THE CORRUPT, THE CORRUPTED AND THE CORRUPTERS

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By

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I have titled my input today *The Corrupt, the Corrupted and the Corrupters* because I hope to contribute to the effort to lift us out of the simplified, moralistic notions of corruption that seem to dominate public discourse on this challenge to governance in post-apartheid South Africa. In doing so, I draw on my own experience of having come out of the anti-apartheid struggle and into various senior positions in the democratic government, some of these positions having been in the intelligence departments where we had some responsibility for investigating corruption, and one position as administrative head of the reputationally most corrupt department in government – Home Affairs.

The key lesson I have extracted from my own experience and observation is that a nuanced understanding of the nature, causes and dynamics of corruption is critical to designing measures to deal with it. Understanding corruption requires an understanding of the intricate and complex dynamics of our apartheid legacy, the continuing (and perhaps growing) inequities in South African society, the active co-option of new, post-apartheid public servants into the values and mores of a capitalist economy, and the active corrupting efforts of those outside of government in a society suddenly freed from the shackles of authoritarianism and repression.

Corruption has become a political ping-pong ball batted not just between political parties competing for the moral high ground, but within political parties, between factions in local communities and their local authorities in pursuance of an opportunity at the benefits of power, between public intellectuals and the government-in-general, between the public and politicians-in-general. This ping-pong Olympiad is driven largely by generalised notions (implied if not stated) such as 'all power corrupts', 'all politics is corrupt', 'all liberation movements-become-governments become corrupt', 'the ANC is inherently corrupt' and, the worst of these, 'Black people are by nature corrupt'.

These generalised notions are founded primarily on a moralistic attitude to corruption. Corruption is evil. Corrupt people are evil. The political parties and governments that house them are evil. While moral righteousness is perhaps a necessary ingredient in the recipe to combat corruption (we must certainly at least agree that misusing power and authority for personal gain is not a good thing) such righteous indignation is not a useful instrument for understanding corruption and for devising measures to deal with it.

What is needed is an understanding of the political, social, cultural, economic and psychological factors that coalesce to make corruption possible, even desirable, and eventually endemic. In simple

terms, what turns an otherwise 'good' person into a corrupt one? Or, in common current public discourse parlance: what turns a liberation hero into a tenderpreneur?

People join the public service for different reasons. For some it is just a job, and for many black people during the apartheid days who found themselves in the administrations of the former bantustans or other arms of the apartheid public service, it was the only available employment option with economic and professional opportunities closed to them. For a few, too few, public service is a professional calling. And for fewer still it is a commitment to turning around the injustices and inequities of apartheid.

But whatever the motivation for public service, none protect one against the temptation to corruption, although some might be more susceptible than others. This is simply because the temptation to corruption does not come to one in most cases as a red, horned, trident-wielding creature offering to buy your soul in return for unimagined riches.

Those of us who came out of exile or prisons or the liberation movement underground or out of the metaphoric dungeons of economic, social and political deprivation into the sudden freedom of the 1990's arrived into a world and a system that had set standards and expectations and objectives for freedom that trapped us before we had a chance to know what hit us and to apply some sort of moral compass.

In my own case I came back from exile, where I had been fed, clothed, housed and otherwise cared for by the ANC, with no assets, no finances, no history of accumulation. I was starting my financial life in my forties. But I was lucky. I had a job. Suddenly I had to fend for myself in finding accommodation, feeding, clothing and educating my children. My first big task was to find accommodation. I was advised by many to buy a house. It would be a long-term asset and property is the best investment. Indulge me if I quote a passage from my recently-published book *Songs and Secrets: South Africa from Liberation to Governance*.

> *I had never bought a house. I had never owned a house. I had never been in debt. I was 41 years old. Since leaving my mother's home in the early 1970s I had always lived in rented or borrowed or communal or ANC-provided accommodation. I found an estate agent who specialised in the Yeoville area of Johannesburg where many of the returning exiles seemed to be settling. Like many migrants settling in a new country we tended to congregate in the comfort zone of each other's company. We called Yeoville 'Kabwata South' named after a suburb in Lusaka where many ANC houses and offices were located.*
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> *The estate agent took me to dozens of houses in the Yeoville and surrounding areas that were in the price range I had nominated. None grabbed me. Many would have required lots of work, for which I had no funds. On the way back from seeing one more disappointing house, she suggested we stop at one house on the market.*
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> *- It is a little above your price range, Barry, but it will give you an idea of what else is available.*

I fell in love with the house. The estate agent sat me down and did complicated calculations on a piece of paper – my income, Mandy's income, current interest rates, monthly payments.

