

The Crisis of the South African Public Service



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The early years of public service transformation

Democratic South Africa inherited a racially skewed public service in which 95.5% of the top 3,239 civil servants were white, and only 0.6% black African. Black Africans made up the vast majority of public servants in the lower ranks, with a few middle and senior level public servants in the homeland governments.

The size of the task facing the new government was daunting. South Africa had to merge the many administrations of the central government and the various homelands into one coherent, vastly extended administrative system, and at the same time develop policies and practices to ameliorate the ravages of Apartheid and its colonial and settler predecessors. To add to these difficulties, the ANC was faced with an administrative system and top civil servants who they felt they could not trust. Nonetheless, an effective restructuring occurred in which a three sphere system (national, provincial and local government) was created, incorporating all the previous administrations and rationalising the previously fragmented local governments. The three spheres are independent and interdependent which makes central control difficult and some in Government would therefore have preferred them to be tiered.

In transition negotiations, it was agreed that a Government of National Unity would be formed for the first five years. The so-called Sunset Clause, which guaranteed public servants their jobs until 1999, was an important compromise. The settlement was reluctantly accepted by the ANC, although many within the broad coalition remained allied to the idea of the national democratic revolution, requiring the dismantling of the racial/class system fostered by capitalism. As Fraser-Moleketi (2006) put it, "When the time came for a negotiated settlement, the ANC and its partners had to consider a more strategically informed settlement rather than the initial desire for a clean break" (p. 14). In the 1990s, a number of policies were speedily produced in order to bring about the desired transformation of South Africa, in general, and the Public Service in particular.

The 1996 Constitution provides a clear idea of the kind of Public Service management that was envisaged, and a clear goal for the transformation process (Presidential Review Commission 1998):

- Professionalism, impartiality and excellence;
- Accountability and transparency;
- Participatory policy-making;
- Efficiency, effectiveness, and equity;
- A developmental and service orientation.

In addition, section 195(1) of the Constitution prescribes basic values and principles for public administration.

The framers of the constitution could never have envisaged the way the ‘participatory’ in participatory policy-making enabled distortion in practice. Participation was not only perceived as a process for establishing policy and legislation for the general good, but became a justification for particular interpretations, undermining management in the process. This was further exacerbated by the lack of a clear delineation between political and administrative affairs – which confounded politics with administration, leading to tensions, and/or collusion, between ministers and their directors general.

The Reconstruction and Development Program (RDP) promised an extensive program of Affirmative Action, including training and support, and stated further that within two years of its implementation, “...recruitment and training should reflect South Africa in terms of race, class and gender” (1994, p. 127). Despite warnings of the need to support appointees (Franks 1995), the training and support promised was seldom forthcoming; nor was the situation adequately managed or monitored, as promised. Furthermore, the concept of ‘potential’ became a favoured loophole through which kin, friends, and comrades were advantaged over more competent applicants.

At first, the new government was careful in its deployments. However, many skilled and experienced public servants left the service after the introduction of the Voluntary Severance Packages in 1996. Some took the packages and later came back as consultants, while much of the dead wood from the old regime remained.

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By 1998, the Presidential Review Commission noted that the benefits of the voluntary severance packages, such as opening spaces for the appointment of black South Africans, were “...far outweighed by the disadvantages,” including a number of “...undesired and serious adverse effects,” or so-called unintended consequences. Picard (2005) warned prophetically that, “The failure to focus on institutional strengthening in the first decade of non-racial government may have long-term implications for South Africa” (p. 370).

In this rapidly changing and confusing environment, public service has been overwhelmed by the political, as with the Apartheid regime before. Loopholes were exploited as public servants interpreted policy in terms of their own ideological bent and/or personal interests, as well as those of their kin and comrades. The problems inherent in this corruption of management cascade down the ranks, and compound throughout the public service system. Incompetent managers hire even less competent subordinates in order to safeguard their position. Centres of excellence and commitment become swamped by the malaise.

Although the ANC took the reins of government as a movement of liberation, it had to transform itself into a pragmatic ruling party. The ANC has always maintained that it is a ‘broad church,’ a ‘coalition’ of a broad variety of ideologies, centring on the Tripartite Alliance with the South African Communist Party, and the Congress of South African Trade Unions. The challenges of a broad coalition, containing such diverse and even opposing value systems and interests, make coherent policy making and effective administration enormously difficult.

In particular, the contradiction between the responsibility to the constitution and that to the national democratic revolution has compromised the ANC Government’s ability to maintain well-functioning management. Kader Asmal,

a former ANC minister, warned in 2010 that the national democratic revolution creates a fundamental, "... conflict of interests because the values of the revolution are incompatible with those of the constitution" (In Hoffman 2010, p. 1).

