

## Controlling Corruption: Analyzing Hong Kong and Singapore's Strong Independent Commissions for Implementation in South Africa

Across much of South Africa, governmental corruption hampers democracy, economic growth and development. Such corruption can be in a few forms: bribery, extortion, nepotism (abusing authority to give money/important jobs to friends/family), blackmail, embezzlement (misuse of money/resources that belong to the government), and conflict of interest (when a government official is also a business person, so they use their government knowledge and status to get an unfair business advantage) As indicated by Transparency International's Corruption Perceptions Index in 2023, the majority of African nations continue to score below 50 out of 100, signaling serious corruption issues. The U.S. Department of Justice writes that this corruption stems from "political instability, public distrust of the government, and economic reverses and failure to attract foreign capital." According to BusinessTech, local watchdogs have published reports that reveal that maladministration, procurement corruption, abuse of authority, and fraud are the key factors that enable the normalization of corruption in many post-independence South African governments. Resources are also frequently misused for political gain with minimal oversight.

Corruption has profoundly negative impacts across all facets of society. When public funds are siphoned off through corrupt practices, it undermines the provision of crucial social services that citizens rely on, such as healthcare and education. Children suffer when school infrastructure and resources are not delivered due to embezzlement of education budgets. Medical services and treatment are also compromised when corruption siphons away financing for clinics, hospitals, doctors and nurses. This disproportionately affects marginalized and low-income communities that depend most heavily on publicly provided health care and

education to escape the cycle of poverty. Corruption weakens citizens' faith and trust in the legitimacy and competence of the government that is supposed to represent and act in their interest. On a larger scale, high-level or "grand corruption" has been shown to weaken the rule of law and accountability while strengthening shadow economies, money laundering and predatory elites. This fuels rising inequality and conflicts of interest that operate outside of the oversight of democratic institutions. In many African nations, corrupt patronage networks have grown more powerful than citizens and eroded the principles of democratic governance.

To address the pervasive issue of corruption in South Africa, it is crucial to draw insights from successful cases of combating corruption in other countries. One notable example is Sweden's transformation from a corrupt and nepotistic state to an efficient and impartial system during the 19th century. Analyzing the factors that contributed to Sweden's success can provide valuable lessons for addressing corruption in South Africa. The article "Getting to Sweden, Part II: Breaking with Corruption in the Nineteenth Century" emphasizes the significance of historical and cultural factors in perpetuating corruption. While variables such as geography, inherited institutional legacy, and economic prosperity may not offer helpful insights for policy interventions, the author highlights the importance of addressing the history and culture of corruption. The prevalence of corruption tends to be stable in many countries, but Sweden managed to break this historical inertia through specific measures taken between 1855 and 1875. According to the author, three key factors facilitated Sweden's transition to a modern and impartial state structure. First, previous changes in the courts and legal system laid the groundwork for institutional reform. Second, recognition of the corruption problem by influential political actors, as evidenced in debates within the Diet, played a crucial role. Lastly, the adoption of a new liberal ideology provided the impetus for change. The article also introduces

the concept of the endogenous theory of institutional change, which focuses on motivated actors actively seeking solutions to dysfunctional situations. In the case of Sweden, the realization that taking action was essential for becoming an independent state, following their victory over Russia, served as a catalyst for reform. This theory highlights the importance of officials being aware of the collective action problem associated with corruption and understanding the collective costs involved. By working together to find solutions, officials can break out of the equilibrium of corruption. The author further explores the Becker-Stigler model, which addresses the curbing of malfeasance, including bribery. This model considers factors such as the motivation behind bribes, the probability of detection, and the consequences faced by corrupt officials. It assumes that officials possess a rational mindset and genuinely desire to curb corruption. However, another model presented in the article focuses on the correlation between the prevalence of corruption among other officials and an individual's likelihood to engage in corrupt practices. If corruption is widespread, individuals are more likely to succumb to the pressures of a corrupt system. This model underscores the detrimental effects of a systematically corrupt environment on society and the distortion of corruption's viability. While the collective action theory provides a suitable framework for understanding corruption, it falls short in offering solutions for officials seeking to break free from cultural pressures. This is where the endogenous theory of institutional change becomes relevant. It suggests that officials need to be aware of the collective action problem and recognize the collective costs associated with corruption, enabling them to devise solutions that break the cycle of corruption.

To effectively combat corruption in South Africa, it is essential to break out of the collective action trap. Drawing from Elinor Ostrom's studies, the article identifies three key aspects: the problem of supply, credible commitments, and mutual monitoring. Establishing new

institutions to monitor corruption requires addressing the issue of who will supply these institutions when everyone benefits from corrupt practices. Furthermore, officials must make credible commitments to these institutions, ensuring they do not shirk their responsibilities. Lastly, mutual monitoring plays a crucial role in ensuring accountability and deterring corrupt behavior.

