South Africa's Senior Civil Service: Structures, Roles and Perspectives on Change in Selected Government Departments Since 1994

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Declaration

I declare that the work contained in this thesis is my work and is, to my knowledge, authentic and original. Unless otherwise specified and acknowledged in the text, the ideas expressed in this thesis are mine and should not be attributed to any of the elected and appointed public officials whom I interviewed as part of this study. The thesis has not been submitted anywhere or at any institution of higher learning for the award of any degree, certificate or qualification. I take responsibility for any errors that may appear in this work. This thesis may be quoted or cited in any way as reference for scholarly, educational and other writings (subject to the usual acknowledgements relating to such work) after the embargo period arranged with the Albert Sloman Library and the Department of Government, University of Essex has elapsed.

Dedication

I dedicate this thesis to Ikanyeng Mavis Maphunye, my dear wife, and my beautiful daughters: Yaone and Legolo. They all endured long and lonely hours without a husband and a father, when I was away studying or conducting fieldwork for this thesis throughout South Africa and when I was abroad to complete the work. Their sacrifice and patience were not in vain.

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Summary

This thesis examines the personal perspectives of senior civil servants in South Africa on the continuing changes affecting the service as part of wider national changes since the 1994 general elections. Pre-election political compromises were agreed to ensure a peaceful transition to non-racial democracy, which delayed significant civil service changes until 1999.

This study has used a number of theoretical and other perspectives, particularly the concept of the "convergence" between the roles of senior civil servants and politicians in modern governments. The convergence concept has been particularly associated with the work of Aberbach *et al.* (1981) in their major study *Bureaucrats and Politicians in Western Democracies*. This concept has been a particular interest of this study.

My project has also studied the possible effects of politicisation on senior civil service roles since 1994. Another major interest is representativeness (race, gender, and disability) within the civil service under the Affirmative Action laws and policies. A third theme is the use of New Public Management techniques, notably personal Performance Management Contracts for the most senior officials. All three themes present challenges and will help determine the future character of the South African senior civil service.

My overall results indicate very strong support among senior officials for the Affirmative Action initiatives; the personal Performance Management Contracts for all senior officials; and overall change as perceived in their own department. I also conclude that South Africa's unique post-apartheid situation weakens any clear finding concerning the "convergence" concept associated with authors such as Aberbach *et al.*, although their "Image IV" model may well apply.

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Definition of Terms and Acronyms

AA   Affirmative Action. Term refers to the laws affecting the public and private sectors in South Africa intended to redress the effects of past racial bias in employment policy. Affirmative Action targets groups or individuals among blacks (Africans, coloureds, Indians), women and the disabled, against whom the apartheid policies discriminated; such target groups are often given statutory preference in public and private sector hiring programmes.

AD   Assistant Director

ANC   African National Congress

Apartheid   Literally, 'separate-ness' or 'apart-ness' (O'Meara, 1996:420). Afrikaans term meaning the separation of people according to race, based on the National Party's policies (from 1948 to 1994).

Batho Pele   'People first', Government strategy of encouraging a close relationship between civil servants and the community based on the White Paper on Public Service Delivery (1995).

CD   Chief Director.

Civil service   The staff of South African government departments, which are organised at national and/or provincial levels (e.g., the Departments of Health and Education — both levels — and DPSA (below) which operates mainly at national level). As in the UK and elsewhere, staff of national public bodies, local government, schools, hospitals, police forces or the military are not civil servants. This study concerns only government department staff (almost exclusively at and above grade 10 (Assistant Director) so the lack of distinction in the South African constitution, legislation, statutory rules, white papers, etc. — as well as informal usage — between 'civil service' and 'public service' has no practical relevance. 'Public service' often appears to describe some of the wider public sector employees listed above but is also, confusingly, sometimes clearly intended to refer only to the civil service within the national or provincial government departments. An example of the

'civil service proper' being included with other public service staffs (e.g., in hospitals or schools) for legislative or other official purpose would be the obligation to apply Affirmative Action laws (see Chapter 1.2). Because this study is focused on only one level within the civil service, the vague use of 'public service' as a near synonym may be ignored.

Coloureds   Term coined by successive apartheid administrations, and used to refer to people of mixed racial descent in South Africa.

D   Director

DD   Deputy Director

DG   Director-General (South Africa's highest civil service position)

DDG   Deputy Director-General

DP   Democratic Party

DPSA   Department of Public Service and Administration

Executing authorities
             The statutory term for the President, Deputy President, national ministers and regional government members of executive councils (MECs) in their capacity as the executors of legislative powers. This is the equivalent of the UK legislative practice of giving "the secretary of state/minister" (rather than the Crown or the minister's department as a whole) the powers conferred by a relevant Act of Parliament. Designating these elected politicians as the 'executive authority' confirms both their control relationship with the civil service and their individual responsibility, as tested by their political and judicial accountability.

GNU   Government of National Unity

'Gravy train'   Refers to the attractive package (like high salaries, car schemes, costly offices and subsidised houses) made accessible by very senior public service employment.

HOD   Head of Department (usually the second most senior official, at DDG or SG level).

IFP	Inkatha Freedom Party
MEC	Member of the (Provincial) Executive Council
MPL	Member of the Provincial Legislature
NP	National Party ('New National Party', from 1999)
PERSAL	Personnel Salary System
PRC	Presidential Review Commission
Public service	see Civil service, above
PSA	Public Servants Association
PSC	Public Service Commission
RDP	Reconstruction and Development Programme
Representivity	Term used in South Africa to define the need for demographic balance of people in the public and private sector, often (but not always) as part of Affirmative Action.
SG	Superintendent-General

'*Struggle credentials*':

The perceived advantages that an individual has — especially in many areas of public sector employment — by virtue of being a veteran of South Africa's liberation struggle.

WPAAPS	White Paper on Affirmative Action in the Public Service (1995)
WPTPS	White Paper on the Transformation of the Public Service (1995)

Chapter One
The Study: its Purpose and Methods

1.1 Introduction

This study examines the perspectives of senior civil servants about change in post-apartheid South African government departments. The thesis analyses the challenges and responsibilities of these officials in selected departments and provinces (see next section). The study focused specifically on the following civil service grades:

Director-General	(DG)
Superintendent-General	(SG)
Deputy Director-General	(DDG)
Chief Director	(CD)
Director	(D)
Deputy Director	(DD)
Assistant Director	(AD)

The Director-General (DG) is the highest position in the civil service, but in some provincial departments (such as Education) the head of department is the Superintendent-General. Three of these highest officials were interviewed, together with some 177 of their subordinates, as the major part of this study. The thesis attempts to understand the changes occurring in the respective departments through the perspectives of these civil servants. It also considers the possible effect on their perceptions of the structures (departments) in which these officials operate. The term 'structure', as used here, refers to "the arrangement of and relations between the parts of something complex" (Concise Oxford Dictionary,

1999). I attempted to interview the national ministers or provincial MECs who oversaw these civil servants, on their working relations with them. The idea was to assess recent and current changes, at the senior levels of the government departments, looking at the extent to which such changes have affected the officials' perceptions about public sector reforms in the new democracy. I interviewed all of the MECs in charge of the eight provincial government departments whose senior cadres I had selected for my study. It was not possible to interview the national ministers and provincial Premiers in whose national departments and provincial governments the study was conducted. (See section 1.4, Methodology).

Many attempts have been made to define the term 'civil service' (e.g. Aberbach *et al.*, 1981; Bekke, *et al.*, 1996; Posel, 1999; Pyper, 1995; Raadschelders and Rutgers, 1996; and Rose, 1987). Aberbach and his colleagues (1981:1) used this term to refer to individuals in the state apparatus who are "technically trained, professional and career administrators." This seemingly narrow definition appears to exclude scientists and other specialists. Pyper's (1995:1) definition could be more helpful. He has stated, with reference to the British civil service, that "Civil servants work for the 'civil' as opposed to the military, ministerial or judicial arms of the state. Members of the armed forces, government ministers and judges are not civil servants." Civil servants might also be understood to be "...those agencies and employees directly engaged in

the running of government departments and implementing policy decisions" (Posel, 1999:100).

A civil service is not a homogenous group. It must be seen as "...an amorphous amalgam of departmental structures, within each of which we find innumerable horizontal and vertical subdivisions and diverse organisational arrangements" (Drewry and Butcher, 1991:55). In this thesis the term 'senior civil service' refers to the officials occupying the positions shown above (Assistant Director up to DG) but in South Africa the term 'senior management service' is often used to refer particularly to the Directors and above. At the national level, these officials were mostly, though not exclusively, specialists and professionals who were usually employed, either permanently or on contract, to render policy advice and to manage the national-level departments and ministries. The constitutional relationship between the national and provincial civil servants is explained in the next section.

This study relied on the literature on comparative executives that covers the relationships between ministers and civil servants (among others, Aberbach *et al.*, 1981; Dogan, 1975; Peters, 1984; and Putnam, 1975). The thesis is not so broad as to cover the overall changes in the entire South African civil service but it has drawn on information and material covered by literature on it. A study of the perspectives of the (S.A.) senior civil service and how the departments are arranged could help to explain

the momentum and direction of the current reforms inside government departments. Similarly, these perspectives could also help us to understand the policy-making process.

As a group, the senior civil service is also important because of the high status and positions of its members within the government machinery and in the wider society. Their views are therefore crucial for the success of the government's policies for, as has been stated, "While [the South African] Parliament projected the rainbow nation, the real battles to transform the country were waged inside government departments" (Sampson, 1999:513). In South Africa, the DGs and their immediate subordinates wield particular authority and power that enables them to effect changes in their respective departments. However, what would normally be an ordinary process of public sector reform in many democracies presents enormous problems for these officials in South Africa. They also have to deal with the harsh realities of the apartheid legacy: how to provide services to a racially diverse society with extreme socio-economic inequalities. Therefore, I regarded them as an indispensable group to study in order to explain the operations of senior civil servants in South Africa. These include rendering policy advice and leading their subordinates within the structures that they oversee. However, in contemporary South Africa, these officials are constrained by structural and other limitations that foil their attempts to perform their

duties effectively. Such constraints might emanate from — or be closely related to — the following factors:

- Fear of change, or at least subtle resistance to it. The senior officials in this category were usually (though not always) those white officials who were inherited by the new government from the apartheid era.

- Anxiety about little or no change, or eagerness for more changes. This applied to the officials (mostly the newly recruited blacks) who were often inclined to welcome change and to be impatient over the slow pace of reforms in the civil service.

- Ambivalence towards change. This applied to those who seemed to be neither for, nor against, the new reforms inside the civil service.

The difficulty of examining these themes is that they could easily be concealed within the stated attitudes and beliefs of the officials who were interviewed. In South Africa's civil service, formerly an exclusive domain for the employment of white people (Posel, 1999), it was inevitable that the past racial dynamics would emerge in the attempts to reform it. Thus most, though not all, of officials resisting change would probably be white. However, there might have been notable exceptions, particularly in departments and provinces that were merged with former home lands (see next section), and in places such as the Western Cape. In this province, some members of the majority coloured (mixed race) community, said to be sympathetic to the National Party (now New

National Party, NNP), are known to be uneasy about the current changes, especially Affirmative Action (AA) in the civil service. Nevertheless, it was not easy to determine whether such uneasiness was common within the civil service, despite my own distinct impression from my training course experience with civil servants in Western Cape that there is little or no support among them for the AA policy. Accordingly, some members of this community have argued that the AA policy excludes coloureds from accessing the positions for which (black) Africans are usually earmarked in AA appointments, especially in the public sector. Another notable exception is KwaZulu-Natal province. Here, for party political reasons, very few senior black African officials in official positions under an Inkatha Freedom Party provincial government could be said to be sympathetic to the policies of the nationally ruling African National Congress. The control by the national-level opposition parties of the governments of these two provinces (New National Party/Democratic Party in the Western Cape and Inkatha Freedom Party (IFP) in KwaZulu-Natal) no doubt explains the negative perceptions of AA (and possibly other ANC central government policies) in these provinces. However, the controversy surrounding the implementation of policies such as Affirmative Action cannot be denied and this issue will be analysed in Chapter Four.

As against any officials who may resist the idea of change (or particular change) some newly-appointed senior civil servants (especially blacks)

have expressed disappointment about what they saw as the slow pace of change in their departments. They have often attributed this to the persistence of a rule-bound administrative culture in a number of departments. These views will be examined in Chapter Five.

This research also sought to find out whether the operations of the senior civil servants affected the way in which their departments functioned — or the other way round. A gap exists in our understanding of the characteristics of the present structure of the South African civil service. The idea was to explore the possibility of a link between the structure of government departments and the perspectives of the senior civil servants, which could help explain other changes (such as AA and New Public Management, see Chapter Five) that are occurring in the civil service. Another significant issue that this thesis seeks to explain is whether the senior civil servants' functions are becoming politicised, and to examine the implications of this reality on the future civil service. This issue will be examined in Chapter Six.

Some have argued in relation to the British civil service, that the politicisation of the civil service could be justifiable in certain cases and up to a point. The former senior British civil servant, Sir Anthony Part, has contended, "...in order adequately to serve the elected government of the

day it may be necessary for the bureaucracy to assume, to some minor degree, the coloration of the party in office" (Part, in Barberis (ed), 1997:153). How, and by whom, this "minor degree" should be defined is not stated here. In fact, "The tension here is heightened to the extent to which top officials should and do (temporarily) take on some of the government's coloration" (Barberis, 1996:29). Thus, I felt the need to assess how far politicisation is perceived — especially by the top ranks of the civil service in South Africa. This was particularly in view of speculation and several media reports in the country, which have indicated that the senior civil service is gradually becoming politicised in a manner that could pose problems.

Chapter One only highlights the many experiences of the senior civil service in dealing with civil service issues which will be examined further in later chapters. Chapter Two includes the review of the literature concerning the topic of this thesis; it also gives the objectives and justification of the study. Chapter Three examines both the past and present South African civil service, concentrating on its features and the roles of its senior members. Chapter Four assesses the implementation of Affirmative Action in South Africa's civil service. Chapter Five discusses the managerial reforms in this civil service and how the most senior officials have dealt with them. This will be done through an assessment of the relevant provisions of the Constitution (1996), Public Service Act (1994), the Code of Conduct for the Public Service, various government

White Papers, and other official documents that regulate operations. Chapter Five also looks at the roles and perspectives of these senior officials in South Africa, the impact of the structure on their roles and neo-managerialism and its effect. Chapter Six reviews the interaction between ministers and officials and the politicisation of the most senior civil service positions. The contribution of senior civil servants to the policy-making process in South Africa will be discussed in Chapter Seven. Chapter Eight interprets the study's survey and data and overall findings and offers conclusions. It will make proposals on how the current public service reforms could contribute to the process of change in the country. Similarly, an attempt will be made — based on this study and analysis of the relevant literature — to make recommendations on measures to improve implementation of public policies.

1.2 How the Law Regulates South Africa's Civil Service

This section will sketch an overall picture of the legislative framework governing the current civil service (and indeed the entire South African public service). The legislation regulating the civil service will be outlined and the impact of recent legislative changes evaluated.

The history of apartheid and South Africa's previous political dispensations is well documented elsewhere (Adam and Giliomee, 1979a; Beinart, 1994; Beinart and Dubow, 1989; O'Meara, 1996; Posel, 1991; Schrire, 1993).

Thus, this section will not attempt to reproduce the arguments and laws pertaining to that era. However, these laws and arguments will be mentioned here only insofar as they help to explain the current situation of the civil service. According to O'Meara (1996:419), "The South African state was born out of the merger in 1910 of Britain's four self-governing settler colonies in southern Africa. It became fully sovereign with the adoption of the British Parliament of the Statute of Westminster in 1933." These four colonies — later, provinces — of the Cape, Natal, the Transvaal and the Orange Free State became the Union of South Africa in 1910. However, this arrangement excluded both the majority black population and the Asian and coloured minorities from participating in the political process.

The National Party came to power in 1948 and its successive governments enacted apartheid laws that ultimately made South Africa a pariah state internationally. "Such laws aimed at separating whites and blacks, at instituting as a legal principle the theory that whites should be treated more favorably than blacks and that separate facilities need not be equal, and at providing the state with the powers deemed necessary to deal with any opposition" (Byrnes, 1997:54). The Population Registration Act of 1950, for example, was formulated to enforce the racial separation of the country's inhabitants. "Under the terms of this Act, all residents of South Africa were to be classified as white, coloured, or native (later Bantu)

people. Indians...were included under the category 'Asian' in 1959" (Byrnes, 1997:55).

Thus, South Africa was, "explicitly built on a racially exclusive form of the Westminster model of British parliamentary democracy, and officially known as the Union of South Africa between 1910 and 1961; this state was transformed into a republic in 1961 — when it left the British Commonwealth" (O'Meara, 1996:419). However, South Africa's unceremonious expulsion from the Commonwealth did not cause the Westminster system to be replaced. As O'Meara has stated, apart from replacing the Governor-General with a ceremonial State President, the 1961 constitutional amendments did not alter much of the country's Westminster-derived system. More than two decades later, "...major changes [were] introduced by the Constitution Act of 1983 which created an Executive State President with considerable powers..." (Schrire, 1993:136). However, for the excluded majority black population, such moves by the then P.W. Botha regime were seen as mere cosmetic changes because, rather than abolishing apartheid, the changes sought only to reform it.

Since 1994, the new South Africa has moved with vigorous speed to change the apartheid era legislation. Many laws made before and during that period have been either changed or repealed. The Mandela (and now Mbeki) government have repealed many of the laws that classified people along racial lines. However, the legacy of that era will not be easy to

erase. Thus, the terms 'coloured', 'Indian' (or 'Asian'), 'black' and 'white' are still being used both formally and informally (e.g. *Pretoria News*, 18/05/00) and in official and other contexts such as the national census. Even in the civil service, indications are that the perceptions of the present-day officials are influenced largely by this legacy.

Nevertheless, virtually all the draconian and petty apartheid era legislation has disappeared from the statute books, mostly (though not always) in the name of 'transformation.' South Africa's current President, Thabo Mbeki, has summarised the government's view on this issue, stating: "There's no way you can sustain the process of national reconciliation without transformation" (*The Independent*, 08/02/01). In this section, transformation (a key term which will be discussed further in Chapter Two) means the repeal and amendment of such legislation and the changing or removal of administrative structures created to enforce apartheid. The idea is that transformation is needed urgently now that such structures have become unmanageable or unnecessary. It has been stated that such public service transformation:

> was driven by the need to sustain the delicate democracy [of 1994] and at the same time to meet the development challenges of the vast majority of South Africans. The reconfiguration of the Public Service after the 1994 elections included the amalgamation of separate administrations and creating new ones consistent with the new tiers and departments of the government...In essence, Public Service transformation in South Africa had to refocus the delivery of

services to meet the needs of all citizens and to contribute towards the democratisation of the state and society in general (DPSA *Annual Report*, 1998:5).

By 'new tiers' is meant the national, provincial and local spheres of government as provided for in the new Constitution (Act 108 of 1996). The comprehensive legal changes that South Africa experienced soon after its general elections in 1994 were brought about largely by the new constitution. By far the most prominent of all the legislative changes introduced by the new democratic order, this document defines the nature of changes to be effected in virtually all areas of South African life — including the civil service. The current constitution establishes South Africa as a constitutional democracy (Van Rooyen, 1999) and this document is now the supreme law of the land (Section 1), unlike before 1994 when such supremacy was vested in the country's Parliament. As indicated by section 1 (a) to (d) of the Bill of Rights, the constitution has outlawed racism and racialism, sexism and other forms of inequality. This section is closely related to the recently introduced Public Service Regulations (1999). The Code of Conduct (C.2.6) in these regulations states that South Africa's public service should not "...unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language" (Public Service Regulations, 1999). Other grounds not listed here include pregnancy, sex, marital status and birth, which are part of the equality clause — Section 9

(3) — of the constitution (1996). Notably, this includes the blatant disregard for human rights — an infamous feature of the old political order.

Before its transition to democracy, South Africa was divided into four provinces, as stated earlier. These provinces were later re-structured and merged with the former ethnic-based black 'homelands' and 'self-governing territories' (which had not been officially regarded as part of the old apartheid-based South Africa). Nine new provincial governments were subsequently created — each with its own cabinet and legislature (see Figure 1.1). These are the provincial administrations of the Western Cape, KwaZulu-Natal, Eastern Cape, Gauteng, Free State, Mpumalanga, Northern Province, Northern Cape and the North West. South Africa is also a parliamentary and liberal democracy with a presidential system of government that aims to uphold the rule of law and ensure the separation of powers between the judiciary, legislature, and executive. It is also a unitary state, but with quasi-federal features of government: all the nine provinces exercise powers devolved from central government, have their own elected Premiers (see below), departmental political heads (MECs) and civil service cadres operating the departments (Sampson, 1999:472). However, there are visible features of centralisation of power through the control of the politico-administrative machinery from Pretoria (the country's administrative capital). This arrangement — which is, on

balance, distinctly more unitary than it is federal — came about as a result

of the pre-1994 election agreements between the various political parties,

Figure 1.1   South Africa

Provincial boundaries under the 1994 constitution (Source: O'Meara, 1996:413)
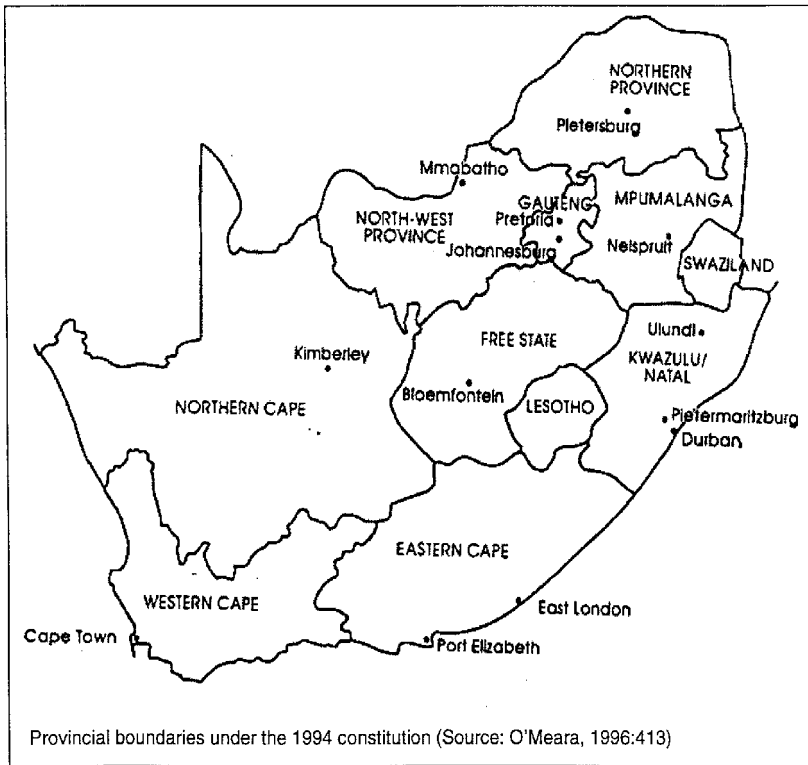
notably the ANC and the Inkatha Freedom Party in KwaZulu-Natal. Unlike the ANC, the IFP was strongly inclined to a federal form of power sharing, but accepted the present arrangement as a compromise. Thus, from 1994 South Africa became "a neo-federalist presidentialist regime with a powerful (bicameral) central legislature elected on a mixture of proportional and regional representation" (O'Meara, 1996:420).

The head of the provincial cabinet or Executive Council is the provincial Premier. As Section 132 (1) of the constitution explains, "the Executive Council of a province consists of the Premier as head of the Council, and no fewer than five and no more than ten members appointed by the Premier from among the members of the provincial legislature." The MECs are the elected political representatives (called in law 'executing authorities'), with roles and individual legal responsibilities similar to the national ministers. The only difference is that the President appoints the national ministers from amongst the members of South Africa's National Assembly, whereas the provincial Premier appoints the province's MECs. All the MECs in each province are therefore directly accountable to the Premier, who, as section 132 (2) states, appoints them, "assigns their powers and functions, and may dismiss them." Each Premier also works closely with the most senior civil servant (the provincial DG) on policy implementation matters, while the DG is responsible for the co-ordination of administrative matters in the province.

The Public Service Act is another law that governs the situation of all public servants in South Africa. This law explains the role of an 'executing authority' or the political office bearer (national Minister or provincial MEC) in a department. According to section 1 (1) (a) to (d) of this Act, the term 'executing authority' refers to any of the following high officials of the South African government:

(a)   In relation to the Office of the President: The President (acting on his or her own).

(b)   In relation to the Office of the Deputy President: the Deputy President.

(c)   In relation to the Office of the Public Service Commission: the Chairperson of the Commission (Section 1, Public Service Act, 1994).

Therefore, 'executing (or 'executive') authority' refers mostly, though not always, to the President, Deputy President, ministers and provincial MECs. The civil service was strongly affected by the legal changes mentioned earlier. A striking example of such changes is Section 195 (1) 2 of the constitution, which outlines the basic values and principles that should govern public administration in the new republic. Section 195 (a) to (i) stresses the need for "a high standard of professional ethics, efficient, economic and effective use of resources, and a development-oriented public service." It also stresses that public services must be provided "impartially, fairly, equitably and without bias." Public administration is also urged to respond to people's needs and to encourage the public to participate in policy-making. Section 195 further emphasises the need for

the public service to be transparent and to have good human resource management and career development practices. Furthermore, this section underlines the need to ensure that "...employment and personnel management practices [are] based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation." This legislative reference to racial group membership as part of civil service employment practice dovetails with the country's broader Affirmative Action law to which the civil service is fully subject. There is therefore both an internal and external legislative mandate for the racial and other forms of 'representivity' which figures so clear in civil service issues — as this study will show. Section 195 (2) (paragraphs a-c) also states that all the principles and values mentioned above have to "apply to administration in every sphere of government, organs of state and public enterprises." Public administration, section 195 (1) concludes, should be "...broadly representative of the South African people." Undoubtedly, many of the subsequent laws and policies whose aims are to redress public sector inequalities derive from this section of the constitution. As just noted, such laws and policies include those on Affirmative Action and these will be discussed below in Chapter 4.2.

Clearly, the constitution lays the groundwork for several other laws and policies that deal with matters relating to the civil service. Thus, Schedules 1 and 2 define the 'public service' in South Africa as an organisation that "excludes local government, as well as a host of other statutory bodies,

parastatals, quasi-government institutions..." (*Public Service Review Report* 1999/2000:2). Schedules 1 and 2 further state that "the public service is made up of employees in all national departments, as well as those in the nine provincial administrations of the country...." Similarly, the constitution (Section 197) states that "the terms and conditions of public service employees must be regulated by national legislation" (*Public Service Review Report*, 1999-2000:6). The most significant of such legislation and policies are the Public Service Act (1994), the Public Service Laws Amendment Act (1997), the Employment Equity Act (1998), the Basic Conditions of Employment Act (1997), the Labour Relations Act (1995), and the Public Service Regulations (1999). In addition, documents such as the White Paper on the Transformation of the Public Service, the White Paper on Public Service Delivery (or the *Batho Pele* principles, see Appendix 2), and the White Paper on Affirmative Action have influenced South Africa's current legislation on the public service. Most legal and other documents commonly refer to the 'public service' and rarely address the civil service specifically, even when their actual focus is on the civil service.

One significant legal change brought about by the new legislation is "...the recognition of provincial departments as fully-fledged departments that are accountable politically through the MEC and administratively through the Head of Department (HOD)." This move "put accountability squarely

with the people who hold the levers of management" (*Public Service Review Report*, 1999-2000:7).

In its preamble, the Employment Equity Act (1998) states "...that, as a result of apartheid and other discriminatory laws and practices, there are disparities in employment, occupation and income within the national labour market...." It further recognises that those disparities "create such pronounced disadvantages for certain categories of people that they cannot be addressed simply by repealing discriminatory laws." Therefore, the Act seeks to "promote the constitutional right of equality and the exercise of true democracy" by implementing employment equity to redress the effects of discrimination." It is said that the aim is to achieve "a diverse workforce broadly representative of our people" (preamble, Employment Equity Act). This gave rise to the need for policies and programmes of Affirmative Action (AA) (as will be discussed in Chapter Four).

The Code of Conduct for the Public Service (which is part of the Public Service Regulations, as stated above) also regulates the employment of public servants in South Africa. Chapter 2 of these regulations states that the Code "should act as a guideline to [government] employees as to what is expected of them from an ethical point of view, both in their individual conduct and in their relationship with others. Compliance with the Code can be expected to enhance professionalism" (A.2). This is another way

through which the government hopes to encourage accountability and responsibility among the civil servants, as is commonly done in Westminster systems (Peters, 2000:129).

Chapter 2 of the Public Service Regulations further states that the Code "is not an exhaustive set of rules regulating the standards of conduct" (B.2). However, it attempts to regulate the relationship of civil servants with the legislature and the executive (C.1), their relationship with the public (C.2) and among themselves (C.3). In its attempt to regulate procedures for appointment, promotion and termination of public service employment, regulation VII.A makes the same emphasis on Affirmative Action as other sections of this document. It states that "Employment practices (in the South African public service) shall ensure...equity, fairness, efficiency and the achievement of a representative public service." It further states that "Affirmative Action shall be used to speed up the creation of a representative and equitable public service and to give practical support to those who have been previously disadvantaged by unfair discrimination to enable them to fulfil their maximum potential." Therefore, this section considerably affects the recruitment, selection, promotion, and transfer of all public (including civil) servants. In other words, it regulates the career opportunities and other career-related matters of the entire South African public service.

The relationships between the elected and non-elected public officials are also controlled by the Public Service Regulations (as stated earlier). These regulations, e.g. B.2 (r), refer to 'senior management' as "the group of employees occupying posts on grades 13 and higher [i.e. Director position and above: see Appendix 4 for an outline of the other grades], and designated as manager by the minister." They also regulate communication between the senior managers and the minister. For instance, regulation H.1 (a) states that "If a head of department needs to communicate with the minister [of Public Service and Administration] on any matter that falls within the Minister's powers and duties, she or he shall communicate through the Director-General: Public Service and Administration." This effectively channels all communication between senior civil servants and the minister via the DG's office. Ideally, this is what happens, and should happen, in all departments. However, whether this route will be followed depends largely on the (managerial or leadership) style of the minister. Some 'hands-on' ministers are known (as my interviews with officials indicate) to have ignored this rule, thus communicating directly with the senior officials well below the DG level. Such ministerial action was bound to cause disquiet and has been described as political interference by some senior civil servants.

The powers and duties of the 'executing authorities' are further spelt out in the Public Service Regulations (1999). Regulation III B.2 states that the 'executing authorities' shall:

- determine the department's organisational structure in terms of its core and support functions;
- grade proposed new jobs according to the job evaluation system referred to in Part IV (of these regulations);
- define the posts necessary to perform the relevant functions....

The Public Service Regulations (1999) also give an elaborate outline of the powers and duties of the 'executing authorities' (regulations VII B-C) regarding such issues as recruitment, selection, appointment and promotion of the heads of department. Clear emphasis is laid on the need for administrative heads of department to be bound by employment contracts, and this provision is closely associated to section 12 (4) (a) to (c) of the Public Service Act (1994) that deals with performance contracts for senior civil servants. (See Chapter Five, below, for a discussion on performance related contracts in the South African civil service). Similarly, Section 3 B. (1) and (2) of the Public Service Act (1994) regulates the appointment of heads of department. According to this section (3 B. (1) paragraphs (a) to (b)), "a head of department at the national level is appointed by the President, and at provincial level the relevant Premier." The Act, according to Section 3 B. (2), (a-b), also regulates the deployment of the heads of department within their respective (national and provincial) areas of operation, subject to authorisation by the relevant executing authority (minister at national level, or MEC in the case of the provinces). South African civil servants may be transferred between the provincial and national levels.

