

SMALL BRIBES, BIG CHALLENGE

Extent and nature of petty corruption in South Africa

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Although grand corruption like that associated with the arms deal, receives most media attention, petty corruption can be as damaging if left unchecked. According to the ISS 2003 National Victims of Crime survey, petty corruption was the second most prevalent crime in the country after housebreaking. Of most concern is that many citizens do not know how to report corruption, do not believe that doing so will change anything, and, despite good whistleblower provisions, are afraid of the consequences if they do report.

Corruption, or the abuse of entrusted power for private benefit, is a practice that many South Africans continue to associate with the powerful. It is the money that greases the purchase of weapons and oil by government – in other words, grand corruption. It is kickbacks paid to officials by opportunistic business people keen to access government funds to build houses, schools and deliver services at local and provincial level. Increasingly, it is also the payment of bribes between companies. Corruption results in a lack of public confidence in democratic processes, it entrenches elites, slows economic growth and deepens economic inequality as money continues to trickle up.

Petty corruption is however often overlooked as an area of concern in the public debate. Within a regional context, South Africa's public service is relatively well paid and despite inheriting a dysfunctional bureaucracy from the apartheid state, petty corruption – although prevalent – is not pervasive. The ISS National Victims of Crime survey conducted in 2003 tested the extent and nature of this form of corruption along with a range of other crimes traditionally covered in victim surveys. (For

more details on the survey and its methodology see *SA Crime Quarterly* No. 8, June 2004.)¹

The survey also highlights the fact that a large number of citizens do not know how to report corruption and many are afraid of the consequences of whistleblowing. The belief that reporting corruption will not change anything is also of concern. These are some of the key challenges for the national anti-corruption drive emerging from this research.

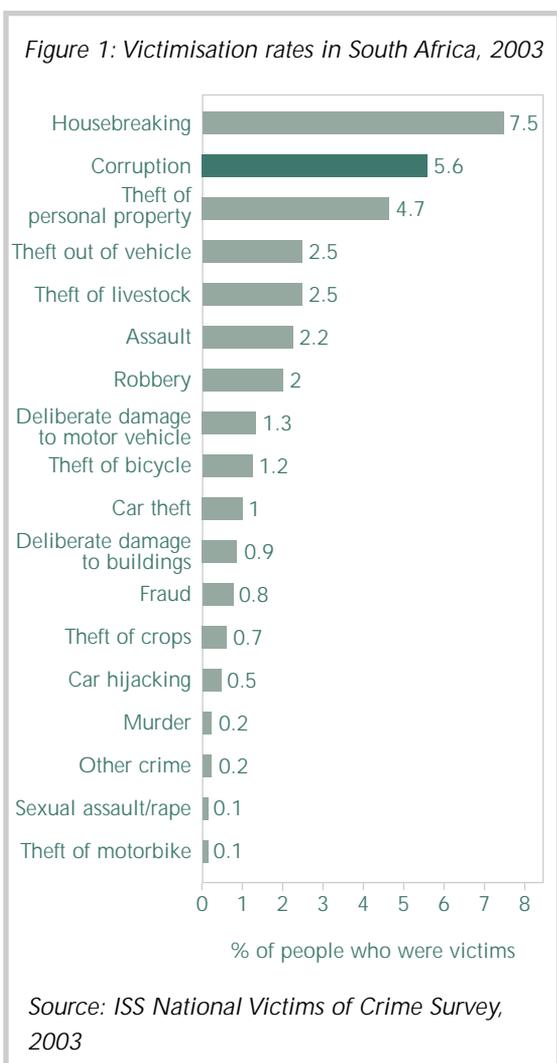
Extent of corruption

It should be noted from the outset that many incidents of corruption or attempted corruption were probably not reported to the survey. Some victims may be aware of their perceived 'complicity' as the bribe payer (albeit on demand, possibly accompanied with the threat of withholding a service) and would worry that by answering the questions they might implicate themselves. Others may not know that being asked for a bribe in return for a service constitutes a crime, and may instead see this as a 'normal' transaction fee required to ensure the delivery of services. Similarly, requests for 'favours' and 'gifts'

may be overlooked as a form of corruption. These acts typically involve the purchase of a cold drink, alcohol or a meal in return for speeding up a service or the efficient delivery of a service. Some members of the public may regard this as an accepted form of gratitude.

