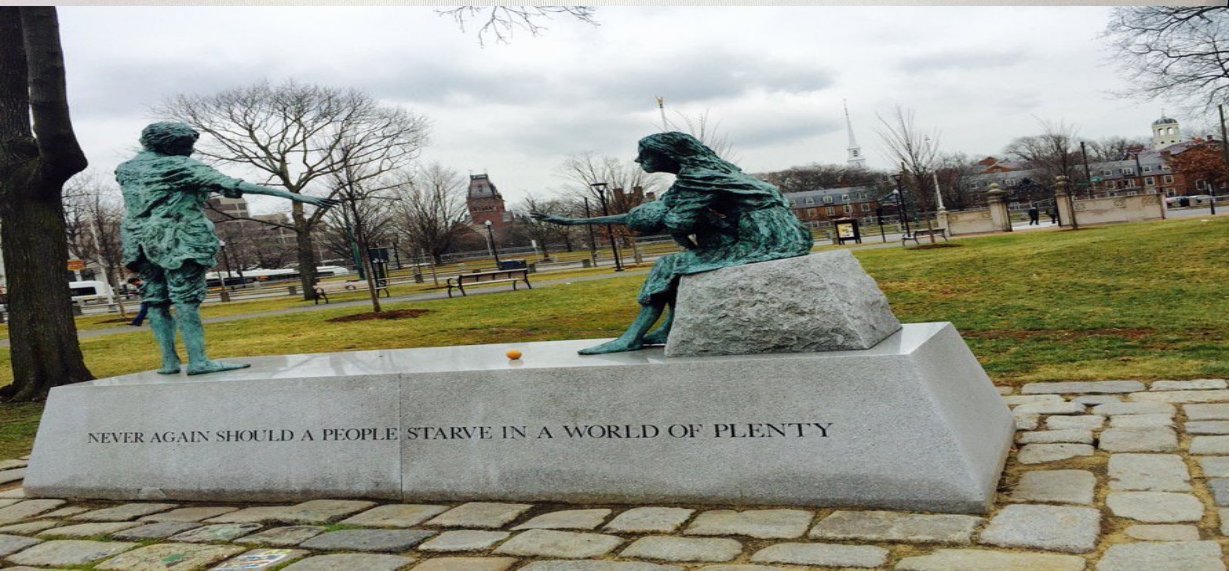
2% is what the poorest 50 % own



76% is what the richest 10% own



The to richest got richer during Covid-19 with more dollar billionaires created [World Inequality Report 2022)



INTRODUCTION

The views I share come from a lifelong quest for a paradigm of justice that is anchored in ubuntu, the African philosophy of shared humanity, an attuned leadership philosophy and 5 years of research, teaching, training and innovative work aimed at advancing social justice at the Law Trust Chair in Social Justice /Centre for Social Justice and Thuma Foundation.



Handbook on Gender Management and Leadership

Practical Ideas on Gender Mainstreaming and Other Effective Strategies for Promoting Gender Equality

Thuli N. Madonsela



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ABOUT THE AUTHOR

Thuli Madonsela, a Human Rights lawyer, gender specialist and policy analyst who holds a BA Law (UNISWA) and LLB (Wits), is the Managing Director of Waweth Law and Policy Research Agency and Executive Chairperson of the Centre for Reconciliation and Equality Studies (CRES). The author of several articles, book chapters, papers, reports and speeches on various aspects of gender, Thuli Madonsela was one of the 11 Technical Experts appointed to assist the Constitutional Assembly in drafting South Africa's new Constitution. Her post graduate and vocational training has included equality and non-discrimination, gender studies, strategic and scenario planning, project management, leadership, women leadership development, governance, mediation, arbitration, negotiation skills, adult education and Emotional Intelligence.



A former Deputy Head of the Planning Unit of the Department of Justice and Constitutional Development, Thuli Madonsela is the Executive Director of the South African Women Lawyers Association (SAWLA) and a member of the Equal Opportunity and Affirmative Action Board. She has worked at the Deputy Director General level, for the Equality Commission of South Africa. In this capacity she conceptualised, co-edited and co-authored the Resource Book for Equality Court Clerks, the Resource Book for the Commission for Employment Equity (CEE) and in this capacity she drafted the Employment Equity Act. She has also served as a member of the African Labour Development Trust (SALDT). She is also a member of the National Gender Commission.

She is a co-drafter of the Promotion of Access to Information Act, the Employment Equity Act, Draft Legal Services Charter, the Draft National Justice Vision 2000, Employment Equity Act, the Draft National Charter, South Africa's National Policy Framework for Gender Equality, Provincial Gender Strategy of the Northern Cape, and the Children Addendum to the SADC Declaration on Gender and the Environment. She chaired the session of SADC Ministers of Justice and Constitutional Development in Durban, March 1998. She is also the author of Equality Jurisprudence in Landmark Cases.

A researcher for many years, she has written on a wide range of subjects, mostly on equality, constitutional law, and human rights.