A significant shift brought about by the new legal changes has been the "...transfer of the management authority for the public service from the Public Service Commission (PSC) to the Minister of Public Service and Administration" (*Public Service Review Report*, 1999-2000:6). The minister's powers, as indicated by Section 3 of the Public Service Laws Amendment Act (Act No.47 of 1997), are to make policy regarding:

- the functions of and organisational arrangements in the public service;
- employment and other personnel practices, including the promotion of broad representativeness, as well as human resource management and training;
- salaries and benefits;
- labour relations
- information management and information technology; and
- transformation and reform

(*Public Service Review Report*, 1999-2000:6-7).

Quite clearly, this marks a departure from the practices of the apartheid-era public service (to be discussed in Chapter 3.1) in which the PSC played a prominent role on these matters. Notably, the PSC also played a key role in the recruitment and appointment of the heads of departments (HODs). However, the ministers and MECs were often not consulted on such matters, hence the subsequent tensions or "disturbing clashes" (Sampson, 1999:514) between these two sets of public officials that briefly characterised the civil service in the mid-1990s. On the one hand, such clashes arose apparently because, between 1994 and 1997, the provincial DGs were responsible for all administrative matters in their

respective provinces. On the other hand, these clashes also occurred because of disagreements "...between the more headstrong reforming ministers and their Directors-General; often about administrative practice rather than ideology" (Sampson, 1999:514). However, this apparent imbalance of power — between the provincial DG and the MECs — created a loophole, legally, because the MECs had fewer powers than the provincial DGs. Therefore, the government amended the 1994 Public Service Act (Public Service Laws Amendment Act, 1997) to permit the MEC to take administrative initiatives, including individual recruitment decisions.

Currently, the role of the national Minister of Public Service and Administration is crucial to the functions of all public service employees in South Africa. The minister "has power to provide a framework of norms and standards with the aim of giving effect to any of the above policies. [These] duties include advising the President on the establishment of national departments and related matters, allocating, transferring, and abolishing public service functions, and advising the [national and provincial cabinets] on a range of public service and linked issues" (*Public Service Review Report*, 1999-2000:7). To an extent, this indicates the centralised nature of the country's political and public administration systems.

There is no doubt that South Africa faced an enormous task of re-organising its public service after the demise of apartheid. Thus, it was quite inevitable that the primary focus of the post-1994 legislation should be "...the amalgamation and rationalisation of the various organisational units inside and outside...the then public service framework into a single public service" (*Public Service Review Report*, 1999-2000:6). Despite signs of success here and there, it is still early to say whether the amalgamation of the former apartheid structures into this national/provincial form of one formally unitary service has borne any meaningful fruit.

Finally, it is important to mention the issue of political appointees to the staffs of the executive civil service (i.e. not simply ministers' political advisers) for whom provision is made in the constitution. Section 195 (4) states that "The appointment in public administration of a number of persons on policy considerations is not precluded, but national legislation must regulate these appointments in the public service." The government has stated that "despite all the problems that continue to plague the public service, there has been great progress since 1994." However, it has equally acknowledged that "More work...is still needed to change and fill gaps in the [public service] regulatory framework, and this will be captured in future regulatory and legislative change" (*Public Service Review Report*, 1999-2000:7). This indicates hope and optimism that the

post-1994 legal changes will eventually ensure progress in the entire public service.

Despite such optimism, however, an evaluation of the legislation governing the civil service suggests that — while the constitution gives broad guidelines — such guidelines can be subject to different interpretations. A typical example is the problem of implementing policies which are formulated largely at the national level but which must be applied by the provinces. In some instances, it would appear that the wide discretion allowed by the constitution to national legislation creates room for the centralisation of power by national government. Needless to add, this could fuel tensions and lead to wrangles between the two levels of government such as those experienced by the (post-1994) Government of National Unity (GNU) soon after it came to power. At that time, the argument of some of the provinces was that functions such as education and policing (which are national competencies) should be devolved to the provinces — an unpopular move in the national government's perspective.

The appointment of new officials "on policy considerations" is bound to create anxiety for civil servants because of the uncertainty surrounding the appointment and activities of such people. In fact, the legislation seems to make provision for the politicisation of the senior civil service because of the substantial power vested in the national and provincial ministers, especially with regard to the appointment of senior civil

servants. This could detract from the "high standard of professional ethics", efficiency and effectiveness required by s 195 of the constitution (already quoted above). Overall, as will be shown below, several officials stated in interviews that while the apartheid laws have now changed, the (racial) mindset of that era has not and persists among some officials.

1.3 Methodology

This study has relied on both primary and secondary sources of data. Interviews (of between 45 minutes and one hour per interviewee) served as the primary source of collecting data and were conducted in selected government departments and provinces as explained below. An Interview Guide (see Appendix 3) was used for all interviewees. Apart from the basic questions on the personal and career data of the officials interviewed, each interview contained more than twenty questions divided into four sections: (i) the respondents' perceptions of the senior civil service; political and administrative relationships and roles; (ii) questions on the officials' assessments of changes in the civil service since 1994; (iii) their perceptions on matters such as selection, recruitment and promotion of civil servants — particularly in view of the government's Affirmative Action policy — and (iv) questions around organisation, management, performance and productivity issues in their departments.

The secondary sources of data for this study included official and other documents, academic and other books and journals. In addition, historical

and official records, newspapers and periodicals, the internet and case studies were used to supplement the interviews. Furthermore, I also attended a few sessions of the Parliamentary Portfolio Committee on the Public Service, at which the subject of public service reform was frequently discussed. My aim was to gain an overall impression of South Africa's civil service across the country by studying a randomly selected subset of four provinces. KwaZulu-Natal, Gauteng, Mpumalanga and North West were chosen from all nine provinces by lot. The government departments to be approached were, by contrast, chosen for substantive reasons.

I originally intended to conduct interviews in three departments, at both their national and provincial levels. The Department of Public Service and Administration (DPSA) was chosen specifically because it is responsible for South Africa's civil service reform policies and their implementation. DPSA operates only at national level (although it has provincial co-ordinators). The other two selected departments, Education and Health, operate at both the provincial and national levels. I chose them because they, arguably, face the most challenging tasks in the implementation, mainly at regional level, of the new government's social policies. At the national level, these two departments are responsible for education and health policies which affect the bulk of the population — particularly the urban and rural poor. Education and Health were chosen, therefore, for the intrinsic importance and difficulty of their service fields. My interviews

have therefore covered three national jurisdictions (DPSA, Education and Health) and eight regional ones (Education and Health, each in four provinces).

The statistics from these 180 interviews with senior officials are presented in five parts below, each within the appropriate chapter: Chapter 4.2on their perceptions and attitudes on representivity (Affirmative Action); 5.5 on senior civil service management performance issues; 6.3 on officials' working relations with their ministers/MECs and 'politicisation'; 7.2 on the policy-making process; and 8.1 on post-1994 change in the senior civil service. (Overall conclusions on the interview results appear in 8.2.)

For reasons to be explained the data are mainly presented in the simple form of percentage figures of the direct and substantive responses to each question. 'Don't knows' are, of course, excluded (although any unusual number of them arising on a question is reported, to put the percent figures into context). But the few cases of a small group of respondents making other comments than the question was seeking have also been excluded (with the same proviso if their number was high on any particular question). The numbers and the range of this interview survey are unusually large so the loss of cases from excluding substantive, but extraneous and mixed responses — the 'other comment' — is not a serious point. The advantage of basing percentage results on clear and direct responses to the question is a real one. Some are simple yes/no or

agree/disagree responses, while others have been coded on a broader frame using several alternative statements to which each respondent's comment can be attached as best suits it. There is no multiple coding.

My interview survey is, of course, based on a systematic, purposive sample of a defined elite group; it is not based on an uncontrolled snowball sample. The respondents were defined by their official posts as organised into two national and eight provincial South African government departments. I tried to interview as many officials in each of these as were eligible on my broad definition of the senior civil service. In some sections of these departments I obtained full coverage; by contrast, no more than a few national Department of Health officials could be included, whereas 33 DPSA national-level interviewees represented a good coverage of that department's senior cadre.

Elite interview strategies do not admit the random sample approach in any practical way. Whereas a very large elite interview study could draw a genuine random sample from the current lists of (say) the entire South African senior civil service, or university academics or military officers, it would be very difficult to apply in the field. The refusal rate would be much higher than in a mass (non-elite) survey and the consequences of trying to substitute for these refusals from individuals who were not originally sampled are more damaging in terms of statistical method. The proposed substitute could be significantly different (in grade, section,

department, etc.) from the randomly selected individual, and the statistical benefits of random selection would soon be damaged or lost. The practical arrangements for immediately interviewing a named substitute following a refusal would, in any case, be too difficult — certainly at the level of some 180 officials' interviews overall which I was to achieve. My already considerable time commitment to fieldwork periods in various departments spread around South Africa would have become unmanageable.

If a truly random sample was not a practical option, even for a quite large-N study such as I was planning, the problem of how the data should be reported became quite acute. I produced the basic numerical results (marginals) from the coding and expressed them in percentage terms (with d/k, undecided or 'other' responses excluded, to base these per cent figures only on the direct and substantive replies). It is, of course, common academic practice to report non-random survey data with statistical significance tests, even though this is statistically incorrect, and to claim that chosen chi-square or gamma (ordinal score) 'results' are statistically significant. Guided by my Department's statistics adviser (Mr Eric Tanenbaum) and others in the Department, in addition to my supervisory board, I was doubtful of going beyond statistical limits to draw conclusions with no technical foundation.

I generated and studied chi-square and gamma analysis (the latter applicable to ordinal scales) but was reluctant to report it or make any

claims of its significance. Eric Tanenbaum then pointed out that the overwhelming majorities among my respondents on the study's key issues would, in any case, much reduce any potential interest in cross-tabulations or other break-downs of my 180 respondents. The near-consensus opinions on several basic issues (notably on perceiving and welcoming the recent changes in the senior civil service) would possibly form a sufficient conclusion to report, at least in a more formally academic doctoral thesis. This has been a difficult issue. The percentage totals of marginals in this version of my study submitted for the degree are plainly over-simple. However, I wished to avoid having claims to 'significance' of some outcomes of the data quite rightly challenged on statistical grounds, either at the degree examination or subsequently, at publication stage. These are my reasons for reporting the data as I do.

As a contribution to the continuity of survey analysis of comparative political executives, I based several questions on Suleiman's (1974) question forms (Ezra N. Suleiman, *Politics Power and Bureaucracy in France*, Princeton, NJ: Princeton University Press; Appendix 391-415). My key question asking what my respondents saw as the two main operating criteria for senior civil service appointment or promotion in South Africa (Q.37-8) followed his Q.1.17, although my question was open-ended. He asked:

"What are, in your view, the factors which most contribute to the promotion of higher civil servants up to the level of *Sous-Directeur* in the French administration? Choose *two* among the following factors in order of importance." (p. 395)

I also re-used his question on favouring outsiders or insiders for senior appointments when I asked (my Q.42) for a choice between an insider of 20 years standing and an outsider with most job experience outside the civil service. Suleiman's slightly different question (his 1.18) was:

"If you were a minister forced to choose between two officials for a high administrative position, which one of these two would you choose: an official who had spent all his life in the Administration, or an official of equal intellectual capabilities, who had spent several years outside the Administration?"

On the central issue of the South African Director-General's routine or potential transfer whenever a new minister/MEC is appointed, I adapted Suleiman's Q.2.4. This asked his senior French officials whether their minister should be free to choose his directors (broadly equivalent to the three highest South African grades) from outside the civil service or only from any current officials or even only some types of official (p. 400). (In asking about the range of choice the minister should enjoy, this question assumes that these directors serve only at their minister's political or personal pleasure — as one aspect of the partly politicised French system.) I also asked (Q.25) whether senior South African officials were

seen as having much/some/very little influence on policy-making: this drew from Suleiman's Q.1.1 (p. 391) asking the same about officials' influence on "politics" as a whole:

> In some countries, the higher civil servants have a great deal of influence on politics; in others, they only have a little. Would you say that in France the higher civil servants have much some, little, very little, or no influence on the politics of the country?

Finally, my Q.36 asked whether the changes which the respondent perceived in the senior civil service since 1994 were desirabe/undesirable — a form which Suleiman used on three different issues (his Qs. 1.5a; 1.11; and 4.17).

As noted above, the first group of these survey reports forms Chapter 4.2 ('representivity'/AA).

The target group were senior civil servants at Director (grade 13) up to DG (grade 16) who are defined by the Public Service Regulations (B.2(r)) as senior management — plus Assistant Directors (grades 9-10) and Deputy Directors (grades 11-12). Including these less senior grades greatly increased the N of this study. (These officials vary greatly in age and years of service in these grades: they are by no means nearly all recent entrants.)

There is much collaboration between the provincial and national levels of government. However, the national level senior civil servants are controlled from Pretoria (the national administrative capital), whereas the provincial officials' directives are issued by their respective provincial administrations. In all the departments, I wrote to the Director-Generals' offices (or the DDG/SG in the case of the provinces and some departments) asking for permission to interview them and to carry out the study in their department. Once permission was granted, I arrived and asked for a list of the officials in the grades 9-16. This list was not always available, in which case I would ask the HOD's secretary or personal assistant to help compile it. Where such a list was available, I normally asked for the internal extension (or other contact) numbers of the officials concerned and immediately called them for appointments. I always tried to start with the Assistant Directors and to work up the hierarchy in order to maximise my knowledge of the department before meeting the most senior people. In some cases, however, the most senior civil servants in some departments chose to be interviewed before their subordinates. I tried to interview all the senior civil servants on the list provided; thus all the listed officials who were to be found in their offices during my stay in each department — and willing to be interviewed — were included in the study. I often obtained a complete coverage of grade 9-16 officials in a particular department.

I sought to interview the provincial Premiers of the four selected provinces and the national ministers of the three selected departments but was refused. But all eight members of the provincial Executive Councils (MECs) who act as ministers of health or education in the four selected provinces did agree to interviews. (Two additional, individual, interviews with MECs in two other provinces were obtained.) Being only ten in number, the MECs' interview material is presented in qualitative, not statistical, terms: they are not part of the 180 officials' data set.

I had also hoped to interview retired officials who could have offered valuable information on the past civil service. However, this was not possible owing to time and other constraints. Therefore, all the officials who were interviewed were currently serving in the various departments in which the study was conducted: DPSA (national level only) (n = 33); Department of Health (seven at national level and 72 at provincial level); and Department of Education (65 at provincial level).

Altogether, 190 interviews were conducted — that is, 180 senior civil servants and ten MECs — spread across four provinces and two national departments. Table 1.1 gives the details. Gauteng and KwaZulu-Natal yielded more respondents because the departments are larger in these provinces, which are the most populous in the country and I was readily granted access to them.

Table 1.1   Breakdown of 190 fieldwork interviews for this study

Respondents Groups

Group a   Senior officials in the <u>national government's</u> Department of
           <u>Public Service and Administration</u>. Number: 33

Group b   Senior officials in the <u>national government's</u> Department of
           <u>Health</u>. Number: 7

Group c   Senior officials in the <u>provincial governments'</u> Departments of
           <u>Health.</u> Numbers: Mpumalanga province   13
                                     North West province   11
                                     Gauteng province   23
                                     Kwa Zulu-Natal province   25
           (Group c sub-total: 72)

Group d   Senior officials in the <u>provincial governments'</u> Department of
           <u>Education</u>. Numbers: Mpumalanga   12
                                      North West   13
                                      Gauteng   21
                                      KwaZulu-Natal   19
           (Group d sub-total: 65)

Group e   Directors-General of three <u>provincial</u> governments.
           Numbers: Mpumalanga   1
                                    KwaZulu-Natal   1
                                    Northern Cape   1
           (Group e sub-total: 3)

                Total of national government senior officials   40
                Total of provincial government senior officials   140
                        TOTAL CIVIL SERVANT RESPONDENTS   180
(Ten provincial 'ministers' (Members of Executive Council) were also
interviewed but not included in this statistical analysis.)

I set aside the ten politicians for non-statistical analysis and commentary.

These MECs' perceptions have been used to verify some of the responses

of the senior civil servants or to offer the contrasts which arise from their

position as the other side of the crucial official-minister relationship. The

responses in the Interview Guides were fully coded and analysed.   I

compiled a commentary based on the responses, which is spread throughout the thesis, topic by topic. I used the Statistical Package for the Social Sciences (SPSS) to analyse the data and drew upon other quantitative material such as official statistics. However, the research also used qualitative data, notably from academic and other published sources.

This study was carried out around South Africa and at the University of Essex between October 1998 and May 2001. The bulk of the work was done while based in Cape Town, although I also spent about one month collecting data in each of the four randomly selected provinces. I spent a brief period in the Northern Cape province, which I chose to pilot the initial Interview Guides. The provinces and national departments in this study were visited in the following order: Mpumalanga, North West, Gauteng, KZN, DPSA and national Department of Health in Pretoria. I considered KZN and the Western Cape to be of particular value to the study. Unlike the three other provinces studied, which are under ANC provincial rule, these two provinces had, since the 1994 general elections, had other parties (IFP and NP, respectively) which are in opposition to the ANC at national level governing them as the provincial majority party. This feature persisted after the 1999 general elections (although the Democratic Party overtook the New NP in the Western Cape, eventually forcing the NNP to allow them into the provincial government as a coalition partner). Very unfortunately, I was not allowed into the Health and Education Departments in the Western Cape. Within my study of the

senior officials, only the KZN province did not have an ANC government. I did interview one MEC in the Western Cape and one in Northern Cape, making ten MECs in all.

This study is an empirical project that is informed by the theoretical assumptions and approaches of several scholars, notably those in comparative executives, public administration and management. I felt that no single perspective or theory could provide answers to the complex issues under investigation. To find possible answers to the questions which the research sought to answer (see Objectives in Chapter 2.1, following next) I surveyed the related literature, notably on comparative executives, and decided to re-visit Max Weber's ideal-type theory of administration. The comparative executive literature was particularly useful because it helped me to place South Africa's latest public sector reforms in an international context. Weber's views on the bureaucracy (and several other studies that sought to either support or criticise his ideas) helped me to understand the ideas of the early writers on career public officials. From the comparative executive literature, this study has drawn from the thesis of Joel Aberbach, *et al.* (1981). They posited that there was a "convergence" to be observed between the roles of the senior civil servants and the elected public officials (ministers) in contemporary advanced democratic political systems.

I have also considered the relevance of the arguments of rational-choice theory, developed largely through the ideas of William Niskanen (1971), to the present research. This approach has been used in the United States to understand "...the relations between bureaucrats and their congressional masters" (Wintrobe, 1997:432). As Wintrobe has stated, the rational-choice approach is concerned (among others) with questions of efficiency and "responsibility of bureaucrats" (p.432), which could in way help explain the current drive to effect changes in the South African civil service. Quite significantly, he wondered how much responsibility individual bureaucrats who worked in "...an organization [that] engages in immoral or criminal activities...bear for the actions of the organization." This argument could be applied to the case of senior officials who worked for the apartheid government.

This chapter has introduced the study and reviewed the South African usage of the terms civil service and public service. In addition, it has emphasised the importance of interviews with senior officials as an empirical source, and has outlined the anxieties and challenges facing these cadres as changes unfold in their service. It introduces the themes of Affirmative Action, personal Performance Management Contracts and potential politicisation within the context of a description of the legal framework regulating the South African civil service. The chapter concludes with an account of the study's research methods.

A plan and calendar of the study is offered below (Appendix 8).

Chapter Two
Objectives and Literature Review

2.1 Justification of the Study

The overall objective and justification of this study is to examine the changes that were introduced in the South African civil service after 1994, drawing on the perspectives of the senior civil servants and provincial ministers (MECs) who were interviewed for the study. As part of this endeavour, I sought to find out whether these civil servants' perspectives were in any way affected by the structure of the departments in which they worked. I have made two guiding assumptions: (i) that the structure or organisation of the civil service was changing because of the post-apartheid political realities and (ii) (in some respects depending on the first) that the perspectives and responsibilities of the senior civil servants were perceived as changing. Thus, the idea was to investigate whether or not these were indeed the case and to assess the implications of such a change on the country's future civil service. Another particular interest of the study was the concept of convergence (Aberbach *et al.*, 1981) within the South African situation. While I chose to examine civil service reforms from the perspectives of the officials themselves, other sources of information were used to verify or assess these perspectives. I also wanted to explore the possible uniqueness of South Africa's public sector reforms.

The following questions guided the research:

1. What are the responsibilities of senior civil servants in South Africa?
2. How do they perceive the current reforms?
3. Are their perspectives on the senior civil service seen to be changing? If so, to what extent? If not, why?
4. How do the perspectives of politicians affect those of the officials?
5. In what organisational structure/s do the senior civil servants operate?
6. Are these structures changing? If so, how? If not, why?
7. How do these structures enable or constrain the civil servants work?
8. What are the implications of a changing (or static) structure for the perspectives of the respondents?

These questions required that I should study the involvement, activities and responsibilities of the senior civil service, especially in the implementation of public policy. To answer these questions I obtained information from various sources, including the interviews with senior civil servants and MECs and scrutiny of legislation and policies on the civil service.

During South Africa's pre-election inter-party negotiations in 1993, a concession was made to the NP by the ANC regarding the civil service: what are now known as the 'sunset clauses' (Deegan, 1999; Sampson, 1999). As Deegan has correctly pointed out, "The idea [conceived by the late South African Communist Party Leader, Joe Slovo] ...was that the sun was setting on the NP and the ANC should accept a power-sharing formula for five years to enable those who supported the former government to make a dignified exit from power" (Deegan, 1999:19). These sunset

clauses were intended to "...safeguard the jobs of white civil servants and allow for a coalition government between Afrikaner Nationalists and the ANC ministers" (Sampson, 1999: 467). As a result, the two parties agreed that the civil service "that supported the NP and implemented its policy of apartheid" (Kotze, in Faure 1996:37) should remain intact, at least until after the second elections to allow the new government to consolidate its power.

The ANC government therefore inherited administrative structures that were often ill prepared for, or less responsive to, the post-apartheid challenges. How has this inheritance related to the current transformation in the civil service? 'Public service transformation' has become a fashionable phrase in South Africa. It refers to the strategies or practices that are intended to introduce fundamental change in the civil service. In other parts of the world terms such as reinvention, modernization, improvement, reform, and re-engineering have been used (Pollitt and Bouckaert, 2000:16,18). The reform of the civil service has also been a topical issue elsewhere in Africa. However, this was brought about primarily through the IMF/World Bank-inspired Structural Adjustment Programmes (SAPs) undertaken by several African countries (Corkery and Land, 1997; Lienert and Modi, 1997).

In South Africa's case, reform means re-organising the civil service from being an instrument formerly used to implement racial laws to one that

facilitates a democratic order in the country. Thus, the significance of this present study is that it was carried out at a time when the civil service was grappling with the nature of such reform in government departments. The study could therefore indirectly help to explain some of the problems affecting post-apartheid reconstruction and development in the country.

I regarded the empowerment (capacity enhancement) of the civil servants as crucial to South Africa's transition to democracy. I was eager to understand the extent to which the civil service, which helped to sustain institutionalised inequalities throughout the apartheid years, could help to eradicate that legacy. This last point does not suggest that the civil service alone sustained the past racial system. On the contrary, it is obvious that this task would not have been accomplished without the involvement of other arms of the state such as the army, police, and intelligence services. Further, I thought that this study could shed light on the challenges of implementing the new government's policies. I also felt that my results could help scholars and other researchers in the fields of civil service reform, public administration and cross-cultural management to gain deeper insight into the South African civil service. They could also contribute to the general comparative study of state executives and their higher cadres, particularly in Africa.

The importance of the study is that it was an in-depth analysis of the perspectives of the senior civil servants about the changes in the civil

service. These issues were explored by taking into consideration the powers and roles of the ministers leading the departments in which the officials were interviewed. A recent study on South Africa suggested that few published studies "focus[ed] primarily on the upper echelons of the civil service, underlining the awesome powers of senior bureaucrats to 'run' their ministers and to shape the policy-making process" (Posel, 1999:100, citing Adam & Giliomee, 1979; Baxter, 1994; and O'Meara, 1979). Of these writers, only Posel (publishing in 1999) could have considered the perspectives of the senior officials in the post-1994 civil service. Obviously, the others focused on the old regime.

Official studies such as the *Presidential Review Commission Report* (1998) and the *Provincial Review Report* (1997) have attempted to examine several issues on the South African civil service. Both reports were initiated and commissioned by the government and raised issues around public sector reform. However, they covered a very wide range of topics on the public service generally; not much attention was specifically devoted to the civil service. Another attempt to address issues on public sector challenges and reform (Van Rooyen, 1999) did not examine the convergence of the politico-administrative roles (Aberbach *et al.*, 1981) and concentrated on a much narrower empirical base than this study.

In my analysis of the perspectives of the senior civil servants I have looked at the possible effect of several variables. These are race, gender,

disability, and the relationships between the officials and the political heads of their departments. Race plays a significant role in the South African situation. Similarly, gender was expected to be important to the study, especially because in the past civil service women were deliberately excluded from top positions. I also had to consider the relevance of the size of the civil service, as part of assessing the possible effect of the structure of government departments on the perspectives of the officials: they are under constant political pressure to reduce their staff. Of particular significance concerning the size of the civil service is the 'ghost worker' problem (see Chapter 5.3, below) and the integration of the 'ex-departments' (homelands). This was particularly in view of one observer's comments that, "Until now, most students of public administration seem to have focused on behaviour and attitudes without relating them explicitly to bureaucratic structure" (Egeberg, 1999: 167).

As I noted in Chapter One, the former self-governing territories, the nominally independent black 'homelands' and the previous white, coloured and Indian administrations were merged to become the new Republic of South Africa. This integration spawned new challenges with which the senior civil service is currently grappling. When I interviewed my respondents (1999-2000) a sizeable proportion of serving civil servants had, irrespective of grade, not been long in the government. The newcomers were anti-apartheid political activists, returned exiles, employees from the private business sector or a range of other

backgrounds, including the universities. It was important to ascertain how all these individuals (especially in the more senior grades) survived inside a structure that they could not change (at least immediately) after the new government came to power. This study could therefore contribute to academic and other debates on public sector reform within the South African civil service and also to the study of dramatic innovation in senior national bureaucratic cadres, as part of the comparative executives academic field.

2.2 A Review of the Related Literature

This section of Chapter Two examines the literature on the senior civil service or, commonly, 'the higher civil service' (Suleiman, 1974:98). The chapter will first outline Max Weber's model and briefly relate it to South Africa's civil service. It will then re-visit the work of Aberbach et al., (1981) on political and administrative elites in selected industrialised countries — particularly their "convergence" model. This model was offered in the 1970s, suggesting that the roles of ministers and senior civil servants were becoming more similar. The chapter will conclude with a summary of other writers' views on comparative executives, in relation to the Aberbach study.

Much of the work in this area is covered under the title 'comparative executives' and usually — though not always — includes political

executives (ministers) (e.g. Aberbach *et al.*, 1981; Aberbach and Rockman, 1977; Eldersveld *et al.*, 1981; Farazmand, 1997; Peters, 1984; and Putnam, 1975a, 1976). Some scholars have studied the senior civil servants alone (e.g. Armstrong, 1973; Dogan, 1975a, 1975b; Heady, 1991; Putnam, 1975b; Rose, 1984; and Suleiman, 1984). Others have focused only on the political executives (Heady, 1974; Norton, 1998; and Tarrow, 1977).

Career executives, as Rosen has argued, should be studied because they "...are usually experts in a particular subject." They "...know the territory, the laws, the interested power centres, and what has worked or failed [in their departments] and why" (Rosen, cited by Page, 1987:234). Rose (1987:216) has used the term "*hautes fonctionnaires*", "administrative class" and "senior executive service" to describe the highest grades of the French, British and American civil services, respectively. Many scholars of comparative executives commonly use the term 'bureaucracy' (as Weber did) to define all civil servants (e.g. Dunleavy, 1991; Etzioni-Halevy, 1983; Peters, 1984; and Suleiman, 1974). However, as Rose (1987:211) has pointed out, this generalisation probably arose from the erroneous "...assumption that all officials conform (or should conform) to a single type, the bureaucrat." He added that being a civil servant is not synonymous with "...being a bureaucrat." Therefore, the term senior civil service or higher civil service is used in this thesis to describe top

government officials in departments and ministries. The terms bureaucrats or bureaucracy will arise only within citations of other authors' works.

The German sociologist, Max Weber (1864-1920) is renowned for his great interest in what he termed the "ideal-type bureaucracy", meaning a unique public administration model. He has been described as "the theorist who made bureaucracy one of his central concerns and whose concept is considered central to the contemporary analysis of bureaucracy..." (Etzioni-Halevy, 1983:27; also, Merton *et al.*, 1952). Weber's conception of the administrative order of the state rested upon his well-known ideas on power, domination and authority. He outlined three types of authority (traditional, charismatic and legal-rational) which he believed all served as the basis for legitimating the authority of a leader, ruler or polity.

Needless to add, one or more of these three forms of authority is often the characteristic feature of many polities. South Africa, for instance, was ruled after 1994 by a charismatic leader who not only had legal training but also strong traditional ties. However, the government has hardly used charismatic influence to re-mould the civil service. The legal-rational aspects of power and authority are more likely than the other two to influence this aspect of the new state. Nevertheless, one cannot rule out completely the influence of traditional forms of authority and Nelson Mandela's personal charisma on the country's administrative arm. The

major difficulty would be to determine exactly how much influence charismatic authority exerts within the civil service, especially on the higher ranks. At the time of writing, the government was examining ways of accommodating traditional forms of authority by incorporating the traditional leaders into mainstream political processes in the country. These traditional leaders — hereditary ethnic chiefs, including the Zulu King — are found mostly in the provinces that were merged with the former black homelands, such as KwaZulu-Natal, the Eastern Cape and the Northern province. If plans to integrate traditional leaders into the political system succeed, the senior civil servants in these provinces will have to be able to work with these traditional leaders.

Gerth and Mills have outlined the following "major features of the Weberian bureaucracy":

i.   A well-defined sphere of competence (clearly marked duties) and offices;

ii. A hierarchy of offices – each office is supervised by, and is the responsibility of, a higher one;

iii. Authority is restricted to official duties (complete separation of official activity from private life);

iv. Officials hold office by appointment, not election (contractual relationships);

v.   Selection is based on objective qualifications – acquired through training, established examinations or diplomas;

vi. Career: protection from arbitrary dismissal, permanent job. Promotion is by seniority, achievement, or both;

vii. Officials are entirely separated from the means of administration, hence they cannot appropriate their positions;

viii. Rules: general, consistent, abstract [rules] regulate [staff] activities;

ix. Impersonality: official duties are conducted without hatred but also without affection;

x. Bureaucracy frequently has a non-bureaucratic head. Bureaucrats follow rules, he sets them. Such a person inherits position, appropriates it or is elected to it (Gerth and Mills, 1958:196-198).