The fact that corruption ranked as the second most prevalent crime in the country according to the survey, is therefore of concern (Figure 1). Survey respondents were asked:

If, over the past year, any government official asked or indicated that they would be receptive to either money, a favour or a present in return for a service that they were legally required to perform.



If all three variants of corruption – money, favours and gifts – are added together, 5.6% of South Africans reported experiencing corruption. In total 4.6% of the sample reported corruption involving money, while 0.6% described an incident involving a favour, and 0.4% a present (such as purchasing a cold drink or meal for an official).

Those in the (wealthier) metropolitan areas of the country were more likely to have been asked for a bribe (9.1%) in the past year than people living in urban (5.7%), farming (5.1%), and traditional rural (3.9%) areas.

A comparison between the 1998 and 2003 national victims of crime surveys suggests that the rate of corruption has almost tripled from 2% to 5.6%.² Three factors could explain this:

- The increase over the past five years could reflect a rise in petty corruption particularly at the site of service delivery, i.e. local and provincial government. Corruption at this level reflects a legacy of bad governance inherited from the past which if unchecked could develop into endemic corruption. In the Eastern Cape, for example, the provincial leadership witnessed an unprecedented intervention by national government in late 2002 in an attempt to stop rampant corruption and maladministration.
- Media attention on cases of alleged grand corruption such as the arms deal has raised public awareness about what constitutes an act of corruption. This, combined with a greater awareness among citizens of their rights to fair administrative action may have resulted in respondents reporting corrupt behaviour in 2003 that might have been regarded as 'normal' practice in 1998.
- Differences in methodology between the surveys could have influenced the results. The 1998 survey asked respondents if "...any government official, for instance a customs official, police officer or inspector asked you or wanted you to pay a bribe for his/her service?" In contrast the 2003 description of a bribe was more comprehensive, including not only monetary forms of corruption but also favours and presents – of which there were many cases reported to the survey.

Public sectors most affected by corruption

Demands for bribes

Corruption was most evident in encounters with traffic officials, followed by the police, and then during interactions with officials over employment opportunities (Figure 2). This supports the perception that corruption is a problem in local government traffic departments, municipal police services and the SAPS, and highlights the discretionary power of some of these officials. For example, the public largely interacts with traffic officials on the road where the actions of corrupt officials are difficult to monitor.

The frequency of demands for bribes by the police (which could include municipal police or members of the South African Police Service) is worrying given their role in fighting crime and corruption. The survey results underscore calls for a designated body or unit to monitor and investigate corruption within the ranks of the SAPS.³

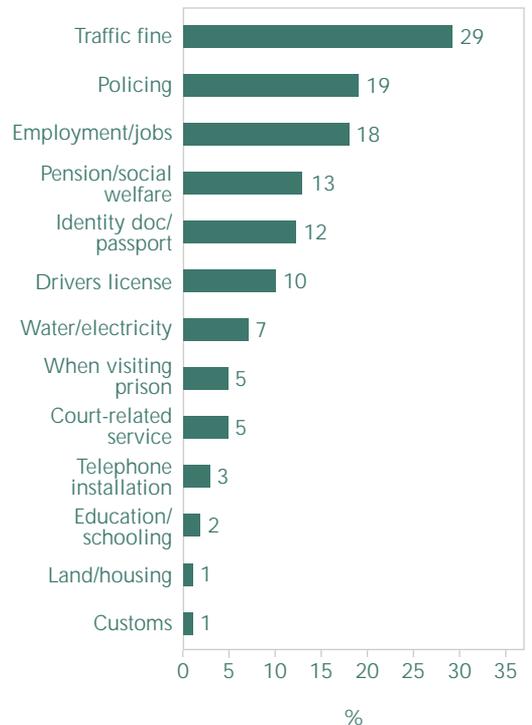
The high number of requests for bribes in the course of inquiries about employment in the public service reflects the massive levels of unemployment in the country. When demand outstrips supply to such an extent, unscrupulous officials are aware that they can use this situation to their own advantage.

