

Local Government **ETHICAL LEADERSHIP** — Initiative —

Discussion document

*Outcomes of the LGELI research process and implications
for the Code for Ethical Governance in Municipalities*

15 March 2022

Version 002

An initiative of:



In partnership with:



**cooperative
governance**

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA



Please send queries/comments to:

Kris Dobie: Kris@tei.org.za

Fatima Rawat: fatima@tei.org.za



moral regeneration movement

building an
ethical
SOCIETY

Contents

INTRODUCTION i

 1. **OVERVIEW OF FINDINGS** i

A. WHAT SHOULD ETHICAL LEADERSHIP LOOK LIKE IN LOCAL GOVERNMENT?..... 4

B. WHAT DOES ETHICAL LEADERSHIP LOOK LIKE IN LOCAL GOVERNMENT? 6

C. WHAT MAKES ETHICAL LEADERSHIP DIFFICULT?..... 7

D. WHAT SHOULD BE DONE ABOUT IT? 16

E. EXPECTATIONS FOR A CODE FOR ETHICAL GOVERNANCE IN LOCAL GOVERNMENT? 17

F. IMPLICATIONS FOR THE CODE FORMAT AND CONTENT 19

DRAFT

INTELLECTUAL PROPERTY

The Ethics Institute (TEI) reserves intellectual property rights and copyright of materials and processes generated by ourselves prior to or during the completion of this study. This includes (but is not limited to) consultation processes, research instruments, and reporting methodologies.

It excludes research findings and project reports which were generated specifically for the project but includes the processes, instruments and methodologies used in generating these reports.

Our intellectual property may not be used beyond the scope of this project without our express written permission.

INTRODUCTION

The Local Government Ethical Leadership Initiative (LGELI) is an initiative of The Ethics Institute (TEI) in partnership with the Department for Cooperative Governance (DCoG), the South African Local Government Association (SALGA), and the Moral Regeneration Movement (MRM).

In recognition of challenges at the leadership level, the LGELI project aims to facilitate a national dialogue on ethical leadership in local government in order to develop a Code for Ethical Governance in Local Government. To ensure the relevance and legitimacy of the Code a consultative process of research and stakeholder engagement has been embarked on.

This included focus groups and interviews which were facilitated in all nine provinces between March and July 2021 with the assistance of the project partners and provincial champions. These discussions were followed up by a quantitative online survey rolled out between 27 July 2021 and 27 August 2021.

This document contains the consolidated outcomes of these studies. As we continue with the national dialogue on the Code for Ethical Governance in Local Government, the intention is that this research informs and enriches the discussions. It also gives a research-based starting point to enable us to address the most relevant issues.

It is furthermore hoped that the results will be useful to guide future research-based policy development in the field, and that it will stimulate the ongoing discussion on ethical leadership in local government.

1. Overview of findings

What SHOULD ethical leadership look like in local government?

A strong ethical leadership was envisaged in the White paper for local government, the Constitution, and the Batho Pele Principles.

Our consultation process indicates that leaders should:

- Be guided by strong values and morals
- Serve the community and put people first
- Set an example
- Be accountable and ensure accountability
- Ensure good governance and compliance
- Be competent
- Be committed and passionate
- Be courageous

What DOES ethical leadership look like?

	Councillors	Senior managers
In municipalities with clean audits	63% good	72% good
In municipalities with adverse/disclaimer audits	26% good	34% good

What makes ethical leadership difficult?

1. Politicisation of local government

- Destructive deployment practices and lack of skills
- Political interference

2. Lack of councillor competence

3. Lack of / inconsistent consequence management

- Lack of accountability
- Abuse of accountability processes

4. Community engagement challenges

- Councillors overcommitting
- Insufficient community engagement
- Pressure from community

5. Capture, corruption and fear

- SCM corruption
- Fear of safety and job security

	To what extent do you disagree/agree that the following undermines ethical leadership in your municipality?	Agreement score
1	Lack of education and skills among councillors	65
2	No consequences for councillors when they do wrong	61
3	Councillors making unrealistic promises to communities	60
4	The danger of taking a stand for "what is right" - you can get hurt / killed	60
5	Appointment of officials with political connections rather than skills	60
6	Personal greed	59
7	Interference from political party branches in council / the administration	58
8	Councillors being accountable to their parties, not to the community	58
9	Inappropriate interference from councillors in the administration	56
10	No consequences for senior managers when they do wrong	56
11	Not enough engagement with communities by councillors	56
12	Appointment of political party office-bearers in the administration	54
13	Corruption in supply chain management	53
14	MMs and Section 56 managers' lack of job security due to contract appointments	53
15	Unlawful instructions from councillors to officials	50
16	Lack of education, skills and qualifications among officials	50
17	Criminal elements capturing the municipality	49
18	Instability in top management	48
19	Officials misrepresenting facts to councillors	48
20	Pressure from businesspeople to bypass rules	47
21	Pressure from communities to bypass rules	46
22	Municipal service providers funding political parties	45
23	Provincial government abusing s139 interventions for political purposes	45
24	Unlawful instructions from senior managers to officials	45
25	Pressure from my own political party to vote against my conscience (Councillors only)	33

What should be done about it?

	To what extent do you agree that the following will improve ethical leadership in your municipality?	Agreement score
1	People should be arrested and prosecuted for defrauding the municipality	91
2	Councillors to engage with communities frequently and not just during elections	90
3	Strengthening controls in the municipal supply chain management processes	86
4	Strengthening disciplinary processes and consequence management for senior managers	85
5	Strengthening disciplinary processes and consequence management for councillors	85
6	Auditor General enforcing its recommendations against municipalities	84
7	Minimum education / competency requirements for councillors	82
8	Prohibiting all municipal officials from holding political party positions	79
9	Appointment of senior officials by an independent body, not by Council	68
10	Communities should vote for individual councillors, not for political parties	59

Expectations for a Code for Ethical Governance in Local Government

1. Clear, concise and practical guidelines
2. Be based on values and principles
3. Deal with consequences and promote accountability
4. Separation between the political and administrative
5. Must consistently apply to everyone
6. Promote community engagement
7. Raise competence
8. Are municipalities ready for a code?