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Policy was distorted; firstly, at the level of formulation by an over-reliance on foreign models, romantic ideals and a failure to develop truly contextual policies; and secondly, in implementation, where particular interpretations and interests have distorted the original intentions and spirit of these policies.

The conflicts of interest are further complicated by what Mthembu, Chairperson of the PSC, describes as "...a lack of clarity on what constitutes good practice and what is not acceptable" (2013). As he explains: "In African culture we believe in taking care of people who are important to us, by ensuring they are fed and provided with opportunities. We know this has limits,

but what are they? It is important that we have a conversation about how far well-intentioned and good-hearted cultural practices should extend in the professional realm and where they must stop." (p. 1). South Africa has to establish an ethical framework, based in the values of the Constitution, so as to govern and manage conflicts of interest so as to achieve public service delivery for the public good.

The entire process of change in the public service has been bedevilled by a conflict between the need for an efficient, professionally and technically competent and politically neutral public service, on the one hand, and the desire for political alignment, cultural change and patronage on the other. Both themes are present in an incoherent and confused process.

In October 1997, the Department of Public Service and Administration, recognising the need for an ethos of service delivery, launched the Batho Pele initiative (a SeSotho phrase meaning "putting our people first"), aimed at improving efficiency and accountability. The initiative failed to take root or show significant results in changing the politico-administrative culture.

Instead, recruitment of public servants through political processes and affirmative action congealed around the notion of cadre deployment (i.e., selection of party-loyal members in senior administrative positions). The unintended consequences of these practices began to be noticed by some commentators; this was initially met with denial from the ruling party, but later implicitly acknowledged (Fraser-Moleketi 2006, p.6).

The Department of Public Service and Administration Review 1999-2000 (2000) identified the following shortcomings of the transformation project: time lines were overly optimistic; it tackled too many interventions at the same time in an unplanned fashion; the need for management development had been underestimated; and that, in hindsight, some interventions could have undermined the resilience of the bureaucracy. A Public Service Job Summit was held in 2001 successfully reaching a framework agreement with labour.

In 2001, the Senior Management Service (SMS) was introduced, which developed a Handbook (2003) defining a competency framework for the 10,000 senior managers in the Public Service (directors, chief directors, deputy directors general, and directors general) as well as the 250,000 junior managers. The competency

framework (2002) identified ten core managerial competences. Only in 2008 did they add, ‘honesty and integrity’ as a core competency.

Public service training

In preparation for taking over governance, the ANC set up “...a group to explore post-Apartheid public administration in South Africa” which concluded “...that public administration policies should be redirected to development management through education and training” (McLennan 2007, p. 41), and called for the establishment of a Civil Service College.

Much enthusiasm was generated by the establishment of democratic South Africa, worldwide, in Africa and within South Africa itself. The various schools and departments of public management or administration were quick to contribute to and experiment with the training of public servants. The Department of Public Service and Administration was also intent on developing public servants. While the academics concentrated on general competencies such as critical thinking and policy analysis, the Government trainers concentrated on general skills training. Debate and dialogue was dynamic and vibrant, if influenced by theoretical discussions from elsewhere. In the euphoria for the new South Africa not many predicted the poor level of service, or the greed and avarice that South Africa has witnessed. The warning of Adu (1965) that, “Africanization for the sake of Africanization only, without relating it to a well-considered plan, would undermine this policy” was overlooked (p. 115).

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Academics specialising in public administration, assisted by various funding agencies, held a number of conferences and workshops and set up the New Public Administration Initiative (NPAI). Academics became training and research beneficiaries of the foreign aid funding released by the coming of democracy.

The Winelands Conference, which continues as a biennial conference, was launched at Stellenbosch in 1987 with the theme, “South African Public Administration – Past, Present and Future.” In 1990, a “Co-ordinating and Consulting Working Conference on the Teaching of Public Administration in South Africa,” funded by Liberty Life, facilitated “discussion on new forms of public administration teaching” (McLennan 2007, p. 42), and led to the formation of the New Public Administration Initiative and the Joint Universities Public Management Education Trust (JUPMET). The first Mount Grace conference was held in 1991, providing input from academics and practitioners which, according to Schwella (2013, p. 15), influenced the framers of the new Constitution. Mount Grace 1 also incubated the formation of the Association of Southern African Schools and Departments of Public Administration and Management and *Administratio Publica*, its academic journal.

In 1992, the Harvard/Otis workshop was initiated by the John F. Kennedy School of Government at Harvard University, with funding from Otis Elevator Limited. The workshops trained public management academics and practitioners in Case Study and other interactive methods of teaching and learning so as to prepare people for the new public service and its challenges, stimulating dialogue concerning key public service challenges.

The Otis Workshops continued after 1996 as the South African Public Management Workshops facilitated by South African academics. This period coincided with a rise in concern for issues of service delivery, and the workshops became dynamic annual conversations among academics, practitioners, and civil society of the challenges facing the public service.