These Weberian characterisations of ideal bureaucracy are important to our understanding of both the administrative and political elites. Weber regarded his model as an ideal-type, or "a theoretical construct, combining several features of a phenomenon in their purest and most extreme form" (Etzioni-Halevy, 1983:29). Inevitably, therefore, the features of this model will be compared to modern governmental structures. Many points in Weber's model might be applied to South Africa's current civil service, though with slight alterations as will be explained below (the South African senior civil service will be analysed in Chapter Three). This is not surprising because Weber himself stressed that, "this type of organization is in principle applicable with equal facility to a variety of different fields" (Weber, in Merton *et al.*, 1952:22). However, his model could have changed over the years, or at least its features could have become slightly modified, especially if it were to be examined in relation to specific (country) cases.

Point (v) in Gerth and Mills' list describes typical merit-based selection criteria for civil servants. As in Weber's model, recruitment and selection in the South African civil service are supposed to be based on objective qualifications and training, but the standards are undoubtedly not yet as rigorous as in the West, notably the British and French systems. In the UK, such standards are supposed to be encouraged and maintained through the country's tradition of a Civil Service Commission, with its emphasis on rigorous standards for employing civil servants (Civil Service College, 1999/2000). (Increasingly, devolution to Scotland and Wales, plus departmentalised recruitment and pay scales are now weakening this tradition in the UK — or, at least, altering it.) In France, the same standards are, arguably, well-established through France's world-renowned tradition of the ÉNA (*École National d'Administration*), which trains the highest cadres of civil servants for the Francophone countries — although practice within such a tiny elite may not have much wider relevance.

However, in the case of South Africa, the country's Management Development Institute (SAMDI) has just begun to perform similar training functions. At the time of writing, this institution — which was originally outside government — has only recently been integrated into the DPSA. Most certainly, SAMDI will benefit from Britain's £3 million assistance package which was pledged in April 2000 to support South Africa's public service transformation (DPSA, 2000). SAMDI's main task will be the

delivery of training and is likely to play an influential role in the human resource matters of the public service. It is doubtful whether, at present, the (Weberian) merit principle applies fully to South Africa's civil service — especially in view of the new government's policy on Affirmative Action (AA) appointments to redress the apartheid legacy. The issue of AA appointments and how they shape the new civil service will be examined further in Chapter Four.

Closely related to the issue of merit in the South African civil service is the role of partisan political loyalties in the appointment of (especially) senior civil servants. It has been stated that "...many modern bureaucracies have practised appointment and promotion by partisan-political loyalties rather than by qualifications and allocation of benefits by partisan criteria rather than by formal generalised rules" (Etzioni-Halevy, 1983:37). This point referred to the United States and some states in Europe. However, it also applies to the civil services in Africa and elsewhere, particularly after independence (Subramaniam, 1977:297). An attempt will be made in the present study to examine how such practices — particularly the politicisation of the civil service as discussed in Chapter Five — affect the South African civil service.

As point (x) in the Gerth and Mills list shows, elected persons are usually heads of ministries and departments; but it would be over-stretching the point to argue, as Weber's model implies, that such politicians entirely set

the rules which bureaucrats follow blindly, with no say in their formulation. This in fact resuscitates controversies surrounding the alleged separation between politics and administration (the politics-administration dichotomy model) which will be discussed towards the end of this chapter. Weber's model gave birth later to what became known as the classical models (Nakamura and Smallwood, 1980:8), which were developed by later scholars.

Weber's elaborate model of the ideal administrative structure has been criticised from many angles. As Page (in Etzioni-Halevy, 1983:35) has pointed out, Weber ignored "bureaucracy's other face", meaning the "...informal relations, informal norms and values, and informal power hierarchy and informal power struggles — all of which have no place in Weber's model." Similarly, "...it has been commented that his ideal type is far from being ideal as a conceptual tool, for it has led Weber to a lopsided view of bureaucracy. Of the many discrepant and contradictory features of bureaucracy Weber has highlighted one side only, that which fits in with his ideal type" (Etzioni-Halevy, 1983:35).

Another critic — Sir Henry Bland, writing on the Australian experience — has further criticised Weber for overlooking empire-building. He was referring to "...a practice whereby bureaucrats and bureaucratic agencies not only infringe on each other's spheres of competence, but indeed attempt to swallow up each other's domains, in their unceasing struggle

for power" (Bland, cited in Etzioni-Halevy, 1983:36). Other observers have criticised what could possibly be described as the rigidity of Weber's model. For, as has been stated, "Among his best-known generalizations is that which holds that the bureaucratic machine will ordinarily continue to operate essentially unchanged even in the face of revolutionary changes in society" (Merton *et al.*, 1952:18). Weber did not put much weight on the impact that significant changes in society — such as the coming to power, even of a revolutionary new government — could have on the principal established operations of the public bureaucracy. In the context of this present study of South Africa, this last comment is important because it implies that — if Weber's perception was correct — much of the apartheid era's civil service operations would have continued as before in spite of the 1994 change of government. His perception was quite consistent with his emphasis on the "overtowering" or pervasive role of the officials in society (Weber, cited in Farazmand, 1997:xi).

Some analysts have noted the "excessively ethnocentric" nature of Weber's model (Peters, in Bekke *et al.*, 1996:29); and the sharp distinction he drew between what he termed the "political master" and the "expert or trained official" (Gerth and Mills, 1958:235). Nevertheless, Weber's concern about analysing the "typical or ideal official" and the "typical political leader" (Bendix, 1960:440-441) should be seen as one of the earliest attempts at examining the link between political and administrative elites. To this extent, his model has been described as the

"intellectual gold standard against which real-world bureaucracies have been most often compared" (Peters, in Bekke *et al.*, 1996:29-30).

Perhaps a major characteristic of Weber's model — important to my present research — is that he did not specifically study the senior civil service as a separate entity. Neither did he specifically study the other diverse sectors of his overall ideal bureaucracy model. This task was left to his critics, some of whom became interested in his model (e.g. Aberbach *et al.*, 1981). Like many of his successors, as already stated, he used the term bureaucracy to lump together all public and private sector organisations, thus blurring the distinction between diverse forms of governmental and private structures. It has been stated in Weber's defence that his ideal type model referred only to the "purest and most extreme form" of administrative apparatus that does not exist in practice. Accordingly, "Weber never claimed that all modern organizations, or even all administrators, display all the aforementioned features. He merely claimed that there is a general tendency in this direction and that the closer an organization comes to displaying these features, the more rational and effective it is likely to be" (Etzioni-Halevy, 1983:29).

Despite these criticisms, Max Weber's contribution to the study of politics and (especially) administration has left an indelible mark on many areas of the social sciences. Thus, some have stated that "Notwithstanding its limitations, [Weber's theory] is and can still be used as a general

framework for global and historical comparisons" (Raadschelders and Rutgers, in *Bekke et al.*, 1996:70; also Peters, in Bekke *et al.*, 1996:30).

Therefore, it is not surprising that modern scholars continue to grapple with and criticise Weber's model (see Peters, 1996; Raadschelders and Rutgers, 1996; and Warwick, 1975). Contemporary politics, Max Weber had claimed, "...was being shaped...by the emergence of modern bureaucracy — most especially the growing state apparatus, increasingly led by technically trained, professional career administrators" (Aberbach *et al.*, 1981:1). Such claims have also encouraged scholars to conduct further research on the connection between the political and administrative elites. The ideas of Aberbach and his colleagues on these issues will be analysed next. Such ideas not only help us to understand classical Weberian bureaucracy (Barberis, 1998:455), but also to probe the connection between modern politicians and senior civil servants.

Joel Aberbach, Robert Putnam and Bert Rockman's (1981) study on comparative executives was one of the best scholarly attempts to define the roles of public policy-makers in Western Europe and North America. This study was conducted between 1970 and 1974 although it was seven years later (1981) that its findings were published. This classic work (henceforth, 'the Aberbach study'), entitled *Bureaucrats and Politicians in Western Democracies*, was an extensive comparison of two powerful elites: the senior civil servants and politicians. As an informed analysis of

politicians and civil servants in Europe and America (even though more than a quarter of a century has elapsed since it was concluded) this pioneering work is obviously of great relevance to this present study of South Africa. The main reason for analysing the Aberbach study is that not only did it cover the previous literature on comparative executives, but it also stimulated several related studies on the topic. The study could be an indispensable link to our understanding of the relationship between political and administrative office bearers, especially because it also recorded change in the character and power of civil servants from as early as 1870 (Aberbach *et al.*, 1981:2).

The Aberbach study covered, in all, seven Western countries: Sweden, Britain, France, Germany, the United States, Italy and the Netherlands. In this intensive exercise documenting the relationships between the two groups, about 900 higher civil servants and over 500 politicians serving as political executives (ministers) were interviewed (Aberbach *et al.*, 1981:26). In addition, they interviewed more than 150 younger administrators whom they called "high-fliers" — promising young civil servants in five of the countries in their study (not Sweden or the United States), (Aberbach *et al.*, 1981:269-270n). The study was also an attempt to understand how the aims, attitudes and ambitions of these individuals differed in different cultural settings.

In its detailed analysis and comparison of political executives and senior civil servants, the Aberbach study focused on certain features of its respondents, notably their biographies and careers. This also included their family backgrounds and social origins, age and tenure in government, gender composition and the interviewees' own perceptions on what they understood to be the proper roles of senior civil servants (Aberbach *et al*, 1981:241-242). The researchers also studied the roles of these actors in relation to technical matters and partisan political issues in their respective spheres of operation. As these writers emphasised, both political executives and senior civil servants engaged in politics — broadly defined — though with a different approach. They summarised this, saying that the elected politicians, "are rather polarized ideologically, hold strong and coherent views about the proper role of the state in social reform...The civil servants are no less consistent ideologically, but their consistency is centrist, seeing a certain inevitability about the existing direction of policy" (1981:242).

The perceptions of both ministerial politicians and senior civil servants about the principles of equality and liberty were also considered by the Aberbach study to be important. It assumed that such perceptions largely influenced the behaviour of politicians and senior civil servants in the policy-making process (Aberbach *et al.*, 1981:242). Senior civil servants and politicians, the study observed, "[were] fundamentally sympathetic to the principles of liberty and equality that comprise the ideal of

representative democracy." Unlike the politicians, senior civil servants were thought to be more sceptical "...that the ideal of political equality should be pushed very far." While the politicians were critical of the status quo and generally inclined to make proposals for political reform, senior civil servants appeared to be more cautious about political reform and were more likely to be content with the status quo (Aberbach *et al.*, 1981:242-243).

Overall, the politicians and senior civil servants in the Aberbach study were seen as "energizers" and "equilibrators", respectively. Energizer politicians had pro-reform inclinations and attitudes towards policy-making whereas equilibrator civil servants emphasised the maintenance of the status quo (Aberbach *et al.*, 1981:242-243). These assumptions could still be relevant today, but a reverse phenomenon could be described in the case of some developed countries — notably Britain. For instance, the politicians in both the Thatcher-Major period and the Blair government since 1997 could be described as energizers because of the many reforms that they have introduced into the UK civil service.

As is often the case with comparative studies, the danger of over-generalization always lurks in the background. However, Aberbach and his colleagues made serious attempts to avoid this peril. For instance, they constantly cautioned their readers about the exceptional nature of the American political system (Aberbach *et al.*, 1981:243). The United States

political system was an exception because "...the worlds of the two elites overlap[ped] much more [in that country] than in Europe" (Aberbach *et al.*, 1981:243). However, even with reference to Western Europe, these researchers made many attempts to indicate the peculiarities of the different country case studies. This was done particularly in the cases of Sweden, France and — to a certain extent — the then West Germany, whose senior civil servants often included political appointees.

In its search for a formula to describe the interaction the politicians and senior civil servants, the Aberbach study outlined four basic models (or 'images') in an attempt to summarise this relationship. Table 2.1 depicts their ideas on the evolving roles of Western politicians and senior civil servants.

As can be seen from Table 2.1, politicians and civil servants share certain roles and responsibilities whilst engaging in operations that are quite distinct, depending on the assumptions of each image or model. Image I is, quite clearly, the classical Weberian and Wilsonian model that posits the separation of politics from administration. The classical models of administration in the 1920s and 1930s centred around three concepts: organisational hierarchy (Weber) the separation of politics and administration (Wilson) and the efficiency ideas of Frederick W. Taylor (Nakamura and Smallwood, 1980:8). Woodrow Wilson, an American political scholar (later, US President) had published in 1887 an influential

Table 2.1   Bureaucrats and politicians: evolving roles

	Image I	Image II	Image III	Image IV
Implementing policy	B	B	B	B
Formulating policy	P	S	S	S
Brokering interests	P	P	S	S
Articulating ideals	P	P	P	S

B = Bureaucrats' responsibility; P = Politicians' responsibility
S = Shared responsibility
(Source: Aberbach *et al.*, 1981:239).

paper whose main assertion was that the separation of politics and administration was not only feasible but necessary. Taylor could have attempted to develop these ideas when he hypothesised that 'man' (employees) could be made as efficient as a machine. "The key contribution that Wilson made to 'classical' [administrative] theory was a belief that administration [was a]...non-political activity [that] could be carried out on the basis of objective principles of scientific rationality" (Nakamura and Smallwood, 1980:16). Such ideas were later developed and challenged by later scholars. As the Aberbach study (p.5) aptly put it, the Weberian-Wilsonian model "...of the division of labour between politicians and bureaucrats exalts the glittering authority of the former and cloaks the role of the latter in gray robes of anonymous neutrality."

Thus, it could be said that Image I might have initially provided a useful — though limited — description of the formal interaction between the two sets of policy-makers in the countries covered by the Aberbach study. Beyond this, however, the model cannot fully explain the behaviour of modern political and administrative executives. Aberbach et al., (1981:6) have said that "Image I assumes a degree of hierarchy of authority, of simplicity of decision and of effective political supremacy that now seems unrealistic to students of modern government." They have added that while it could still be regarded as a useful description of the situation at the lower levels of government operations, this model is only a limited

explanation of what happens at the more senior levels between politicians and civil servants.

Image II assumes that politicians and civil servants both participate in policy-making "... but that they make distinctive contributions. Civil servants bring facts and knowledge; politicians, interests and values." Thus, politicians are said to add political sensitivity while civil servants contribute neutral expertise to the political process in this model that makes for a distinction between "political rationality" and "administrative rationality" (Aberbach *et al.,* 1981:6-7). Notably, these writers have said that Image II found some resonance in their empirical evidence. However, they also showed that this model has certain limitations, adding that critics have seriously questioned its accuracy (Aberbach *et al.,* 1981: 8). One such critic has said that "...the increasing educational standards and professionalization of politicians reduces the plausibility of Image II's suggestion that bureaucrats monopolize expertise" (Putnam, 1976:205-207, cited in Aberbach *et al.*, 1981:8).

Image III posits that "...*both* bureaucrats and politicians engage in policymaking and *both* are concerned with politics. The real distinction between them is this: whereas politicians articulate broad, diffuse interests of unorganized individuals, bureaucrats mediate narrow, focused interests of organized clienteles" (Aberbach *et al.,* 1981:9, emphasis in original). Image III — more like the previous models — essentially

describes the relationship between politicians and civil servants as a dichotomy. According to Rose (1974) the main limitation of this model is that it fails to explain the fact that "In practice, policy-making usually develops dialectically; both politicians and civil servants review political and administrative implications of a major policy" (Rose, cited in Aberbach *et al.,* 1981:10). Another criticism of Image III is that it largely ignores unorganised political and other interests (Aberbach *et al.,* 1981:10). Thus the Aberbach study looked for another (hopefully more reliable) model, 'Image IV', to define the association between politicians and senior civil servants.

According to the Aberbach study (p.16) the fourth model is "the pure hybrid", and is distinct from the other three images. Unlike Image IV, all the previous three models "...suggest[ed] a progressively greater degree of overlap between the roles of bureaucrat and politician...[and] the intellectual origins of the three conceptions [were] progressively more recent." They added that Image I basically related to the second half of the nineteenth century in which the relationship between politicians and senior civil servants was characterised by a clear Weberian distinction between the two actors. Image II has been dated to the first half of the twentieth century, a period in which "...a certain policy-making role for civil servants' was envisaged in the government process. Image III, '...which concede[d] to bureaucrats a rather more 'political' role, ha[d]

been extracted from writings of the last several decades" (Aberbach *et al.*, 1981:16) — that is, the mid twentieth century.

The Aberbach study's Image IV marked a significant departure from their previous models. The writers cautiously stated that there was a progression from the previous models to Image IV, adding that:

> Assuming a rough, if lagged, correspondence between government realities and scholarly interpretations, this progression is at least consistent with the notion that in behavioural terms the two roles [of politicians and bureaucrats] have been converging — perhaps reflecting, as some have argued, a 'politicization' of the bureaucracy and a 'bureaucratization' of the politics (Aberbach *et al.*, 1981:16).

Taking this notion of convergence into consideration, Image IV was the central model of the Aberbach study. Thus, this model could be regarded as the starting point from which further studies on this topic would be examined. This model was quite significant considering that many studies were, around the time of the Aberbach study, still preoccupied with the politics-administration dichotomy debate. They added, notably, that "...ever since the appearance of cabinets responsible to parliaments (or presidents), ministers have occupied a Janus-like role at the top of departments, facing simultaneously inward as administrators and outward as political leaders, though perhaps giving special attention to one or the other facet of their complex role. But the trend that we are here

addressing extends well beyond the long-established dualistic position of the minister" (Aberbach *et al.*, 1981:16-17).

Their other findings were that "...Western civil services have become increasingly specialised, highly profesionalized, and unquestionably powerful — a cadre of experts in the running of the modern state" (Aberbach *et al.*, 1982:3). Certainly, issues of specialisation, professionalism and power — as highlighted in the Aberbach study — arose in my interviews in South Africa. In addition, Aberbach *et al.*, carefully outlined the distinctions between what they called the 'superbureaucrats' and traditional civil servants (Aberbach *et al.*, 1981:18, citing Campbell and Szablowski, 1979). The 'superbureaucrats,' differed from the traditional civil servants:

> ...in the broader, more flexible authority they enjoy[ed]; in their greater social representativeness and substantive innovativeness; and in their recognition of the legitimacy of politics — not merely in the sense of responsiveness to clientele interests, but in the broader sense that Image III ascribe[d] to politicians alone (Aberbach *et al.*, 1981:18).

The last statement refers specifically to Canada (Campbell and Szablowskis 1979 study), which was not covered by the Aberbach study although it could have been similar to other cases that were analysed by the Aberbach study's collaborators. Aberbach and his colleagues suggested that their convergence hypothesis might mark the demise of what they called the "Weberian epoch of modern government." As

indicated at the beginning of this chapter, the Aberbach study assumed that the roles of the politicians and the top officials were gradually merging, suggesting greater sharing of responsibilities. This is suggested particularly by their comment that, "if circumstances perhaps have led bureaucrats in the industrial democracies to become more sensitized to political concerns, they also may have moved political leaders to become increasingly familiar with administrative and technical aspects of policy problems" (Aberbach *et al.*, 1981:85). Nevertheless, they cautioned that "...pure hybrids are still relatively rare in most countries, and are typically found in novel niches such as cabinet offices, ministerial *cabinets*, and legislative staffs..." (Aberbach *et al.*, 1981:20). In spite of this caution, however, the outlooks of politicians and civil servants may well have since developed further, given the considerable period of time that has elapsed since their study was conducted.

Aberbach and his colleagues made thought-provoking comments about the situation of the developing countries, arguing that:

> ...Although most countries in the Third World today have organizations labelled 'legislatures,' 'parties' and 'bureaucracies', in few of these systems is power actually divided between elected politicians and career administrators' (Aberbach *et al.*, 1981:3).

The present study has sought to assess South Africa's situation in the light of these comments, particularly the extent to which such division of power

affects the structure of the civil service and the perspectives of the top officials within it. Perhaps it might be too early to say whether the above-stated comments apply in the South African case, given the unfolding transition to democracy in the country.

The Aberbach study's 'most striking and unexpected findings' were "...that civil servants, more than parliamentary politicians, [were] interest brokers in the national politics [of the countries they studied]" (p.91). This, however, is not immediately apparent when the models presented in Table 2.1 are closely examined. According to those models, politicians were presented as the sole interest brokers only in Image I and Image II, whereas they shared this responsibility with bureaucrats in Image III and Image IV. Nevertheless, how far this applies to South Africa — and which model could be said to depict closely the reality of the situation in this country — will be a consideration below, as part of the analysis of this present study's data, for example in Chapters Six and Seven.

The Aberbach study reached two main conclusions concerning the nature of the relationships between politicians and senior civil servants. These were that "...politicians articulate society's dreams, and bureaucrats help bring them gingerly to earth" (Aberbach et al., 1981:262). This seemingly conciliatory summary of their views essentially emphasized that politicians are best at policy advocacy whereas senior civil servants work best on implementation. These comments clearly suggested the existence of

amicable interaction between the two sets of actors, but whether such interaction differed significantly from that of Aberbach *et al.*'s first three models was not specified.

They further said, referring to the classical (Weberian/Wilsonian) models, that "the earliest theory about the relationship between politicians and bureaucrats was in many ways the simplest: politicians make policy; civil servants administer. Politicians make decisions; bureaucrats merely implement them" (Aberbach *et al.*, 1981:4). This was a simple re-statement of the politics-administration dichotomy whose application is practically quite complicated, as discussed below. However, Aberbach *et al.*, (1981:93) rejected this earliest model which they presented as Image I (Table 2.1).

Their conclusion could be seen as an attempt to resuscitate the old 'politics-administration' controversy surrounding this model. This model was an attempt to address what was then perceived as the problematic and often antagonistic relationships between politicians and senior administrators. The idea was initiated mostly by earlier American scholars, among others, Luther Gulick and Lyndall Urwick, Woodrow Wilson and Frank Goodnow (Aberbach *et al.*, 1981:85). These and other scholars had argued that there was a need to separate what was then perceived as the world of politics from the world of administration. However, these classical ideas have since been challenged and subsequently prompted lengthy

debates and further research on the relationships between political and administrative executives (see Peters, 1984; Farazmand, 1997 and Williams, 1988). The model mapped out the operational terrain for both the politicians and their subordinates — the non-political (non-elected) administrative heads of departments and ministries. As was highlighted above, the model suggested that the politicians and the senior civil servants operated in neatly and clearly defined policy environments, which is not the case.

A recent study (Raadschelders and Rutgers, in Bekke et al., 1996:66-69) re-visited the politics-administration dichotomy model. The writers have argued that this model, "provided another basis upon which a modern civil service could develop" (Raadschelders and Rutgers, citing Chester, 1981:315; Hattenhauer, 1989:151; Nelson, 1982:113; and Parris, 1969:33). These writers have suggested that the convergence notion (of Aberbach, et al.) is not a new concept. They have said that, "up to the end of the eighteenth century it was common for higher functionaries to perform both administrative and political tasks...the concepts of government and administration [as we know them today] were not yet distinct. Notions regarding the division of power were very influential in this respect. Once the fields of administration and politics had been demarcated, a modern civil service could develop" (Raadschelders and Rutgers, in Bekke et al., 1996:89). This, however, does not seem to invalidate the modern convergence thesis itself.

The idea that politics can be separated from administration is unrealistic because, as Peters has stated, "...what appears administrative may actually be political, and that those who make administrative decisions do so for political reasons. The politics involved are the protection and promotion of organized interests rather than the promotion of one political party over another, but they are politics nevertheless" (Peters, 1984:4, citing Allison, 1972). Dunsire (1993:257) further alluded to this point. Thus it could be said that the politics-administration dichotomy model was perhaps relevant in the past as a conceptual tool of analysis but that the model is less helpful today for explaining the operational environment of politicians and top civil servants.

The Aberbach study covered many important variables that will continue to be relevant to writers on the subject of politicians and senior civil servants. Overall, its findings could be generalised to many other Western countries, in spite of the national idiosyncrasies which the study so ably documented. The four images outlined are, largely, helpful conceptual tools for analysing the behaviour between politicians and administrative elites. In particular, the assumptions of their Image IV are quite remarkable because they suggest a possible shift from the traditional behaviour and thinking patterns of the two groups of policy-makers towards those characterised greatly by convergence.

The contribution of the Aberbach study to our understanding of the relationship between the higher civil service and politicians was most important. They made a serious attempt to present a balanced analysis on a topic that could be as complicated as the working environment of the public officials they studied. Throughout their book, they constantly cautioned the reader against overlooking what they have called the 'American aberration', meaning the peculiar features of that country's political system (Aberbach *et al.*, 1981:94). This emphasis, however, could have had an even greater effect had the writers done likewise on the French case which was highlighted less than the American, Swedish and German examples although France also has its peculiarities (Suleiman, 1974). Nevertheless, and more remarkably, these authors made attempts to explain the possible role of ideology in influencing the behaviour and perspectives of their respondents (Aberbach *et al.*, 1981:168). Therefore, their findings were crucial as they help researchers to make reasonable assumptions about the nature of the higher civil services and politicians even in those countries not covered by this detailed study (including other west European countries).

However, the study has certain limitations that call for further research on the issue of the senior civil service in government machineries. Its major limitation, particularly in the context of the present research, is that the study covered developed countries only. Therefore, not all its generalisations and findings may be applicable to developing countries

such as South Africa. In their sole reference to the 'Third World', Aberbach and his colleagues added that, "In fact, institutionalization of mass-based parties and of professionally staffed bureaucracies is widely taken to be the hallmark of a modern political system" (1981:3). This could be true only insofar as it does not suggest that such political parties and bureaucracies exist in the developed countries alone. Also, it is less surprising that the study found an overlap in the environment in which the political and administrative élites operate, although this was said to be much more visible in the United States than in Europe.

My own uncertainty over the practical manifestation of their model is strengthened by the question mark between their last two 'images' (Table 2.1) and by their concluding remarks that, "it is clear that no single formula has yet been discovered for ensuring a creative dialogue between politicians and bureaucrats, nor are we as yet certain how such a dialogue would affect policy performance" (Aberbach *et al.*, 1981:262). While they denied that the politicisation of the higher civil service necessarily reduces its expertise, they equally expressed concern on what they saw as the long-term effects of "...greater reliance on political credentials for administrative appointments..." (Aberbach *et al.*, 1981:260-261). To this extent, it could be surmised that further and more extensive research in both developed and developing countries needs to be conducted before the validity of the Aberbach study's convergence model could be accepted as broadly applicable.

Other scholars have also attempted to analyse the relationship between politicians and top administrative officials, notably Ezra Suleiman on the French case. He stated that there were two common views on the role of the civil service in different political systems at the time of conducting his research (Suleiman, 1974:3-4). These were that the civil service was totally subordinate to the political institutions (major examples being the UK and the US) or that it was all-powerful, for instance in France or other continental European countries. These issues are not the focus of this present study on South Africa, but in future it will be interesting to assess these two perspectives in relation to South Africa's civil service. Suleiman's work, unlike the Aberbach study, focused on "civil servants who occupy the highest posts in the politico-administrative system, thus excluding other high civil servants lower in the hierarchy..." (Suleiman, 1974:7).

However, unlike the Aberbach study, Suleiman's project was not an intensive one. In what I feel could assist in analysing the South African case, Suleiman's study found that "The changing roles and role perceptions of the higher civil servants...suggest that there is a considerable degree of functional autonomy which influences behaviour" (Suleiman, 1974:235). In the South African context, as in many countries, such functional autonomy has been underpinned by and subject to constitutional and other legal provisions regulating the behaviour of the civil service. Suleiman's main contribution is on what he called the "role

perceptions" of civil servants, referring to the officials' own explanation of their roles. This term is useful as it stresses the importance of obtaining data about the roles and structure of the senior civil service from the high officials themselves. He cited two factors, education and training, which appeared to be particularly remarkable in the French civil service. These factors are also important to this thesis but have only been cited here in an attempt to explain the perspectives of the senior civil servants on the current changes in South Africa: might they feel that their education and training are now less valued when appointments and promotions are made?

Farazmand reviewed the work of several scholars in public administration and classified it into three categories that he believed could explain the relationship between politicians and administrators (Farazmand, 1997:xi). First was the classical Weberian approach with its stress on the politics-administration dichotomy. Second was the "dualist and integrationist" approach that recognised that "The relationship between bureaucrats and politicians is mixed and interactive" (Farazmand, 1997:xi). This approach further assumed that "public administration theory is political theory also," emphasising the need to promote the utility of administrative officials and to reconcile them with democracy. This approach rejected both the politics-administration dichotomy and the fear of the senior civil service stimulated by Weber's model. Instead, the focus was on the positive and

professional role of the non-elected officials (Farazmand, 1997:xii, citing Heclo, 1977; Levine, 1985; Long, 1949, 1952; and Waldo, 1981,1986).

The third approach that he identified was "developing and gaining increased attention": it accorded the high-level administrative officials some autonomy in relation to politicians. It emphasised the constitutional empowerment of the career administrators as 'actors in the governing process' (Farazmand, 1997:xii, citing Wamsley, *et al.* 1987:43, 1992). Accordingly, this would "promote broad general public interests and prevent politicians' potential abuses of power and privilege..." (Farazmand, 1997:xii, citing Friedrich, 1940; Goodsell, 1994; and Rohr, 1986).

Peters (1997) has also contributed to this debate,offering five models that are very similar to Aberbach *et al.*'s (1981) Images. He has argued that the relationship between politicians and higher officials is a continuum. On the extreme ends of this continuum are (i) the Weberian/Wilsonian model and (ii) what Peters called the "administrative state" (Peters, 1997:235-236). Between these two extremes are the other three: the "adversarial", "village life" and "functional village life" models. His adversarial model assumes a substantial separation between the two sets of decision-makers. The village life model posits that the politicians and senior civil servants should not be seen as being in conflict with each other; rather, they should be seen as "two components of a single group serving the

state and the public." The functional village life model "...assumes the same integration but only within specific functional areas of government" (Peters, 1997:230). On the other hand, his administrative state model visualised the senior civil service as "a dominant partner" in a dichotomous relationship between the two sets of public actors. However, like Weber, he also saw these models as ideal types (Peters, citing Giddens, 1971). His contribution to the debate on political administrative elites is that he examined the applicability of each of his models to both parliamentary and presidential systems of government. This was in an attempt to find out how the form of government affects the link between these two sets of public officials (Peters, 1997:236).

Another study, by Dogan (1975a) concerned the political role of very senior Western civil servants. He likened them to the mandarins of Imperial China whom he said were "hybrid" personalities as they performed "half-political" and "half-administrative" tasks (Dogan, 1975a: 41). Dogan stated that "...the highest level in the central public administration [is] a level where the separation between politics and administration becomes artificial or, better said, where political power and administrative action merge" (Dogan, 1975a: 1, citing LaPalombara, 1963:14). The senior civil service, he added, "...will always be deeply involved in the political process. Indeed, it is impossible even in the most statutorily differentiated political system to conceive of a complete separation of functions" (Dogan, 1975a:41). He concluded, like Aberbach

et al. (1981), that "These two functions — the political and the administrative — are merging at the top of the hierarchies in nearly every Western European country" (Dogan, 1975a:5). He attributed this to two main explanations: the increasing scope of the modern state and the decline of legislatures.

