

**African Training and Research
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**Centre Africain de Formation et
de Recherche Administratives
pour le Développement**



***The Swaziland Public Charter
Towards a Renewed Commitment to Service,
Ethics and Accountability in Government***

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CHAPTER ONE - GENERAL PROVISIONS

Part I - Preamble

Noting the decline in public service professional standards in recent years, and the consequent erosion of citizen confidence in the capacity and integrity of government institutions;

Recalling the efforts made in recent years to reduce the size and cost of government;

Considering the attention that is being given all over the world to measures aimed at strengthening the service-delivery capacities of public institutions;

Bearing in mind the critical role of the public service in pursuing a course that restores the citizen's faith in government and in consolidating the gains of governance reform in the Kingdom of Swaziland;

Proceeding with the firm conviction that measures directed towards enhancing the professional competence, ethics, and accountability of public institutions have the backing of every Swazi citizen;

The Government of the Kingdom of Swaziland hereby adopts and promulgates the following Charter for the Public Service:

Part II - Purpose, Scope of application and Definitions

Article 1: Purpose

The purpose of this Charter is to codify the norms and standards of acceptable behaviour in government. The Charter seeks to provide general guidelines in support of efforts currently being undertaken to enhance the professional competence, strengthen the ethical foundation, and restore the public esteem of the civil service.

Article 2: Scope of Application

The scope of the Charter shall be restricted to those holding positions in the Executive Branch of Government. The Legislature and the Judiciary shall be governed by their own codes of conduct. The Charter is also not intended to replace on-going initiatives directed towards eliminating corrupt and negative tendencies in the public service, making state institutions accountable to civil society, and promoting a sense of individual and collective responsibility among all cadres of officials. While the Charter may inform national legislative and policy measures undertaken to promote ethics and accountability, the provisions of the Charter cannot, by themselves, serve as a basis for the initiation of judicial or internal disciplinary proceedings or of enforcement action.

The possibility of the Charter serving as a means of arbitrating disputes on issues falling within its purview can, however, not be ruled out. Where, for instance, there are lacunae in statutes, or in cases where those statutes are subject to different interpretations, the Charter can perform the essential “quality control” and mediating role.

The Charter may further serve as a reference material for public officials as well as for civil society actors and others who have an interest in the conduct of governmental affairs.

Article 3: Definitions

For the purpose of this Charter, and unless otherwise indicated:

- (a) “Public official” is any person who, by virtue of the authority vested in him/her, takes decisions affecting the life and well being of citizens or other public officials. Such a person may hold a position in the career civil service or appointed to a political office by a government that is duly competent to do so;
- (b) “competent authority” shall mean the agency or person at different governmental levels that is statutorily empowered to take, and is held accountable for, decisions on specific subjects;
- (c) “civil/public servant” is a person who, based on his/her professional qualifications, has been appointed to public office to perform clearly stated functions, answer for the use of resources assigned to the office, and exercise authority commensurate with the tasks and responsibilities of the office;
- (d) “duties” refer to the tasks or functions the performance of which fulfil the direct objective of establishing a position; the duties of an office are generally reflected in well structured Job descriptions;
- (e) “responsibility” is the totality of what the holder of an office has to answer for – the performance of designated tasks, the use of human, material, and financial resources, and the impact of decisions on the image of the organization or on the citizenry at large;
- (f) “ethics” is the exercise of good judgement on issues falling directly within the purview of an office and its (the office’s) relations with other internally located offices and with outside interests;
- (g) “good judgement” is behaviour that conforms with general usage – that is, with the socially accepted notion of what is right as against what is wrong;
- (h) “corruption” is any act that fulfils personal or private desires but, at the same time, compromises public purpose.

Part III - Guiding Principles

Article 4: guiding Principles

The overriding objective of this charter shall be to achieve the highest ethical and professional standards in the public service as well as to underpin the conduct and enhance the prestige of career public servants, in particular, and other categories of public officials, in general. Accordingly, the guiding principles shall be those of:

- (a) **Integrity:** To the extent possible, public servants shall refrain from actions which spring from impure motives and which can reasonably be construed as placing personal interest above public good. The integrity of a civil servant becomes questionable if and when s/he takes a decision or makes a recommendation (e.g. on award of contracts, or recruitment of staff) which is based on information that s/he knows to be false or otherwise to be false or otherwise indefensible.
- (b) **Professionalism:** Without ignoring the policy on gender mainstreaming, recruitment in to the career civil service shall be based on merit, and the qualifications of all candidates shall be reviewed taking in to account the job recruitments as specified in widely circulated vacancy announcements. In furtherance of the objective of professionalism, the candidates finally selected shall themselves ensure that the actions they take or the recommendations they submit (e.g. on human, material, and financial resources) are based on objective assessment of options rather than being tainted by personal or political prejudice.
- (c) **Non-partisanship/Political impartiality:** Without prejudice to their civic rights, career public servants shall refrain from canvassing for political office, making statements that are clearly political, publicly endorse a candidate for political office, or identify with a specific programme or policy. The onus that his/her decisions are not influenced by political considerations shall rest on each public servant.
- (d) **Legality:** Any action taken by a public official shall be null and void unless backed by law. The “ultra vires “ rule applies particularly to actions depriving a citizen of his/her liberty, denying him/her due process, or restricting the benefits to which he/she is entitled under the law. In the same spirit, the citizen shall have a legal recourse- specifically, to the ”writ of mandamus”- where a public official has failed to perform functions specified by law.
- (e) **Impersonality:** Public office shall not be equated or confused with the private domain or estate of the public official. In specific terms, the official’s property rights shall not extend to the public realm. As such, it is not for him/her to decide, based on his/her personal likes and dislikes, who remains on public payroll, who is eligible for certain classes of service or amenities, and how public resources shall be allocated. The legality principle referred to above shall, in every case, impose limits on the public official’s “ownership” rights.
- (f) **Equality:** Every citizen, the public official included, shall be equal before the law. Unless the unique circumstances of a particular citizen call for exceptional treatments, individuals in like situations should be treated equally. The obligation to prove that discriminatory decisions are justified shall fall on the public official taking such decisions.

- (g) **Diversity:** As much as possible, the public service should accommodate differences in racial origin, religion, gender, opinion, intellectual dispositions and nature-imposed physical or mental conditions.
- (h) **Accountability:** Public officials shall, when required, submit their actions to political, legal, internal administrative or external, watchdog security. A public official who erects barriers to accountability shall be deemed to have subverted a fundamental principle of this charter.
- (i) **Transparency:** Similarly, a public official shall be expected to facilitate the process of accountability by making available information that persons affected by his/her decision requires to challenge that decision. The burden of proof that national security considerations and/ or existing statutes on official secrets forbid the release of information shall be placed on the public official concerned.
- (j) **Citizen sovereignty:** Civil servants shall, in words, deeds, and attitudes, portray themselves as servants of the People. By accepting appointment, they have pledged themselves to discharge their duties and to regulate their conduct with the interests and preferences of the People only in view.

CHAPTER TWO - DUTIES, OBLIGATION AND PRIVILEGES OF PUBLIC OFFICIALS

Part IV - Duties and Obligations

Article 5: Obligation to give undivided loyalty

Public officials, and most especially, civil servants, shall neither seek nor accept instructions from persons or bodies external to the Kingdom of Swaziland.

The loyalty of public officials shall be to the State and to the government that is constitutionally mandated to act on behalf of the People. Public officials, and career civil servants in particular, shall not carry out instructions that compromise the security and territorial integrity of Swaziland, or otherwise run counter to the interest of the people.

Public officials shall not participate in business activities or accept the directorship of business enterprises without seeking and obtaining authorization from competent authority.

Article 6: Obligation to the People

The public servant's primary loyalty shall in any case be to the People. In the discharge of his/her responsibilities, the public servant shall be guided solely by the interest of the People as articulated in public policy and subsidiary legislation. As a servant of the People, s/he shall place her/his time exclusively in the service of the People.

Article 7: Obligation of the Office

Each public official shall exercise good judgement in regard to all matters of official business. S/he shall conduct, himself at all times in a manner that does not bring her/his office into

disrepute or public ridicule. A public official shall not, except with due authorization, communicate to any person any information that s/he comes across in the performance of official duties. Whether on or off-duty and except in the performance of lawful duties, a public servant shall not associate with persons whose conduct is the subject of police or judicial investigation, or whose life-style is ostentatious to the point of indiscretion.

Part V - rights and Privileges of Public Officials

Article 8: Basic rights unimpaired by appointment

Nothing in this Charter shall be construed as stripping a public official of his/her basic rights as a citizen. Specifically, acceptance of public office shall not restrict his/her rights to vote, and in the case of non-career officials, to be voted for, at elections. Like every other citizen, a public official accused of wrongdoing shall be presumed innocent until proven guilty. S/he shall be given an opportunity to defend her/himself, to call witnesses in her/his defense, and to be represented by counsel. The due process that is the right of the citizen shall not be denied the public official.