-oOo-

A. What SHOULD ethical leadership look like in local government?

In the pre-democratic South Africa, municipalities were undemocratic in that they were serving the interests of a small proportion of the population. The White Paper for local government, passed by cabinet in 1998, laid the foundation for a new system of local government that would be “developmental”, give priority to the basic needs of communities, and promote social and economic development. It also set out that this type of local government will require a political leadership which:

- Provides *community-wide leadership and vision*
- *Builds its capacity to make policy judgements*
- *Is accountable and transparent*
- *Builds partnerships and coalitions*
- *Represents diversity of interests*
- *Demonstrates value for money*

This was given expression in the Chapter 7 of the South African Constitution, as follows:

The **objects of local government** 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 promote *social and economic development*;
- d. to promote a *safe and healthy* environment; and
- e. to encourage the *involvement of communities* and community organisations in the matters of local government.

The Constitution also sets out the following **Basic values and principles governing public administration**, which also applies to local government:

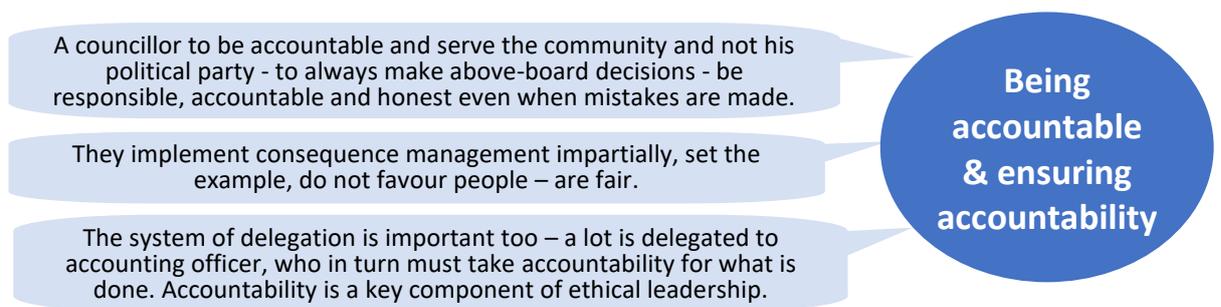
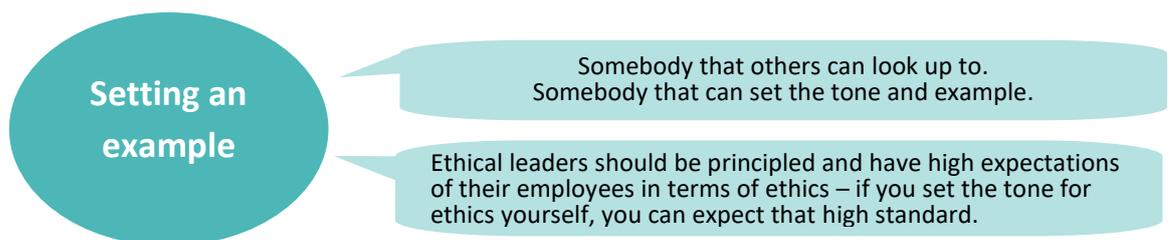
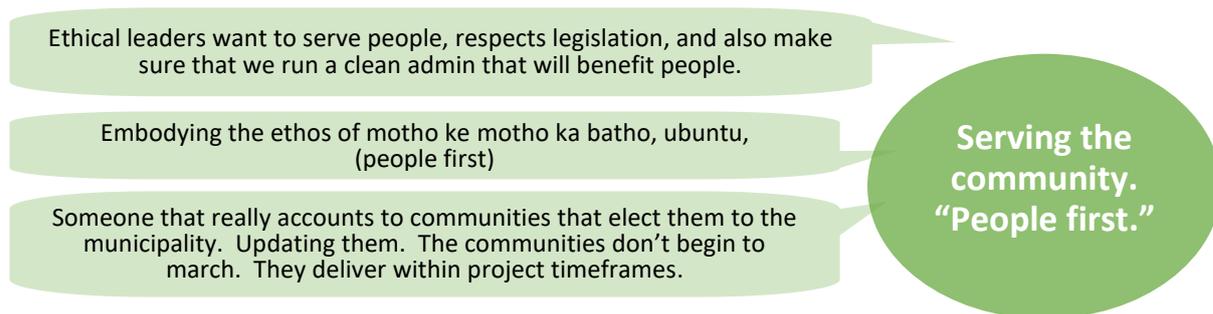
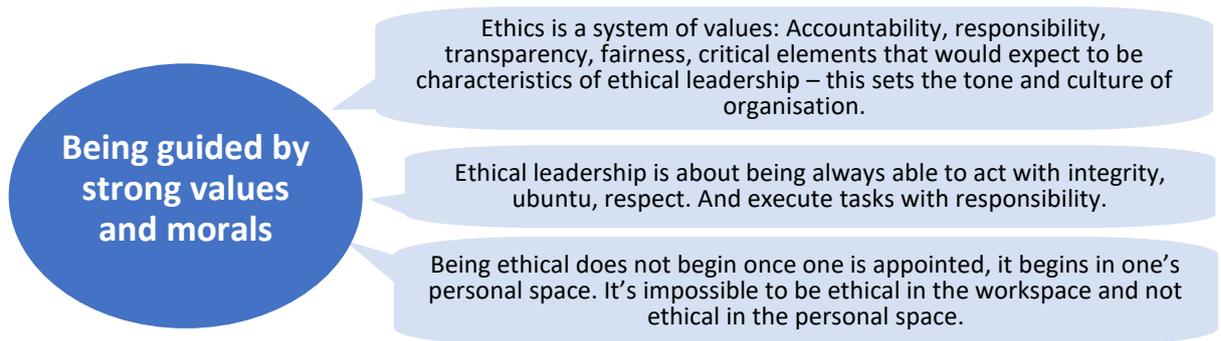
- a. *A high standard of professional ethics* must be promoted and maintained.
- b. *Efficient, economic and effective* use of resources must be promoted.
- c. Public administration must be *development-oriented*.
- d. Services must be provided *impartially, fairly, equitably and without bias*.
- e. People's needs must be *responded to*, and the public must be *encouraged to participate* in policy-making.
- f. Public administration must be *accountable*.
- g. *Transparency* must be fostered by providing the public with timely, accessible and accurate information.
- h. Good *human-resource management* and career-development practices, to maximise human potential, must be cultivated.
- i. Public administration must be broadly representative of the South African people, with employment and personnel management practices based on *ability, objectivity, fairness, and the need to redress the imbalances of the past* to achieve broad representation.