Christoph's study of the British case focused on "...the tiny group known until 1971 as the Administrative Class, the highest echelon of the [civil] service whose members [were] principally involved in making and implementing policy and dealing directly with political officials (ministers, junior ministers, parliamentary secretaries)." At that time, this administrative class "numbered about 2,800 in 1968, or less than one-half percent of all the civil servants" (Christoph, 1972: 27). He noted that the British senior civil servants were gradually becoming sensitised to the political environment. The senior civil servants, he added, were becoming involved in various processes the scope of which were:

> ...bound to sensitize civil servants to the political world in which they are imbedded. While they adhere as strongly as ever to the view that their roles must be politically neutral and non-partisan, in the sense of their serving ministers of whatever political stripe, higher civil servants are beginning to cast off the myth that what they do stands apart from politics, that their job is simply that of administering policies elsewhere or of tidying up in the name of practical realism, the loose formulations of politicians (Christoph, 1972: 30).

Such observations clearly support the Aberbach study's convergence notion as earlier stated. Referring to Putnam's (1975) study on the political attitudes of senior civil servants in Western Europe, Christoph has added that "...in Britain the performance of a finite number of political roles by bureaucrats is generally accepted as legitimate by the political elites and wider public" (Christoph, 1972: 45). However, like Dogan (1975b), he has concluded that "...what British civil servants do falls short of being 'total politics', just as it does of being 'total administration'" (Christoph, 1972: 51).

This chapter has attempted to analyse the leading item in the literature on comparative executives — the Aberbach study — in its context of earlier studies (notably Weber's). The views of other authors have been used to assess the Aberbach study's main idea, which suggests that the roles of the contemporary political and administrative elites are converging. As was stated at the beginning of this chapter, Aberbach et al.'s (1981) detailed study on the elites in selected industrialised countries may be regarded as a fundamental contribution to this field of study. Some of their ideas, notably their convergence thesis, have been re-visited with the aim of understanding the relationship between the politicians and the senior civil servants.

It has emerged from the literature on political and administrative officials that this area is contentious among scholars because they have often

differed on how best to study and understand the relationship between these two sets of policy makers. Some scholars have studied the senior civil servants alone whereas others have focused solely on the politicians; still others analysed the two sets of public actors jointly. This present study on South Africa attempts the joint approach, although with much greater emphasis on senior civil servants emerging as its practical outcome because they formed nearly all of the 190 interview subjects.

Perhaps we may conclude, with Yves Mény, that there is an "osmosis between the administrative and political sectors" (Mény, 1993:323). He stated that the "...political and bureaucratic elites belong more or less to the same world. There is more than one way of interpreting confusion between the political and administrative sectors" (Mény, 1993:322). Similarly, and following Dunsire, it may be added that the roles and responsibilities of the senior civil service are quite likely to be "...greatly influenced by the perceptions of the senior civil service themselves of how these roles ought to be" (Dunsire, 1993:274-5). This, of course, does not overlook the effect that politicians have on the perspectives of the senior civil servants.

In conclusion, this chapter has outlined a justification of this study, touching on the officials' perspectives on current changes and the possible influence of their roles and responsibilities within departmental structures on these perspectives. It has also reviewed recent South African civil

service reform issues, notably 'representivity' and the integration of the "ex-departments" (notably the former black homelands). A review of the related academic literature followed. Some of the issues that have been highlighted in this chapter — such as the relevance of Weber's model, and Aberbach *et al.*'s (1981) convergence concept — serve as the groundwork for the next chapter on the civil service in South Africa.

Chapter Three

The South African Senior Civil Service: Structure, Roles and Perpectives Before and Since 1994

3.1 An Overview of the Apartheid Era Civil Service

This chapter attempts to examine the past and current civil services of South Africa. It will be argued in the first section that the apartheid-era civil service was a crucial element, indeed the main player, in the implementation of the many racial laws that were applied during this period. I shall evaluate the relationships between the senior civil servants and the politicians at that time — focusing on how the politicians influenced the perspectives and operations of the civil servants. The second section will outline the present South African civil service, with a brief look at the administrative structure, in an attempt to determine how far the apartheid era structure has influenced the current one. In Chapter 3.2 the post-1994 structure of the civil service will be examined in an attempt to explain its role in South Africa's transition to democracy.

One of the challenges of conducting research on the apartheid era civil service is that there is limited information on the public sector, especially the civil service, because of the tight veil of secrecy on government operations during much of that era. A typical example that encouraged the general clampdown on freedom of expression was the countrywide state of emergency that was declared by the South African government in June 1986. This resulted in severe restrictions on the national and foreign

media — particularly on reports about what the state called political unrest. During this period, the apartheid regime "...imprisoned, without trial or charge, a large but indeterminate number of ...people, the vast majority of whom were black and therefore not [defined as] citizens of their own state [according to the racial legislation then in force]" (Harris, 1988:3). Schrire (1996) has made the following observations about the nature of South Africa's past political order:

> The history of South Africa's polity is dominated by the use of
> political power to attain and maintain socio-economic ends. A
> white minority inherited political power in 1910 and during the
> next eight decades used this power to entrench itself politically
> and to enhance its economic, cultural and social interests
> (Schrire, 1996: 59-50).

This means that, before 1948 and during the apartheid era, many laws were passed to enforce racial segregation in all facets of South African life — including the civil service. Perhaps observations such as Schrire's might also be relevant to the present period, because the balance of power has since changed dramatically in favour of the former victims of apartheid — if mostly in only political terms. As Posel comments, "Labour relations within the apartheid bureaucracy have not been the focus of much research in and of themselves; nor has the apartheid bureaucracy more generally attracted great analytical attention" (Posel, 1999: 100). She adds that the few available studies on the past civil service "...focus[ed] primarily on the upper echelons of the civil service, underlining the

awesome powers of the senior bureaucrats to run their ministers and to shape the policy-making process" (Posel, 1999: 100, referring to Adam and Giliomee, 1979; Baxter, 1994; Norval, 1996 and O'Meara, 1996). Analysed from this angle, the apartheid era civil service seems to have exercised tremendous power and influence in the policy-making process of that period. It would appear from these observations that the South African senior civil service also played a much greater role than in some of the countries cited in Chapter Two, such as France and the UK. In her analysis of the power of the apartheid civil service, Posel (1999: 111) underlines the significance of this role, and states that:

> The massive expansion of the apparatuses of the state, the vast complexity of the apartheid system and the strongly administrative bias of much of apartheid legislation, all contributed to the enormous powers wielded by civil servants. Their support, co-operation and commitment were absolutely essential for the daily functioning of apartheid.

It would appear from this analysis that the civil servants in Posel's study were more "energizers" and less "equlibrators" as suggested by Aberbach *et al.*, (1981). This explanation seems, however, to overstate the capacity of the civil service, as formally defined, because other external forces — notably the Broederbond, as will be explained later in this section — also influenced and manipulated that civil service.

The civil service of the apartheid period was structured according to the following divisions (Posel, 1999: 100n):

1. Administrative
2. Clerical
3. Professional (in the case of the civil service, primarily lawyers).
4. Technical
5. General A (other officials with the school-leaving matriculation qualification).
6. General B (non-matriculants)
7. Services
•   Non-classified positions.

The apartheid administration was clearly hierarchical. However, the structure does not suggest much about the powers and responsibilities of each category, such as the Administrative, Clerical and Professional ranks.

This present study focuses on the perspectives of the senior administrative decision-makers: DGs down to Assistant Directors' levels. There does not seem to be a clear comparison between the grades of the apartheid government structure in the list above and those of the present system. The administrative divisions of the past included the highest grade (departmental Secretaries) and their deputies, accountants and other administrative officials who functioned as the supervisors of the clerical officials, and the majority of the officials in the General A and B Divisions. "On the eve of the National Party's political take-over [1947-8] there were 26 government departments; by 1970, this figure had increased to 41" (Posel, 1999:104, citing Roux, 1971). This considerable

increase might have been intended by the National Party to alter significantly the composition and political inclinations of the civil service.

Thus, in the 1970s P.W. Botha's government "announced the need for a 'thorough-going reorganization' of the civil service..." (Posel, 1999: 110). This followed the perennial crises then facing the civil service — because of the incessant resignations and the resultant staff-shortages. Another reason for this move appears to have been the constant tug-of-war between the hard-liners (*Verkramptes*) and the moderates (*Verligtes*) over policy direction, which was discernible throughout much of the apartheid era. At that time, government departments had been very slightly reduced to 39.

With the coming to power of Botha, this reorganization saw the further reduction of government departments from 39 to 22. Botha also saw to the creation of a new rank — that of DG, a "super-management position — to replace the position of departmental Secretary." The new position was intended to attract fresh talent, with higher salary and benefits which were intended to compete favourably with those of the private sector. This change is said to have brought about the development of "new modes of management" but, apart from this, "Botha's strategy could be read as more of a political manoeuvre to marginalize right-wing opposition within the civil service than a thorough-going programme of rationalization and restructuring" (Posel, 1999: 110).

Botha's reforms would certainly have cast him as an energizer politician (in the language of Aberbach *et al.*, 1981) but he could equally have been seen as an equilibrator owing to his conservatism, particularly on the issue of releasing Mandela and the abolition of apartheid. An observer has stated that, "Despite his tough-man reputation, he [Botha] was considered to be a member of the '*verligte*' (enlightened) branch of the National Party" (Riley, 1991: 219). This appears to have led to Botha's commitment to the introduction of a new constitution in 1984. The limited power sharing that resulted from this constitution excluded blacks, but the arrangement was intended — through the 'tri-cameral' parliament that emanated from it — to give coloureds and Asians a greater say in the running of the country (Riley, 1991: 219).

Botha's reorganization of the civil service, indeed appears to have been aimed at the advancement of the NP's agenda. His efforts hint at the influence and power of the apartheid politicians over the senior civil service. In fact, it has been stated that his reforms gave the politicians "...an opportunity to reconfigure power relations in the top echelons of the civil service" (Posel, 1999: 110, citing O'Meara, 1996). Following this, some senior civil servants formerly "considered obstructionist" to Botha's so-called restructuring, "found their authority superseded by newly-appointed Directors-General drawn from outside the civil service while compliant Secretaries could be rewarded with internal promotions to the

same positions" (Posel, 1999: 110). This subtle use of the carrot and stick strategy possibly resulted in many of the new appointees becoming members of the covert Broederbond, whose activities will be explained shortly. Such restructuring could also have been one of the main grievances of many white senior civil servants during Botha's era, and possibly throughout the apartheid years.

According to Posel (1999), the roles of the apartheid era civil servants were constrained by four (possibly interrelated) factors. Firstly, the senior civil servants had to act in accordance with the National Party's mandate of implementing the racial laws. Judging from Posel's analysis, it seems that white civil servants were almost unanimous in their pursuit of this goal — given the benefits that would accrue to whites overall, and Afrikaners in particular. However, this unanimity and apparent contentment of the white civil servants was a paradox in itself: while they appeared to be content with the sheltered employment conditions that they enjoyed, they could not do much about the way the state treated them. A point in case was the civil servants' deep "disaffection with the system of wage determination", which excluded collective bargaining but allowed "joint consultation between the Public Service Commission (PSC) and the various personnel bodies of white civil servants that existed at the time" (Posel, 1999: 112). (The role of the PSC will be analysed next.) Thus, "By 1973 feelings were running very high amongst [white] civil servants" (Posel, 1999: 114). Widespread "discontent among public

servants in almost every major state department..." was reported in the media. The main issue was "...the Cabinet's administrative policy and other interference by the Cabinet in the running of internal public servants' affairs" and such disaffection fuelled speculation of an imminent state of rebellion in the civil service (Posel, 1999: 114, citing the *Sunday Express*, 14/10/73).

The second and third factors — the roles of the Public Services Commission and those of the Public Service Association — should be tackled together because they closely regulated the operations of the senior civil servants and also dealt with matters affecting the lower grades. "In terms of the 1957 Public Services Act, the PSC was actually responsible for civil service appointments within the central state authorities. On paper, South Africa's Public Services Commission was intended to function in much the same vein as similar institutions elsewhere in the world" (Posel, 1999: 113). The PSC's "job was to protect and police the neutrality of the public service." In practice, however, the law was completely ignored, as thousands of Afrikaner public servants remained loyal and active participants in the National Party (Posel, 1999: 114-115). The PSC was originally intended to ensure impartiality and avoid nepotism and unfair appointments (at least among white public servants); but in practice, as Posel added, "impartiality and fairness did not rank among the PSC's strong points."

Another body that regulated the activities of the administrative officials was the Pubic Service Association (PSA), formed in 1920. The PSA was "the single largest organization representing the interests of white public servants" (including the civil service) in South Africa (Posel, 1999: 105, 116). In 1953, its membership was estimated at 23,000 but by 1981 this number had almost doubled, to 40,000. The PSA was not different from the PSC, except that the PSA dealt with the daily operations of the (white) civil servants at a lower level whereas the PSC dealt mostly with the senior levels and the politicians.

According to Posel (1999), most white civil servants were disenchanted with both the PSA and the PSC, which they regarded as being "useless". They particularly regarded the PSA as a "toothless organization" because of its apologetic and pliant stance towards personnel grievances, particularly in its dealings with the politicians. For its part, the PSC appears to have lost the respect of many white civil servants over the apartheid years because it was seen to be always attempting to suppress what they perceived as their genuine grievances. Subsequently, the senior civil servants began to take their complaints about their plight in the various departments directly to the opposition Members of Parliament, bypassing these two official or semi-official bodies (Posel, 1999: 114-15).

The Afrikaner Broederbond (League of Brothers) is the fourth factor that greatly influenced and perhaps even controlled the roles of the apartheid

era senior civil service. This body, which came to exert tremendous influence on government policy in the apartheid era (Beinart and Dubow, 1995: 236), was a secret society formed in 1918. According to Nigel Worden, the Broederbond was dominated by intellectuals and clergy in the then Transvaal to mobilise political support for Afrikaner nationalism (Worden, 1994: 89). It has been stated that in 1944 the government banned civil servants from becoming members of right-wing Afrikaner organisations such as the Ossewabrandwag (Ox-wagon Guard) and belonging to the Broederbond (Riley, 1991). The former was formed in 1939 "as a society to protect and foster the cultural, religious and material needs of the Afrikaners, but soon took on military overtones" (Riley, 1991: 11). At that time, General J.C. Smuts "described the Broederbond as a secret Fascist organization" (Riley, 1991: 11). This ban was lifted a few years later in 1948 when the NP came to power.

The Broederbond gradually became very influential in National Party circles and later formed numerous task forces, "the function of which was to monitor and police selected institutions and policy areas within the state." All the task forces included top civil servants loyal to the Bond's cause (Posel, 1999: 117, citing Strydom, 1973). One of the main strategies of the Bond was to place reliable people in key positions in the civil service and throughout the Afrikaner society (O'Meara, 1996: 44). It also recruited high-ranking civil servants into its ranks so that, "Several municipal Managers of Non-European Affairs and many of the more senior

labour bureaux officials...became Broederbond members" (Posel, 1991: 118). Its activities became more apparent in the implementation of policies relating to the non-white racial groups, particularly Africans. As Worden observed the Broederbond in the late 1950s:

...held a much stronger position behind the scenes of decision-making. Its members already influential in many branches of the government, it infiltrated the Native (renamed Bantu) Affairs Department (BAD) and also won over the South African Agricultural Union by advocating the limitation of urban African workers [in the 'white areas'] (Worden, 1994: 108).

The Native Affairs Department marginalised other departments in its close control of policy relating to black South Africans; eventually, the NAD became "the vanguard of apartheid policy-making within the state" as a result of the operations of the Broederbond (Posel, 1991: 6-7). Other observers traced "the working out of a segregationist ideology within the Native Affairs Department, documenting the ways in which the department consolidated and extended its powers" (O'Meara, 1996: 441, citing Dubow, 1989). It is therefore not surprising that the number of whites in the NAD rose dramatically during much of the apartheid era. Thus, "By 1960, the number of whites employed by the NAD exceeded 3, 000, as compared with 1, 750 in 1948 (Posel, 1991: 64, quoting Lazar, 1987).

The Broederbond intimidated white civil servants and many complained to opposition MPs about its "domination and interference in their professional

lives." They also felt that many civil service appointments were made solely on the grounds of Broederbond membership (Posel, 1999: 118, citing *Rand Daily Mail*, 10/01/72). The Broederbond was a clandestine body that was pervasive in virtually every arm of the apartheid establishment — including the civil service. It is not possible to assess exactly how far the tentacles of this 'brotherhood' extended inside the civil service; neither is it possible to disentangle its activities in the whole civil service from those affecting only the roles of the senior civil service. Despite this, the limited information about its operations shows that many senior civil servants could not exercise impartiality. Similarly, their own initiatives over policy matters were compromised as long as they were subjected to the secret machinations of the Bond.

It was stated at the beginning of this chapter that the apartheid-era civil service was arguably the main vehicle for enforcing racist policies in South Africa. In fact, Posel (1999: 111) refers to that civil service as the 'backbone of the apartheid state', in spite of the disenchantment and disaffection of many white civil servants during much of the apartheid era. In the black areas, particularly, the various departments that dealt with matters affecting black people were predominantly staffed by supporters of the ruling National Party (Posel, 1999: 100). Since coming to power in 1948, this party had made a concerted attempt to implement racial segregation laws, based on its pre-election manifesto. Modern historians now state that "In the early stages of their legislative journey, the

[Afrikaner] Nationalists had very real concerns about their capacity to maintain power." Therefore, "They rapidly Afrikanerized the state both to provide jobs and to ensure a pliant bureaucracy. Key English-speakers in spheres such as the army, military intelligence...were sidelined or retired" (Beinart, 1994: 142). This brought about a radical shift in the administrative culture of the civil service: an apartheid culture that would obviously pose problems as the ANC government began to dismantle the apartheid system in the mid-1990s.

The administrative culture of the former civil service was strongly influenced by patronage and sexist tendencies (Mokgoro, in Maphai 1994: 122). In view of this, one of the challenges facing the present government is how to grapple with the consequences of this culture. As Mokgoro added, such a culture meant that most of the civil servants spoke the same language (Afrikaans), went to the same church (Dutch Reformed), supported the same sporting codes (mainly rugby and cricket) and voted for the same political party (NP). It is also possible that such a culture largely encouraged the fragmentation of the South African civil service into what has been called the "many bureaucracies" of the apartheid era (Wallis, in Fitzgerald et al., 1995: 88). The official concept of the Republic of South Africa, as stated earlier, at that time excluded the so-called independent black homelands and the former self-governing territories, which were essentially dependent extensions of the apartheid edifice.

Many legislative instruments were formulated by the apartheid regime to enforce racial segregation. The following could well have been the most important that the civil service had to enforce to perpetuate the system: Prohibition of Mixed Marriages Act (1949); the Population Registration Act (1950); Immorality Act (1950); Group Areas Act (1950); Bantu Education Act (1953); Native Resettlement Act (1954); Reservation of Separate Amenities Act (1953); and the Job Reservation Act. The key question regarding these laws is exactly why the civil service — especially the top echelons — enforced such a wide array of repressive legislative instruments, particularly after apartheid had been declared an international crime against humanity by the UN General Assembly.

The Job Reservation Act specifically enforced segregation in the public (as in the private) sector. This racial employment system was upheld meticulously in the public sector, resulting in the predominance of a white Afrikaner male culture in the civil service (Mokgoro, in Maphai, 1994). The system was intended to serve the twin political and economic ends of the apartheid government. Politically, the essential aim of the apartheid administration was to ensure the persistence of white supremacy in South Africa, whereas — in economic terms — apartheid sought to answer the regime's 'poor white' problem. Thus whites were preferred in the allocation of jobs in both the public and private sectors. They were also paid higher wages even if they had lesser or no qualifications at all, compared to members of other races. However, "...this form of patronage

[later] became an instrument of authoritarian control wielded with a heavy hand by their employer, the state" (Posel, 1999: 100-101). The overall result was the entrenchment of the National Party's rule, as many unqualified or under-qualified whites (particularly Afrikaners) increasingly looked to this party for patronage (Posel, 1999: 101). Presumably, this would result in greater loyalty by the white (mainly Afrikaner) population to the NP government. The effects of such patronage should not be underrated, but it would be difficult for modern researchers to determine exactly how many white South Africans blindly supported the apartheid policies solely as a result of the NP's patronage.

This form of patronage extended even to the so-called independent Bantu homelands, like the former Transkei, whose senior civil service positions were expected to reflect the demographic profile of such territories. Writing about the situation in this territory, nearly a decade before it became 'independent' in 1976, Wilson and Thompson (1971: 90) noted that in the 1960s there were serious criticisms within the Transkei about the composition of its civil service. The residents of the territory were generally dissatisfied that the top positions of Bantu Commissioner and Assistant Bantu Commissioner were held by whites for many years, despite the provisions of the apartheid legislation and assurances from NP politicians that those regions would exercise autonomy over their own affairs. For many critics of the regime, however, this was sufficient proof

that it had a hidden agenda with its envisaged plan of granting independence to the predominantly black rural settlements.

The influence and power of the politicians over the administrative officials, particularly the senior civil servants, appears to have been tremendous. One possible reason for this is that, as Beinart explained, during the early years of the apartheid era "Politicians insisted that there were two alternatives [facing white South Africans]: integration and submersion...or the increasingly elaborate system of apartheid" (Beinart, 1994: 142). Such fears and anxieties must have immensely influenced the civil servants as well — leading to their increased support for the ruling party. The civil service apparently also had significant power, particularly "as a large *bloc* of Afrikaner voters. Their disaffection with the National Party *en masse* could have been politically destabilizing" and the NP government was quick to realise this and use it to its advantage (Posel, 1999: 111). In fact, as O'Meara (1996) argued, the apartheid ministers were well informed about "the capacity of senior and middle-level bureaucrats to frustrate the policy initiatives of even the most popular administration." So, one element of the NP government's strategy was to consolidate its hold on power by focusing on the control of the civil service. They therefore consciously discarded the "Westminster-derived culture of civil service neutrality in politics," and this led to the politicisation of all state departments (O'Meara, 1996: 61-63).

In conclusion, it is worth stating that the operations of the apartheid era civil service appear to have been far-reaching and that this administration was crucial to the entrenchment of the racial system. This section has not been able to analyse the operations of other racial groups within the civil service because they were either prohibited from holding certain public positions (the Job Reservation Act) or confined to the lowest-level jobs.

It has been stated that the predominantly white pre-1994 civil servants were dissatisfied, not so much with the inequalities of the apartheid system, but with what they felt were the NP's manipulations, achieved with the aid of the Broerderbond. They were also disgruntled with their conditions of employment and the general attitude of the state towards them. As has been suggested, because civil servants possessed significant potential power as voters, they could have used it to weaken the apartheid system if they were sufficiently organised. However, they appear to have been quite incapable of such action, at least so long as they accepted leadership from such pliant and weak organisations as the PSA. Their anger and frustration were easily suppressed by the double strategy: the covert and powerful Broederbond (which controlled most senior civil servants and dominated public policy); and racially-based privileges, notable patronage and promotion, as long as they were prepared to acquiesce and co-operate with the NP regime.

A brief look at the operations of the NP's apartheid era politicians confirms that they had a significant impact on the perspectives and behaviour of the senior civil servants. There are several indications to suggest that senior civil service positions were at that time highly politicised, perhaps in a manner never seen before in South Africa. The reason for devising the huge edifice of apartheid laws and structures — especially for dealing with issues relating to 'non-whites' — was that such devices were vital for perpetuating white supremacy in South Africa. However, an overview of the former civil service clearly shows that economic reasons — such as the provision of jobs for poor whites — also led to the proliferation of government structures before the 1994 general elections.

Opposition to the entire system of apartheid mounted, despite the increasing repression of the regime. Opposition was not encouraged by the perennial crises that erupted within the mostly white civil service. As Posel (1999) argues, the situations of many white civil servants put them in an insecure position because (to outside observers) they were seemingly the most contented members of the apartheid apparatus. However, this misunderstood the seething disaffection of many apartheid era civil servants. In her earlier (1991) work Posel argued that the notion of contentment was too simplistic to explain the complexities of public sector employment during the apartheid years. She also refuted any notion of a grand plan — that from the beginning the NP had a clear, comprehensive strategy to install the elaborate apartheid system. In

Posel's words, the idea of a "master plan" has a superficial appeal and is "understandably seductive"; but she dismissed it as an inadequate explanation of the dynamics facing civil servants during the past era (Posel, 1991: 1).

Whatever explanations are given to account for the rationale of the past system, it is clear that apartheid bequeathed to the new government a rather complicated, if politicised and crisis-prone, civil service structure. To a large extent, this summarises "...the huge task faced by the ANC in reversing apartheid's legacy of [racial] discrimination..." (*The Times*, 01/12/00). This reversal is now being tackled by the new government in its attempts to transform the civil service. What is not clear, however, is how long it will take to eradicate that legacy.

3.2 The Features of South Africa's Post-1994 Civil Service

In 1994, soon after taking power, the ANC began outlining its objectives of "transforming" the civil service that would be expected to carry out its new policies. It inherited the apartheid era structures and traditions of the civil service. It had also agreed the sunset clauses, described above, which would encourage but not require senior white officials to retire early. The terms public service and civil service are often used interchangeably, even when the speaker is referring to only the civil service. The List of Definitions, at the start of this thesis, covers this point very briefly.

This commonplace confusion and overlapping of the civil service proper with the whole of the public sector may have its root in the text of the constitution itself. Section 197 (1) states that, "Within public administration there is a public service for the republic, which must function and be structured, in terms of national legislation, and which must execute the lawful policies of the government of the day." Since this section does not refer to the civil service specifically, it has helped to confuse government pronouncements and media reports, particularly when an official is referring to only one and not the other part of the government service. For example, an important recent report delineated the civil service but labelled it the public service:

> The public service currently comprises approximately 26 ministries; the Offices of the President and Deputy President; the Public Service Commission; 32 departments aligned to the various ministries; 5 quasi-independent organisational components, including the South African Revenue Services (SARS); the Centre for Statistical Services (CSS); the Independent Complaints Division; the South African Communication Services (SACS); the South African Management and Development Institute (SAMDI); and the nine provincial administrations, each with a wide range of departments interfacing with each other and inter-acting at inter-governmental levels (*Presidential Review Commission Report*, 1998: 7).

If, as suggested above, most of the present civil service structure has been inherited from the apartheid era since 1948, some can be traced to

as far back as the former British colonies and Boer republics (Transvaal, Orange Free State, Cape Colony and Natal). This fact underlines the ANC government's concerted efforts to change the structure of this historically rooted civil service to serve the current realities. In his final parliamentary speech as the first democratically-elected leader of a free South Africa, President Mandela highlighted the government's position on the civil service and the influence that managerialism has on this approach:

> Last year, we spoke of the need to cut expenditure on personnel, as part of reducing a bloated civil service and changing its orientation. That commitment remains. The new civil service regulations based on each individual's output, especially management, rather than just observance of rules, should see to the improvement of service to the public (Mandela, Address to Parliament, 1999).

In some ways, changes inside the civil service have been minimal since its structure was not expected to change significantly in view of the sunset clauses protecting established pre-1994 officials. Since 1994, a number of official policy documents (white papers) have been produced attempting to resolve the many challenges faced by the new civil service. The most conspicuous of these challenges include the persistence of racial practices and attitudes within the civil service and the continuing effects of the previous government's grossly unequal funding to different regions and departments (for example, funding per pupil or per patient in mainly white and black schools or hospitals).

Official efforts have also targeted the "ghost worker" frauds in some civil service sections and provinces. This topic is covered in Chapter 5.3.

In 1995, the new ANC government published a *White Paper on the Transformation of the Public Service* (WPTPS) which outlined a broad policy framework for transforming the public service so that it could serve the new democracy. It stated:

> The Government of National Unity is committed to continually improving the lives of the people of South Africa by a transformed public service which is representative, coherent, transparent, efficient, effective, accountable and responsive to the needs of all (WPTPS, para. 2.1).

In pursuit of this vision, the government offered a mission statement, emphasising, "The creation of a people-centered and people-driven public service which is characterized by equity, quality, timeousness and a strong code of ethics" (WPTPS, para. 2.1). In addition a reliable administrative structure, capable of sustaining the momentum of transformation, was essential. But how may "a people-centered and people-driven" civil service be developed quickly out of the unpromising bodies of the old multiple systems? To encourage values such as transparency and accountability inside a structure that for many decades relied largely on covert operational methods must prove a great task for the new regime.

The structure of the public service generally, and civil service in particular, has undergone irreversible changes since Mandela's release from prison in 1990 with the introduction, from 1994 onwards, of new central, provincial and local levels of government. As a result of the amalgamation of provinces and the other various old administrations, new government departments were established to operate at either or both national and provincial levels (WPTPS, para. 2.1).

It has been stated that the three most senior positions in the present South African civil service (DG, Deputy DG and Chief Director) "...require qualitatively different — though not necessarily more important — skills from those required at the lower levels" (*PRC Report*, 1998: 21). The skills required by the senior civil service include "the formulation of policy, the development and management of strategic vision and plans, the management of human and other resources, the co-ordination of policies and the handling of public relations and the media." The most important skill, however, was "the management of the often sensitive interface between appointed and elected officials" (*PRC Report*, 1998: 21).

The above arrangement of centre and provinces (with local government below) implies a deliberately decentralised structure; but public policy-making in South Africa in fact appears to be centralised in the shape of the powerful national departments. This is especially visible on finance,

where the central government dominates policy-making because the provinces cannot raise their own taxes or other incomes independently.

Similarly, there are problems regarding the respective operational spheres of the administrative and political officials. This same PRC investigation revealed this weakness in the present system of governance, noting the "uncertainty, even confusion, as to the relative responsibilities of ministers and MECs on the one hand, and senior officials on the other...". Such problems appear to arise from lack of clarity in the roles of these two sets of policy-makers. Thus, as the PRC noted, "if ministers and MECs act as managers, involving themselves in details of administration, and if senior officials act as politicians, involving themselves in political processes outside their departments, this is to the detriment of their proper and necessary roles" (*PRC Report*, 1998: 22). Following this, the PRC proposed that both the elected and appointed officials should have "distinct but complimentary roles." It appears that the earlier confusion was caused by the interim legislation, which had failed to spell out the relation between politicians and senior officials in detail, because of the pre-1994 election compromises made between the different political parties. Thus the ANC had to settle with the NP, for example on civil service sunset clauses, while getting the IFP (in KwaZulu-Natal) to accept much less provincial autonomy than they were demanding.

The 1994 Public Service Act gave the Minister for Public Service and Administration the legal authority over national public service norms and standards, salary determination and related conditions of employment. The Act also defined national government departments as legal entities. "Each national department and provincial administration was assigned a Head of Department (HOD) and an accounting officer at the level of Director-General. The *de facto* heads of individual departments within provincial administrations were designated at the rank of Deputy Director-General" (*PRC Report*, 1998: 98). (Each province's government was to be headed by its DG.) It seems that this arrangement was stifling to the provinces because the 1994 Act, "assumed that the same management strategy for national departments could be applied to provincial administrations" — a weakness which the 1997 Public Service Laws Amendment Act sought to address (*PRC Report*, p.98).

An attempt has been made in the new legislation to address the uncertain relationship between the elected and non-elected officials. As the Presidential Review Commission report added, "The new Act, in theory at least, open[ed] the way for a much more direct relationship of accountability between the MECs and their respective heads of departments who, in contrast to the previous [post-1994] legislation are now defined and acknowledged as *de jure* as well as *de facto* [Heads of Departments]." Another attempt was to clarify the position of the provincial DG whose status and role as head of the province's

administration were not explicitly stated by previous legislation shortly after South Africa's all-race elections.