Article 9: Protection against malicious allegations

A public official shall enjoy reasonable protection against unfair and malicious allegations. Best of his/her unfettered right to defend him/herself, a public official whose conduct is unduly impugned shall be allowed to seek legal redress and clear his/her name. The moral damages and other awards made by a court of competent jurisdiction to a public official who successfully brings a case of libel/slander shall go directly to him/her or to his/.her estate.

Article 10: Right to Privacy

In view of the “public” nature of his role, the public official can enjoy but only a limited degree of privacy. While his family life shall not be the subject of tabloid dissection, the public official has of necessity to expect that his private dealings would, from time to time, attract public attention.

Article 11: Normal political rights

As stated earlier, a public official shall be in a position to exercise his civic rights. With specific reference to political functionaries, these rights shall include canvassing for votes, presenting him/herself as a candidate for elective office, voting at elections, and publicly identifying with a specific ideology, policy, or programme. As far as career public servants are concerned, the non-partisanship principle makes it impossible for this category of public officials to go beyond casting votes at elections. Whatever political views the public servants have should therefore be known only to themselves.

Article 12: Property rights

The public official's property rights shall be protected subject to the proviso that the property in question is legitimately acquired. It is the responsibility of every public official to prove that earnings emanate from legitimate sources. If proper investigation reveals that an official has illegally enriched him/herself, such ill-gotten wealth shall be forfeited to the state.

CHAPTER THREE - CODE OF CONDUCT

Part VI - Oath of Allegiance and service Pledge

Article 13: Content of Oath and Service Pledge

On appointment to office, but before exercising the authority of the office, a public official shall be required to stand before a competent authority and affirm as follows:

I solemnly affirm to exercise in all loyalty, discretion and conscience the functions and authority entrusted to me as ----- (Post Title), to discharge these functions and regulate my conduct with the interests of the people of the kingdom of Swaziland only in view, and not to seek or accept instructions in regard to the performance of my duties from any person or authority whose interests conflict with those of Swaziland.

I further pledge that any decision that I that I take, any recommendation that I make, and any official act with which my name is associated will not be tainted by prejudice, willful distortion of facts, or malicious intent. So help me God.

Article 14: Renewal of Oath

The oath of allegiance shall be renewable on appointment to a new office or at five-yearly intervals, whichever is earlier.

Part VII - Standards of Behaviour

Article 15: coping with conflict of interest situations

A public officials confronted with a situation whereby the interest of the State conflicts with any other shall resolve such a conflict in favour of the State. S/he shall either declare the extent of he/his personal involvement in matters to be decided, or ask for authorization to obtain at the critical decision making stages. A public official who knowingly conceals information concerning her/his personal interest in a case shall be guilty of misconduct.

Article 16: Acceptance of gifts, favors, honors, etc.

No public official shall accept any honour, decoration, favour, gift or remuneration from any person or organization, particularly, where the acceptance can reasonably be construed as impairing, or likely to impair, the good judgement of the official.

Any gift received from outside parties should not only be reported to competent authority but also deposited at a place stipulated by the competent authority. Gifts so reported shall be taken on charge and duly receipted. Names of the donors should also be posted on the agency's bulletin boards, and shall remain posted for as long as the competent authority may decide.

Article 17: Political pronouncements and activities

Career officials shall conduct themselves at all times in a manner befitting their status as servants of the public. They shall not engage in any activity that is incompatible with the proper discharge of their duties. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, non-partisanship, and prestige of the civil service. While they are not expected to give up their basic political rights, their religious beliefs, or their ethnic or racial identities, they shall at all times bear in mind the reserve and tact incumbent upon them by virtue of their membership of the career service.

Article 18: Private Life and Official Obligations

The public official's right to privacy is protected so long as private indiscretions do not compromise public policy. It is therefore the duty of every public official to ensure that s/he remembers his/her public obligations any time s/he is involved in private transactions.

Article 19: False declarations

A public official who makes an oral or written affirmation of a position that s/he knows to be false shall be guilty of gross misconduct. The gravity of the offence shall increase exponentially as the official is given an opportunity to retract such false affirmations but persists in the act of misleading others.

Article 20: Falsification and destruction of official records

In likewise manner, a public official who falsifies or destroys an official record shall be guilty of gross misconduct. The onus shall be on her/him that the falsification or destruction was inadvertent.