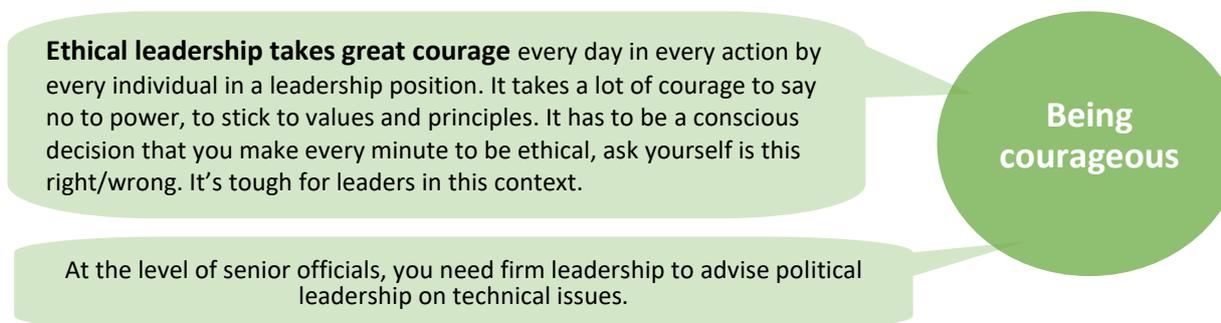
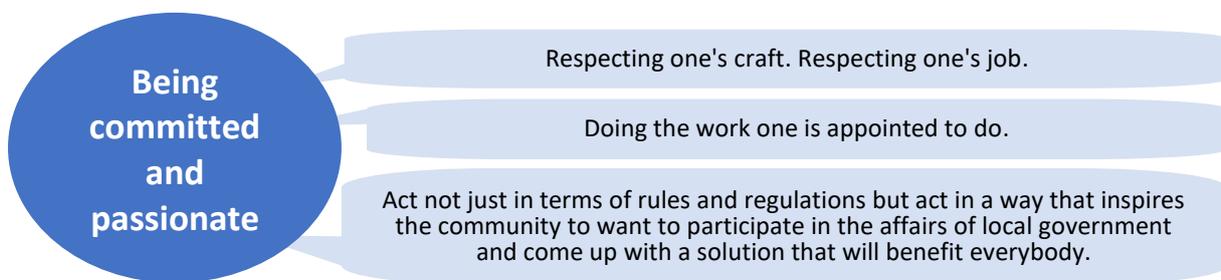
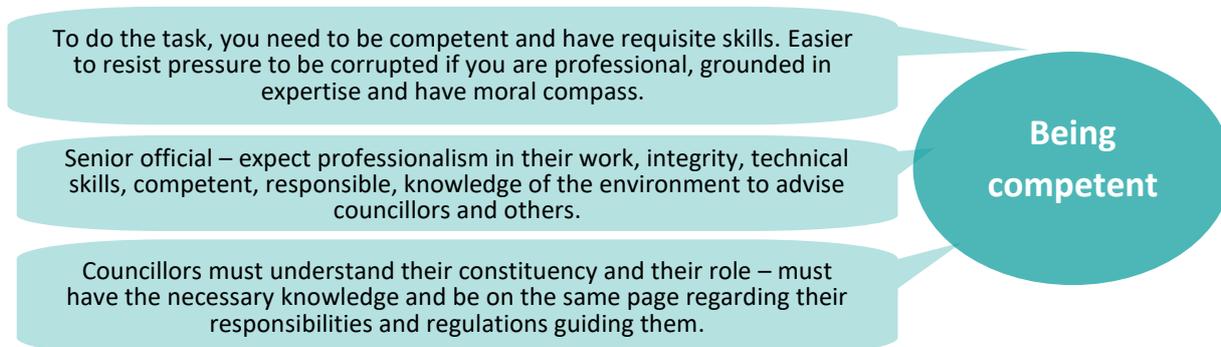
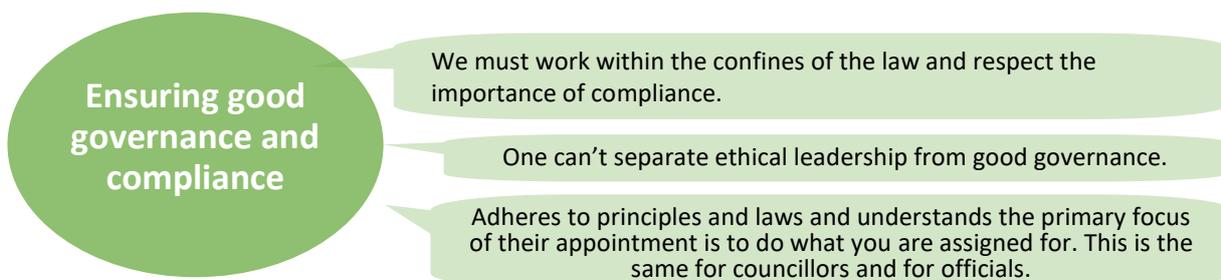
Councillors are required to take an Oath of Office, which is to be administered by the Municipal Manager. This oath states that:

"I (FULL NAMES) swear / solemnly affirm that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other laws of the Republic, and I solemnly promise to perform my functions as Councillor of ... Municipality to the best of my ability".

The following top themes emerged from our qualitative research across the country to the question:

What should ethical leadership look like in local government?





B. What DOES ethical leadership look like in local government?

The data from our quantitative survey shows that, in municipalities with unqualified audits people generally feel that their leadership is quite ethical. Where there are adverse / disclaimer audits this is not the case. There is a strong correlation between ethical leadership and good performance.

Good ethical leadership is shown by...