The 1996 Constitution outlined the powers and structures of the political executive decision-making such as the Cabinet and Provincial Councils (Executive Councils: EXCOs). It defined the "principles under which public administration should operate...[but noted that] considerable uncertainty and confusion [remains] as to *who* should be responsible for managing *what* in the public service [although] recent legislation has gone some way to clarifying the situation" (*PRC Report* 1998: 97, emphasis in original). The above administrative patterns were again amended by the 1997 Public Service Laws Amendment Act, introducing a "significant shift in the development of a new macro-legal framework for regulating the basic institutions of the public service..." (*PRC Report* 1998: 97). Thus, executive authority was now to be vested in the political Heads of Departments (ministers and MECs). National government ministers and provincial MECs were accorded "original" powers governing internal organisational matters like staff appointments and promotions. However, the politicians were expected to delegate most of the administrative functions to the administrative HODs (*PRC Report,* 1998: 97-98).

The relationship between the elected politicians and their senior civil servants in South Africa is presently a potentially explosive one. While such tensions are acceptable in a developing democracy, it would appear

that the senior civil service grades are being cautiously politicised by some ministers or MECs and by party interests. Clashes between ministers and their DGs have become a common event — something that was unthinkable shortly after Mandela came to power. As stated in Chapter One, such clashes probably caused the high staff turnover among senior civil servants that has been frequently reported in the media. It has been suggested that many of the old guard senior civil service who left the civil service subscribed to what has been termed the "apartheid perspective of the old DGs" (Ncholo, in Malala, 1999). According to Ncholo, "the DGs of the past shared an apartheid perspective with their ministers and in that situation no clear delineation [of political and administrative functions] was necessary. But in a democratic environment...you need those lines to be drawn" (Ncholo, in Malala, 1999). This need, after 1994, was probably one explanation for the high staff turnover among senior officials. Yet it could be difficult to verify this: it is unsurprising that, for example, very few of the former apartheid era public servants (including the police, intelligence and army) have publicly shown any "apartheid perspective" when they appeared before the country's Truth and Reconciliation Commission — a major public investigation of the apartheid atrocities. This need might well also be a reason why the new government seeks greater control of the senior civil service. Most of the problems arising at this level (DG) appear to have resulted from either personal or role clashes between (national) ministers and their DGs. Similar clashes have

also arisen at provincial level between premiers or MECs and their senior civil servants (Harber, 1997).

One other equally fundamental challenge for the new civil service is that it must now be governed by the ethos of democratic governance as cited in the new constitution. The culture of authoritarianism, intolerance, impatience or outright arrogance, reminiscent of the past, must change if the civil service is to shed the image of "an outdated, undemocratic and racist civil service" (Mokgoro, in Maphai, 1994: 114). A new culture of tolerance, respect for human rights and a deeper understanding of the communities in which the new civil servants will be deployed must replace that of the apartheid era. Malcolm Wallis referred to such an administration as a "developmental bureaucracy" (Wallis, 1995: 86-100).

To conclude, it could be stated that the features of the present structure of the South African civil service are not completely different from those of the former apartheid administration, possibly because less than a decade has passed since the building of the new structure even began. Certainly, many changes have been introduced since 1994, but it would appear that the impact of such changes will be felt only during and beyond the present government's second term of office (under President Mbeki). Despite the pioneering legislation during Mandela's term, his government appeared to be hamstrung by the pre-1994 compromise agreements, which made it difficult for the ANC government to effect radical changes within the civil

service without antagonising its former NP partners in the Government of National Unity. Since the 1999 general elections, however, the government has no longer been tied down by these former constraints. The implications of the present changes inside the South African civil service will be explored below, following the next chapter that concerns 'representivity' and AA as another essential element in transformation.

This chapter has reviewed the character of the past and current South African civil services — the apartheid years and the period since 1994. The legacy of apartheid was found to be both complicated and likely to persist for some time to come. The post-1994 civil service has been judged to be, so far, not completely different from the apartheid service.

Chapter Four

'Representivity' in the Senior Civil Service

4.1 Laws and Policies for Affirmative Action in South African Government Departments

Before I report interview survey results on this central issue for the civil service (and for the new South Africa at large) the implementing legislation for AA deserves a separate section here. The new Public Service Regulations (1999) augment the general South African law (Employment Equity Act, 1998) to regulate Affirmative Action (AA) in the South African public service. The 1998 Act defines AA as "...measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer" (section 15 (1) Employment Equity Act, 1998). Affirmative Action is clearly related to the Africanization which has been applied in post-colonial Africa in recent decades. This process involved replacing (often expatriate) whites with blacks especially in senior government and private sector positions — even if the blacks had few or no qualifications and experience — based on the objective or claim that the public service should reflect the demographic profile of the society.

In South Africa's case, observers stated in the early 1990s, that "The new government has made it a priority to Africanize...In the process, the civil

service, the traditional and racially protected home of Afrikaans [speaking] whites, can, for the foreseeable future, be expected to target blacks as job incumbents" (Hugo and Stark, 1992: 52). What has since happened is not radically different from these observations. However, South Africa's Africanization has not followed the examples of other African countries because of the government's apparent attempt to ensure racial and other balancing in the civil service. In this country there seems to be much concern and emphasis on racial and gender balancing (although other factors such as disability are sometimes considered by employers). Thus, a survey of the Western Cape province by a local newspaper (*Cape Argus*) at the end of 1999 reported that this provincial government employed only one woman among its 109 most senior officials. There were fifteen women officials within a wider range of senior people. As to racial categories, 26 individuals were coloured and seven Indians. The provincial government administration was overwhelmingly white and male (*Mail and Guardian*, 20-26/08/99). It is possible that this situation might now have changed because provincial governments wish to avoid such negative publicity. Of course, the need for a representative civil service rests on such reports. However, in the case of the Western Cape administration which was the NP's only provincial government, it has been argued that "...the explanation for this imbalance lies not so much with racial or gender prejudice as political bias" (*Mail and Guardian*, 20-26/08/99).

"Representativeness", as defined by the Public Service Regulations, means "the extent to which employment in an organisation broadly reflects the composition of the South African population, including composition according to race, gender and disability" (Chapter 1, B.2 (n)). Thus, all public and private sector organisations are legally obligated to incorporate Affirmative Action into their employment plans and programmes. It is to be aimed specifically towards the "historically disadvantaged", meaning "persons or categories of persons who have suffered unfair discrimination in the past" (paragraph (l)). Regulation III D.2 of the Public Service Regulations states that, "An executing authority shall develop and implement an Affirmative Action programme which shall contain as a minimum the following:

(i)   A policy statement that sets out the department's commitment to affirmative action and how that policy will be implemented;
(ii) Numeric and time-bound targets for achieving representativeness;
(iii) Annual statistics on the appointment, training and promotion within each grade of each occupational category, of persons historically disadvantaged;
(iv) A plan for redressing numeric under-representativeness and supporting the advancement of persons historically disadvantaged."

However, "designated groups" and "designated employers" are the ones who are targeted by the law and AA-related policies. According to the Employment Equity Act (Chapter 1), "designated groups" means "black people [or Africans, Indians and coloureds, collectively] women and people with disabilities." The term "people with disabilities" often presents

problems of definition in South Africa, as elsewhere. However, the law (chapter 1, section 1, Employment Equity Act, 1998) defines "people with disabilities" as "people who have a long-term or recurring physical or mental impairment which substantially limits their prospects of entry into, or advancement in, employment." The Employment Equity Act deals broadly with Affirmative Action, its implementation and further gives a definition of "designated employers":

(i) an employer who employs 50 or more employees;
(ii) an employer who employs fewer than 50 employees, but has a total annual turnover that is equal to or above the applicable annual turnover of a small business in terms of Schedule 4 of the Public Service Act, 1994;
(iii) a municipality, as referred to in Chapter 7 of the Constitution;
(iv) an organ of state as defined in section 239 of the Constitution, but excluding local spheres of government, the National Defence Force, the National Intelligence Agency and the South African Secret Service;
(v) an employer bound by a collective agreement in terms of section 23 or 31 of the Labour Relations Act, to the extent provided for in the agreement (Employment Equity Act 1998, Chapter 1).

These laws have, quite understandably, evoked controversy in some quarters. However, disagreement about the country's Affirmative Action programmes only serves to illustrate the intricate situation in which the ANC government finds itself concerning public service restructuring. On the one hand, it must try to effect meaningful political and administrative changes within the civil service, in line with its goal to build a non-racial

and non-sexist democracy. On the other hand, it must attempt to appease these officials who doubt or oppose policies such as AA. These include the remnants of the former apartheid era civil service. To avoid alienating their acquiescence during the transition period, policy change has been only gradual. Thus, the key challenge for the government and its most senior officials is to convince both critics and supporters of this policy that the strategy is crucial to the success of the government's programmes in the long-term. The government has stated on many occasions that Affirmative Action is a corrective measure against the racial bias in former government policy. Given the wide disparities of the apartheid era that persist to this day in South Africa, this policy appears to be aimed at tackling these disparities. However, it is not clear how far Affirmative Action will particularly redress those disparities against the formerly marginalised and disadvantaged social groups.

Perhaps the major shortcoming of South Africa's AA policy is that it is subject to different interpretations. To begin with, it is difficult to ensure a common understanding (by the civil service in particular) of constitutional terms like "broad representation" and "representativeness." Such differences in interpretation and understanding were bound to occur, and have led to the current controversy in South Africa about the real meaning of AA. The ANC did not invent. On the contrary, as Ramphele argues, "South African [whites] were recipients of one of the longest and most successful Affirmative Action programmes in history" (Ramphele, 2001:

11). Noting that attempts to redress "...the inherited [racial and other] imbalances have been uniformly successful", she cautioned against the tendency of appointing people beyond their level of competence as this had "unfortunate results" (Ramphele, 2001: 11). She concluded that AA in South Africa was being used to affirm black males alone, "making them instant millionaires." Sono has argued that "...Affirmative Action policies are unnecessary [as] they help only middle-class blacks who can look after themselves, while doing nothing for the poor" (*The Economist*, 24/02/01, p.16). In addition, a prominent South African political analyst has stated that "Many political appointments are made without any consideration of academic qualifications." Criticising the general disrespect of today's youth towards the country's education authorities, he concluded:

> By rewarding those who were in the forefront of the *toyi-toyi* [political demonstrations], the message that gets to the youth is that education is not the most important thing, but your role in the *toyi-toyi* is.... The youth then reach the inescapable conclusion that to be a senior in the government or civil service, you need to have a *toyi-toyi* profile more than education (Seepe, *The Star*, 01/06/00).

Thus, the argument that AA policies will ensure the correct balance of society might be rigorously challenged if one were to ask exactly who will benefit. For its part, the government has attempted to tackle this apparent dilemma by formulating broad laws and policies but problems inevitably arise at the implementation stages of such laws and policies.

So, despite the government's assurances to the contrary, not only some white civil servants but also others from coloured and Indian communities have expressed resentment of what they see as the illegitimate advantages for Africans flowing from this strategy, arguing that it is intended to re-introduce reverse racism within the civil service. *The Economist* has alleged, "Instead of de-racialising, the government is re-racialising" (*The Economist*, 24/02/01, p.18). However, the government firmly believes in the special provision for the recruitment and promotion of certain groups according to race, gender, and disability to redress the apartheid legacy.

4.2 Senior Officials' and MECs' Perspectives on 'Representivity' (Affirmative Action): a Survey Report

This section reports the interview survey results on the previous section's subject of *AA* and 'representivity' in the civil service. (Similar sections reporting these results appear below in the appropriate place: Chapter 4.5 will give results on **management performance** issues; Chapter 5.xx on officials' working **relations with their ministers/MECs** and **politicisation**; Chapter 6.5 on the **policy-making** process; and Chapter 7.1 on **post-1994 change** in the senior civil service. **Overall conclusions** on the interview results appear in 7.2. In most cases,

selected quotations from the officials and MECs are featured, either within the text or in quotation boxes covering particular interview topics.

This survey report on Affirmative Action and 'representivity' begins with the respondents' own racial profile. Fully 176 of 180 officials acknowledged their race (four saying that they were of 'South African' race or none). The 176 were black, 54%; white, 37%; coloured 4%; and Asian/Indian, 5%.

Under apartheid laws, as stated in section 3.2, only whites were permitted senior civil service positions. It was reported recently that AA was clearly necessary in the Justice Department following "...the skewed [racial] representation" revealed by an EU-funded study in this national department (Stack and Soggot, 2001). It is possible that white officials in the selected departments under-responded to my invitation to an interview on the recent and prospective changes in their work experiences. Perhaps more likely is the higher incidence of African newcomers in senior posts in Education and Health Departments, particularly at provincial level, compared with other policy fields. The pressing social demand for new and better public services in these fields may have stimulated both the supply and the demand for many more African, coloured and Asian officials to help to meet this challenge. Of the ten MECs interviewed, seven were black, two Indian and one white — (these politicians are not part of the 180-person survey of senior officials

but their comments will appear in the text and the quotation boxes of both this and the subsequent sections presenting the survey results).

Having conducted this combined total of 190 interviews with officials and MECs, followed by the transcription of potential quotations and the tabulation of responses, I would claim that racial groupings and AA law and policy form the most prominent and controversial aspect of the senior civil servants' professional world in South Africa. Issues of management performance, the alleged politicisation of the senior grades or how policy is made are all important: a major and lasting change in any of them could radically change the service for better or worse, possibly for ever. Perhaps these other issues, notably politicisation, are linked to race and AA in their practical applications. But the deliberate departure from a merit-based, 'rational' system of senior civil service appointments and promotions towards a mixed merit/race basis (with a gender policy laid on top, with added effect) is uniquely prominent in many officials' minds.

Generally speaking, black respondents were optimistic about AA and welcomed its implementation, whereas whites were more often ambivalent or pessimistic. However, there are many exceptions to this, particularly white officials who welcomed the quite rapid move to a racially balanced senior civil service. Of course, on this most emotionally powerful issue covered by my interview survey, it would be foolish to take interview-based data at face value, even when confidentiality was assured

at the start of each meeting. Firstly, white officials who genuinely welcome the post-apartheid South Africa and the end of the former white monopoly on senior civil service posts were probably more likely to grant an academic research interview than those who oppose and even resent these changes. Secondly, some respondents (not only whites) may have supported the official line — as also endorsed by the AA laws and civil service regulations — when answering my outside visitor's questions and appeared less critical of racial or gender policies on appointments and promotions than they privately are. (This could include those who thought these policies had been applied too weakly as well as those who oppose them in principle.) Senior civil servants are attuned to presenting official policies or decisions, irrespective of their own views, and are probably less frank than equivalent elite interviewing groups (e.g., business leaders, academics or lawyers) would be on a major issue such as the implementation of AA in their professional fields. It is no guide to the relative frankness of my respondents to note that some of them did appear to be quite open (and openly critical) as some of their quoted comments will soon indicate.

I cannot tell how much more frank any individual might have been because the officials possibly had to maintain political correctness on race and gender discrimination when discussing the past and present civil service. Nor am I able to say how general frankness might have increased if all professional civil service discretion (including their traditional

attitudes and approaches to outside researchers) could somehow have been suspended for the duration of my interviews. Thirdly, there is the probably minor point that respondents might well moderate their comments to an interviewer of different race: in my case, white officials potentially criticising AA and the shift to senior black recruitment to a black researcher. Having at least some whites or coloureds speaking to me about AA being simply a "reverse racism" which is quite wrongly placing under-qualified or incompetent blacks in senior posts, obviously indicates that the professional, political and personal inhibitions just mentioned did not dominate these 180 interviews with senior officials. However, it is wise to assume that some balance between these inhibitions was in play. If so, respondents' conditions or limitations on their support of the new race and gender policies were rather stronger than the coded data suggest. Any general understatement of criticisms or reservations would probably apply to all topics raised in the interview, although race and AA are probably the sharpest examples.

Q. 44 *Does this department have an Affirmative Action policy?*

This question sought a general perception, perhaps an opinion, on AA in the respondent's own department by asking the factual question of whether the department had an AA policy. This was a false question in that the law required all of the civil and other public services to comply with national AA legislation. But it hoped to measure both the saliency and the merits of the overall legal position by asking about any working

policy in their own department which the respondent may have noticed or directly experienced. Many d/k responses would have indicated a vague and weak policy presence or uninterested respondents: in fact there were only six. Of the 166 Yes/No responses, only 2% said there was no such policy in place. Within the almost unanimous perception that there was a policy in place, however, one-third (32%) offered significant reservations on its reality, quality or value. My general impression was that these reservations rested on opinions that such a policy should be much stronger and better applied. Moreover, officials with these views seemed to complain that the policy was not doing enough for their own group (usually, obviously, blacks — both genders — and women, of any race).

Asking next about the apparent priorities of their department's AA policy offered more information. I asked if it seemed to be placing equal emphasis on all three legislative objectives: race, gender and disability affirmative action in hiring and promotions. This served as an open-ended question, with respondents' own descriptions of AA practice as they saw it allocating priority. Of 107 officials who gave a direct answer (six made other comments) 46% said that race alone enjoyed priority and a further 41% said that race and gender discrimination was the joint objective of the AA policy, with no significant effort to advance the cause of the disabled. Only 8% replied that gender issues were the policy's sole interest: no-one saw any priority for the disabled and this cause merely shared equal one-third status in the eyes of the mere 5% who said that all

three fields got equal emphasis from the policy. With 87% saying that race had been the sole or joint priority of the new law's application to the civil service, the general perception of the respondents is very clear. If the 41% who saw race and gender as joint objectives had been pressed to say which had been more important, there is little doubt that race would advance even further in this balance.

Box 1:
Officials speak about Race and Gender Affirmative Action:

1.1 "The department does implement AA and I agree with it in principle. There's no more exclusive male Afrikaner appointments and we are getting the best people from all races. However, I am not entirely satisfied with its implementation — some appointments are made just on the basis of people's skin colour." (Female, white; provincial department; less senior grades)

1.2 "More flexible recruitment policies based on AA and targeting the designated people were introduced; but *AA* is difficult for whites to swallow." (Male, black; provincial department; less senior grades)

1.3 "The AA policy is successfully implemented in my department, especially on gender, perhaps because the Head of Department (DDG) is a woman." (Male, black; provincial department; less senior grades.)

1.4 "We have an AA policy and I'm generally satisfied with its implementation. AA focuses on race and gender. We haven't empowered people with disabilities yet." (Male, black; provincial department; most senior grades)

1.5 "AA is being implemented in my department and I view it as both capacity building and empowerment. Recruitment panels often give extra points [to target groups]. We now have a fair mix, almost black, of senior civil service and most female black Directors." (Female, black; provincial department; less senior grades)

1.6 "The DPSA has an AA policy and has now reached the required racial and gender proportion. Merit is now the main criterion used in DPSA." (Male, black; national department; senior grades)

1.7 "AA is being wrongly implemented. The wrong people get appointed. I'm waiting for the day when somebody will learn that a country's survival depends not only on the skin colour of a person

but on his skill and mental ability. In interviews, whites perform well. Blacks often perform worse, but get appointed. We do courses and training for AA appointees but their work ethics are generally very poor." (Male, white; provincial department; senior grades)

1.8 "It's good that the department has an AA policy but I'm not satisfied with its implementation process. We're experiencing resistance to implementation. However, transformation is not an event but a process, and we need to deal with the mind set against AA." (Male, black; provincial department; senior grades)

1.9 "AA is being implemented, but I'm concerned at the way it's being applied — reverse discrimination — in the department." (Male, white; provincial department; senior grades)

1.10 "In this department race is synonymous with black males because only they are being affirmed presently in the department. It is only at Deputy Director level that females are present: otherwise there is no AA for females." (Female, black; provincial department; less senior grades)

1.11 "The current changes in the civil service are very slow, especially in relation to black empowerment and AA." (Male, black; provincial department; less senior grades)

1.12 "The opening-up of avenues for previously disadvantaged people in the civil service is a welcome change; but there has been too quick fitting [appointment] of these people into senior positions. There is need for support for such appointees." (Female, black; provincial department; less senior grades)

1.13 "AA policy is being implemented in the department, but it is generally racism in reverse." (Female, white; provincial department; less senior grades)

1.14 "AA is totally out of control in this department. I'm the only white person in my Directorate and none has been appointed since I joined in 1995. Many blacks are now being appointed even if they have questionable experience but I feel the way blacks must have felt before 1994." (Male, white; provincial department; less senior grades)

In my interviews, I asked a number of non-African officials whether they felt "personally threatened by AA policy." (I expected that race would be generally seen as the dominant AA policy objective.) Unfortunately, only

38 non-African officials (i.e. whites, coloured and Asians) offered a response: they were very largely national, not provincial, officials (men and women). Of these, 24% said that they did feel that their future career was threatened by the onset of AA, as it was being applied, but 76% said that they did not. Among this majority were a number who added that they felt confident that ability would always be needed at more senior levels and that they would not be overlooked, even if positive discrimination for blacks was continued, even indefinitely.

Box 2:
Officials speak about Affirmative Action as a Personal Threat

2.1 "The department applied the AA policy but I think this mostly has to do with numbers or quotas. The policy does not empower AA appointees: these people are thrown into the deep end without support. *I feel threatened by AA because* at my grade there are only very limited posts; so, *to apply AA means practically ending a person's career.*" (Male, white; national department; senior grades)

2.2 "We have a fairly good spread racially but we've gone a bit overboard on gender. I do not see AA as a personal threat. Human nature or ethnic/cultural group ultimately matter more than racism." (Male, white; provincial department; less senior grades)

2.3 "There is a racist interpretation of AA in the department. I do not feel personally threatened by AA, but I feel uneasy when competent people leave the organisation purely because of the colour of their skin." (Female, coloured; national department; *senior grades*)

2.4 "When advertising posts and in appointments, they *give preference to AA candidates but we sometimes appoint the best person* (e.g. based on experience). *However, I do feel threatened personally by AA* because, while *the previous regime discriminated against me on the basis of gender, the present one uses race to the same effect.*" (Female, white; national department; less senior grades)

2.5 "I'm satisfied with AA, *particularly on gender.* However, on race, the department is not yet perfect and representative but we are getting there. *I do not feel threatened personally by the AA policy but I might regard it as reverse discrimination.*" (Female, white;

provincial department; less senior grades)
2.6   "My department applies the AA policy but haphazardly. The current minister emphasises experience, but lower-level managers often decide to appoint individuals from one group only (race, gender). However, I do not perceive AA as a threat." (Male, white; national department; less senior grades)

My interviews with provincial government MECs naturally produced much comment on their political perspectives on representivity and AA, regarding both race and gender. (These ten MEC respondents consisted of seven blacks, two Indian and one white — with a party breakdown of eight ANC, one IFP, serving in the KwaZulu-Natal government, and one member of the joint DP-NNP government in the Western Cape. Six of the ten were the political heads of provincial Education departments and four of Health departments.) These politicians mentioned several interesting structural or background points which constrain the implementation of AA at the senior levels. The supply of much potential senior talent is rooted in the civil service's lower grades from which more senior career paths might be mapped out. Junior black officials naturally hope to move up into senior posts, on AA criteria if necessary. But their unequal school backgrounds weaken their prospects before they have even applied to join. If the most effective schools are still employing their independent status to operate "apartheid-based" entry policies, the key to non-racial employment lies outside those employments and in the school system. A different type of structural impediment is seen in the South African health field where nearly all nurses are female. Senior nurses may become

senior civil servants in health departments but with almost no males from this background to provide a gender balance. At the same time, Health departments' finance and management ranks have always been male-dominated so two gender imbalances co-exist.

At least one province covering a former apartheid era African homeland (North West) has faced the converse problem of introducing officials of other races into solely African sections of its re-designated head office. Attempting such a strategy while also creating a properly trained personnel (Human Resources) department had been very difficult, according to one of its MECs, particularly when a general "exodus" of officials was taking place. The MECs whom I interviewed reflected the perspectives of many of the 140 provincial officials in noting how slowly AA seemed to move beyond the appointment and promotion of black males. Within this small group of ten MECs, the five women spoke more sharply of AA's lack of impact, particularly on advancing women officials (of all races) which they — like a number of my women civil service respondents — clearly see as running a poor second to racial AA as such and male racial AA in particular. One ANC woman MEC commented: "AA is not sufficiently dealt with in this department and there is no monitoring. There is a fair racial mix of officials but very few African women above Deputy Director level." Another female MEC complained that AA was weak overall in her department but specified that "very little has been done in the promotion of gender."

It is important to remember that representivity and AA are national government policies resting not only on the ANC's political commitment but on the legislative obligations which its government has imposed on both public and private sector employers (as described in the previous section). Provincial governments must follow both the law and the DPSA's rules and guidance on its implementation.

There remains some political resistance to AA at provincial government level (and also, of course, in other public service organisations, not to mention the private commercial and professional sectors). One of the non-ANC MECs commented on this legal obligation: "This department has an AA policy and is applying it but our problem is implementation ... While some people may see AA as a threat, we cannot get rid of it because it is now government policy." This particular remark probably does not imply that either this MEC or his party would abolish AA within their province if they could. One non-ANC province might be different: the Western Cape's Democratic Party/New National Party government attempts to appeal to coloured voters, including those in public service employment. "Coloured voters, largely concentrated in the Western Cape province," as one observer noted, "were concerned [before the 1994 elections] that their interests might be ignored by an African majority government. Hence they voted for the NP..." (Byrnes, 1997: xlvii). Whether their concerns were well-founded is debatable. As I have already noted, my own experience of

teaching on civil service training courses there suggests considerable support among officials for a strict merit principle as against AA ideas. On this view, the merit principle cannot combine with black advancement because the quality is simply missing. The Western Cape government is, as we have noted, legally obliged to formulate and apply AA but at least one of its departments is claimed by its MEC to be following the merit principle on recruitment and promotions. How energetically the national ANC government will try to enforce this law upon non-ANC provincial governments still remains to be seen.

One further racial and AA point should be reported before covering the disability aspect of the AA law and policy. An interview question about post-1994 problems in the senior civil service (reported below in Chapter 7.1) asked which of them had their causes in the pre-1994 years. The second commonest single choice of problem on this open-ended question was my code "race or gender prejudice among senior civil servants" (29%). ("Bureaucratic inertia" was the sole choice of 46% and "bureaucratic arrogance and secrecy" of 5%.) At 29% for a single nomination this proportion (of 129) officials suggests that AA policy and the historical background which it claims to be tackling faces a significant challenge or backlog.

If AA for women officials has run a poor second to black advancement, the disablement aspects of the new laws and policies have made almost no

showing at all. My civil servant respondents saw an almost complete lack of official emphasis: it became a commonplace during my 33 interviews with DPSA officials (whose department is responsible for overseeing this statutory policy's implementation across the civil service) to hear that disabled people could not even get into their building, almost as if this fact ended any discussion rather than being its starting point. The MECs as a group showed little more interest in AA for disability than many of the civil servants but to the same effect: "Very few disabled people apply for jobs"; "We have not done well on disability ... we lack specification or targeting of disability in the recruitment process"; "There is no concerted effort to encourage them to apply ... there is no deliberate need for people with disabilities and they are therefore a marginalised group"; "... there is no proper focus on disability and we need to concentrate on this"; "... there are no people with disabilities in this department; we have access problems for such individuals in this building."

This outline survey report on my respondents' perspectives on representivity and AA should conclude on a plainly political note because AA in the senior civil service is not simply part of a national swing to representing the majority racial group in national life after its exclusion under apartheid. One ANC MEC's comment expresses the political point: "I agree with the ANC's strategic deployment of its cadres" — i.e. within the senior civil and other public services. AA policy involves the dominant majority party (ANC) placing its partisans from the dominant majority

racial group (blacks) in senior posts within the state machinery. The assertion of black power is also an assertion of government and governing party power. Thus reservations or outright opposition to this twin process is also on a double track of race and party — at least in the provinces (all but two) where the ANC proves the provincial as well as the national government. If AA and alleged politicisation are the two most prominent and controversial broad issues facing the South African senior civil service, it is important to see them as linked. In most parts of South Africa's national/provincial government system, a new black face sitting at a senior civil or public service desk is not only black, rather than white coloured or Asian, but also quite likely to be an ANC face. In 1999, following speculation and concerns that the ANC Cadre Policy and Deployment Strategy would create a "broederbond", the party's Smuts Ngonyama dismissed such concerns:

> The ANC's deployment strategy is no secret. It does not seek to create a "broederbond", *illuminati* or politburo — accusations of such are evidence of over-active imaginations and blatant propaganda.... Concerns raised that the ANC will deploy cadres into the civil service without following the correct channels are unfounded (Ngonyama, *City Press*, 08/08/99).

Furthermore, he insisted that "All civil servants are employed only after the vacancies are openly advertised. They compete on an equal basis, with all other applicants for positions." Various other bodies, such as the Public Service Commission and the Public Protector (Ombudsman), he

concluded, were "established to ensure that proper procedures are followed in civil service recruitment" (Ngonyama, 1999).

To conclude, this chapter has presented the 'representivity' issues and my interviewees' responses on them. This has included reports of various critics of Affirmative Action (notably the view that "re-racialising" is occurring). The major shortcoming of AA policy, the chapter concludes, is the different interpretations placed on its character and purposes. On my interviewees' perspectives, it concludes that race is the dominant element in the AA policy, with gender equality running a poor second, according to my interviewees' responses. Finally, a link has been suggested between AA policy and attempts at civil service politicisation by dominant parties, at both national and provincial levels.

I cover alleged politicisation of the civil service and report the survey results on that topic in Chapter 5.

Chapter Five

Management innovation in the Senior Civil Service

5.1 The Perspectives of Senior Civil Servants in South Africa

We should firstly note that there is not any set pattern of 'perspectives' of the senior civil service in South Africa, particularly considering that the country has only recently entered its transition stage from apartheid authoritarianism to democracy. What follows is an attempt to understand these perspectives, based mainly on my interviews with them between late 1999 and mid-2000. In this chapter, as in the rest of the thesis, the term 'senior civil service' refers to the top, middle and lower senior managerial government positions (Director-General (grade 16) down to Assistant Director (grades 9-10), as outlined in Chapter One.

The term 'perspectives', in this chapter as in the rest of the thesis, refers to the way the officials explain their various functions, roles and responsibilities and how they perceive their situation generally. We may outline their functions as being to:

- interact with their ministers or MECs (the political-administrative interface);
- exercise power and authority in their respective departments/ministries;
- interact with members of the public (individually and collectively);
- represent government at all levels;
- formulate (with ministers or MECs); articulate; and implement policy;
- give managerial support and advice to their ministers or MECs.

Of course, the practical combination of these functions differs according to individual seniority and the precise nature of a government department's work. The second (bulleted) point raises questions of definitions of the terms power and authority, but the interviewees who mentioned these terms often did not explain or define them. With reference to policy formulation and articulation, Charlton (1991:265) has emphasised the "...particularly prominent role played by senior bureaucrats in policy-making in [neighbouring] Botswana." This may not be as outstanding in South Africa, but some interviewed officials felt they had to perform (or were already performing) this function in addition to their policy implementation duties.

