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SOUTH Africa would be unable to adopt US-style legislation on ethics in government because this is in conflict with the country's apartheid system, which is devoid of all moral values such as openness and fairness.

The tough US legislation would not be enough to stamp out unethical goings-on in South Africa, where legislation would have to be a lot wider.

This is the view of the Democratic Party's Professor Sample Terreblanche, who reacted this week to calls by the Advocate-General, Mr Justice P J van der Walt, for a code of ethics for Cabinet Ministers and MPs similar to the American Ethics in Government Act of 1978.

Mr Justice van der Walt made this comment in his recent report on the affairs of former Cabinet Minister Pietie du Plessis. He cited what he termed "improper" and "unethical" actions by Mr du Plessis.

He found Mr du Plessis had furthered the interests of his son, Mr Johan du Plessis, in his bid to buy a building from Sanlam and lease it to the State.

Mr Justice van der Walt referred to the Guidelines for Ministers set out by the Government and said although these were quite clear, they were not comprehensive enough and did not carry any penalty. He recommended that consideration be given to an Act similar to the American one.

Professor Terreblanche said the US law could not be applied here in its exact form. It would have to be adapted for South African purposes.

"Ethical laws such as those in the US can cure some of the symptoms, but they don't get to the core of the problem," Professor Terreblanche said.

He said the National Party Government had misused its power over the years to favour a small section of the population. The country was therefore experiencing structural corruption.

"More commissions, more laws, more moral codes can assist, but they will not be enough to get rid of structural corruption," Professor Terreblanche said. "The only way is to get rid of the Government itself."

The DP's finance spokesman, Mr Harry Schwarz, studied the US legislation for the Sunday Star and said it dealt largely with the disclosure of assets by public officials.

He believed this was one area where South African law was remiss.

# Get rid of the Nats and you get rid of corruption



Prof Sample Terreblanche  
comments on the A-G's  
call for a code of ethics  
for Cabinet Ministers

people in senior official positions to disclose their interests. "The public should know exactly what the people they elected are doing," Mr Schwarz said.

Referring to the revised ethics legislation sent to Congress by President Bush this week, as part of his "commitment to ensuring the protection of the public interest and the integrity of the government", Mr Schwarz said many of Mr Bush's principles already applied in South Africa.

One of the most interesting principles listed by President Bush was one which said government employees "shall adhere to all laws and regulations that provide equal opportunity for all Americans, regardless of race, colour, religion, sex, national origin, age or handicap".

It was not only interesting because of South Africa's race situation, but also because it went as far as to decree that age and handicap should not result in discrimination either.

South Africa, Mr Schwarz said,

others having contractual arrangements with the State, either directly or through their immediate relatives.

Another aspect of the US legislation Mr Schwarz would like to see enacted in South Africa is the provision dealing with the conduct of people after they leave public office.

The whole question of Cabinet Ministers going from public life into jobs as consultants and directors with companies with whom they had previously had contact should be looked at. There should be a "cooling-off" period before this was allowed.

The US "Government-wide Ethics Act of 1989" would constitute the first major revision of the Ethics in Government Act of 1978, and it covered a broad spectrum of issues, Mr Bush told Congress.

He said his proposals represented an effort to communicate definitive ethical standards to Federal employees throughout government. "The people who dedicate their lives selflessly to serving this country and the citizens who rely on the integrity

Mr Bush also signed an executive order establishing strict standards for government officers and employees.

The order sets forth 14 fundamental principles of ethical conduct to be adhered to by government employees. These include:

- 1 Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
- 2 Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- 3 Employees shall not engage in financial transactions using non-public government information or allow the improper use of such information to further any private interest.
- 4 An employee shall not ... solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or non-performance of the employee's duties.
- 5 Employees shall not use public office for private gain.
- 6 Employees shall act impartially and not give preferential treatment to any private individual.
- 7 Employees shall not use Federal property other than for authorised activities.
- 8 Employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.

The original Ethics in Government Act of 1978 included the following measures:

- 1 It wrote into law financial disclosure provisions for government officials. Initially this was only enforceable by internal penalties such as a reprimand, but writing the provision into law allowed for fines.
- 2 The Act applied the same disclosure requirements to the President, Vice-President, top executive branch officials, Supreme Court justices, Federal judges and other top employees of the judicial branch.
- 3 It also applied the disclosure requirements to candidates for Federal office.
- 4 It required disclosure of earned income by source, type and amount, unearned income by categories of value, and honorariums totalling \$100 (R250) or more a year. In addition, certain information about gifts had to be disclosed.
- 5 The Act also required government employees to disclose information about their property holdings, debts and interests in trades or businesses.
- 6 Certain information about finances of spouses and dependent children