	Councillors	Senior managers
In municipalities with clean audits	63% agree	72% agree
In municipalities with adverse/disclaimer audits	26% agree	34% agree

C. What makes ethical leadership difficult?

We now have an understanding of what ethical leadership in local government should look like, but also that ethical leadership is rare – especially in struggling municipalities. This begs the question:

“What makes ethical leadership difficult in local government?”

From our qualitative research the following themes emerged, and were confirmed in the quantitative research:

- 1. Politicisation of local government**
 - Destructive deployment practices and lack of skills
 - Political interference
- 2. Lack of councillor competence**
- 3. Lack of / inconsistent consequence management**
 - Lack of accountability
 - Abuse of accountability processes
- 4. Community engagement challenges**
 - Councillors overcommitting
 - Insufficient community engagement
 - Pressure from community
- 5. Capture, corruption and fear**
 - SCM corruption | Fear

1. POLITICISATION OF LOCAL GOVERNMENT

A key challenge is the lack of separation between the political and administrative spheres. This happens frequently when politicians appoint (or deploy) people into the administration that have political ties rather than competence for the job. This practice is done from the municipal manager, right down into more junior levels of the administration, but is most damaging at the senior management levels. The consequence of this is a degradation of the culture of professionalism in the municipality. Such deployed officials are beholden to those who have deployed them rather than to the Constitution and the legislation. They also frequently lack the competence required of them to do their job, which further entrenches their vulnerability to their political ‘handlers’. This in turn means that other inappropriate appointments are made, and that there is no-one who can enforce discipline. Even those section 56 managers (Exco members) who want to stand up can’t do so, because they can relatively easily be suspended or fired by an antagonistic council. (These managers are appointed by council on a 5-year contract – linked to the council term – which causes further instability and lack of continuity in the senior management of municipalities.)

Verbatim comments from interviews and focus groups across the country

Destructive deployment practices and lack of skills

- They deploy cadres who don't have the skills, professionalism – yet in the administration their positions require them to work, take decisions etc and they're not able to. These cadres are loyal to the factions that appoint them and not to the municipality. They don't understand the municipality, SCM etc.
- When cadre deployment happens willy-nilly, it undermines the qualification and training required for officials – allows for politicians to have their way in municipalities through officials they deploy.
- Some parties deploy people who they know will do as they say. Those who are firm and will push back will not be deployed.
- There must be a balance between cadre deployment and expertise – To attract a pull of good talent especially in faculties like finance and technical – **currently the messaging to new talent is that "doors are closed"**
- So, in the admin you have people who are qualified to do their jobs and those who are there to push for a political agenda. Those who are there for an agenda, they don't adhere to policies etc, they create chaos, and they always have the upper hand in terms of politics, so things happen despite what you say is the policy/process.
- Post-94 transformation wave across the board and ruling party providing cadre deployment in the administration of municipalities - acting beyond bounds of their office - no corrective or punitive measures applied coz they are comrades
- Cadre deployment is one method that is good for the ruling party to help with the application of its manifesto and policies – However; it must happen at strategic levels and not at manager/clerk/officials levels - We need competent skilled qualified personnel, and this is where cadre deployment goes wrong - even at strategic levels personnel must be competent, skilled and qualified.
- Distinguish between political offices and administrative offices in the municipality. Have different appointment processes for political employees and technical staff. Get a political appointment policy in the local government – similar to the Ministerial Handbook.

Quantitative data

To what extent do you disagree/agree that the following undermines ethical leadership in your municipality?		Agreement score
5	Appointment of officials with political connections rather than skills	60
12	Appointment of political party office-bearers in the administration	54

Verbatim comments from interviews and focus groups across the country

Pol interference is very key. Over time we have allowed the domination of pol parties to reach a stage where the law, policies are thrown out of the way. **The political domination so huge it undermines everything else.**

Political interference into the work of the officials instead of assisting and guiding them but **instructing them and diverting their energies to the side of corruption** (from CMs to HODs to Managers but prevalent more at Supply Chain level) - CMs not leading with integrity - prerogatives blurred via the political-administrative interface.

Councillors may want to act ethically but they also have to be loyal to those that put them in power

Politics destroyed systems that were in-place – The political environment swallows their values, pollutes their beliefs and destabilises/complicates movement - **politics taking over the institution...**

Political interference

Political parties are not at municipalities, but decisions are made through the people they have deployed in the municipalities. So sometimes the **pressure is not coming from the council but the political parties.**

Huge issue: **Officials who come in who are politicians** – they are aligned, focus on being politicians not being officials – this undermines their managers/leaders within the administration. Good thing that there is Systems Act amendment to prohibit officials from being involved in politics.

You get a call, MM we having a rally, make sure that you raise the money for t-shirts! Now, how do u raise money as MM? They tell u talk to service providers, make it happen! But you know that the moment you do that you compromise yourself.

You get told to do something because it's a political decision. **My response, in LG every political decision is a council resolution, anything outside a council resolution not a political decision.**

We are accountable to community. My role is to advise, I unpack legislation, look at principles of law, munic functions, understand finance. If MM is not a strong leader then s56 managers will have problems. **Once you can unpack legislation and show this to leaders, even the stubborn ones tend to step back.** If you stuck, issue of consultation/ask for advice from others like SALGA etc .

Interference or intervention?

How the system is designed. The divide between political and administrative. If political leadership wants to provide oversight and hold the administration accountable they are seen as interfering. What does accountability mean in this regard?

When Councillors are intervening, they are seen as interfering in the work of Officials

Quantitative data

To what extent do you disagree/agree that the following undermines ethical leadership in your municipality?		Agreement score
7	Interference from political party branches in council / the administration	58
8	Councillors being accountable to their parties, not to the community	58
9	Inappropriate interference from councillors in the administration	56
15	Unlawful instructions from councillors to officials	50

2. LACK OF COUNCILLOR COMPETENCE

From the interviews and focus groups it became clear that it is difficult to lead ethically and provide meaningful oversight and direction for councillors that lack the basic competence and skills to do so. In the quantitative data this came up as the single issue most destructive of ethical leadership. The democratic process does not require set any educational or competence criteria for political leadership, but without some standard it seems that ethical and effective leadership is unlikely.