As explained in Chapter 1 it was necessary to include the Assistant-Directors (ADs) in my study because this grade is the entry point to the managerial positions at which many newly appointed (or promoted) officials normally began their senior careers. As the entry grade to a potential senior career, the position of AD seems to be where many people who were formerly disadvantaged by apartheid are concentrated. As the bottom rung of the senior management echelons in their departments or ministries, these officials may well be the only senior civil servants who maintain grassroots level contact because of their regular dealings with bodies such as schools, hospitals or local government and with the public.

At the provincial government level, some interviewees strongly expressed the view that the only truly senior or powerful grades are Chief Director and upwards: Chief Director, Deputy Director-General and Director-General. Other interviewees felt that 'senior' also included the Directors. Such officials were said to have more power and authority to make effective decisions in their departments and ministries, often without having to seek prior permission from their superiors. Even so, some Directors were reluctant to include themselves among the 'senior' civil servants, and instead used this term to refer only to those above them.

One of the limitations of attempting to outline the duties of senior civil servants is that such duties may be unclear and ambiguous. In his study of Permanent Secretaries (comparable rank to South Africa's Director-General) in Commonwealth Africa, Lungu (1997) emphasised that this particular class of senior civil servants faced what he termed "role ambiguity and ambivalence." Noting that the office of Permanent Secretary is a key position in African public management systems, he concluded that:

...an adequate knowledge of its roles and functions, of its scope and limitations, of its potential frustrations is essential, together with other civil service variables, to the understanding of and designing strategies for containing the current administrative crisis [in Africa] (Lungu, 1997:3-4).

He also acknowledged that African public management systems could not be understood adequately or wholly "by focusing on the office of [the Permanent

Secretary]" (p.4), a point that I have found also applies to South Africa's Directors-General. Lungu's points — especially about the scope, limitations and potential frustrations faced by the Permanent Secretaries — are significant: some top officials interviewed in this study also expressed them. One provincial Superintendent General who said that the "greatest challenge to transformation [in my department] is racial attitudes", summarised these potential frustrations as follows: " I have a difficult task of assuring the old, formerly advantaged senior officials that standards have not dropped, contrary to their beliefs. Similarly, I have to deal with those on the disadvantaged side who, while agreeing that standards have improved, still feel that much should be done." Lungu has further said that "...African [Permanent Secretaries] experience considerable role ambiguity and ambivalence due to conflicting and contradictory expectations of their office, but more so due to the mismatch between the original ideals governing the office and the political context that works against these ideals" (Lungu, 1997:5). Perhaps, in the South African case, the "mismatch" between the ideals of the Director-General's office and the political context that opposes these ideals has not yet become fully apparent. However, the high turnover in these highest civil service grades in the early 1990s suggested something closer to these observations (Malala, 1999). (Chapter Six will examine this, and related issues). In his study, Lungu (1997) identified the following major roles that could also help clarify the position of the most senior government officials in South Africa, namely:

(i)   political appointee in a neutral role;

(ii)   chief executive or minister's clerk;

(iii)   responsible officer or rubber-stamp.

In the South African case, however, it would appear that these observations are applicable not only to the DGs, but also to the other senior officials interviewed. The main difference, of course, is that the importance of these points may differ according to level of seniority and from case to case. Dogan (1975:4) referred to the senior civil servants as the modern 'mandarins,' adding that "The top civil servant who plays an important political role has a hybrid personality: half-political, half-administrative. Like Janus, the Roman god, he has two faces. He is kin to the mandarins of old Imperial China." Dogan's observations clearly apply to South Africa, although this could differ by province and the varying natures of government departments. Montgomery (1986:211) conducted a study of Permanent Secretaries in nine Southern African countries (Angola, Botswana, Tanzania, Zambia, Zimbabwe, Malawi, Mozambique, Lesotho, and Swaziland). He noted that, "The political role of senior civil servants in [Commonwealth] Africa cannot be differentiated from their administrative roles." Insisting that this Whitehall tradition "is alive and well in Africa," Montgomery concluded: "The [African] Permanent Secretaries play a largely predictable, almost interchangeable, role in the nine countries. But that role is far from identical with that of their counterparts in Europe" (p.220). In fact, another and later observer has noted that the public administration systems of many African countries "...are characterized by declining performance levels in terms of policy-making and implementation, they are excessively formally centralized but

ineffective and have become mired in a crisis of identity, morale and direction" (Olowu, 1998:41). South Africa was one of only two countries (the other was Botswana) which were singled as having public administration systems that are "generally efficient and effective." While this might be true, to a certain extent, these comments obviously raise issues around the definition of efficiency and effectiveness — or the nature of the administrative reform process in a country.

In terms of South African law, the duties of the senior civil servants include policy-making, liaison with the political heads of their departments or ministries, representing the government in various forums and implementing public policy within these structures (Public Service Act, 1994). The Public Service Act (1994) clearly outlines and regulates the composition and operations of the South African civil service as follows:

> In the making of appointments and the filling of posts in the public service, due regard shall be had to equality and other democratic values and principles enshrined in the Constitution (Section 11 (i), Public Service Act, 1994).

Similarly, Chapter 10 of the Constitution spells out these values and principles and generally maps out the required characteristics of the country's public sector employees at large. These principles and values are, among others, those of equality, representativeness (or 'representivity', in South Africa) transparency and accountability. Representivity is usually defined by relevant legislation (notably the Employment Equity Act 1998) as

proportional parity in terms of the country's demographic profile. Certainly, a number of the interviewees mentioned equality and other democratic principles stated in the constitution which they said were being used currently in civil service appointments and promotions. However, some expressed fears that negative aspects, especially nepotism, and political and other networks, were increasingly being used as criteria for the recruitment and promotion of the senior civil servants.

There was almost a consensus amongst the interviewed senior civil servants and political leaders on what their respective roles should be. It must be added that whether and how far this ideal differed from the reality would be hard to discern. Some of the arguments presented by some of my respondents seemed closely aligned to the classic (principally Wilsonian American) belief in a 'politics-administration dichotomy' (as described in Chapter Two) even though later scholars have long recognised that this idea is impractical. As La Palombara has explained: "The bureaucracy, particularly in its upper reaches, will always be deeply involved in the political process. Indeed, it is impossible, even in the most structurally differentiated political system, to conceive of a complete separation of the [political and administrative] function." (LaPalombara, in Dogan [1975a]:4).

Some interviewees agreed with this view and argued that there was an overlap between the worlds of the civil servant and the politician. Thus, they urged that the two groups should co-operate, while recognising each others'

exclusive functions. One most senior provincial official, for example, said that it was important for "the HOD to respect and understand the MEC/minister if problems [between the two] were to be averted." A senior national official mentioned the need for "clear policy directives from Cabinet outlining a framework of co-operation" between the minister/MEC and the senior most senior official. As already explained above, the ministerial figures interviewed for this study were all of the ten MECs (the 'executing authorities') of the eight provincial-level Health and Education departments whose senior civil servants provided the bulk (140) of the 180 officials interviewed (plus two MECs in other provinces in one of which civil service interviews were refused).

A preliminary assessment of the perspectives of senior civil servants in the selected provincial government departments indicates that there is a great deal of short term, urgent fire-fighting taking place on issues which have their roots in apartheid. The new ANC government has been very keen to fulfil its promises made in the 1994 and 1999 democratic elections to improve service delivery (especially water, housing, health services and education) to the formerly marginalized sectors of the society (*The Times*, 01/12/00) — in one word, 'transformation'. To do this, the ANC had to work within the structures (departments, ministries and other public bodies) that were created during the apartheid era to cater for the interests of only one racial group. This certainly posed a direct and formal challenge to those who were appointed to work in these structures after 1994, who often complained

about the subtle racism and "frustration they face[d] with the old apartheid bureaucracies whose tenure was extended by the sunset clauses" (*City Press*, 26/09/99).

Another difficulty faced by the senior civil service has been that South Africa retained many top officials from the apartheid regime and its separate satellites (the former 'independent' black homelands and self-governing territories). The departments and ministries of these old civil services were reorganised into the new unitary civil service after 1994. The new government's caution in encouraging the senior old guard to retire or resign offset the boldness of its formal policy pledges of a transformed civil service and wider public sector. Partly as a result, newly appointed officials in particular are feeling the effects of the old civil service. In 1999 one press observer commented that "What we are witnessing at the moment is that black incumbents are fitting into the old apartheid mould based on rigid and outdated bureaucratic habits and rules that can make working in the civil service a very frustrating experience" (*City Press*, 26/09/99).

Important changes included the policy of Affirmative Action (AA), the *Batho Pele* principles (see Appendix 2) and the overall transformation of the attitude and conduct of the entire public sector. On AA, many senior officials told me that they strongly supported the new laws and policies, although they felt that these measures had flaws, notably an inconsistency of both policy and practice between different departments and even between civil

servants in the same department or ministry. Other alleged flaws of the policy were said to be the half-hearted application of the policy in some departments or included the unequal emphasis as between race, gender and disability. The *Batho Pele* principles particularly emphasise a more democratic and business-like approach to the public who were now to be treated as customers or clients. This is beginning to change the strongly negative public attitudes that used to be applied to the apartheid-era civil service by the majority of the population. The *Batho Pele* programme, a flagship policy of the ANC government, seems to have much in common with the UK's Citizen's Charter whose emphasis is on customer orientation — "a key feature of [British] civil service reform in the 1990s." Accordingly, "Government departments and executive agencies [in Britain were]...required to be more sensitive to the demands of the users of their services" (Butcher, 1997: 54; also, see Pollit and Bouckaert, 2000: 88).

The new business-like approach must rest on new ideas of assessed performance-related measures. It is still early days, but these measures will probably significantly affect the behaviour and roles of the senior civil servants who are placed on personal Performance Management Contracts (PMCs) (especially from Chief Director upward) — if they are properly applied. To begin with, this managerial innovation could usher in the gradual professionalisation of the top administrative positions of the South African civil service as these contracts are intended to change and control the work of these officials and, through them, their numerous subordinates. A

remarkable aspect of these PMCs is that a department's or ministry's minister or provincial MEC evaluates the performance of the highest official in that department. The highest officials (Director-General, Deputy Director-General and Chief Director) in turn evaluate the performance of their immediate subordinates who do likewise with their subordinates. This process presently applies only down to the next "senior managers" grade of Director — although not all of them. Assistant Directors, Deputy Director and some Directors are not individually subject to PMCs but they are covered by the collective requirements of the Performance Agreements that apply to their sections of their departments or ministries. Thus, Assistant Directors who are assessed as performing poorly will be damaging their superiors' capacity to fulfil the requirements of their own PMCs and so may expect to feel some disciplinary pressure from above. If PMCs are seriously applied to the most senior officials, with sanctions attached to poor performance, their salary, bonuses or promotion would be at risk from weaknesses among their subordinates.

Analysis of the productivity issues facing the new South African civil service suggests that Performance Management Contracts should be extended down to at least Assistant Director's level. One current limitation is that there does not seem to be an effective means of monitoring their implementation. Evaluations that are currently being applied by the highest officials (Directors-General and Deputy Directors-General) to their subordinates seem uncertain or even open to manipulation. Very few of the eligible interviewees

had been formally evaluated by their superiors and therefore appeared to be uncertain or unconcerned about the effectiveness of these new personal contracts. Among those who had been formally evaluated, none stated that they expected a salary sanction, demotion or dismissal if their performance was found unsatisfactory. All that would be expected to be done would be a review of the concerned official's weaknesses and the reasons he or she was unable to reach the desired performance targets.

Interviewees suggested that the idea was to use the individual PMC and the collective Performance Agreement as a tool for staff capacity-building rather than as a means to punish the officials concerned. It is currently doubtful whether and to what extent either of these devices may be used as reliable tools for measuring and improving productivity among South Africa's senior civil servants. Of course, such a radical change would be expected to begin cautiously, as a training or staff development device and to develop actual sanctions only rather gradually. The very similar developments in Whitehall in recent years have had this same educational and incremental character (Massey, 2001).

The performance contract innovation has been minimal, at least during the first five years of South Africa's new democracy. Not much was done at the outset because of the conditions set by the 'sunset clauses' which guaranteed apartheid era officials' positions. All the then negotiating parties accepted this policy on the eve of South Africa's historic elections. These clauses

stipulated, among other things, that no apartheid era civil servants would be required to give up their jobs within the first five years of the new dispensation (Ndletyana, 2000). Therefore, the so-called 'rank-and-leg promotions' (a practice whereby all civil servants were promoted on seniority in spite of any poor performance) persisted.

Thus, the newly-appointed DGs and other senior civil servants had to endure the presence of many senior officials from the apartheid era, some of whom they thought were incompetent, reluctant to implement the new ANC government's policies or (covertly) opposed to the many changes in their respective departments. Needless to add, the presence of such officials in various government structures made it difficult for the senior civil servants (especially DGs) to play their roles of effecting change inside the civil service at the time when this was urgently needed. Many of those officials have, however, gradually opted for lucrative retirement and left the scene. The government had to pay dearly for this while also losing some more valuable skilled and experienced staff in the same Voluntary Severance Package (VSP) process. As one most senior provincial official told me, "We are sitting with a lot of 'dead-wood' [in this department]", referring to cases where the so-called old guard officials had chosen not to take a VSP offer. However, 'dead-wood' has also been used to refer to the largely untrained, unskilled and mostly black officials from the "ex-departments" of former apartheid structures.

Another issue which has not been easy to investigate, but which could have affected the roles of the senior civil service, is the negative attitudes of some members the pre-1994 civil service. Scepticism and uncertainties on the changes taking place inside the civil service were often expressed by the old guard. For instance, when asked to 'name one main aspect that you think has changed remarkably the roles of the senior civil servants since 1994', the response from some members of this group was 'none', or that 'things have gone from bad to worse.' The same can be said about the negative attitudes of some senior civil servants towards employment equity. The need for equity cannot be over-emphasised, particularly given the apartheid legacy. However, some from the old guard felt that the government was wasting time on such policies and measures and sometimes argued that AA was (in the standard hostile phrase) reverse racism. (These and other opinions were featured in the quotation boxes in Chapter 3.5, above).

One difficulty facing South Africa's senior civil servants is their understanding of the twin mandates they must accept in the new dispensation. These two mandates are, firstly, the policies of the ruling party (as represented by the ministers at national level or MECs at provincial level) and, secondly, the administrative mandate — the rules, regulations and directives of the various Heads of Department. Several senior civil servants at provincial government level strongly believed that failure to understand this very often led to conflict and tensions between the minister/MEC and the most senior administrative officials. They were hopeful that the new Public Service Act

(1997) would address such problems between the politicians and senior civil servants as it was drafted for this purpose.

Generally, post-1994 changes are still unfolding in the different departments and officials complained that they have difficulties coping with the stream of new policies and laws. However, as the neighbouring (Commonwealth) countries also indicate, the functions of senior civil servants in Africa sometimes appear to be unclear or ambiguous (Lungu, 1997). This ambiguity may be affected by the nature of a department's work and responsibilities: I chose to interview in the Education and Health Departments of four selected provincial governments (and in the national level Department of Health) precisely because of their particular direct exposure to mass public demands for these services which makes them specially important politically. Apart from the 33 respondents working in the (national level) Department of Public Service and Administration, all my respondents were directly concerned with the 'sharp end' of delivering education and health services.

5.2 How the Structure Affects Officials' Perspectives

It has been argued that "...African bureaucracies are on the threshold of, if not already engaged in, important changes in their structures and forms, functions, roles and resource base" (Mukandala, 1992:557). Unlike in the rest of Africa, to which Mukandala is referring, changes in the South African context are (understandably) taking place largely because of the need to deal with the legacy of apartheid. This is not surprising because, as B.G. Peters has argued, "...the structure of the public sector depends very significantly

upon history and economic and social conditions, as well as ideas about the purposes of government" (Peters, 1984:111). Certainly, the debate about the purposes of government in South Africa has, as in other parts of the African continent, led many to ask questions on the nature of the post-apartheid government machinery. Peters further wrote that, "No reform of government, however well informed by organization theory, is likely to be able to overcome all the inherited traditions embodied within the machinery of government." This might well be because government departments and ministries have certain traditions that are likely to affect the behaviour of their office-holders. Hall and Taylor (1996:942) have emphasised the importance of "...the relationship between institutions, ideas and beliefs." New institutionalism, as they argued, sought "...to elucidate the role that institutions play in the determination of social and political outcomes" (Hall and Taylor, 1996:936). Of particular importance to this present study of South Africa is "historical institutionalism" which, as Hall and Taylor wrote, "...built on the older tradition of political science that assigned importance to formal political institutions (Hall and Taylor, 1996:937). In this academic light of context, this section attempts to assess the possible impact of government structures on the roles and perspectives of the South African senior civil service after the country's 1994 general elections.

We may say, firstly, that it was inevitable that the overall changes taking place in South Africa would also affect the machinery of government. Whether the civil service should spearhead these changes is an important

question, but this chapter will not attempt to answer it directly. Secondly, it is important to understand that such changes are not a single event but a series of processes so it will not be easy to define the changes, or their momentum, inside the government departments.

It was mentioned in the preceding chapter that the old apartheid government structures were hierarchical and continue to be so today. By 'structure' is meant the design, arrangement and characteristics of the government departments and ministries, as illustrated by their organisation charts (organograms). Their hierarchical, pyramidal design suggests top-down decision-making. This has several implications. Politically, it might be advantageous to those at the top because the control of the organisation would rest almost exclusively on the higher echelons. But this might pose problems administratively because it encourages centralisation and stifles initiative at middle or lower levels. In other words, decision-making levels ride up much too high. Obviously, given the country's current drive towards democracy, any undue centralisation is unfortunate, as it acts against more open, participative and democratic values.

The continuing hierarchical design of the post-1994 departments and ministries appears increasingly redundant now that apartheid laws that this design was intended to support have largely disappeared. In the apartheid years, departments and ministries were not only very hierarchical in design and top-down in their methods, but also multiplied and duplicated to deal

separately with the different races to fit in with the separate development ideology of the time. Obviously, the work of the civil servants in racially defined departments was limited by its racial basis: they were powerless to effect any wider changes or, indeed, much meaningful change at all. Another feature of the old system was the rude, uncaring and often blatantly racist attitude of many apartheid-era civil servants. This largely produced the widespread fear, suspicion and even hatred of government officials (especially in departments like Bantu Administration and Development and Bantu Education) in the black areas or among the black community.

The continuing hierarchical nature of the departments and ministries also has other implications for the roles of the senior civil servants, especially the Directors-General. They occupy a very powerful position in South Africa that is highly respected (in some cases feared) by the junior and middle managers, perhaps more than would be the case in a flatter structure. Clearly, the culture of the organisation is influenced by its structure and both culture and structure are readily taken to reflect the values and norms of the people at the apex of the organisation (Handy, 1993: 180; Pollit and Bouckaert, 2000: 60). This perception of the top officials' values may well undermine the expression of divergent views or debate among middle and junior grades. But undermining such debates creates political problems, especially in a rapidly changing and young democracy such as South Africa.

The picture is not yet clear how far change is occurring to these departmental structures. Many civil servant interviewees were quick to emphasise that bold changes were taking place inside their departments and felt that such changes were certainly changing their own roles. However, there was no consensus on either of these points, or on whether changing methods and styles of work have yet affected the basic nature of departments. Changes mentioned by interviewees included the following:

(a)   departments are now less rule-bound so each senior civil servant must exercise their discretion on matters previously deemed the preserve of the head of department; all officials must, therefore, be personally familiar with the legal requirements affecting their decision-making tasks;

(b)   there is no longer firm discouraging of more junior or middle managers from meeting and discussing with their superiors or even with the political heads of their departments (national ministers or provincial MECs);

(c)   administrative heads of department (Directors-General, Superintendents-Generals or Deputy Directors-General) now enter into regular consultation with their subordinates, even on major policy matters;

(d)   junior and middle managers are now able to voice criticisms of their heads of departments, without fear of victimisation or dismissal, unlike previously;

(e)   introduction of the *Batho Pele* principles (see Appendix 2) has begun to lead to changes, however minimal, on certain unacceptable attitudes (especially racism) in government offices;

(f)   in an attempt to deal with the multicultural nature of the South African society and civil service, civil servants must now make a concerted effort to learn to speak the (11) official languages (or, at least, to learn the predominant languages used in the provinces in which they

operate); it is to be hoped that this trend has begun to change the negative attitudes that the public used to have about the public sector;

(g)   the Directors-General have now been given greater executive powers even though it is also true that their ministers or MECs are now legally designated the "executing authorities" of the departments they oversee; thus, the Directors-General are still accountable to Parliament for their department's expenditure, though their minister/MEC may overturn their decisions. In this case, the Public Finance Management Act (S.64.2) requires that ministers/MECs put their directives in writing, making copies to the Auditor-General's office (exactly the same rule as has long applied in Whitehall);

(h)   on Affirmative Action, some senior officials said that their own attitudes have been affected in that the new AA law has helped them be more tolerant of new recruits to the civil service, possibly appointed on AA grounds.

As a result of such developments, managerial styles have had to change: authoritarian practices are much less acceptable. Tolerance of cultural and other differences, a great challenge facing South African communities in general, is gradually becoming a reality and will be tested, including in government departments. The relative decline of a rule-bound culture in the various departments does not necessarily imply the abolition of rules or regulations. It rather suggests a new approach of avoiding the often unnecessary formal recourse to some rule or regulation, whenever an issue arises for action, which has long been the style of at least some departments and ministries. This more flexible, discretionary, approach eases decision-making, especially for the top three ranks of Director-General, Deputy Director-General and Chief Director, where formal final decisions on casework

has always become clogged up with the usual delays associated with such a rule-bound, traditional bureaucracy which passes decisions too high up the hierarchy for fear of making a wrong call or creating a precedent.

Certainly, the introduction of a consultative culture ((c) above) has meant that the civil servants are now more inclined to ask questions on matters which, under the old apartheid order, they would not have had an opportunity to ask. On the positive side, this has led to greater openness and has encouraged freedom of expression in the departments. On the negative side, however, this has often slowed implementation as heads of departments felt they had to consult their immediately relevant junior colleagues before a decision could be taken. It has been suggested that heads of departments have used the new custom of internal consultation as an excuse not to speed up a policy's implementation.

In relation to the new customer-friendly approach (as outlined in the *Batho Pele* White Paper) many changes have been introduced in government departments, but these still need to be followed by concrete action. Even the government has acknowledged that "One of the lessons from the past five years is that we have developed more policies than we have capacity to implement" (*Pretoria News*, 18/05/00). The implementation of the Affirmative Action laws in the new, post-1994 departments and ministries is one major example of this over-commitment. Senior officials must now have to deal with the consequences of this policy, whether negative or positive,

and must look for better ways to implement it while promoting it inside their own departments and agencies and supporting it (no matter how unpopular it might be) among private sector employers, many of whom are doubtful or even hostile. They also need to learn how best to utilise and integrate staff with different skills bases, especially AA appointees. They may also need to help the AA appointees to deal with any stigma of being appointed on this basis.

Recent new influences of the roles and perceptions of the senior civil servants on their departments' structures have arisen from their changing personnel. Factors include:

- appointment of outsiders to senior posts with little or no civil service background;
- the diverse backgrounds of these new recruits;
- their greater commitment to change and to democratic ideals (equality, fairness, equity, justice, openness);
- their seemingly consistent effort to help the civil service shed its old negative image;
- their preference for more modern and participative management, helping to move on from legalistic bureaucracy.

There are positive and negative consequences arising from these characteristics. For instance, the appointment of technical and professional outsiders, (e.g. IT experts or doctors) has injected new blood into departments with new ideas, particularly from the private sector. Unlike the old civil servants, who were always suspected of trying to turn the clock

backwards, these new appointees have continued to enjoy legitimacy and support from all their colleagues, new and old. The appointment of people from various racial and cultural backgrounds in senior government positions has also had positive spin-offs. The civil service is now fairly representative of the country's population, according to a recent government report (*Pretoria News*, 18/05/2000). It states:

> ...the government, as the country's largest employer, is in command of a workforce whose composition in both gender and racial terms almost matches that of the country: 70% black, 17% white, 9% coloured, 4% Indian, 51 % women and 49% men. (*Public Service Review Report*, cited in *Pretoria News*, 18/05/00).

However, there was a continuation of "stark inequalities in terms of rank and salary". Although the number of blacks seems to have increased dramatically, they continued to "dominate the lower levels of employment" (*Pretoria News*, 18/05/00). Similarly, "the government's plan to boost the management capability of the [civil] service is undermined by a bottom-heavy structure" which has made it difficult for it to implement vital changes (*Pretoria News*, 18/05/00). One of the consequences of this bottom-heavy structure has been that very few experienced and skilled blacks are available to fill the top positions and help to implement the necessary policy changes in various departments. The combination of race and gender as part of the Affirmative Action policy raises interesting questions (looked at in Chapter 3 where my respondents' perspectives on these issues were analysed).

We may conclude that the relationship between the structures (namely how different departments are arranged) and the roles of the senior civil servants is not easy to establish, at least as a matter of data analysis resting on clear independent/dependent variables. Can the manner in which a government department or ministry is arranged influence the behaviour and perspectives of its staffs, or is the influence the other way round? Some interviewees thought that the design of their departments or ministries did have an impact on their roles, whereas others saw no link. Departments are still mainly hierarchical and under top-down management styles. So it would appear that the structure, as illustrated in the departmental organograms, does have an effect on the roles and perspectives of the senior civil servants.

5.3   Challenges to Management: Unethical Conduct and Corruption

Any aspect of weak public service ethics, not to mention criminal corruption, represents a sharp challenge to the rational management of any civil service, however well-established and secure its norms and procedures may be — for example, in the UK's case. Where a public service is in dramatic transition and hoping to establish a democratic alternative to an authoritarian political heritage, any unethical and criminal conduct is far more damaging because it helps to drain away public acceptance and legitimacy as soon as it may have started to build up. Therefore, the issue of corruption has very serious implications for the development of the post-apartheid civil service. It would be unfair to state that corruption is rampant within the civil service, as has

been suggested by sections of the South African media. Nor is it useful if the media lump together as "corruption" any form of unethical conduct, partisan bias, personal or group nepotism or any other type of illegitimate and unacceptable conduct.

There is a need for a systematic investigation of such allegations. This study could not have attempted this but it can cite some of them. Two examples are collective criminal activities, involving numbers of officials and others running rackets on a continuing basis. The other four citations are individual officials' transgressions (not necessarily criminal acts) which are not individually of great importance. The question is, of course, how common such individual cases may be: are there many others which have avoided detection and redress and which therefore could lend their character to the system as a whole? Corruption in the civil service could affect the long-term viability of the civil service, if left untouched.

The most important (indeed, traditional) corrupt practice has long been the "ghost workers" racket, whereby officials and others manage to draw into their own control the salaries, pensions and other benefits of non-existent civil service staffs, mainly at provincial government level. In 1996, for instance, the South African civil service was reported to comprise around 1.2 million persons (*Cape Times*, 19/12/96) which the government wanted reduced. This figure should, however, be treated with caution given the alarming number of ghost workers subsequently detected to have been on

payrolls in some provinces around that time (*Daily Dispatch*, 02/08/97). Some provinces, such as Eastern Cape and Mpumalanga, have been particularly associated with this practice: the post-1994 integration of different administrations brought this established practice to more national attention. In 1999, the Eastern Cape government threatened severe penalties for those stealing money by possessing as many as four faked ID books to draw four pensions from the welfare department.

My interviews could not realistically seek senior officials' perceptions (and certainly not confessions!) on this sensitive topic without risking the interviews' main objective. A question about ghost workers in the respondent's department was asked and these responses now follow. Inevitably, some officials comment on this traditional racket more broadly, often after saying that their own department was free (perhaps has always been free) of this weakness. This topic came last in the interview, often when time had run out, so the numbers giving a substantive response (don't knows excluded) to these three questions fell away, as shown:

(i)   Are there ghost workers in this department?

        Yes 15%; No 85% (n = 141)

(ii)   Have there been any in the past?

        Yes 90%; No 10% (n = 90)

(iii)   Why has the civil service been experiencing this problem? (n = 82)

        A problem of criminality and greed; (some reference to poverty):

        27%

A problem of traditionally weak personnel and audit management in those provinces/areas, which was not being addressed: 73%

The overall view of my senior respondents seemed to be that this particular form of civil service-related corruption had always been rather remote from them, both hierarchically and geographically, and was now being defeated by better management.

A second and much more limited collective fraud was the alleged sale of national identity documents to illegal immigrants by some senior officials in one department (*Sunday Times*, 21/03/99). The three individual transgressions to be cited here simply as examples are:

• the chief official (Director-General) of Mpumalanga province (Coleman Nyathi) who was "forced to resign earlier this year after press reports exposed his doctorate in administration as a useless 'mail order' degree from an uncertified British university" (*African Eye News Service*, 26/10/00). At the time of writing, Nyathi's citizenship was also under investigation after a Home Affairs Department probe found he was an illegal Zimbabwean migrant who had used fake identity documents (*African Eye News Service*, 26/10/00). (A slightly earlier scandal in the same province concerned senior officials who had allegedly falsified job qualifications. The DPSA was said to be "... investigating scores of senior officials ... ten [of whom were] found to have fraudulent degrees" (*The Star*, 22/05/00)).

- the provincial minister (MEC) for Education in the KwaZulu-Natal province, Ms Eileen kaNkosi Shandu was dismissed by the province's Premier for nepotism: she had appointed her brother, Isaac Nkosi, as a DDG in her department, "...ahead of better-qualified candidates" (*Sowetan*, 23/08/00).

- a senior white, ex-army, official (former Major-General van der Merwe) held a senior post in the KZN province's Safety and Security department from 1997 but was additionally appointed its Accounting Officer in March 2000. This double posting attracted publicity and official scrutiny: Mr van der Merwe claimed to see no real distinction between the two positions.

Stories such as these and their over-heated reporting naturally encourage allegations that some civil servants have joined with the selfish motive of enriching themselves. They are said to be interested only in the benefits offered by public sector employment (the 'gravy train' syndrome). These individual cases are of particular interest to this study in that three of the persons ('Dr' Nyathi, Ms kaNkosi Shandu and her brother, Mr Isaac Nkosi) were among my respondents. The fact that Mr van der Merwe is white reminds any observer that impropriety or criminality in the civil service is neither new nor confined to Africans. In 1999, the British scholar David Simon commented strongly on such ideas:

> It is very difficult to verify claims that corruption is far more widespread than previously. Successive apartheid governments and their policies of fragmentation and creating despotic fiefdoms bred rampant corruption; the entire Department of Development

Administration was abolished in the early 1990s for this reason. By contrast, allegations of corruption are far more likely to be aired publicly and to be investigated nowadays. The current raft of investigations and trials relating to senior Mpumalanga officials and cabinet members — right up to and including the provincial Premier Matthew Phosa — is a case in point. Another — rather racist — myth is that the alleged rise in corruption is almost entirely due to the Africanization of the civil service. Actually, it also appears increasingly evident in various levels of the private sector where, despite Affirmative Action (usually styled 'empowerment'), whites still dominate the upper ranks. Corruption is not racially based (Simon 1999: 93).

It would, of course, be desirable for the South African government system to try to emulate the countries where official business has traditionally been seen to be conducted cleanly — such as Scandinavia, especially Denmark (Jensen and Knudsen, cited in Page and Wright, 1999: 235) or the UK. Richard Chapman suggests that, in such fortunate circumstances, ethics and values, "...can even be articulated into core principles, centred around such notions as the impartial and accountable bureaucrat and the open and honest politician" (Chapman, 2000: 113). In the particular British case, Barker and Wilson noted, "Corruption or fraud are unethical because they are illegal, whereas ministers lying to the legislature, the mass media and the public at large ("misleading Parliament") are normally regarded as so unethical that they must resign" (Barker and Wilson, 1997: 232).