Article 21: Transparency and accountability: miscellaneous provisions

A public official shall promptly comply with requests from members of the public for the supply of data, information, or explanations which would enable a competent authority to verify the motives behind an official decision, prior to determining whether such decisions should be upheld or quashed. Where information is withheld, the competent authority has to "show cause" in writing, e.g., that the requested information is protected by official secrets acts, that national

security would be jeopardized, or that the rights of other parties would be compromised, by the release.

A member of the public who is not satisfied with a given explanation shall be free to challenge the decision before the Anti-Corruption Commission or a court of competent jurisdiction.

CHAPTER FOUR - IMPROVED SERVICE QUALITY

Part VIII - Goal and essence of quality service initiative

Article 22: Primary goal of improved service quality

The primary objective of the Charter's quality service initiative is to foster in government officials the constant craving for perfection that is so essential to the attainment of zero-defect in the delivery of essential public services.

Article 23: Basic thrusts of quality service initiative

The essence of the Charter's quality service initiative lies in the attention accorded to the simplification of work processes, rationalization of work layout, improvement of service environment and facilities, and the inculcation among service delivery agents of a frame of mind that places high premium on "customer" comfort and satisfaction.

Part IV - Service Standards

Article 24: Obligations to establish service standards

It is incumbent upon every competent authority to establish time and performance standards for incorporation in "Customer Service Pledges". Each agency's Customer Service Pledge should provide a basis for holding public officials accountable for the various goods produced or the services rendered. Service standards shall, to the extent possible, be set in close collaboration with the different beneficiary groups, and shall seek to encourage service delivery agents to achieve incremental savings in costs, time, and quality of service.

Article 25: Standards in "Customer Service Pledges"

While circumstances and "customer" priorities vary from one place to another, every agency offering service to the public shall publish and conspicuously display a "Customer Service Pledge" incorporating the following standards, among others:

- i) **unambiguous definition of eligibility:** the Pledge shall clearly specify who is eligible for a service/amenity, and who is not;
- ii) **ease of access:** a hassle-free system shall, as part of the Pledge, be established to put the service within the reach of eligible beneficiaries;
- iii) **timeliness of service delivery:** the process applied shall not only guarantee prompt delivery of service but will also set time frames for completion of different phases of action;

- iv) **process simplification:** the systems and procedures currently in place shall eliminate unnecessary decision layers, “thirteenth” signatures, illogical and wasteful and wasteful work flow patterns, and needless form-filling. As much as possible, “one-stop” centers shall be established for a whole range of services taking into account the “customer’s” personal welfare and comfort;
- v) **convenience of hosting facilities:** The “customer’s” welfare shall be taken into account in the design of service delivery perimeters, including the waiting lounges, the seating plans, queuing arrangements(and queue discipline), toilet facilities, vehicle parking space, and the flow of traffic in the vicinity of the service area;
- vi) **courtesy and politeness of service delivery agents:** The Customer Service Pledge shall pay particular attention to the attitude of service delivery agents, and shall provide a convincing undertaking to act when a customer brings allegations of rudeness or impertinent behaviour on the part of an employee; staff members who are adjudged by the agency’s clients as helpful shall, by the same token, be duly recognized and rewarded;
- vii) **accountability for actions or omissions:** The Pledge shall give a clear and credible undertaking on responsibility for actions as well as for the consequences; it shall specify the procedure to adopt in investigating what and who is wrong, and whose task it is to fix it;
- viii) **provision for fault-reporting and rectification:** The Customer Service Pledge shall encourage the customers to avail themselves of clearly set out “fault-reporting” procedures, and shall accept responsibility not only for errors but for taking prompt remedial actions;
- ix) **sensitivity to transparency and due-process:** Each public agency shall establish mechanisms for checking favouritism, application of double standards, and departure from known ways of doing things; the procedure devised for this purpose should be outlined in the Customer Service Pledge;
- x) **adequacy, reliability and clarity of information:** adequate, reliable, and clear information shall at all times be made available to members of the public so they could easily “navigate” their ways through the sometimes complex organization structures to the various service delivery points. Example of the types of information required are sign posts indicating the locations of the various offices, conspicuously displayed name tags, as well as service directories complete with name listings, telephone and/or room numbers, and the supervisor or person(s) to contact when things get stuck;
- xi) **officer of choice:** Within resource limitations, each public agency shall endeavour to offer its “customers” a wide range of choice (e.g. phone cards in place of operator assisted calls, instant metering instead of delayed billing for electricity consumption, payment of bills at the nearest government revenue office instead of at one specified place);
- xii) **assurance of security, dependability and confidentiality:** (e.g., of checks, money orders, or documents sent through the postal or courier service); and
- xiii) **cost effectiveness/economy of operation:** Each public institution shall seek ways of reducing costs-by outlining total quality plan which eliminate unnecessary activities or wasteful procedures.