Verbatim comments from interviews and focus groups across the country

The lack of capacity from oversight committee to deal with unethical issues. We were the first municipality to separate powers and have a S79 for each cluster. We also have MPAC, council etc. **We need to have councillors who have capacity to deal with unethical issues otherwise these structures are meaningless.**

Calibre of councillors: self-interested and politically motivated - taking from the role of representing the people - some not even qualified - can't read financial statements.

Officials take advantage that some Councillors are not educated
Officials take advantage of Councillors because they know they can't read.

How do we ensure that councillors aren't vulnerable? To be effective councillors must be educated. If they aren't we are setting them up for failure.

We all know that not all councillors are educated. But there needs to be some level of education for councillors. Let's have balance between those who fought (stalwarts) 40% (we owe them) but lets also get people who understand etc (60%).

Easy to become a councillor in the past, academics and qualification don't matter. Its only now that pol parties are starting to move. Seen recently that integrating multiple processes to be sure that candidate can stand test of time. They also take candidates to community, pose question to them and determine suitable candidate you (community) likes. They then subject them to further interviews and scrutiny of skills, qualifications etc.

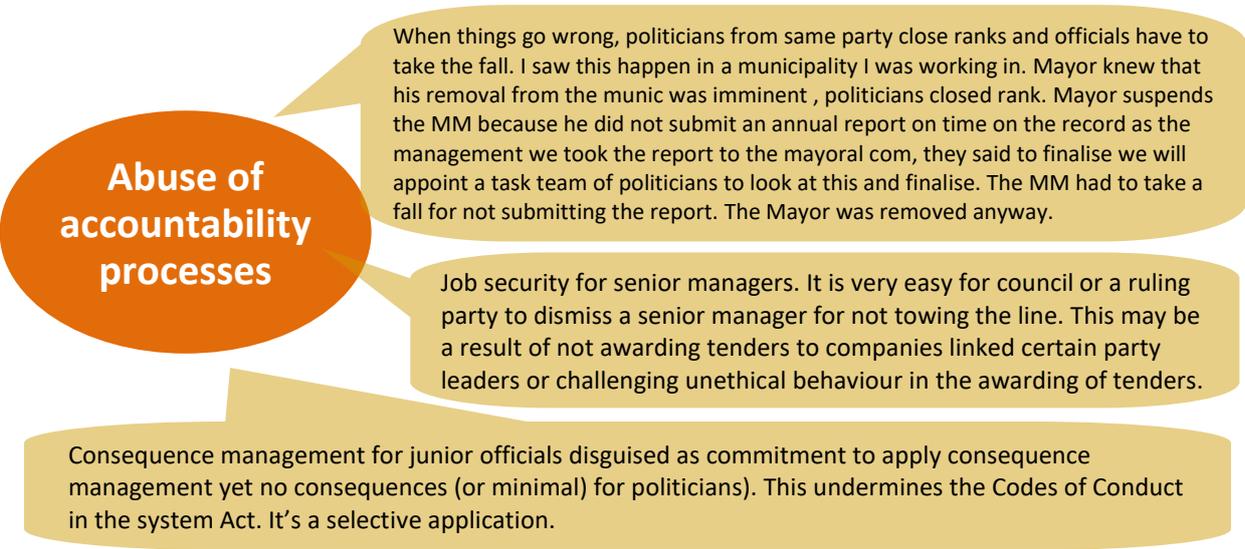
Community can like a person whose not educated. The opportunity would then be to bring in some on PR list who is skilled and can supplement that weakness.

Lack of Councillor competence and skill

Quantitative data

To what extent do you disagree/agree that the following undermines ethical leadership in your municipality?		Agreement score
1	Lack of education and skills among councillors	65

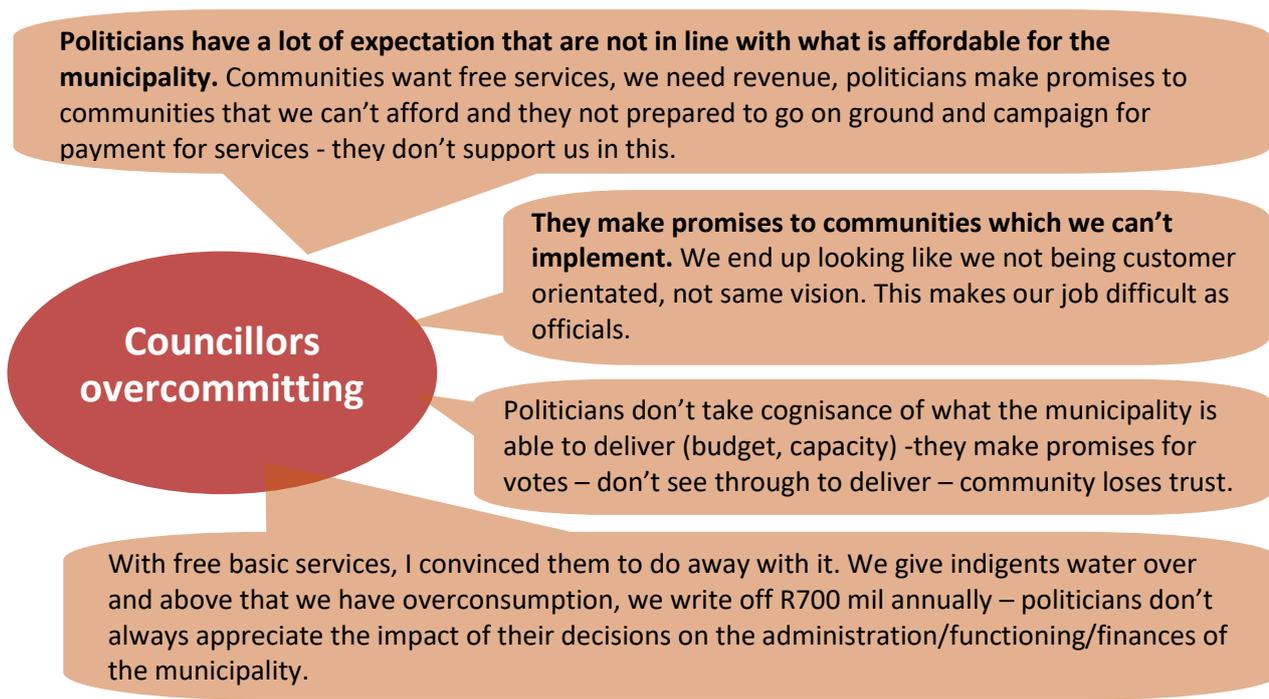
3. LACK OF / INCONSISTENT CONSEQUENCE MANAGEMENT