5.4 Neo-Managerialism in South Africa's Civil Service: Performance Management Contracts and Performance Agreements

The recent civil service reforms in South Africa should be understood and analysed in the context of neo-managerialism — New Public Management (NPM). A number of both recent and envisaged changes within the departments and ministries represent this perspective. The NPM approach "...envisages a public sector organized more along the lines of the private sector and a civil service whose leaders have greater flexibility and more opportunity to exercise discretion" (Lægreid, 2000: 880). To some extent, there is a connection between this approach and others. Barberis (1998: 454) states that, "The NPM has been associated, implicitly or explicitly, with a number of distinct approaches." He cites public choice theory, bureau-shaping and deconstructionism or post-modernism as the more obvious, adding that they have "sometimes been linked with other theories and models." Dunleavy and Hood have suggested that NPM should be seen as "...a summary description of a way of reorganizing public sector bodies to bring their management, reporting and accounting approaches closer to (a particular perception of) business methods" (Dunleavy and Hood, 1994: 9).

There is no doubt that in South Africa, like elsewhere, the main aim of introducing Performance Management Contracts and Agreements "...is the belief that they enhance efficiency" (Lægreid, 2000: 880). Per Lægreid's study of the introduction of NPM reforms is an important contribution to the debate about the usefulness of these reforms. His study focused on "one

particular administrative reform: the introduction of contract systems for top civil servants in New Zealand in 1988 and Norway in 1990" (Lægreid, 2000:880). Lægreid particularly wanted to find out "...how this reform affects the relationship between political leaders and the top civil servants under contract" (p.880). He looked at what he called "relational" and "agency" contract systems in both countries and argued that the relational contracts are the less formal of the two systems. Relational contracts, he stated, are not based on sanctions but "implicit understandings" and "shared needs" of the parties involved. By contrast, the agency contracts entail, "formal, binding and legal arrangements. They are goal-oriented, incentives-based, concrete and specific and have a limited time horizon" (p.880).

The government originally decided that the senior managers from Chief Director up to Director-General would (with effect from May 2000) be required to sign personal Performance Management Contracts. When the Government of National Unity took over from the National Party government in 1994, few observers could have imagined that its dominant ANC element would in the near future contemplate (let alone introduce) civil service managerial reforms that borrowed heavily from the private sector. However, personal Performance Management Contracts and collective Performance Agreements have been introduced and, indeed, already extended (in January 2001) to the next grade of the senior civil service (Director). According to Regulation VII B.2.1, this "Contract [is] to be concluded between an executing authority [the minister or provincial MEC] and a head of

department in terms of section 12 (2) of the [Public Service] Act...." Accordingly, "The contract may specify the main delegations or authorisations to the head of department in terms of Regulation II B.1 necessary in order to manage her or his department in terms of section 7 (3) (b) of the [Public Service] Act, and a provision stating that delegation or authorisation be added to or removed from the contract" (Public Service Regulations, 1999).

The personal Performance Management Contract policy now requires the four most senior grades of both national and provincial level departments and ministries to sign three- to five-year contracts that they agree with the national President or regional Premier (or minister/MEC delegated this task). These contracts embody targets, defined outputs and their time-scales. The Directors-General propose their own targets and time-scales but the President or Premiers must agree to them. Directors-General are now in turn empowered by law to evaluate their administrative Heads of Department on a quarterly basis. They must also sign personal Performance Management Contracts which they propose for their Director-General's agreement. High achievers, in terms of the contract, would normally expect to be rewarded (pay rise or promotion) although there can in principle also be a negative appraisal which could damage an individual's promotion and other prospects. At present (in early 2001) only the top four grades (DG, Deputy DG, Chief Director and Director) are signing these personal Performance Management Contacts. Any extension down to even a limited number of Deputy Directors

or Assistant Directors could not be expected soon, not least because of the relatively large numbers in those grades.

Below Director level (Deputy and Assistant Director) Performance Agreements are supposed to be applied more collectively in a department or section. They are intended to guide and sensitise these less senior officials (middle management) to the need to monitor and improve performance in their departments. Officials performing well or ill at these middle levels are supposed to affect outputs and time-scales so that their bosses at Director level and higher will be helped or hindered in meeting their own Performance Management Contracts' terms. This linkage is intended to make the most senior grades (who have *Performance Management Contracts*) more motivated to get better work from their subordinates at Assistant Director level and below. This may well particularly apply to the senior officials (Deputy DG or Superintendent General grade) who are designated the administrative Head of Department. They have the greatest need for leverage over their numerous middle-level colleagues whose performance and attitudes will determine the department's overall achievements.

Thus, there seems to be preference for the agency type of performance contracts (Lægreid, 2000) also in South Africa, though with initial government reluctance to enforce these contracts. A former DPSA Director-General has said:

The new Public Service Regulations are designed to improve the performance and productivity of public servants...The regulations allow for decentralised decision-making and make it possible to hold managers accountable. They also introduce a performance management system and institutionalise the signing of performance agreements by public service managers (Paseka Ncholo, *DPSA Annual Report,* 1998: 3).

Furthermore, Performance Agreements (PAs) "...have been used as part of the performance management system to provide a *uniform minimum* basis for the performance management of senior managers to assist departments in realising their annual strategic objectives" (DPSA, 2000: 3 [emphasis in original]).

So, it is clear that the use of PMCs and PAs is not only expected to enhance performance and productivity but also to ensure accountability. This thinking is closely associated to the fact that the old South African public administration was "...not accountable and transparent. The institution was highly inefficient and provided poor quality public services which sustained racial discrimination" (*DPSA Annual Report,* 1998: 5). The introduction of these reforms has been widely accepted in South Africa generally, although with mixed reactions from the civil servants themselves. It is fairly clear from press and public discussion of civil service matters — amply confirmed by my interviews — that the government is proceeding only slowly with this policy.

NPM is a new way of effecting reforms in the public sector, although its ideas have been around for some time. Critics have argued that, "Many NPM innovations seem to be a delayed response to ideas originally developed in the 1960s...but [that were] not applied to the mainline civil service at the time" (Dunleavy and Hood, 1994:10). In fact, the use of performance-related systems has been criticised in some countries. As Lægreid has found in his study, these systems have been very popular with governments but "...they have not been particularly successful" (Lægreid, 2000: 880). For example, on personal pay, Lægreid cites evidence from the work of several scholars in North America to support his argument on what he calls "a paradox of performance pay." He concludes that their evidence suggests that the performance-related pay reforms "...have yielded no clear improvement in performance and have failed to create a more flexible or more satisfactory evaluation and compensation system" (Lægreid, 2000: 880).

The South African government is presently assessing the relevance of NPM to the current civil service reforms. Government is also aware of the danger of managerialism, an "...approach [that] has been historically associated with what has been characterised as neo-liberalism and the rise of the so-called 'new right.'" A further realisation has been that, " Managerialism ascended in Britain after a Conservative government took power in 1979 and has been linked to the rise of public choice theory and 'cut-back management'" (*Public Service Review Report*, 1999/2000: 60-1). While acknowledging the need to learn from international experiences and the Southern African region, the

government has stressed that "...we are committed to pursuing initiatives that fit with our local peculiarities, resource constraints and capacity" (*PSRR*, 1999/2000: 61). Thus, the managerialist ideas and approaches are viewed in South Africa as "...a genuine search for public sector management improvement, not as an ideological exercise to cut back government" (*PSRR*, 1999/2000: 61). This may well be true, but improvement, like re-invention, reform, modernisation and change of the civil service, has been described as a "loaded term" by Pollit and Bouckaert (2000: 16). These terms, they argue, "...strongly [imply] not just change but *beneficial* change — a deliberate move from a less desirable (past) state to a more desirable (future) state" (emphasis in original). Of course, these comments would generally be welcomed in South Africa, given the apartheid legacy.

There is no clearly discernible pattern presently being followed in South Africa in line with Lægreid's (2000) views. Some interviewees' comments on this issue suggested an inclination towards the more moderate, less formal "relational type" contracts. Nevertheless, it appears that some government departments (notably DPSA) have successfully applied and prefer the more formal and rather stringent personal Performance Management Contracts. The debate about the merits and demerits of personal Performance Management Contracts and Performance Agreements — indeed about the whole spectrum of views on NPM — has just begun in South Africa. What is not clear is how far the PMCs will need to be applied to rid the country of the vestiges of centralised, hierarchical and top-down designs in departments. It

is clear, however, that (if sustained) such a debate could serve as an initial attempt to drive the final nail into the coffin of the former apartheid administrations.

5.5 Senior Officials' and MECs' Perspectives on Managerial Performance: a Survey Report

Administrative quality, or managerial performance, is of obviously major importance to all senior figures in an organisation who are likely to call themselves professional administrators or managers — whether in the public sector or the commercial or business sector. Issues of efficiency and effectiveness may not match the emotional and political force of the particular South African case of adjusting senior civil service recruitment and seniorities to a post-apartheid democracy — or the much more general case of a service which is being politicised in some way. Issues of managerial performance are not as radical as either positive recruitment for racial advancement or the politicisation of previously non-partisan, professional cadres. In both of these cases it is hard to see (whether it be for better or worse) how the policy could be reversed to produce a new version of a white-dominated senior civil service in South Africa or a newly independent, non-political civil service in any country whose government had set out to politicise it in its own support. By contrast, current policies favouring managerial efficiency and effectiveness could prove transitory as the received practical meanings of those two many-sided and flexible terms changes with a country's political climate or even intellectual fashion. This could well prove

so on, for example, incentivisation of very senior civil servants in South Africa — and elsewhere (not least in Whitehall, to mention only one possible example).

I had chosen to interview a useful number of DPSA officials working at national level to sponsor the national government's policies for civil service reform — notably better managerial performance and 'representivity' through Affirmative Action. As mentioned above, DPSA operates mainly at national level although it maintains co-ordinators in the provinces. My expectation was that DPSA officials (whom I called specialists in civil service issues) might well have different views and perceptions from the other, generalist respondents whose thoughts would be more concentrated on their health and education policy tasks.

As has already been seen in Chapter 3.5, presenting the survey report on 'representivity' and AA, a number of the twenty-plus principal interview questions relate to two or more of this thesis's topic-based chapters (AA, management performance; politicisation; policy-making and overall change in the senior civil service). To avoid repetition, each is reported only once, in what would seem to be the most relevant chapter, but mentioned in passing in other relevant chapters to register its connection. Four of these mentions follow next, to clear the way for the four principal questions which are to be fully reported in this section. These four questions due for only a mention and a brief comment here are:

- *(Q.21) "... South African senior civil servants think and act mostly like the political heads (ministers/MECs) under whom they serve."
(agree/disagree)*

This question mainly relates to the policy-making process and is therefore reported in Chapter 6.5. It clearly affects this section's topic of management performance because there would be little hope of improving it if senior officials and their ministers seriously disagreed on how it should be defined and promoted. Because officials' own salaries and career prospects could be put at risk by management innovation imposed by their ministers (notably personal contracts) there is probably less chance of their true consensus on these issues. (By contrast, they might argue completely on some particular policy choice.)

- *(Q.22) "Would you say that, as sometimes happens in some countries, a Director-General should be removed or transferred whenever a new minister/MEC is appointed?"*

This question mainly belongs jointly in Chapters 5.xx (on politicisation of the senior civil service) and 6.5 (on policy-making) and will be reported there. Its relevance to management is significant, however. The loss of personal continuity if the chief official of a South African government department is moved away whenever the minister/MEC is changed would be widely seen as a weakness. In particular, the significance and influence of seeing its Director-General's Performance Management Contract cancelled and replaced

by a new Director-General's version could be serious. It would hardly encourage officials to see Performance Management Contracts and their associated collective Performance Agreements as serious, mid-term instruments for guiding the senior grades' overall improvement.

- *(Q.25) "How influential are the senior civil service in policy-making?"*

This question is, of course, reported in Chapter 6.5 on policy-making but, like the previous two, also relates to managerial efficiency. If all or part of a senior civil service cadre had lost (or was losing) its traditional policy-making role, it is unlikely to maintain its authority in its ministers' eyes on internal questions of management and organisation. Almost all public policies have strong practical or implementation aspects which often dominate the policy choice. Governments must choose to do what is actually feasible rather than what would be desirable). The ANC has not provided the only incoming government of a dominant party in recent years: we may recall the later Thatcher governments and the first Blair government among other international examples. These three governments have been seen as policy initiators who did not look mainly to the senior civil servants for policy ideas or preferences. This (possibly temporary) turning away from policy work may stimulate senior officials' active interest in efficiency questions because this helps to maintain their professional status in ministers' and the public's eyes as experts in management, even if no longer in policy analysis.

- *(Q.64)* *"Are there any 'Ghost Workers' in this department?"* and subsequent questions.

This question was reported above in section 3 of this chapter. It is mentioned here simply to register in this survey report on managerial quality the fact that such fraud is clearly a major challenge to South African standards of public finance administration. In 1995, Zola Skweyiya (former DPSA Minister) said that, "Government is sometimes hard put to say exactly how many civil servants South Africa has on its payroll", because a significant number are 'ghosts' *(Mail and Guardian*, 08-14/12/95). It was noted in section 4.3 that many interviewees claimed that this corrupt practice was now dying out as personnel and financial management gradually improved. I could not readily tell whether such managerial improvements had actually resolved this problem, which differed by province.

The first of the four interview topics reported in this chapter on management performance is the crucial issue of recruitment and promotion criteria for the senior civil service.

- *(Q.37, 38)* *"Please mention the criteria that you think play an important role in the recruitment and promotion of senior civil servants in this country."*

Respondents were asked for a perception of the actual current practice, not an opinion on what it should be. Their responses are a report on how things

seemed to them to be on this vital question for the future of their civil service.   The question is open-ended so they were free to claim as much or as little breaking of the merit principle with nepotism, political patronage or even corruption as they may have wished.   Their first and second mentions are analysed.   Responses were coded into two broad groups: 'rational' criteria (experience, education or other qualifications, ability, potential) and 'irrational' ones (any kind of favouritism, bias or corruption, whether personal, ethnic, racial or party political).   Emphasis should be given to the first-mentioned criterion (as usually in survey analysis) as this was the first point to come to the respondent's mind.   The split on the first criterion mentioned was 63% (of 175 officials) perceiving rational criteria and 37% perceiving irrational ones.

The second criterion mentioned split the same way but rather more heavily: 74% to 26%.   This eleven-point increase in nominating rational criteria on the second mention suggests that, taken overall, these 175 officials did see rather more prominence for race (and possibly, to a small extent, gender) in recruitment and promotion.   This difference between first and second responses (63:37 as against 74:26) indicates a modest tendency for respondents to perceive (typically) 'race followed by ability' rather than the reverse as the likely actual basis for staffing decisions.   In asking this question, I fully appreciated its very simple, standard form.   It asked a wide spectrum of senior officials, spread across the country, from the 'specialist' ranks of the DPSA's headquarters to the 'generalists' in a rather remote

provincial health or education department, to give a general judgement on the senior civil service as a whole. Recruitment realities differ greatly between national and provincial levels and departments — as do the political pressures on senior officials and their ministers/MECs to apply AA policy to advance members of a political part or of ethnic or extended family groups.

The coding terms rational or irrational criteria also need brief explanation. In studying each response I segregated characteristics which would in conventional terms, contribute to a better performance (qualifications, experience, ability, imagination, etc.) from those which simply described a job applicant's other aspects (race, gender, age, party or political outlook). I tried to keep the traditional merit principle separate from any political qualifications (in the broadest sense) for a senior post. I therefore coded the few overt mentions of candidates for posts having anti-apartheid "struggle credentials" as an irrational criterion and part of the political patronage on which this question asked for a general perception. It is obvious that government or ANC efforts to place Africans who have suffered from or struggled against the apartheid regime in senior public service posts — despite their lack of traditionally defined qualifications or relevant experience — are not irrational, although their political wisdom must await some years to be confirmed. These efforts have plainly rested on a political rationality while weakening, at least in the short run, administrative rationality which would call for the best qualified person to get a senior job on their individual merits — using such terms in the traditional way.

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│ Quotation Box:                                                        │
│ Officials speak about Senior Appointments and Promotions:             │
│   1.      "Although we have to give priority to the goals of AA policy and to │
│           an applicant's understanding of the need to pursue transformation │
│           [in the department and its programmes] we do consider       │
│           candidates' experience and capability." (Male, white; provincial │
│           government; less senior grades)                             │
│                                                                       │
│   2.      "Affirmative Action is totally out of control in this department. I'm │
│           the only white person in my directorate and none has been   │
│           appointed since I joined in 1995.  Many blacks are now being │
│           appointed even if they have questionable experience — than  │
│           whites.  I feel the way blacks must have felt before 1994." (Male, │
│           white; provincial government; less senior grades)           │
│                                                                       │
│   3.      "Our first criterion is an applicant's political track record or 'struggle │
│           credentials', followed by qualifications [or ability] to manage well." │
│           (Male, Asian; provincial government; most senior grades)    │
│                                                                       │
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The perceptions or opinions of the provincial government MECs are central to this topic because they are legally designated as executive actors on senior appointments. They carry their party's political mandate to advance particular racial or gender (or, in some cases, ethnic) applicants for civil service posts — whether ANC (blacks in general); IFP in KwaZulu-Natal (Zulus); or, perhaps, the DP/NNP government in the Western Cape (whites/ coloureds). They are normally the source of pressure on official HODs and their more senior colleagues to recruit on political and personal grounds,

often in parallel with pressure from the parties, mainly, of course, the ANC which controls the national government and all but two of the provinces.

All but one of the small group of eight MECs whom I asked about appointment criteria followed the 175 officials in saying that traditional (rational) criteria were mainly given the priority. When political criteria were mentioned they were expressed in personal terms such as, "The need to be politically conscious of the [ANC] ruling party's mandate", or "Understanding of the new paradigm of the policy framework", or even "A person's vision" or "Aspiration to democratic principles." Any civil service professional in a democratic system — notably including many non-Africans and non-ANC supporters in the South African senior civil service — would see an understanding of official policies and a commitment to democracy as the basis of their service and nothing to do with their race or personal political preferences. Only one MEC of the eight mentioned AA policy as a criterion (second, in his case, to "academic qualifications and experience"). Other first criteria were also mainly traditional (good management skills; ability and experience) while second criteria followed suit, including personality features ("an ability to listen, understand and work with people"). Given the AA laws and policies and the known pressures from the ruling party to put its former cadres into senior posts, the impression given by these eight MECs (six of the ANC) is that they responded to me on this topic with diplomatic discretion. (One did not: the two effective criteria claimed by one non-ANC MEC were "political networks" and "political affiliation").

Even if all but one of eight MECs were being discreet, the balance of perception among 175 officials is plain — and I obtained no sense of their particular self-censorship on this topic. In early to mid 2000, at least, it seems clear that these members of the senior civil service (about half of whom were non-African and two-thirds male — and so not personally in line for any AA benefits) did not see the merit principle being destroyed. It is always true that a survey question which asks for a perception of actual practices may be answered in terms of preference: some officials may have been saying that qualifications and merit ought to matter most. Also (given the almost overwhelming support for general change in the post-1994 senior civil service to be reported in Chapter 7) it may be that reservations about perceived damage being done to the merit principle are modified or offset by support for the new civil service as a whole. Even so, the majority perception of recruitment and promotion criteria arising from this important survey question is most striking.

(Finally on this topic, one male, black Assistant Director gave me amusing — and possibly satirical — triple criteria for senior appointments: "race; friends; luck").

Any organisation which is changing quite fast may develop strong defensive attitudes to 'outsiders' coming in, particularly to occupy scarce senior posts. I assessed this aspect by attempting a forced choice question:

- *(Q.42)* *"If you had to choose between two candidates, both of high personal merit, for appointment as a senior civil servant, would you (all other things equal) choose one who has been a civil servant for 20 years or someone who has mostly worked outside the civil service?"*

Knowing that many would reject this attempt to isolate the insider/outsider variable in such a choice, an option to "adopt another course" was offered: this proved valuable, as the 48% (of 179 respondents) who did reject it made comments running beyond the obvious platitude that they would seek a balance of background experience and ability. The other half (52%) who did accept the forced choice divided 31% in favour of the 20 years' experience and 21% choosing the outsider. This one-fifth positively wanted to appoint senior new blood, with fresh approaches and ideas, may be placed beside (although not combined with) the 48% who declined the forced choice, because that larger group were saying that being an outsider should not be a disadvantage, but only one aspect of the appointment decision. Overall, an impression of openness to new talent is given here. (A comparison with Whitehall's equivalent senior officials in early 2001, as rumours grow of more outside appointments during a second Labour term would be interesting.)

South Africa's senior civil service is under pressure to take directly into senior posts new blood or new brooms from the private sector, in the name of efficiency and effectiveness. In addition, it is also under direct legislative

mandate to implement the specifically South African AA laws and policy by similar direct senior recruitment. So this degree of openness to outsiders is noteworthy. It appears to display some degree of collective self-confidence in personal career terms if my 179 respondents are at all typical of all national and provincial level senior officials.

Quotation Box:
Officials speak about Appointing Insiders/Outsiders to Senior Civil
Service Posts:

1. "An outsider doesn't know much about the public service so I'd appoint the 20-years person who would know where we come from and are going to." (Female, Indian; provincial government; less senior grades)

2. "Twenty years experience might not be relevant. I'd appoint a person who is well versed in health policy and the Reconstruction and Development Programme." (Female, black; provincial government; senior grades)

3. "I would appoint an outsider because of fresh expertise, new ideas and motivation." (Male, white; provincial government; senior grades)

All ten MECs in my small group gave full and reasoned responses to this question, with clearly more enthusiasm for recruiting new senior management from outside the service. Five said without reservation that they would choose the outsider while three equally firmly preferred an outsider who had previous civil service experience or close knowledge —

(easier to wish for than to find, in any country). With only ten MECs, albeit representing three provincial controlling parties, it is impossible to judge whether MECs at large are more critical of long-serving career officials — and more keen on direct outside recruitment into senior posts — than my civil servant respondents.

Quotation Box:
MECs speak about Appointing Insiders/Outsiders to Senior Civil
Service Posts:

1. "I would choose the outsider because most employees in my department are finding it difficult to adapt to change. An outsider is more energised to carry out changes." (ANC MEC)

2. "I would choose the outsider because we need someone who is client-driven if the government is to compete equally with the private sector. We also need to increase productivity in the public sector." (ANC MEC)

3. "I would chose the outsider because I would be looking for one with a different approach and who is not constrained by the habits of the civil service." (non-ANC MEC)

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4.   "I would choose the outsider because there is a need for flexibility, creativity and results, but such a person must also have the capacity to take risks." (non-ANC MEC)

5.   Neither the insider nor the outsider is ideal. Therefore, I would appoint an outsider with inside experience. (non-ANC MEC)

6.   I would appoint the one who can change, improve the system and be adaptable. Whether this person is new or old in the department is irrelevant. (ANC MEC)

This chapter's overall topic is management performance in the post-1994 civil service. Administrative formality is the mark of all old-fashioned public services and the apartheid era civil service was notorious as some respondents recalled on a question (Q.55) to be reported below in Chapter 7.1. It is an important theme of my analysis that formal structures, procedures and working relationships can considerably affect the practical outcomes of a government department, or perhaps any organisation above a certain size, notably the roles and resources of the officials themselves and the type or quality of the work they can do. Knowing of the traditional and rigid administrative structure of the apartheid era civil service, this question therefore asked whether today's formal structure was seen as a hindrance:

- *(Q.50)   "Would you say that the present structure (the organisation's chart) of this department makes it difficult for senior civil servants to perform their roles?"*

Only eight individuals had no opinion and 170 divided almost equally on the point: 47% saying Yes and 53% No.

The attitude of my civil servant and MEC respondents to the incoming personal Performance Management Contracts (PMCs) and the more collective Performance Agreements (PAs) was of great potential interest to my study. I asked for a general reaction; whether efficiency would be improved by them at the most senior levels; and whether this practice should extend to all senior grades.

- Q.56 asked for a general reaction to the topic which was, in 1999-2000, becoming more salient for officials, even though most respondents were not so senior as to have a personal contract and the associated formal assessment by their superior. Respondents often did not seem to distinguish between PMCs (for only the most senior grades) and the much broader PAs which were to be laid on whole sections, in aid of their boss (or even their boss's boss) passing the personal tests being laid on him by the department's DG/HOD or even by the minister/MEC. The responses therefore refer to the general idea of performance testing, based on targets or criteria for outputs or outcomes.

The open-ended comments on Q.56 were coded into positive, mixed and negative reactions. Only four individuals were d/k while eleven offered neutral or mixed views. Of the 142 who gave a direct positive or negative

response, 72% were unconditionally positive and a further 20% conditionally so. Thus only 8% were either unconditionally or conditionally negative.

- (Q.57) "Do you think these contracts will improve efficiency in the top positions of the civil service?"

94% of the 124 officials giving a direct yes/no response said Yes and 6% No (a further thirteen persons being unsure or d/k).

- In response to the third point (Q.59) 70% of 125 officials thought that these contracts/agreements should be extended to cover in some way the work of all grades of the senior civil service, while 30% thought that this would not be appropriate for all of the work in question. Again, this issue seemed quite familiar even though little had actually happened in many respondents' departments or sections: only three persons said they did not know whether this radical extension would be a good reform. This apparent general familiarity with a new civil service process still in its infancy may indicate its salience for senior officials. The contract culture in the civil service could probably dwindle away almost as fast as it has grown up — as a matter of fashions in private sector-based management theories (Wright, 1997:8). It is certainly true that these devices could benefit or harm respondents personally. They potentially offer gain or loss to individuals, usually depending on the behaviour of colleagues, whether of senior, equal or junior status. Any given individuals in line to be personally contracted must rely on others to deliver the measured

performance for which they now expect to be rewarded or penalised in terms of bonus, salary or grade (promotion or even, possibly, demotion.)

As suggested earlier, the prospect of AA or possible politicisation could be said to be of more basic importance to a professional civil service cadre because of their probable permanence. But having a personal contract (or being pressurised to work harder or better to meet the demands of a boss's personal contract) may well have a sharp personal impact. Both civil servant and MEC respondents had plenty to say on this topic, although for nearly all the officials it was still only a prospective matter. However, for a few, more senior, people, the contract system was already in play in early-to-mid 2000. One told me that he had signed his PMC and discussed the department's inputs and outputs at monthly meetings with his HOD; the contract itself was assessed quarterly and evaluated overall annually. Revisions to targets were being issued to staff supervisors after each monthly meeting. This official was among the 70% (of 125) respondents who thought that personal contracting should be extended, at least to the next two grades (deputy and assistant director) and probably below that, beyond the senior service's range. The South African government is still assessing the usefulness of the performance management system and has identified "lack of systematic evaluation of performance" as the major hurdle facing both the DGs/HODs and their ministers (PSC, 2000).

Quotation Box:
Officials speak about Performance Contracts and Agreements:

1.   "The contracts have good intentions and I think they will enhance performance and result in higher productivity and high morale in the department." (Female, black; provincial government; less senior grades)

2.   "I believe that one becomes more committed in the workplace when one has signed a contract." (Female, white; national government; less senior grades)

3.   "I have been evaluated formally (every 3 months) by my Chief Director and I think that the performance contracts will jerk up efficiency and that they can protect the senior civil service." (Male, Indian; provincial government; senior grades)

4.   "Performance contracts presently apply only between the MEC and the HOD. But I think that they should be cascaded down to the levels of cleaners in the department." (Female, white; provincial government; less senior grades)

5.   "They are a tool aimed at structuring one's activities in line with the broader goals and objectives of the department. One needs to explain one's failure to attain objectives because the overall aim of this system is to justify earning the salary one earns. If these contracts are monitored and used effectively, they will improve efficiency in the top positions." (Male, white; national government; senior grades)

6.   "I signed a performance contract in 1999 but I haven't yet been evaluated. I think that performance agreements will improve efficiency of the civil service and should be applied to every civil servant." (Male, black; provincial government; senior grades)

7.   "Performance Agreements replaced automatic promotion. Everyone accepts the agreements because they're tied to the salary system. But performance contracts aren't managed well and there's no formal evaluation. However, the contracts will improve efficiency despite the presence of deadwood in the department who don't support the senior civil services." (Female, coloured; national government; senior grades)

8.   "The performance management system does not work because there is no clarity about how it will be used. Neither are there resources to implement it. One's performance is analysed by one's immediate senior but there are different interpretations of this system by managers. Some use it as a punitive measure against their subordinates." (Male, black; national government; senior grades.)

9.   "My HOD has signed the performance contract, but I am not aware of any evaluation. I view these contracts as a bad idea because managers are measured against key result areas and so they neglect other important duties. So I would not support extending these contracts to further grades." (Female, Indian; provincial government; less senior grades)

The reports and views of the six MECs who commented on contracts show the transitional status of this policy in early to mid 2000. One or two seemed to be settled in to it (at DG/HOD levels, at least) while others were clearly not. There were no differences of view between the three ANC and the three other MECs — unlike in their comments about implementing AA.

MECs speak about Performance Contracts and Agreements:

1. "I have formally evaluated my administrative Head of Department and our contract is working well." (ANC MEC)

2. "I have formally evaluated the Superintendent-General of this department and our contract is based on 'key result areas' (towards which the SG has to work)." (non-ANC MEC)

3. "I am already semi-formally evaluating people in my department, although the performance management contract policy has not yet taken root. There is also no uniform application of the contracts, because of lack of common understanding in the department." (ANC MEC)

4. "I have not yet evaluated any of my department, but I shall be doing so formally next year (2001). Normally, an MEC/Minister must state in a contract what an individual must achieve during a given period (usually one year) and indicate how progress will be measured. If individuals fail to perform satisfactorily, they could have their salary reduced or be demoted. However, in practice it is very difficult for us to get rid of incompetent people. I think that these contracts will improve the performance of [top officials] but this depends on an MEC's or Minister's will to act... . These contracts should not be applied at all levels, but only from Director level and up, as is currently intended." (non-ANC MEC)

5. "Guidelines for implementing the performance appraisals are there and we are undertaking formal evaluations in this department. I hope that the performance agreements/ appraisals will work well, despite the negative mindset about them in the department." (non-ANC MEC)

We may note in conclusion to this survey report on management performance topics — and to this chapter as a whole — that this final MEC's comment on a negative mindset in his provincial department is in striking contrast to the overwhelming majorities registered by my interviewees. To repeat, 92% (of 142) officials were positive about contracts, either unconditionally (72%) or conditionally (20%) while 94% (of 124) said they will improve efficiency at the highest levels; and 70% (of 125) supported extending contracts to at least Assistant Director level.

This reformist enthusiasm was more limited on offering senior positions within their ranks to outsiders, where only 21% (of 179 respondents) favoured the outsider as a matter of general practice — although 48% wanted to balance outsider and insider qualities, with the result that the outsider would sometimes prevail. On the two requested criteria for appointing to the senior civil service, the merit principle was seen as safely in place by 63% (of 175) (first-mentioned criterion) and 74% (second mention). Together with respondents' equally overwhelming majorities welcoming change at large in the senior civil service (see Chapter 8.1) these positive results are indeed striking.