Corruption was next most common among officials responsible for paying pensions or social welfare grants. These are a major – and often the only – source of income for many impoverished households. The Minister of Social Development, Zola Skweyiya, has pointed out that approximately R15 billion earmarked for pensions, social grants and other forms of poverty alleviation has been ‘lost’ to corruption between 1994 and 2004.⁴

Reports of corruption were almost as common during applications for identity documents, a responsibility of the Department of Home Affairs, as for pensions and grants.

Members of the public were next most likely to encounter bribery during applications for driver’s licenses, which again involves traffic departments, and by implication local government. Considering

Figure 2: Percentage of all those who were asked to pay a bribe in the past year, by department or sector



Source: ISS National Victims of Crime Survey, 2003

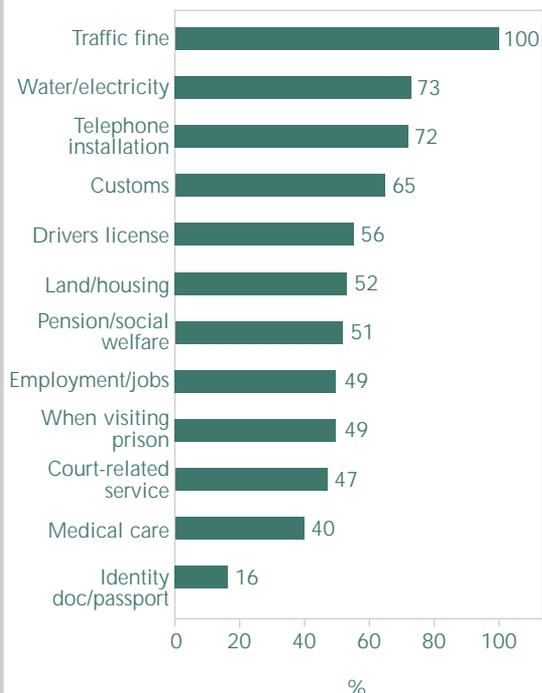
that traffic officials were implicated in the most common type of bribery recorded by the survey – involving traffic fines – as well as during the issuing of driver’s licenses, the overall poor performance of local government is a major cause for concern.

Public services for which bribes were paid

Those respondents who said an official requested a bribe, were asked whether or not they paid it. The most commonly paid bribe was for traffic fines, with an astounding 100% of respondents indicating that they had indeed paid the bribe (Figure 3).

An important explanatory factor is that bribes are often demanded in situations where road users have committed an offence such as speeding, overloading, or driving unlicensed or unroadworthy vehicles. Bribery in these instances may be used to ensure that the offender escapes a stiffer penalty

Figure 3: Percentage of respondents, of those who were asked, who paid the bribe, in the past year



Source: ISS National Victims of Crime Survey, 2003

(i.e. a R100 bribe is requested when the alternative is to pay a legitimate fine of double that amount).

Unscrupulous officials may also however prey on road users who have not committed an offence. Anecdotal evidence suggests that nationals of neighbouring countries may be requested to pay a bribe or face the possibility of not passing through a border post 'on time' if they are not able to pay the much stiffer fine. Equally, some South Africans may be willing to pay these bribes to avoid the hassle of having to prove their innocence, particularly if they are passing through a province in which they are not resident.

The results clearly indicate a propensity among those surveyed to regard bribe payment to traffic officials as an innocuous exercise. The effect of such behaviour is not only a loss of state revenue. When corrupt officials allow motorists who speed, or who are driving vehicles that are not roadworthy, to

proceed with their journey, the consequences for other road users are potentially disastrous. A breakdown in public trust of the integrity of traffic officials is also likely to result in an increase in lawlessness among road users.