To what extent do you disagree/agree that the following undermines ethical leadership in your municipality?		Agreement score
2	No consequences for councillors when they do wrong	61
10	No consequences for senior managers when they do wrong	56

4. COMMUNITY ENGAGEMENT CHALLENGES

The last narrative we wish to highlight is the relationship of the municipality to the community. It seems that many councillors (and therefore municipalities) are not as engaged with the community as they should be. Engagements around the Integrated Development Plan of the municipality is done with a compliance mindset, and there is little to no feedback to, or monitoring from communities. One cause that is mentioned is the fact that communities vote for parties, not for individual councillors. Their loyalty is therefore to their political parties (who decide whether they will be nominated in the next term) and not to their communities.



To what extent do you disagree/agree that the following undermines ethical leadership in your municipality?		Agreement score
3	Councillors making unrealistic promises to communities	60
11	Not enough engagement with communities by councillors	56

Pressure from community

There are expectations once one is leadership. There are nefarious expectations but you find that there are rules a leader have to follow. Change comes as a form of societal pressure. When there are projects in a particular community, community members begin to think they are entitled. Hence underqualified people demand jobs

It's the pressures that come from the public. **Society doesn't care what rules you break to serve their needs.**

5. CORRUPTION, GREED, AND FEAR

5.1. A tale of two cities

When we asked people...

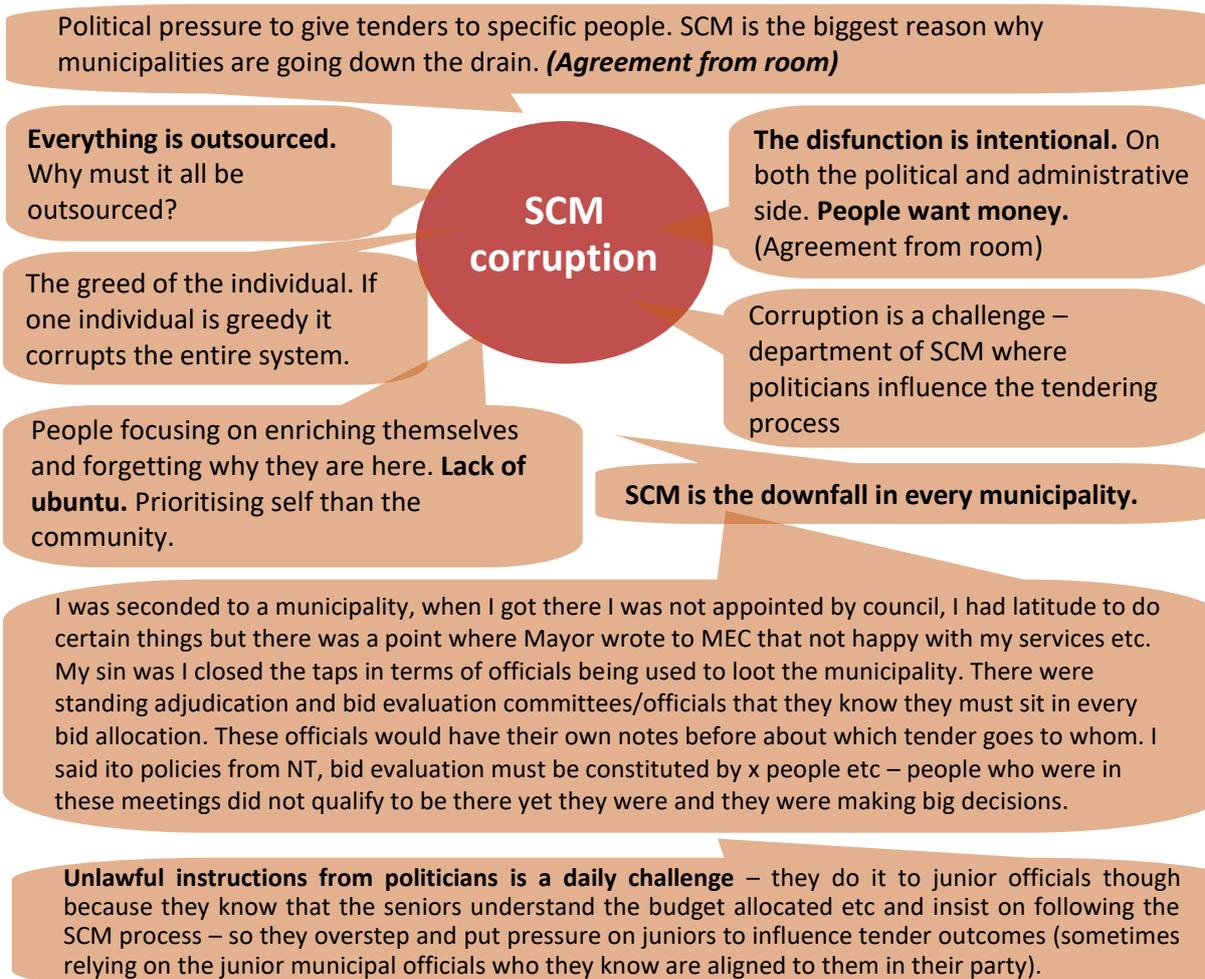
“To what extent do you agree that the following undermines ethical leadership in your municipality?”

...there was a distinct difference in responses received from people in municipalities that received clean audits and those in municipalities that received adverse / disclaimer audits. The following table therefore gives us an indication of what issues most set well-performing municipalities apart from those that are performing poorly.

