

# A FRAMEWORK FOR ETHICAL LOCAL GOVERNANCE: PROTECTING THE WHISTLEBLOWERS

Dr Natasja Holtzhausen  
Department of Public Administration  
Paper presented at the annual iLGM Conference,  
18-20 November 2009  
Silver Star Casino, Mogale City

# Introduction

"Just because they pass a right to rat law, it doesn't make ratting any less obnoxious."

Peterson & Farrell

- Clarifying relevant concepts
- Ethical considerations for local governance
- The role of leadership in creating a framework for ethical local governance
- A framework for ethical local governance
- Organisational trust and whistleblowing
- Protecting the whistleblowers

# Clarifying relevant concepts

- Ethics
  - Character, conduct and morals
- Governance

Participatory	Responsive
Consensus oriented	Effective and efficient
Accountable	Equitable and inclusive
Transparent	Rule of Law

- Corruption
  - “ the behaviour of private individuals or public officials who deviate from set responsibilities and use their position of power in order to serve private ends and secure private gains”
- Whistle blowing/whistle blower
  - “... organisational wrongdoing is brought to the attention of persons in positions of authorities (complaint recipients) who are able to do something about the situation”

# Ethical considerations for local governance

- Three types of ethics:
  - Policy ethics
  - Individual/personal ethics
  - Organisational ethics
- Ethical dilemmas/predicaments

# The role of leadership

- Public interest
- Ethical barometer
- Three pillars:
  - the moral character of the leader
  - Ethical values embedded in the vision and programme
  - Morality of the processes of social ethical choice and action

# A framework for ethical local governance

- Political and administrative commitment
- An effective legal framework
- Efficient accountability mechanisms
- Workable code of conduct and ethics
- Professional socialization mechanisms
- Supportive public sector conditions
- A co-ordinating ethics body
- An active civil society

# Organisational trust and whistle blowing

- "willingness (of the organisation), based upon its culture and communication **behaviours** in relationships and transactions, to be appropriately vulnerable, based on the **belief** that another individual, group or organisation is competent, open and honest, concerned, reliable and identified with common goals, norms and values"
- Relationship between a trustor and a trustee.

# Protecting the whistleblowers

10. (1) A councillor may not without the permission of the municipal council or a committee disclose any privileged or confidential information of the council or committee to any unauthorised person.
- (2) For the purpose of this item 'privileged or confidential information' includes any information—
- (a) *determined by the municipal council or committee to be privileged or 15*  
confidential;
  - (b) *discussed in closed session by the council or committee;*
  - (c) disclosure of which would violate a person's right to privacy; or
  - (d) *declared to be privileged, confidential or secret in terms of law.*
- (3) This item does not derogate from the right of any person to access to information in terms of national legislation.

- Different types of wrongdoing and occupational crimes
- Understand when a disclosure will be protected
- An internal system should exist
- Self-interest and the fulfillment of duties

# Concluding remarks

‘The art of governing is not rocket science. Being honest; knowing that you are here to serve the people, not steal from people; and finding a way to deliver the goods-that is the key”

Ike Uzondo, Nigerian musician 1999

I thank you!