After traffic fines, other services for which bribes were often paid were utilities (water or electricity) and telephone installation. These could well be illegal connections or illegal reconnections after disconnection, highlighting the discrepancy between the availability of such services and the ability of many people to pay for them.

The fact that many who have been disconnected, resort to 'illegal' connections to ensure access to basic services underscores the fact that bribery is possibly seen as a means to facilitate access to public utilities. The privatisation of these services is unlikely to lessen this practice, given that a real need exists among poverty stricken households to have sustained basic services (water, electricity, telephony) and not merely a 'connection' which users are unable to afford given competing livelihood needs.

It is noteworthy that although policing was the second most likely sphere in which South Africans were asked for a bribe (Figure 2), none of the respondents admitted to paying the bribe. Although this may reflect integrity on the part of the respondents, it is also possible that they were reluctant to admit to bribing a police official for fear of repercussions. Bribery of an official in the criminal justice sector may also be viewed as more serious than that of a traffic official, for example.

Private sector corruption

Only two questions were put to respondents regarding private sector corruption. This is because bribes are usually not requested when members of the public have a choice in procuring goods and services. Although corruption is a massive problem in the private sector (referred to as 'white collar crime') and is often used to gain unfair advantage in securing government contracts, most of these crimes involve the elite rather than ordinary citizens. Quantifying this problem in a survey of a representative sample of South Africans would therefore be difficult.

Nevertheless, 4.3% of respondents said that either they, or a family member, had ever been asked for a bribe in return for speeding up a job application in the private sector, while 5% reported that they, or a family member, had ever been requested for a bribe in return for getting a job in a private company. While these figures seem high, it is important to note that these experiences were not restricted to the past year, as was the case in the questions on public sector corruption discussed above. The results again suggest the high demand for employment in South Africa and the accompanying opportunities this creates for individuals who are willing to partake in corrupt transactions.

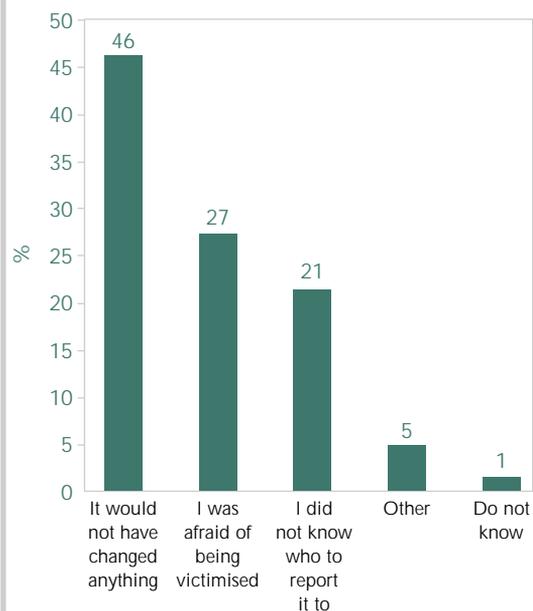
Low rates of reporting to the authorities

All respondents, rather than just those who had experienced corruption, were asked whether they had ever tried to report a corrupt official. Very few (2%) said that they had. When asked who they reported the incident to, the most likely answer was “another official” (42%), presumably from the same department and who is possibly a superior to the official who asked for the bribe. Almost as many respondents said they reported to the local police station (40%), while significantly less used a telephone hotline (17%) such as a whistleblower hotline.

The primary reason given by the 98% of respondents who did not report bribery was that it would not have changed anything (Figure 4). Despite good whistleblower provisions (South Africa is one of only seven countries with legislation protecting whistleblowers) as many as 27% said they are afraid of reprisals. This is a major deterrent to reporting corruption, as these whistleblowers are essentially victimised twice – both by the act of corruption as well as the potential threat of reprisal in the event of reporting it. A significant proportion of respondents said they did not know who to report the incident to. These figures reflect the relatively low-key approach towards promoting public awareness of the need for individuals to fight corruption and of how to report it.