The ANC embraced an emphasis on popular participation, citizen-oriented service delivery, and management empowerment. Fraser-Moleketi (2006) noted: "... not surprisingly the minimalist, neo-liberal ideology of new public management approaches clashed with the democratic and radical approaches of the ANC especially with regard to the 'macro' sides of reform." (p. 62). Levin (2004) suggested that the NPM emphasis on "decentralisation and deregulation" ran "counter to the

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central tenets of developmental statism, which are based on coordinated planning from a central level and greater regulation." (p. 78). The NPM competed with other models, notably the developmental state model with its Japanese origins (later influenced by Deng Xiaoping's vision of state-led capitalism), and also the centrally planned economy of communist regimes. Rothstein (1968) discusses China's cadre deployment with reference to the concept of 'enfeoffment' (the

deed by which a person was given land in exchange for service) describing situations in which the incumbent views their position in the Public Service as, "... something they could use more or less as their property to extract private resources from." (p. 184). South Africa has many examples of such entitlement from the highest level.

Efforts to develop senior management have been hindered by rapid turnover, with about 30% of senior managers transferring *per annum*. It has been acknowledged that there is a crisis of standards within the public service, resulting from the decentralisation of human resource functions, whereby differing standards in different departments and spheres have contributed to the rapid turnover of senior personnel. People took advantage of lower standards elsewhere to apply for transfer, even at the same level, and achieved a much improved remuneration package. Others left for the private sector and parastatals.

Because public service placement became so politicised, incumbents too often spent their time garnering political favour and looking for their next position. Many senior managers enrolled for MBA degrees with an eye to moving into the private sector.

Coming together, these issues have resulted in poor management, deficient and partial decision-making, casual selection and placement of staff, excessive staff turnover, frequent misuse of training opportunities, and high levels of financial and administrative corruption.

The ANC deployed cadres throughout government and the public service training institutions. JUPMET was established with a large donation from the European Union. As Clapper (2007) has commented, JUPMET's "...dominance in the market of academic consulting to the public service resulted in them managing to monopolize consultation and training" which in turn resulted in resentment from those academic Departments of Public Administration that were excluded (p. 38). JUPMET collapsed around 2000, because, "the consortium was seen to be rather exclusive and parochial; contrary to some of the inclusiveness and developmental objectives they subscribed to" (Clapper 2007, p. 38).

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In 2003 South African Public Management Workshops were institutionalised in the Department of Public Service and Administration as the South African Public Management Conversation and was able to facilitate dialogue and conversation among academics and practitioners until 2006.

There has been much discussion of the academic/practitioner interface and arrangements which would allow for academics to experience practice and for practitioners to get some time for reflection in an academic setting. This rotation has not yet been realised.

As unintended consequences emerged, the Department of Public Service and Administration introduced a number of initiatives aimed at improving the situation. The Public Finance and Management Act was introduced in 1999 to ensure fair, equitable, transparent, competitive and cost effective procurement by all organs of state.

Attempts to motivate performance through the rewarding of excellence were hampered by implementation challenges. For instance, the Minister of Education found that teachers all evaluated each other as excellent. Performance Management was attempted, but was undermined by the same solidarity, a mixture of favouritism, solidarity, and fear.

The South African Management Development Institute (SAMDI) was founded in 1993 as an independent institute under the Public Service Commission. The training reach was wholly inadequate. By the end of 1994 SAMDI’s composition, structure and role was under review and in December 1998 almost all its training activities were suspended. Thereafter it functioned as a department of the Department of Public Service and Administration.

In 1999, at the second Mount Grace Conference, public servants were no longer present (McLennan 2007, p. 44). However, dialogue between public servants and academics continued until 2007, when Fraser Moleketi’s term of office as Minister of Public Service and Administration ended abruptly with the ousting of Thabo Mbeki as President. Dialogue fell off considerably, subduing the acknowledgement of serious issues faced by the Public Service. Since 2004, public service protests have increased exponentially, with 2012 experiencing nearly 30% of all such protests.

In November of 2006, SAMDI was reconstituted as the Public Administration Leadership and Management Academy (PALAMA) and was formally launched in August of 2008. PALAMA is a SeSotho word meaning ‘arise’ or ‘get on board.’ PALAMA changed its focus from being a training provider to that of facilitating leadership development and management training, in collaboration with other training institutions significantly increasing its offerings and reach. An assessment conducted by the Public Service Commission in 2011 found that 90% of the departments sampled indicated that they did not use PALAMA for training, rather using Higher Education Institutions, private training institutions and in-house capacity.

The skills gaps among senior managers were assessed, and the Department of Public Service and Administration established national norms and criteria applicable to all

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three spheres of government, and made training and development mandatory for induction and career progress.