- Actually, Barry, you can afford this house.

I phoned Mandy in Harare who instructed me:

- If you like it, buy it.

Mandy agreed. The bank agreed. I bought a house I could ill afford. Yes, my comrades told me, you have an asset now. But the asset did not help me scrape together the money I needed every month to pay bills I had never had to pay before, buy food and petrol, pay school fees and so on. I had become a captive of the credit economy and – as happened to so many of my comrades – I would never escape.[1]

In a paper delivered to the Young Communist League in May this year on the challenges of incumbency, Joel Netshitenzhe, Executive Director of the Mapungubwe Institute, made the following points:

What does not receive sufficient attention is that we have to implement the programme of social transformation in an advanced capitalist society, and in a small open economy under conditions of globalisation. So, in large measure, we have to manage the socio-economic system and the programmes of change taking this reality into account.

These programmes have to be undertaken in a society that has hitherto been characterised as Colonialism of a Special Type (with the colonisers or the metropolis and the colonised residing in one geographic entity, unlike in other former African colonies). As a result, we have to contend with lifestyles of the erstwhile metropolis (essentially the white community) that are profoundly pervasive.

Such lifestyles are based on a standard of living that is artificially high compared to today's global "middle class", in terms for instance of assets, number of cars per household, domestic assistants, swimming pools, emulation of the European "gentry" and so on.

In pursuit of non-racial equality, the Black middle and upper strata aspire to achieve that living standard of the metropolis; and many strive to do so in one fell swoop. Aggravating this is the global culture of short-termism in the conduct of business and material self-advancement.[2]

[1] Barry Gilder, *Songs and Secrets: South Africa from Liberation to Governance*, Jacana Media, 2012, p219-220
[2] Joel Netshitenzhe, *Competing Identities of a National Liberation Movement versus Electoral Party Politics: Challenges of Incumbency,* 31 May 2012

In 2003, for my sins, I was appointed director-general of the Department of Home Affairs. The experience was instructional in many respects, not least in how damn difficult it has been to transform the apartheid public service. But it was instructional in relation to the challenges of corruption in two main respects.

The Department of Home affairs is primarily responsible for giving legal status to people, as citizens, as visitors to, or sojourners in, South Africa. This is a critical mandate, because it in effect enables people to enjoy the rights granted them by our Constitution, not just the political rights and the rights to services from government, but also rights in respect to the private sector and other opportunities in society. This is a high-value service and many would do anything to get this service, whether or not they are entitled to it.

The Department was renowned for corruption. In trying to understand this challenge, I came to two main conclusions.

The first was to make a distinction between what I called (for want of better terms) 'convenience corruption' and 'criminal corruption'. Convenience corruption entailed getting a service you were entitled to quicker than you would normally have got it in a then very inefficient department. It usually entailed a bribe either offered by the client or solicited by the official. Criminal corruption entailed getting a service you were not entitled to, such as fraudulently obtained citizenship.

I argued then that improving the department's delivery of services and efficiency would gradually remove the phenomenon of convenience corruption. There would be no point.

My second conclusion related to criminal corruption. I jokingly said at the time that, if I was the director-general of a crime syndicate whose business was people-smuggling, it would be part of my business plan to recruit Home Affairs officials to ensure the on-going success of my business. Thus, while the department may have had many successes in 'catching and despatching' corrupt officials, there was always someone out there actively recruiting fresh aiders and abetters in the department.

Thus, in order to tackle corruption in the department it was necessary to address not just the corrupted but also the corrupters. This for me is perhaps the most critical element of any programme to address corruption in government, and one in which I think we have largely failed. We are perhaps getting better with time at identifying and dealing with the corrupted (although we need to get much better at it), but in most cases the corrupters get away scot free. Thus it was that a former National Police Commissioner, Jackie Selebi, could be sentenced to fifteen years, while his corrupter, Glenn Agliotti, remains a free man, in spite of the fact that he is a known organised crime boss.