Of the three main reasons for not reporting corruption, the view that it would not change anything, and the lack of knowledge about where

Figure 4: Reasons for not reporting requests for bribes to the authorities, all respondents



Source: ISS National Victims of Crime Survey, 2003

and how to report (which together represent two thirds of responses) could be addressed in the short term by a sustained awareness campaign by the public service. This should be geared towards informing citizens of why they need to counter corruption, thus popularising a whistleblowing culture, as well as ensuring that people know what channels to use to report (i.e. through national hotlines).

In the long term, the public needs to believe that their actions will result in speedy investigations and when appropriate, prosecution and conviction. One way of doing this is to inform citizens of convictions achieved as a result of information provided by whistleblowers.

The more complex issue is dealing with the fear of reprisal. This can only be tackled by ensuring that people feel adequately protected by the provisions of the Protected Disclosures Act (the ‘whistleblower’ Act) and that the relevant authority assists in ensuring that they remain free of intimidation in the event of disclosure. The SA Law

Commission is reviewing ways to improve this key piece of anti-corruption legislation that should hopefully see whistleblowers, particularly those in the workplace, making better use of this instrument.

Whistleblowers are key to effectively challenging both grand and petty corruption. South Africa has a sophisticated approach, consisting of both an institutional and policy framework to tackle corruption. However, the involvement of citizens in combating petty corruption – although identified in the 2002 Public Sector Anti-Corruption Strategy as key to combating corruption – is seldom promoted.

South African citizens, empowered by the constitution, should be at the forefront of ensuring clean governance. This will require raising awareness, education, and a belief that such actions – with adequate protection from the state – can make a real difference. A failure to achieve this may prove the Achilles heel of sustained attempts to combat corruption in South Africa.

Areas in need of attention

- Although endemic corruption is not a problem in South Africa, the high level of petty corruption in certain sectors is a cause for concern, not least because if unchecked, it can become endemic. The results indicate that some traffic departments are probably vulnerable to this, and local governments need to tackle petty corruption jointly with national and provincial Departments of Transport.
- The continued high level of unemployment means that demand for jobs will far outstrip supply. Other than the urgent need to address the scarcity of employment opportunities, public and private sector employers must be seen to be doing enough to keep corruption and nepotism in check.
- The results suggest that South Africa's poor are especially vulnerable to petty corruption. This is worrying because their inability to access basic services due to the demand for bribes will further deepen socio-economic cleavages and contribute to their alienation from the democratic process.
- A dedicated public education campaign is needed to address the lack of awareness about

what constitutes corruption and how to report it. Consensus among the elite will not be enough to stop corrupt practices. Ultimately broad public participation is required to promote a culture of whistleblowing in the public and private sectors, but also to ensure that corruption is prevented in future.

Acknowledgement

The author would like to thank Patrick Burton and Antoinette Louw who contributed towards earlier drafts.

Endnotes

- 1 For the full report on the survey see P Burton, A du Plessis, T Leggett, A Louw, D Mistry and H van Vuuren, *National Victims of Crime Survey: South Africa 2003*, ISS Monograph No 101, Institute for Security Studies, Pretoria, July 2004.
- 2 The 1998 National Victims of Crime survey was conducted by Statistics South Africa for the Department of Safety and Security and United Nations Interregional Crime and Justice Research Institute (UNICRI).
- 3 See G Newham and L Gomomo, *Bad cops get a break: The closure of the SAPS Anti-Corruption Unit*, in *SA Crime Quarterly No 4*, ISS, Pretoria, June 2003.
- 4 R15bn welfare money missing, *News24.com*, 25 February 2004, <http://www.news24.com/News24/South_Africa/Politics/0,,2-7-12_1489313,00.html> accessed on 11 May 2004.