“To what extent do you agree that the following undermines ethical leadership in your municipality?”		Adverse / disclaimer audit	Difference	Unqualified / clean audit
1	Criminal elements capturing the municipality	71	-32	39
2	Corruption in supply chain management	75	-31	43
3	Provincial government abusing s139 interventions for political purposes	66	-29	37
4	Personal greed	79	-28	51
5	Instability in top management	69	-28	41
6	No consequences for councillors when they do wrong	80	-28	53
7	No consequences for senior managers when they do wrong	71	-25	47
8	The danger of taking a stand for “what is right” - you can get hurt / killed	78	-25	53
9	Lack of education, skills and qualifications among officials	65	-23	42
10	Officials misrepresenting facts to councillors	64	-22	41
11	Unlawful instructions from councillors to officials	65	-22	43
12	Appointment of officials with political connections rather than skills	73	-21	53
13	Inappropriate interference from councillors in the administration	70	-21	50
14	Appointment of political party office-bearers in the administration	66	-19	47
15	Municipal service providers funding political parties	57	-19	39
16	Unlawful instructions from senior managers to officials	57	-18	40
17	Pressure from my own political party to vote against my conscience (Councillors only)	45	-18	27

18	Not enough engagement with communities by councillors	66	-16	50
19	Interference from political party branches in council / the administration	68	-16	52
20	Pressure from businesspeople to bypass rules	57	-15	42
21	Lack of education and skills among councillors	75	-15	60
22	MMs and Section 56 managers' lack of job security due to contract appointments	60	-11	49
23	Pressure from communities to bypass rules	52	-11	41
24	Councillors being accountable to their parties, not to the community	61	-6	55
25	Councillors making unrealistic promises to communities	62	-5	57

- Municipalities with adverse audit findings show significantly higher agreement that ethical leadership is undermined in their municipalities in all factors listed.
- The top 5 differentiating factors show that municipalities with disclaimer audits are more likely to be prone to corruption. Three of the top issues relate to criminality, corruption and greed, and the language of 'capture' seems to be justified in determining the status quo in these municipalities.
- In looking for causal factors in terms of governance, the most differentiated issues relate to instability in top management and lack of consequences for misconduct. One gets a sense that governance has almost totally collapsed in these municipalities, and respondents express a much higher sense of fear for taking a stand for what is right.



A MM who puts his foot down on unsolicited bid – **that's the end of his career**. These are the decisions, MMs needs to make. Balance personal circumstances, need for income/job + pressures of LG and the job – when you make these decisions around the kind of MM/leader you will be. Eventually, you just settle/give up/do what needs to be done. All the expertise leaves LG.

FEAR

Job security for senior managers. It is very easy for council or a ruling party to dismiss a senior manager for not towing the line.

People are scared, if they speak, will loose employment. Need to look at protection and how make sure that they can survive after they expose unethical leadership.

MMC GCSS intimidates HR staff members to appoint officials who support her.

He gave money to Mayor to secure the project, otherwise Mayor will have to pay back. Mayor's view was that I was getting in the way. At some point I had to be very careful not using same route, my safety was a concern, not ordering room service etc

Councillors victimise officials. They know who to target. Its either people they have brought in or its people they know have made errors and they use that against them. People get scared – people need jobs so they balance how do I assist and keep my job.

D. What should be done about it?

In the focus groups and interviews a number of suggestions were made about what should be done to address the issues identified in Section C of this document.

In the quantitative survey respondents were asked:

“To what extent do you disagree/agree that the following will improve ethical leadership in your municipality?”

The scores given show an agreement score based on responses to a six-point scale from strongly disagree (1) to strongly agree (6). A low score shows greater disagreement, and a higher score shows greater agreement. The following colour scale is used:

Strong agreement that the item will improve ethical leadership	67 – 100
Moderate agreement that the item will improve ethical leadership	50 – 66
Moderate disagreement that the item will improve ethical leadership	33 – 49
Strong disagreement that the item will improve ethical leadership	0 – 32

	To what extent do you agree that the following will improve ethical leadership in your municipality?	Agreement score
1	People should be arrested and prosecuted for defrauding the municipality	91
2	Councillors to engage with communities frequently and not just during elections	90
3	Strengthening controls in the municipal supply chain management processes	86
4	Strengthening disciplinary processes and consequence management for senior managers	85
5	Strengthening disciplinary processes and consequence management for councillors	85
6	Auditor General enforcing its recommendations against municipalities	84
7	Minimum education / competency requirements for councillors	82
8	Prohibiting all municipal officials from holding political party positions	79
9	Appointment of senior officials by an independent body, not by Council	68
10	Communities should vote for individual councillors, not for political parties	59

- There is strong agreement that all of the interventions mentioned would improve ethical culture, except for ‘communities voting for individual councillors, not political parties’, which has moderate agreement.

E. Expectations for a Code for Ethical Governance in Local Government?

Clear, concise and practical guidelines

- The code must be practical - tell me what it means to be ethical, what is right and wrong. It should not be a high level wish list. It should give guidelines to say what is right and wrong and apply to politicians and officials. Should be based on values.
- If we have a Code it must be alive to real situations in municipalities, it must be able to come alive/made real. The Code should not be seen as an additional compliance burden.
- The Code must make it easy to navigate ethical challenges.
- A shortlist of principles that would have to come out of a workshop. Not too many because the meaning gets lost and the detail overwhelms.

Be based on values and principles

- There should be **explicit principles** for ethical leadership set out – like King does.
- Leaders need to have boundaries. They must be reminded what it means to be leaders and what their purpose is and actions must be taken if they don't do their jobs, **They sign and take oaths, what are consequences if they don't do their jobs?**
- Parties they represent must reprimand them and also the parties must be reprimanded and told that u send your people here and they're making chaos – now you must sort this out and sort them out and put in people who can do the job!

Clarify separation between political and administrative

- Clear guidelines on what constitutes interference in the admin? When is it monitoring and when is interference?
- We have a rule that councillor must communicate to all officials via MM. MM can then call the official in and channel the request and MM must be kept abreast. It's the spirit in which it's done that's important.
- Should be clear guidance on when they can intervene in HR and finance as well as SCM, as there is political interference at these points - appointments, payments, tenders . If u have a request fine. But when councillor gives an instruction that's not fine.

Deal with consequences and promote accountability

- For this sector need more than a Code though – people need consequences.
- Express values which even the community is conscious of – in terms of which a councillor should subscribe to.
- Parties they represent must reprimand them and also the parties must be reprimanded and told that u send your people here and they're making chaos – now you must sort this out and sort them out and put in people who can do the job!