The second respect in which my time at Home Affairs was instructional in relation to corruption lay in the fact that the department was responsible for initiating very large (and thus lucrative) ICT projects. From the moment my appointment to Home Affairs became a mere rumour I was wined and dined and golfed by the IT industry. There was no specific quid pro quo. I believe they call it, in the private sector, relationship-building. To be excruciatingly honest, I have no idea if any of my contracting decisions were influenced by this attention. I believe I made my contracting decisions (such as were mine to make or influence) on the merits of the proposal – that the job would be done, that it would be done well, that it would be done on time, that it would be done at reasonable cost and that, where feasible, it would give opportunity to those deprived of such opportunity by

apartheid. But, in reality, many critical infrastructure and service-improving projects were incessantly delayed by the unceasing internal and external pressures to favour one service provider or another, in spite of the meticulously-followed procurement processes.

Years later, when I had retired from government, I was having lunch with a group of people that included a young black business person who owned an IT company that had done some business with Home Affairs in my time. This person was bemoaning the difficulty he was having in getting business in government at the moment, which he ascribed largely to post-Polokwane factionalism. He told the lunch gathering something quite devastating. He said: *'You know, Barry was the only person I ever dealt with in government who never even asked me for a can of coke'*. Now, apart from the fact that I don't drink coke, one might conclude that this anecdote is an attempt to honk my own moral horn. It is not. That statement by someone I know happens to provide a good and efficient service, tells a sorry tale about the interplay between the private sector and government.

I argue in my book that South Africans did not *win* their freedom. We were *allowed* our freedom. At the historical conjuncture when the Cold War was drawing to an end, when apartheid was in political, moral and economic crisis, when South African and international capital recognised that their interests would be best served by an end to apartheid, only then, in spite of the decades-long international moral indignation at apartheid, could the possibility of a negotiated end to apartheid be countenanced. And the negotiations that ensued have been seen as a delicate balancing act between the demands for liberation of the oppressed and the desire for maximum retention of the status quo for the oppressor.

To what extent there was indeed balance in this balancing act is a subject of much present-day discourse. But the stark reality is that, in the shadows between the public spotlights that shone on the negotiations themselves much was being done to ensure that the perceived new power-mongers would be thoroughly seduced by and co-opted into a system of economic privilege, comfort and indulgence, in the short-term hope that they would not do too much to undo the system that offered such indulgence, but perhaps in the longer-term hope that their organisation would be set up for failure, thus precluding the possibility that the more radical and determined amongst them would one day finish their unfinished business.

Those of us who went into the post-apartheid government, the good, the not-so-good and the downright bad amongst us, were under intense pressure on the one hand from the culture, systems and practices we inherited in the departments we entered and, on the other, from the lifestyle standards that were set for us by the society outside to, at the very least, find ways to make ourselves fit in. Those of us who came out of struggle or deprivation into the private sector, assailed by the same temptations, seemed to have no choice but to play economic and lifestyle catch-up through the only advantage we had – our social, political and struggle networks.

Human beings are not carved in granite forever representing the mood of the moment of the sculptor who made us. We are made of more plastic stuff, forever being impacted on by the complex realities of the world in which we find ourselves and, in turn, making our mark on that world. The understanding of this is crucial to our attempts to deal with the challenge of corruption. The popular discourse that centres around bad people, corrupt people, the corrupting influence of power and other aphorisms does nothing to help us find solutions. We need to dig deeper and more intelligently

and with a profound understanding of the complex dynamics that have led us to where we now find ourselves.

Yes, there are bad people amongst us, or, better put, people who behave badly. And, as with murder, rape and thievery, their behaviour must not be tolerated. But to successfully deal with corruption, we must focus our efforts on the system that has enabled corruption to flourish in our country and the standards of indulgence and luxury this system has imposed on us.

In practical terms, we need to set new standards, we need to deal decisively and demonstratively with the corrupters amongst us and, yes, we need to do the same for the corrupt and the corrupted. Everyone recognises that South Africa has the gold, or at least, silver medal for an unequal society. The battle against corruption must be fought as part of the war against inequality. The apparently common wisdom that to overcome inequity we must uplift those at the bottom end of the scale is only half the war. It is only by finding a way to bring down to some sort of reality the indulgent standards set for those at the upper end of the scale that we can begin to remove the temptations and the sheer panicked search for equity that drive the untrammelled consumptive urge and thus the conditions that allow corruption to thrive.