By the time of the watershed ANC Conference at the University of Limpopo in 2007 (the Polokwane Conference) it was clear that there were serious challenges in the

Public Service at all levels. This conference, building on the work of Fraser Moleketi's term as Minister of Public Service and Administration, set out the attributes of the developmental state. It emphasised "... proper training, orientation, and leadership of the public service" and the state's "...ability to translate broad objectives into programmes and projects and to ensure their implementation" (ANC 2012, p. 59). This was reaffirmed at the ANC Conference of 2012 together with the National Development Plan.

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issues," which require, "a long-term and strategic approach to enhancing institutional capacity." The Commission addressed "a set of interrelated issues including instability resulting from repeated changes in policy, under staffing and skills shortages, obstacles to building a sense of professional common purpose in the public service, political interference, lack of accountability, and insufficient clarity in the division of roles and responsibilities" (National Planning Commission 2011, p. 26).

The Public Administration Management Bill

The National Development Plan has been accompanied by the launch of the Public Service Charter, the Year of the Public Service Cadre and the Public Administration Management Bill (2013). This Bill, in consultation since 2007, initially provided for the following (later developments indicated in parentheses):

Establishing a single public Service (National, Provincial and Local 'spheres') with national standards and systems;

- Establishing an Office of Standards and Compliance to establish and monitor standards as well as oversee and promote quality assurance in service delivery. (Becomes a unit)
- Extending the role of the Public Service Commission to all spheres of government and makes the commission's directions binding on the State. (Dropped)
- Outlawing public servants, their families or relatives doing business with government; (Dropped)
- Establishing an Anti-corruption bureau; (Becomes a unit)
- Mandating all public servants to attend the School throughout their careers
- Establishing a National School of Government (launched 21 October 2013) to enhance the quality, extent and impact of the development of human resource capacity in institutions through education and training by:
 - In-sourcing expertise, especially experienced public servants for facilitation and curriculum design.
 - Issuing, or causing to be issued, diplomas and certificates
 - Interacting with and fostering collaboration among training institutions, higher education institutions, further education and training institutions and private sector training providers in furtherance of such education and training.

Even as amended, the Bill may begin a process toward good governance. However, it remains to be seen whether the response can ameliorate the soft issues which ultimately determine how these interventions will be interpreted and implemented. The Bill attempts to confront corruption, non-management, and mismanagement directly, ultimately providing a legal framework wherein a senior manager can be dismissed for not instituting anti-corruption and other disciplinary measures.

The former Minister of Finance, Pravin Gordhan, has acknowledged that previous efforts, “have not matched the size and complexity of the challenge” and appealed for “a special effort from all of us in government, assisted by people in business and broader society”. He conceded, “...it will take time. But we are determined to make progress.” (p. 28).

Conclusions

The racial and gender composition of senior management was quickly transformed so that, by 2011, 72% were black African, 10% coloured, 5% Asian (87% black) and 13% white. In 2011 63% of senior managers were male and 37% female.

The public service consists of more than 1.6 million employees, spread across all spheres of government, leading to a heavy state wage bill of at least 11.5% of GDP and expected to increase. This, is nearly three times that of either Brazil or Russia, South Africa’s BRICS partners, and even larger than that of the UK or USA. Because of high unemployment and the relatively small tax base, this is unsustainable (Schüssler 2012). The need for training 10,000 senior managers and 250,000 junior managers in all spheres of the public service, despite contributions from many sources in the public, private, civil society and academic sectors has not been met.

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The current government finds itself immersed in a sea of unintended consequences, with unaccountability, corruption and particularism embedded in the very fabric of public service and the State. Nearly two decades of cadre deployment and redeployment, inadequate training, management and discipline, and the increasing evidence of corruption of public funds and processes, have been met by increasing service delivery protests and somewhat of a breakdown of the labour relations system.

It is a critical moment in South Africa. If the public service issues faced are not confronted, they may continue to undermine the technical and legal efforts to deal with symptoms of poor management.

The Public Administration Management Bill 2013 may well establish the basics of a disciplined and managed Public Administration and stop procurement and services corruption, but can it come to terms with the fundamental conflict about the public service itself? South Africa is heading towards a form of state-led development, which requires a high level of public service expertise – technical, professional and managerial. The emergence of an impartial civil service requires, “... both a legal framework to make civil servants accountable and a conceptual development of the importance of ethics in the public service” (Rothstein and Teorell 2008, p. 185). This conversation will require exemplary and bold leadership. The Bill, while rushed through Parliament in March 2014, has still not been approved as at September 2014.

The difficult issues are the soft issues which have to be carefully managed to avoid undermining technical expertise through so-called ‘unintended consequences’. These soft issues are political and social. It is important that the DPSA look carefully at a campaign to assert ethical standards within the public service and to make sure that integrity is ensured through disciplinary procedures which have been so difficult to get public service managers to implement in the past.

What will emerge remains to be seen. The stakes are high.

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