Must apply to everyone

Should be applicable on both political and management side and it should be clear.

The Code should not only apply to councillors but to administration and everyone who is part of municipalities.

People get unhappy when services are not delivered, sometimes they burn councillors houses. If it reaches that stage it is uncontrollable. People are angry. If we as community know - if we don't get services this is where we can report - how can we hold them accountable, how to report? When holding them accountable they must not think we have grudges – they must listen when we present. They must listen and come back to us. Communicate. It takes years before we hear anything. No response, no communication. We only see them when they want votes. Must have things in black and white and have less problems.

Ethical leaders can be corrupted innocently by people from the community. The Code will cover the leader, what about the community/service providers who corrupt? Code does not cover them? Must have a document that will be able to take it out there like the IDP informing the community, making them aware of all the process in the munic, what munic stands for, how they must not corrupt the system. Indicate to community where they can find relevant info, where they can report, how, anonymity.

Deal with community engagement

Clarify competence

It must also emphasise the need for us all to be competent. We need competent politicians as well. Set outcome criteria. For example, to be MMC should have matric and diploma, Exec Mayor must have degree and experience etc. You can't assume such a big role if you don't understand the ToR of your organisation.

Qualification checks are key for politicians and officials. Ruling party must ensure that we have qualified cadres and execs.

Are Municipalities ready for a code?

The enviro is so toxic. Before we can talk of code, something that needs to happen, some cleansing to clear our conscience and go back to basics and make sure that we understand why we are leaders. The rot is so deeply entrenched, makes you sick. You can't just bring a code in this environment without sanitising it first.

I don't see the Code as an option that will assist. The Code can be there and then what? We have Codes in place, they clear, they are the law and still people don't abide by it – why would they do so now with this?

Other specific issues mentioned:

- *Councillors may not engage with prospective suppliers. While tender process underway, until that decision is made, that company may not contribute towards anything in a municipal area (all want corporate social investment, but they should not be there - including NGOs) – there needs to be clear guidelines on these things as well as consequences if don't adhere.*
- *We need to emphasise the specific role the Speakers in Municipalities are supposed to play in terms of the Code of Conduct and displaying the Code of Ethics*
- *Councillors don't have performance contracts. Their performance should also be measured. Their accountability needs to be monitored at political level.*

F. Implications for the Code Format and Content

The research shows that the following regarding expectations around the format of the Code as well as issues which need to be addressed in the Code. These are presented below generate discussion.

Code Format

The Code should:

- be a short/brief document (not lengthy),
- be clear, practical (provide guidelines), user-friendly and impartial.
- be a 'how-to' guide for leaders.
- be applicable to municipal leaders at both political and administrative levels.
- Some called for the Code to be enforceable however many felt that this would go against the intended spirit of Code as well as practicality. *Who will ensure implementation?*

Code Content

In the section below we share the key issues that have been coming through from the research as well as some of the sub-items/themes which need to be further unpacked. It does not necessarily show the intended order or phrasing.

1. Principle-based document

- Provide clarity on the spirit in which leaders should govern, set out the characteristics of ethical leaders.
- Require leaders to set the ethical tone, uphold the rule of law.

2. Specify the key governance focus of the municipality

- **Municipalities/Council should be run in the long-term, sustainable interest of the municipality and its communities.**
- Key question municipal leaders should ask: Is what we doing in the overall sustainable interest of the municipality, if not, that would not be in line with the ethical governance focus and should not be pursued.

3. Include values and spirit of ethical leadership

- Values: Fairness, Accountability, Honesty, Integrity, Transparency, Service Delivery
- Batho Pele Principles.
- King IV, ICRAFT Principles – Integrity, Competence, Responsibility, Accountability, Fairness, Transparency.

4. Provide clarity on achieving governance competence in municipalities

- Set out the good practice in ensuring competence on committees and aspirations for councillor competence.

5. Clarify separation of powers

- **Councillors** should not interfere in the administration and specifically not in the appointment of officials and in the tendering process.
- **Officials** are responsible for implementation, they do so within the confines of the law and based on their technical skills.

6. Officials' responsibility

- Officials must provide technical advice and guidance to councillors, give councillors transparent, accurate, and timely information.
- They should guide councillors who are bypassing procedures.

7. Councillors' responsibility

- As the governing body of the municipality, Council role includes ensuring stability within both the political and administrative levels of the municipality.
- Councillors should work for the community; they should facilitate sector departments to play their roles in addressing community needs/service delivery.
- Council should ensure people of competence and character are appointed onto oversight structures.
- Council should ensure/create an environment that allows/encourages stability of administrative leadership (MM and s56).
- Council should ensure attendance of council meetings and constructive participation by councillors in Council meetings.

8. Political party responsibility

- Field councillors with competence and character.
- Avoid becoming overly involved in the running of municipalities.
- Hold councillors, they deploy into municipalities, accountable for their actions.

9. Local party-political funding

- Political parties should not accept funding from companies/organisations who are suppliers to the municipality. This would be a conflict of interest.

10. Guide the relationship of municipal leaders with communities

- Emphasise the importance of community engagements as a vehicle for participatory democracy.
- Councillors should have frequent engagement with communities, not just during elections.
- Realistic commitments: Councillors should be wary of committing to resident's things that are not in the IDP.
- Engagement with civil society (frequency + importance of building/having a constructive relationship).

11. Officials should be appointed based on their skills, competencies and professionalism – not based on political party affiliations

- Ensure the appointment of professional officials who are apolitical. Politicians should not be appointed into the administration
- Distinguish between appointment of officials to political offices and those who are appointed into administrative offices in the municipality.
- No deployment of technical staff and definitely no deployment to non-strategic positions.

12. Emphasize the need for processes to be in place for accountability and that these processes need to be independent

- The Code must provide conduct guidelines and consequences for not adhering to the rules
- There must be fairness and consistency in how discipline/consequence management is dealt with. Disciplinary processes should be adjudicated independently.
- Municipalities must deal with conflicts of interest, manage the information from conflicts of interest/disclosure processes, take action where necessary, conduct lifestyle audits when it picks up that a person's lifestyle appears excessive.

-oOo-