Part X - Measures in support of quality service objectives

Article 26: Review of Agency Goals and Functions

In pursuance of the Charter's quality service objectives and taking into account the interests of diverse clientele, every public agency shall undertake a critical review of its objectives and Programmes' Activities that no longer respond to citizens' needs or that are, otherwise, obsolete, shall be discontinued and the resources shall be shifted to pressing areas of need. The agency's principal stakeholders (particularly, the generality of its staff, the programme's "customers" or beneficiaries, as well as resource providers within the NGO community) should be closely involved in this strategic visioning exercise.

Article 27: Job Analysis and Specification

As a logical extension of the strategic planning process referred to under Article 26, each agency shall commission job analytic studies with a view to ascertaining the duties and responsibilities of every established post and aligning them to the new (citizen-focused) requirements. Thereafter, up-dated Job Descriptions shall be prepared specifying the job contents and responsibilities of different categories of posts.

Article 28: Work Simplification and Process Rationalisation

In view of the causal relationship between jobs and the environment in which they are carried out, due attention should be paid by each agency to measures aimed at simplifying methods and processes, reducing the amount of paper work (and form-filling), streamlining the work-flow patterns, eliminating wasteful operations/motions, and clearing needless road-blocks.

Article 29: Staff Training, Motivation and Supervision

The successful implementation of the quality service objective will, to a large extent, depend on the capacity, motivation and supervision of the staff of each agency, particularly, those charged with the responsibility for service delivery. Accordingly, efforts should be made to impart in them skills, knowledge and attitudes that are likely to prepare them for the new, customer-care role. In addition, supervisors must be exposed to training in group dynamics, employee motivation, as well as performance and productivity management.

Part XI - Citizen evaluation of service delivery procedure and impact

Article 30: Impact Assessment and Beneficiary Surveys

Each agency offering a service to the public shall design and administer instruments that will enable it to obtain a feedback on the clients' assessment of the impact and effectiveness of the service. Information may be solicited from "customers" and beneficiaries with the aid of survey questionnaires, focus group interviews, etc.

CHAPTER FIVE - CHAPTER IMPLEMENTATION MODALITIES

Part XII - Role of the Executive Branch of Government

Article 31: Obligations of the Executive Branch to promote Charter objectives

The primary responsibility for promoting the objectives of this Charter and enforcing its provisions devolves on the Executive Branch of Government. In collaboration with other arms of government and civil society actors, the Executive will supervise the preparation of supplementary legislation deemed necessary, and ensure that appropriate watchdog institutions are established and made fully operational.

Part XIII - Role of the Legislature

Article 32: The Legislature and the Charter

In carrying out its functions under the Charter, the Executive will need the support and cooperation of the Legislature. It is up to the latter to review draft bills submitted in pursuance of the Charter objectives, and, after debating options, to provide the necessary legislative backing. The need for expeditiousness in traversing the various legislative stages cannot be over-emphasised.

Part XIV - Role of the Judiciary

Article 33: The Judiciary and special administrative courts

The decision as to whether to vest the regular judiciary with the authority to pass judgments on cases arising from this Charter and other sources, or to establish special administrative courts (office of Ombudsman/Anti-Corruption Commission) lies exclusively within the sovereign power of each state. Regardless of the formula that is adopted at any particular time or place, due consideration should be given to the possibility of developing a body of case law (*resjudicata*) based on the cumulative knowledge obtained from authoritative interpretations of administrative statutes and specific provisions of this Charter.

Part XV - Role of the press

Article 35: Accommodation of the press

The press has a major role to play in the implementation of this Charter. In particular, the press is very well placed to remind public officials about their obligations under the Charter, and to enlighten civil society actors about their rights, and civic obligations. While government itself has an obligation to provide an environment conducive to freedom of speech, the press should ensure that this freedom is not abused. The press would have fully discharged its obligations under the Charter if, instead of adopting an adversarial role, it complements the efforts of the Charter to enhance the professional competence and integrity of the public service thereby making Swaziland a better place for all.

Part XVI - Civic education role of civil society actors

Article 34: Civil society's role

Civil society institutions, particularly, civic groups, professional associations, trade guilds, student bodies, and other non-governmental organizations, have an important role to play in transforming this Charter in to a veritable agent of administrative development. It is therefore essential that these institutions accept the responsibility for designing and conducting civic education programmes for their members. The focus of these programmes should be not just on civic rights as outlined in the Charter, but also-in fact, more especially- on the obligations.