INTRODUCTION

Four Propositions

1. Two of the most pressing challenges of our time are climate change and social justice and both have been worsened by integrity lapses
2. Corruption, which is the abuse of entrusted power for personal gain or participation in such abuse or personal gain, is an injustice that is a dimension of social justice
3. Endemic corruption is a symptom of a systemic integrity deficit and public governance faultlines
4. When integrity fails, things fall apart
5. As long as there is injustice somewhere there cannot be sustainable peace anywhere

WHAT IS INTEGRITY – WHY DOES IT MATTER?

At the core of integrity is trustworthiness and those who exercise public power and control over public resources, do so on the basis of entrusted power (The fable of Queen Nzinga's Father)



WHAT IS INTEGRITY – WHY DOES IT MATTER?

Many of South Africa's pressing challenges can be traced to integrity lapses, from unmanaged conflict of interest and other ethical violations to corruption, including state capture.

(E.g. Medupi- Kusile, prioritizing BEE over Equality Act, Land Purchases such as Malelane, immigration control failures, labour standards accountability failures and political control over bureaucrats and elite control over politicians.



Systemic integrity lapses drive governance failure and when governance fails, things fall apart

THE RELATIONSHIP BETWEEN INTEGRITY, ETHICS AND CORRUPTION

Integrity is a virtue that is expressed through consistent ethical conduct while lack of integrity includes all forms of dishonesty, including unethical, fraudulent and corrupt conduct as well as theft.

In PP procurement investigations integrity failures included, rigged tender processes (**On The Point of Tenders and Docked Vessels (Collusion)**), False Billing (**Pipes to Nowhere**) **Overcharging (Against The Rules and Against The Rules Too)** **Overbilling (Secure In Comfort)** and Conflict of Interest (**This Can't Be Right, A Course In Ethics**) and irregular - potentially corrupt contracts and payments (**Derailed and State of Capture**). **Whistle blower reprisals (Secure In Comfort and This Can't be right)**



SECURE IN COMFORT


Report on an investigation into allegations of impropriety and unethical conduct relating to the installation and implementation of security measures by the Department of Public Works at and in respect of the private residence of President Jacob Zuma at Nkandla in the KwaZulu-Natal province

Report No: 25 of 2013/14 • ISBN: 978-1-920692-15-5



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THE DRIVERS OF INTEGRITY LAPSES

1. From need to greed and back to need (the Guinea Foul Story)
2. Ignorance
3. Blackmail
4. Fear

5. Poor systems
6. Culture
7. Small favours

4, 5 and 6 are only influencing factors and not causes



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THE DRIVERS OF INTEGRITY LAPSES

A note on ethical dilemmas

Sometimes an integrity lapse results from a difficult choice between competing values or virtues



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WAYS OF TEACHING PUBLIC SECTOR INTEGRITY

The EPIC Leadership model anchored in the EPIC Leadership Code, which has 5 pillars, may be leveraged to anchor integrity in persons, teams and organisations. The 5 keys of the EPIC Leadership Code are :

- 1. Leadership*
- 2. Ethical,*
- 3. Purpose driven,*
- 4. Impact conscious and*
- 5. Committed to serve all mindful of fairness to all and sustainability.*

(See 21 Lessons by T Seyisi)



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WAYS OF TEACHING PUBLIC SECTOR INTEGRITY

Embedded messages such as the AIR principles (Accountability| Integrity| Responsiveness) in all Public Protector Speeches and education through:

1. Cases law
2. Ombudprudence
3. Popularizing integrity instruments
4. Investigations and Cases Feedback Loop (GEAC) Decision 2023
5. Fables
6. Proverbs
7. Public discourses, incl. social media



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CONCLUSION

1. Meaning of Integrity
2. Importance in public sector, esp. public procurement: Why should we care?
3. Drivers: Need to greed and back
4. Antidotes: Everyday teaching and practice of ethics plus indiscriminate accountability
5. The future: The tide is turning, particularly because of climate change and social justice concerns





SUSTAINABLE DEVELOPMENT GOALS

| | | | | | |
|--|--|--|--|--|--|
| 1 NO POVERTY | 2 ZERO HUNGER | 3 GOOD HEALTH AND WELL-BEING | 4 QUALITY EDUCATION | 5 GENDER EQUALITY | 6 CLEAN WATER AND SANITATION |
| 7 AFFORDABLE AND CLEAN ENERGY | 8 DECENT WORK AND ECONOMIC GROWTH | 9 INDUSTRY, INNOVATION AND INFRASTRUCTURE | 10 REDUCED INEQUALITIES | 11 SUSTAINABLE CITIES AND COMMUNITIES | 12 RESPONSIBLE CONSUMPTION AND PRODUCTION |
| 13 CLIMATE ACTION | 14 LIFE BELOW WATER | 15 LIFE ON LAND | 16 PEACE, JUSTICE AND STRONG INSTITUTIONS | 17 PARTNERSHIPS FOR THE GOALS | |

GRATITUDE

Thank you!
Dankie!
E Nkosi!
Asante Sana