To target these problems, Africa can split their management into four sectors. To target information, they can adopt U.S. styled freedom of information (FOI) laws, which allows citizens and journalists to force organizations to share what they are up to. In regards to law courts, regulations are required to make sure judges are free to try people, no matter how rich or important they are. In addition, like Singapore, which has the 5th highest non-corruption rate in the entire world, Africa should also consider paying officials fair wages, to make bribes less tempting. Finally, when considering businesses, politicians and lobbyists (who businesses hire to influence legislators) should share information about what they do and how much they spend to reduce the risk.

Freedom of Information (FOI) laws have the potential to bring about a significant advancement in transparency if properly implemented across Africa. Currently, these laws establish a fundamental right of access to information held by public bodies, placing limited restrictions on refusal. By doing so, they place the burden on authorities to actively disclose information and provide justifications for any attempts to keep information confidential. While some African nations have adopted access to information statutes, the effectiveness of these laws is often undermined when the legislation is narrowly focused or lacks penalties for non-compliance.

To ensure the full potential of FOI laws is realized, it is crucial to establish robust frameworks that encompass a wide range of bodies and records subject to disclosure. Additionally, the process of making information requests should be accessible to ordinary citizens, either by being free or at a low cost. Public agencies must receive adequate training and resources to facilitate the timely processing and digital record-keeping necessary for effective implementation. Furthermore, proactive disclosure of routine information such as budgets, contracts, and meeting minutes can help reduce the need for numerous exemptions.

Balancing the benefits of transparency with the need to protect sensitive personal or security data is of utmost importance in maintaining public trust. Therefore, independent oversight and appeal mechanisms are critical to prevent authorities from unilaterally refusing requests without proper justification. Empowering these oversight bodies with investigative powers ensures comprehensive reviews and addresses any potential obstructions.

To further strengthen accountability, it is essential to provide robust whistleblower protections and establish an open public interest balancing test for exemptions. These measures encourage individuals to come forward with information regarding misconduct or corruption, while also weighing the potential harm against the public interest. By complementing FOI laws with open data initiatives and active dissemination strategies, governments can reshape their relationships with citizens. As a result, officials may become less inclined to default to secrecy, and an informed public can provide improved feedback and scrutiny over policymaking processes.

In addition to robust oversight and accountability mechanisms, African governments would be wise to consider salary reforms for public officials that are similar to those successfully implemented in Singapore. As one of the least corrupt nations globally, Singapore has demonstrated that paying civil servants and politicians fairly can significantly reduce the incentive to engage in corrupt acts. By ensuring public sector wages adequately reflect the responsibilities of respective roles and local costs of living, the need to supplement one's income through illicit means is diminished. However, fairly compensating officials also requires establishing clear performance metrics and consequences for underachievement or misbehavior. High salaries alone will not weed out corruption without également demands for transparency and integrity. As in Singapore, base pay scales for African governments could be reviewed by independent commissions and pegged to objective economic indicators to balance reasonable rewards with financial prudence. supplemented by bonus structures tied to measurable outputs and good governance standards. Such reforms require political will and buy-in, but can make a difference over the long run by aligning official incentives with ethical public service rather than private gain. Where corruption is driven by financial need, as is often the case in poorer nations, raising legitimate incomes through just compensation models makes bribes less lucrative and necessary alternatives.

Strong lobbying regulations and oversight are crucial elements of any comprehensive anti-corruption strategy. Strict rules are needed regarding lobbyist registration, detailed public disclosures of their activities and clients, as well as codes of conduct for appropriate engagement with political decision-makers. All lobbyists and lobbying firms should be listed in a centralized, searchable online database maintained by an independent regulatory body. Comprehensive reports filed on a regular basis are necessary to provide transparency on their level of lobbying

activity as well as the specific issues, policies and branches of government they aim to influence. Financial records detailing the amounts spent on lobbying activities and client representation would help shed light on the scale of influence being purchased. Countries like Canada have established the role of a lobbyist commissioner or ombudsperson to autonomously monitor compliance with lobbying rules, investigate complaints, and enforce penalties for violations. An adequately resourced watchdog of this nature could help uphold high standards of integrity in South Africa's lobbying sector. "Revolving door" policies are also important to prevent conflicts of interest, such as restricting public officials from directly lobbying their former government departments or agencies on certain issues for a defined period after leaving office. Legal remedies and dissuasive penalties should be written into the law as well, making it clear that any attempts at undue lobbying influence or quid pro quo exchanges will not be tolerated and will meet with serious consequences.

Lasting reform depends on cultivating widespread public intolerance for corruption. Civic education programs should promote values of integrity, transparency and accountability. School curricula can incorporate anti-corruption modules. Civil society also plays a pivotal watchdog role. Support is needed for ethical journalism, whistleblower networks, and nonprofit organizations conducting oversight and advocacy. Town hall forums facilitate open discussion around corruption impacts and solutions. Anti-corruption days and social media campaigns help raise awareness. Opinion polling tracks shifting attitudes over time. As public opinion turns firmly against graft, the political incentive structure adjusts accordingly. With engaged citizens demanding answers, leaders will feel increasing pressure to adopt and enforce robust anti-corruption measures.

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