This chapter, on management innovation, began with an outline of senior civil service functions and the dilemma of the twin mandates of accepting political policy leadership from ministers while maintaining administrative and legal standards. It continued by outlining the possible relationships of

departmental structures and processes with senior officials' perceptions of their work, within a changing context of managerial styles and policy requirements (the *Batho Pele* principles). It concluded that the impact of structure on perceptions would be hard to establish, based on my interview results, because the respondents disagreed on this point. The chapter also outlined unethical and corrupt official conduct as a challenge to management quality. The need for (and the difficulties of) a systematic study of this topic amongst officials themselves were noted. Chapter 5.4 reviewed the recent introduction of the New Public Management devices of personal PMCs and Performance Agreements, concluding that these policies could contribute crucially to different future departmental designs.

Finally, this chapter has presented my interviewees' striking level of support for PMCs and PAs as likely to improve senior level productivity and performance and as suitable, in the case of Performance Management Contracts, for extending down to at least the grade of Assistant Director. Officials' views on the recruitment of senior outsiders — and on the current state of the merit principle for senior recruitment in general — were also featured.

The next broad topic, in Chapter Six, is officials' possible role conflicts with their political heads and the issue of the civil service's alleged politicisation.

Chapter Six

Senior Officials and Ministers or MECs: Problems of Role Conflicts and Politicisation

6.1 Role Conflicts Between Officials and Ministers/MECs: Competition and Convergence

This chapter will present (in section 6.3) the survey report of my interviews with senior officials and MECs on their interactions and perceptions of each other. The data from the officials' interviews will show that a large majority of them (see pp.214-5) perceive problems and challenges in the official-minister relationship in their own department. For their part, the small group of MECs (who may, of course, not be typical of all MECs in the six provinces in which they serve) are not shy of criticising the senior grades of their department. My interview study was centrally concerned with the idea of the senior South African civil service being politicised in some sense since 1994, against the historical background of its different politicisation during the apartheid era. The empirical basis of my project has been the senior official grades. For them, the change from one dominant party system (the NP), through the transition of the GNU to another dominant party system (the ANC) is a major feature of their professional environment but does not immediately affect their own substance or character as officials. This and the next sections, therefore, are only an outline of this chapter's theme of role conflicts and politicisation, serving as an introduction to the survey report on officials' and MECs' perspectives on these issues.

Role conflicts between senior civil servants and their ministers derive from (or are based on) certain factual differences between the two groups and their work or functions. These include differences in **roles**; **resources**; **personal tenure** in their posts; **personal background and recruitment base**; and **personal, group or professional objectives**. These conflicts may be reduced because of certain other factual or practical considerations which have the converse tendency to promote co-operation: **personal compatibility** and **mutual respect** between a very senior official and a minister; having **similar commitments**; or **similar tasks** to perform — any of these can increase harmony. (Any reference to harmonising officials with ministers prompts once again thoughts about the convergence thesis, associated with several earlier writers, notably Aberbach, *et al.* This will therefore be mentioned again in this chapter before its final discussion within this study's conclusions in Chapter 8.)

Role conflict between the two groups derives, firstly, from **differences in roles**. The most senior officials in any government department, agency or other government body have an administrative or management role as their predominant responsibility: they are in day-to-day charge, using their official (grade-based) authority and carry executive responsibility for efficiency, propriety and legality (including the legal and proper spending of public money). To achieve this, their roles include devising and presiding over routines for casework decisions, record-keeping, financial

control, staff and house management — plus whatever more technical services or capacities (such as medical or engineering) their particular department needs to deal in. Once the machine is tended to, there may be time for thinking about new policy, or programme improvements or better ways of implementing current policies and programmes.

For their part, the department's ministers or, in South Africa's provinces, MECs are supposed to oversee all of this while being personally involved in taking the most important casework decisions; arguing with the finance ministry for more funds; sharing financial (audit) accountability with the most senior officials for all expenditure; thinking about major or minor policy developments; and helping to motivate the department's staff with good public relations efforts, such as visits to sections and branches. There is plenty of scope for role overlap and conflict because of these role distinctions: what, for example, is a major casework decision which convention may prescribe should be referred up to the minister?; what is a new or a significant policy (on which the minister should, by convention, take the lead) as against only an amendment to policy or an insignificant policy item which officials expect to deal with? (At least one official can be seen complaining about her MEC in these terms in the Quotation Box in section 6.3 below.)

Role conflict might be stimulated by the **differences in resources controlled** by officials and ministers. They are very dramatic differences.

The senior officials supervise hundreds (even thousands) of staff who alone can get the work done. The officials also control the physical resources which constitute the only places and equipment capable of doing the work (short of large-scale contracting-out). In addition, the officials possess and control all the department's existing information and records and probably have sole access to their established sources of new information — typically held by firms, trade associations and professional bodies outside government. A minister who tries to demand either staff efforts or any quantity of information from the department must accept the form of that effort or information and the assurance that nothing is being withheld. Apart from threatening discipline or retribution if they do not appear to obey fully, there is nothing a minister can do actually to check on the department's response.

In complete contrast, the minister has no physical resources, even if given a ministerial cabinet, on the French model, or a pair of political or specialist advisers, on the recent UK model (since 1997). But the sole resource the minister does possess — the constitutional law or rule that the officials must obey legitimate political authority — is an all-purpose trump card. So long as the minister's instructions are within agreed current cabinet policies and financial limits, while also being lawful, they will be obeyed — in form and outline, at least, and subject to all the reservations and devices which reluctant officials are so skilled at placing

in the way of unwelcome orders. This complete contrast in the nature of their respective resources offers much scope for role conflicts.

Differences in tenure are also very striking. The officials are traditionally in a life-time career service although later entry (and some early departures for various reasons) have been breaking down that assumption for some years in at least some leading well-established national civil services. But a lifetime career is still the norm, including in South Africa, if late entrants are set aside. The tenure pattern is usually different from the private sector. The senior civil servant is, of course, employed under contract: its terms are now changing to a personal performance basis (in formal terms at least) for the highest officials. (I comment on the merits of extending personal Performance Management Contracts in my recommendations section, Chapter 8.3.) By contrast, the ministers serve, technically, only at the pleasure of the head of government (in South Africa the President or provincial Premier) even though in reality their political tenure may be very strong. Being politically valuable — even indispensable — to the government and governing party need not entail a minister staying with a portfolio for long. Successful ministers rise through several departments to become senior while fading ones may be demoted. A senior official in conflict with a current minister may well only need to await a cabinet re-shuffle to have a new minister who may be more amenable, on that issue at least.

If civil servants in general sense a conflict with the current government — irrespective of who is serving as their own minister or MEC — they may feel trapped by a dominant party which stays in office over several electoral terms, such as the UK Conservatives (1951-64 and 1979-97). These periods of a dominant party system produce a number of professional ministers who serve continuously for years. They reverse the usual idea in countries with competitive party systems that the minister is the short-term, amateur outsider who could never challenge the hugely experienced senior officials, either on policy details or any practical aspect of the department's work. After five or seven years in office, such a minister will easily have been doing the job for longer than most of the senior officials have theirs.

A fourth possible source of role conflicts might possibly be **differences** in officials' and ministers' **personal background** and recruitment base to their respective cadres. Officials in a country's high or senior civil service (rather than clerical or middle grades) traditionally need a good university degree as an entry qualification. This entails a clear social bias in recruitment, particularly reflected in the older and more senior officials who were recruited many years earlier. How many established middle class senior officials have come from manual class parental backgrounds and how many have relied on a good quality secondary education and promotion through the middle ranks (rather than the university graduate entry level) to reach senior grades, will vary considerably between

countries. Overall **differences in recruitment base** between officials (whether within one country's system or between countries) are probably much smaller than officials' overall differences from their ministers' recruitment base.

Senior politicians follow no rule or restriction in democratic, party-competitive systems as to their social or economic origins. Their success and promotion is based on personal and political characteristics or advantages. Without suggesting that all social classes enjoy equal access to elected political office (any more than to other favoured positions) in developed countries, there does seem to be only a random link between attaining ministerial rank and personal social and educational background. A department's next minister may be personally rich or poor, highly educated or not, politically powerful or marginal — and various other things — in complete contrast in one or other ways to the present minister. Senior officials must simply adjust but personal social and psychological distance between them and the new minister may suddenly increase. One form of it can easily base itself on contrasting ideas of authority and qualified opinion on issues. All of the officials have traditionally been well educated (usually to graduate level or, if not, they have had longer service and absorbed the dominant graduate-level techniques of senior civil service work). Some of them (countries vary widely) have professional qualifications, usually in law or accountancy. Occasionally, ministers will deal with officials who are also qualified

doctors, engineers, etc. Perhaps an uneducated minister is more likely to provoke a role conflict because the education gap is so clear, but it is much more likely that any such friction will be based on personality or political motivation rather than any objective difference in background.

Differences between senior officials and their ministers in terms of their **personal or group (or professional) objectives** can be the most plain and powerful basis for role conflicts. Career civil servants, like any other professionals, have a strong commitment to themselves (and to younger colleagues who will succeed them in their senior posts) to keep control of their department and run it on their ideas of good professional practice. Whether or not they enjoy constitutional rules or similar conventions, which strengthens their hold on the government structures, they will maintain the strongest possible hold. They will probably claim that the public service must be well-ordered by expert, professional, independent, impartial and dedicated career officials (the Weberian ideal-type) and protected from commercial or political infection. At a more subjective, even emotional, level officials feel that they not only protect the public service: they are the public service. They have public responsibilities and must, if necessary, resist improper political interference even from their designated political head.

This collective official objective is not confined to controlling their own departments in any narrow sense. It is also intended that they control the

department's policy-making; its relations with the outside organised interests with whom it constantly bargains on policy; and its relations with the other government departments, notably the finance ministry which decides the department's budget. The most senior official cadre at any one time feel responsible for the department's long-term welfare, long after any current minister will be gone. Having this institutional responsibility to conserve and strengthen the department means being entitled to control it without interference.

An active or ambitious minister faces a real challenge in trying to impose an overall political will on even a quite mild version of such an entrenched model of civil service ownership and control of the department. As we have noted, as against all the physical and organisation resources of a large government department, a minister has only the card of political authority. However, simply issuing orders, or even trying to follow up in any detail, cannot in itself bring success. External objectives must be pursued, notably the minister's own personal relations with the department's policy stakeholders (e.g. organised farmers or teachers in an agriculture or education department). If this goes well, the officials' monopoly on these key external relations is broken and the minister can then intervene in officials' own internal policy-making equipped with personal information and contacts in addition to their supply of formal briefings. Intervening in the strictly internal matters of staff or financial management is more difficult. But ministers also have colleagues in the

cabinet and they can co-operate in digging more deeply in to their respective departments by exchanging or leaking internal information — particularly if one is in the government's finance or budget department.

With respect to their objectives, the hands-on minister and the resistant department do not so much pursue different objectives as pursue the same ones in competition: the difference between them is who shall lead. The active minister is a public figure for whom reputation is dominant and who must be seen or must appear to control the department. (In contrast, officials are obliged — and are very glad — to control their minister in private.) The minister's public visibility is a limitation in that objectives must be contained within government and party policy and not give political opponents ammunition. However, it is a strength in that, as the elected representative in charge of a department, the minister is expected to act as its executive head, even though practicality makes this very difficult. Moreover, only the minister is free to speak in public about the department, while officials cannot reply (although they can leak damaging information against the minister).

Against such a list of bases for role conflicts, it is important to place at least some factors which offset it and explain the strong co-operation between most ministers and officials. **Personal compatibility** and **mutual respect** is important, particularly if they have some common or similar background, whether social, educational or geographical. Most

people are co-operative and respectful, even though highly active and even ambitious as either senior civil servants or ministers. These social skills can also combine with a strong moral commitment to organisational and political goals, respectively. However, personal relationships are subjective and can be overlaid by practical differences, as listed above. Despite this, practical factors can also reduce role conflicts and even substitute harmony. Senior officials and their ministers may both perceive their similar commitments (perhaps to a particular new policy) and also recognise that their work and their ideas for completing it successfully are really one enterprise. They would then each rely on the other to play their own part — political publicity from the minister and supporting staff work from the officials — and seek maximum benefit from their joint effort. This increasing **similarity of commitments and tasks** is, of course, the basis of the convergence thesis of Aberbach *et al.* and other authors — to be discussed, as already noted, in Chapter Eight.

Because the minister is the legitimate elected political head of a department — and made formally or symbolically responsible for all that it may do — the senior officials must defer. Their key professional skill is, in fact, to get their way while deferring, in the well-know manner of "Sir Humphrey" in *Yes, Minister* and *Yes, Prime Minister.* To end this section on a South African note, the onus on the department to adjust itself to the minister, as the department's formal head, is described by Taylor:

Ultimately, it is the responsibility of the DGs to ensure an effective working environment by adjusting their manner of working to the style and personality of the minister they are serving ... In most parts of the world it is the DG, as a professional in a managerial position, who is expected to make the greater effort to adapt to the style of the minister (Taylor, *Siyaya*, 1999:59).

6.2 Politicisation of the South African Senior Civil Service: a Contested Concept

The subject of the politicisation of the civil service is one that academics in the science of Public Administration, civil servants, and the politicians alike are apt to avoid or, when they do write about it, they would emphatically state that there is a clear line of demarcation between the functions of a political leader, particularly a Cabinet Minister as head of his department, and those of a civil servant (Marais, 1993:295).

This section looks at the inclination by the senior civil servants in some countries to be increasingly involved in those issues that would normally be seen, mainly at least, as the domain of the elected public officials. In many (especially democratic) systems a common example could be a blurring of the dividing line between the party in power and the government. This might occur if, for example, a senior official attended political meetings. In some countries (e.g. Botswana), civil servants are allowed to attend political meetings and rallies (provided they do not

speak) and become office-bearers in political parties. In addition, civil servants would be barred in many countries from campaigning for or even being identified with political parties, either directly or indirectly.

Politicisation could occur when the executive decides on issues like postings, transfers and promotions. Marais (1993) has argued that civil servants have to carry out instructions in a politically unbiased manner, as in the British tradition that was adopted in South Africa along with the cabinet system of government. He has added, "In the British literature of 1920 to 1930, this question seemed to have been settled in that the civil servant, particularly the senior official, served his Minister with advice, but left all decision-making to him. This approach was adopted in South Africa from 1910 onwards...[but was abandoned when the National Party assumed power in 1948]" (Marais, 1993:295). In fact, it would seem that the politicisation of the civil service during the apartheid era was inevitable. Marais has argued that, "With one party being in office for so long, the civil servants gradually started to adopt the Government's way of thinking..." and he has said that this was "a totally natural phenomenon" (Marais, 1993:295).

As on the issue of the role conflicts between the politicians and the senior civil service (see previous section) a country's constitution often provides for rules on whether, and in what ways, the top echelons of the civil service may be politicised, notably the civil service legislation and

regulations.   Such regulations normally spell out criteria for appointing and promoting the senior civil servants. However, in countries like South Africa that are experiencing rapid change to their socio-economic and political systems, such regulations might make room for politicisation of the civil service. A policy change on appointments might be effected at almost the same time as the public service regulations are introduced.

In western countries, such as the UK, the political neutrality of (especially senior) civil servants has always been seen as crucial to the professionalisation of the public service. Thus, it was assumed that a politically neutral civil service would serve the government and the public impartially, and perhaps also that it was less likely to be incompetent and inefficient. Barrel has commented that, "Other countries — including the major Western democracies — adopt differing approaches to the politicisation of the upper reaches of the civil service. Britain insists that civil servants remain neutral in a party political sense. In the United States, however, presidential administrations quite often place political nominees in the high echelons of the public service" (Barrel, 1999). As B. Guy Peters has noted, the principle that civil servants have to be politically neutral has come under attack in Britain. He cited Sir John Hoskyns who had argued that:

> Britain needs a civil service committed to the program that it is administering and, as a consequence, more posts — especially senior posts — should be obtained by political screening and appointment (Peters, 1984:116).

Recently, other observers have stated that, "In Britain, while any politicisation of the Thatcher/Major years was not overtly a party-political one, it was one based upon getting the right characters ('can do' candidates) in the top jobs ..." (Page and Wright, 1999:275).

Political neutrality in itself is a controversial (and value laden) concept, especially when applied to the developing countries in Africa. For instance, in countries such as Botswana (and other Commonwealth African countries), it would appear that political 'neutrality' does not always prevail within the civil service — particularly when applied to the ruling party. It would be difficult to say how far the concept might be applicable to the civil services of these countries. One reason for this might be the clandestine, or sometimes overt, involvement of the senior civil service in the politics of their countries, especially in Sub-Saharan Africa (Adamolekun, 1993:40). In South Africa, it would appear that significant numbers of senior civil servants are not in favour of political neutrality, and this tendency might be attributed to the country's turbulent political history. In the case of the Western Cape, for instance, an observer has noted that is seems that the province's "....'pale and male' top management haven't heard of such constitutional niceties as civil servants' independence from party politics" (*Mail and Guardian*, 27/08-02/09/99).

As Marais (1993) has argued, the successive apartheid civil services were partial in favour of the then dominant political party. Present-day senior civil servants seem to be divided on this issue. In my interviews, some were less in favour of a politically neutral civil service, as they believed this would reduce its loyalty for the government of the day. They also argued that such neutrality was not feasible, in practice, as the environment in which the civil servants operated was itself politicised. Some interviewees particularly those at provincial level said that the top civil service ranks were politicised. Among those who supported this view, some were opposed to overt politicisation because essentially civil servants should remain apolitical. Those who opposed the idea of a politically neutral civil service justified this on the basis that the present changes in South Africa needed more politically committed and involved senior civil servants. Accordingly, such senior officials had to be aware of the urgent need to change the former apartheid status quo, and they had to be armed with the "vision" and "mission" of the ruling ANC to be able to do this. For this group, political neutrality would delay radical changes and slow the transformation process in the country.

In many countries, the ruling political party determines the nature and extent of the politicisation of the top civil service positions. For instance, the ANC's social democratic ideology — with the party's organising principle of democratic centralism — implies that members will "observe strict hierarchical discipline in carrying out party decisions" (Barrel, 1999).

This would be in line with the party's "cadre policy" which outlines "...the need to deploy cadres to various organs of state, including the public service and other centres of power in society" (Barrel, 1999).

In line with party policy and discipline, deployment or re-deployment of cadres means that members should be willing to be appointed to any position according to party interests. Although this is never mentioned explicitly, members would be expected to toe the party line, thus "...fostering party supremacy over state-controlled bodies" (Barrel, 1999). I could not discover during a single, broad-based interview how far this had occurred and whether the roles of the deployed senior civil servants were in any way affected. However, some opposition politicians have been very critical of what they see as a very clear example of the ANC government's attempt to politicise the civil service. In 1999, the leader of the opposition DP in South Africa, Tony Leon, criticised the ANC, saying that it would "...not accept that there is such a thing as a neutral civil service". He added it was "making political appointments at the top of the civil service the norm, not the exception" (Barrel, 1999). As noted in Chapter 4.1, the ANC has denied these accusations, including the cadre deployment strategy as "unfounded" (Ngonyama, 1999). It has added that the DP's "...emotive statement regarding the ANC's deployment strategy lacks depth and is a serious misrepresentation of this policy".

The ANC has often justified its approach by also stating that its staff and active members need to join the civil service urgently, to help deal with what the party sees as backlogs and the legacy of apartheid. A very few senior civil servant respondents boldly stated (while not openly admitting that they had been deployed by the party) that, in the present transition stage towards democracy in South Africa, the country could not afford to have a politically neutral civil service. There seemed to be a quite wide belief that the top three positions of Chief Director, Deputy DG, and DG inevitably would be highly politicised positions, to drive forward the policy implementation process. Some even suggested that deployment and re-deployment should begin at the lowest levels of the senior managerial ranks (Assistant-Director). Another justification has been that the control of the implementing agencies should be in politically sympathetic hands. Thus, "...many of the senior public service appointments after the 1994 election were made primarily on the basis of the need to substantially redraft government" (Taylor, 1999).

This "re-drafting" gave the public an impression that government jobs were up for grabs and that many positions could be acquired easily through a "jobs-for-pals" (Barrel, 1999) scheme that was thought to operate in some departments. Certain criteria were required: one had to be a relative of a very senior person in the government, a former political exile or prisoner, or, more generally, possess struggle credentials. Such credentials usually included a clear record of participation in the anti-

apartheid political struggle. It is quite clear that the appointment and promotion of some senior civil servants are subject to these factors. Indeed, in my interviews it was suggested that senior civil and public service positions was being affected by some of these factors because of the government's drive not to appoint and promote solely according to merit. In fact the issue of merit was often frowned upon, perhaps justifiably, by some interviewees. A person's potential to do the job was also important — it would reduce the shortage of historically disadvantaged groups in many government positions.

The foregoing allegations of politicising the civil service were not aimed at one party specifically. All the major political players were believed to be involved, not only the ruling ANC (at national level and in the provinces in which it had a majority), but also both the IFP and DP-NNP alliance in KwaZulu-Natal and the Western Cape provinces, respectively. In one way or another, these political parties could be tainted by the accusation of political patronage. If some or all these allegations were true, this would not augur well for the transformation process in South Africa. An observer has concluded that "...politicisation of the civil service has come to stay and moreover it will increase in intensity. No political party that may take over the government in future is going to revert to a non-politicised civil service. It is simply too convenient an instrument of political control in the hands of any government" (Marais, 1993:297). South Africa might be

moving slowly towards the overt politicisation of the upper reaches of the civil service, but it is too early for this gloomy prognosis to be confirmed.

6.3 Senior Officials' and MECs' Perspectives on Role Conflicts and Civil Service Politicisation: a Survey Report

This survey report section covers what my civil servant and MEC interviewees said in response to questions on their respective roles and the alleged politicisation of senior officials. It is not, of course, possible to place the interview questions into only one chapter when most of them relate to several. (For example, the important topic of "rational/irrational" criteria for senior civil service appointments was relevant to both AA policy and management performance and was therefore mentioned and reported in Chapters 4.2 and 5.5 respectively.) In the same way, this section will only mention two questions (to be reported in the next chapter on policy-making) and report on four others. These are, respectively, whether senior officials "think and act" like their ministers and whether they are influential in policy-making — and the four topics: role conflicts with ministers; a stronger political character for senior officials' work; their being, in fact, "highly politicised"; and the possibly only temporary, politicised, tenure of a department's DG.

It was the essence of the "convergence" thesis of Aberbach *et al.*, (discussed in Chapter 2, above) that senior officials and their political executives (ministers) were thinking more alike in recent years because

they were facing increasingly similar problems. Officials were having to think politically and not only about managing their always scarce funds and staffing resources, while their ministers were having to think seriously about their department's management and efficiency, because of chronic resource problems, and not simply adopt attractive political policies whose delivery they could leave to civil servants. In this international context of the convergence thesis, I asked my national level officials whether they "think and act mostly like their ministers." Most agreed they did: the report is in Chapter 7.2 on policy-making.

Possible role conflicts between senior officials and their ministers/MECs form one of three key features of my interview survey, each of which justified a sequence of questions. (The other two sequences are views on performance contracts (Chapter 5.5) and overall views on the significance and desirability of post-1994 change in the senior civil service, Chapter 8.1.) Role conflicts will presumably increase if senior officials and their ministers are dealing with increasingly similar tasks: political priorities and practical resources problems all mixed up together. Instead of prompting officials or MECs with such terms as conflict or dispute, I asked them about problems and challenges (intended to mean difficulties) in their working relationships. The report of these three linked questions now follows.

Q.26   "Are there any problems that the senior civil servants in this department are facing in their co-operation with the minister/MEC under whom they serve?"

This was a deliberately wide question, allowing freedom to suggest any type of difficulty, whether personal, political or organisational.   The wording was intended to imply that officials expected to support their minister and the government (co-operation) but may face problems if ministers/MECs seemed to threaten the normal basis for this very particular type of professional support. Out of 178 respondents, only twelve individuals did not know and a clear majority (61%) of the 166 who did offer a yes/no response replied Yes, leaving 39% saying No. On the basic question of whether damaging "problems" marked the official department's relationship with its political head, a 60/40 balance of opinion claimed that they did.

This question was repeated, (Q.27) but confined to the respondent's possible perception of "problems" between the department's DG and the minister/MEC, as it is at this level that official/political relationships may be most at risk. Not surprisingly, more (43 individuals out of 176 officials) said they did not know about matters at that high level, but 65% of the 133 officials who did offer a yes/no response said Yes and 35% No — very close to the 60/40 balance on the perceived general relationship of the senior grades to the political head. This perception or claim of difficulties seems remarkably high.

An additional question was asked of the provincial level officials asking them to specify any "challenges" which they saw with the MEC. I expected political or role problems to be more marked at provincial level and this was an attempt to learn more. The question ran: *"What are the main challenges your department faces with its MEC?"*

All but one of the 140 provincial level officials responded, only eight individuals offer a d/k or an uncodeable comment. Some 21% of the 131 direct responses said that they knew of no challenges or problems with the MEC. Among the majority (93 officials) who did see at least one such "challenge", their principal nomination (there was no multiple coding) was:

(i)   committing the MEC to substantive policy and administrative processes and realities (42%);

(ii) orientating the MEC to public service standards and ethics (29%);

(iii) trying to prevent the MEC's intrusion into operations, or dealing with personal friction (26%); and

(iv) trying to prevent illegitimate political considerations in decision-making (3%).

These coding statements captured the range of respondents' actual comments. Code (i) proved to be the principal "challenge" (42%) and referred to MECs promising things to special interest groups or the public at large which were not official policy and which could not be paid for or delivered even if they were. Trying to get an MEC to introduce new

policies or suggested actions through the proper channels so that the department could explore and negotiate them with the rest of the provincial government — notably the Premier's office — was covered by this code. The complaint was, very broadly, that the MEC may drop highly unrealistic promises or claims directly into the public domain, leaving the department to explain how they might be met. Of course, this civil service claim to arrange for new policy announcements in an orderly manner is partly a claim to have a veto on ministerial ideas they dislike or find unrealistic — as students of *Yes, Minister* and *Yes, Prime Minister* will recall. The MECs' side of this principal perceived "challenge" is offered below. Code (ii) referred to MECs' initiatives which are seen by officials as improper rather than simply undisciplined. Nearly one-third of these 131 respondents fell into this group, being often concerned with correct recruitment and promotion methods or with the proper treatment of public money and casework.

These matters are close to any plain political fixing or jobbery, which I tried to separate out from more general impropriety — probably not very neatly. This code (iv) (only 3%) should probably be combined with code (ii) to make a 32% score for perceived impropriety in general. The other code (iii) referred to role conflict rather than standards of effective operations, (i), or impropriety, (ii) and (iv). This is the familiar charge against all bosses, not just government ministers, that they interfere in their officials' domain — not necessarily unethically, but with adverse

consequences for the speed or standards of the decisions to be taken. Again, an active MEC would not see or describe the issues in this way. Officials' perception of interference in officials' proper business may be in their ministers' eyes their active involvement in the department for which they carry overall political responsibility.

Box 1:	Senior Officials speak about their Ministers/MECs:
1.	"There are no major challenges between the MEC and myself; we are both relatively new to the department. However, a common vision needs to be engendered through mutual respect." (Male, Indian; provincial government; most senior grades.)
2.	"We face three main challenges with our MEC: red tape (we now have to wait for the MEC to sign memoranda before we can act); the need for a much flatter organisational structure; and communication breakdown between us and the MEC's office." (Female, black; provincial government; senior grades.)
3.	"No, there are no specific problems between our DG and the minister. There are areas of synergy between them." (Male, Indian, national government; senior grades.)
4.	"Yes, there is insufficient delegation by the minister to the DG, which impacts further down, and insufficient communication because it often stops with the DG's office." (Female, white; national government; senior grades.)
5.	"We have no problems with the minister who is open and listens to officials, visits the directorates and even attends our management meetings." (Male, white; national government; senior grades.)
6.	"The MECs don't know where to draw the line on political and administrative issues, particularly on micro-management issues." (Female, white; provincial government; less senior grades.)
7.	"There are no challenges with our own MEC. He is very good, very approachable and very helpful." (Male, white; provincial government; less senior grades.)
8.	"Our greatest challenges are for MECs to act and stay within their political mandate and not making promises to communities regardless of whether resources are available. Our own MEC also often confronts officials about public complaints, without first listening to the department's version of the issues involved." (Male, black; provincial

government; senior grades.)

Box 5:   **MECs speak about their Senior Officials:**

1.   "The challenge I face is reorganising the department to integrate emergency medical services and redeploy senior managers into service delivery, within a five-year plan. I must also see officials trained in both management and communications skills." (ANC MEC)

2.   "I share common objectives with my senior officials; but they are mostly reactive to new issues, despite their role of managing the department's goals, which should be based on a proactive approach. My other challenge is to make the whole department service delivery-orientated, more dynamic and responsive to public needs. They need to be more diligent, effective and efficient." (ANC MEC)

3.   "My management challenge is to move from hierarchy to well-trained integrated management. My political challenge is getting officials to accept the ethics of human rights, accountability and the dignity of our clients or users — and this is still a problem." (ANC MEC)

4.   "In my department, much training and general capacity-building is needed, under the new Public Service Act. Government policies must be understood and internalised as part of this. I want to separate my MEC's office from the HOD's office as part of this overall change." (ANC MEC)

5.   "My challenges include rooting the performance contract system in the department and linking top management to our lowest levels of service delivery. I also aim for at least one top manager to be an African." (ANC MEC)

6.   "The major challenges are to gear the department to service delivery (not merely obeying set rules) and to identify the best expertise, while removing the worst performers from the department." (ANC MEC)

7.   "Before 1994 this department was five departments and we are still divided between two cities — while trying to build capacity, especially in financial management." (non-ANC MEC)

8.   "My main challenge is my hands-on management style (in contrast to my predecessor) which might not be acceptable to some senior officials." (non-ANC MEC)

9.   "Tensions and contradictions between politicians and officials are inevitable: the challenge is how to manage them." (ANC MEC)

Reviewing these comments by MECs, it seems they took "challenges" in their work with their department to mean objectives rather than difficulties or frictions with senior officials. There are few criticisms of the civil service as against goals for general development. To this extent, these two sets of quotations are not to be matched against each other as intended: but there is enough overlap to show something of the tension or competition between officials and their political heads. One might paraphrase their dialogue in general terms: 'You interfere with proper routines and working methods in undisciplined or even improper ways'; 'What I am actually doing is intervening in your traditional routines and imposing my personal or political priority which is to make you perform far better for our service users.'

Policy work is clearly an essential aspect of the official-minister relationship so Q.25 deserves a mention here, before being reported fully in Chapter 7.2. It asked: "How influential in policy-making are the senior civil service?" As will be seen below, a generally positive perception of considerable influence was expressed, as would be expected of an established civil service in a developed country. If a senior civil service is in course of being politicised in some sense, its policy-making relationship with its political heads is certain to be affected. The politically impartial and professional civil service input is likely to be replaced, to some extent at least, by an executive service which simply tries to turn the government's ideas for new policies into practical plans and budgets.

Given the financial and political constraints on what any government can actually achieved in any field (and in almost any country) it may not be so important where a policy idea arose from: a political party or government department. The civil service's largely monopoly role in designing the practical details of any potential policy and then implementing its finally approved version will probably be much more important for the policy's actual outcome than its origin. Particularly in the South African context where the first democratic regime is struggling to deliver policy achievement, it may not be an exaggeration to say that no policy has a true, political existence until it has been fully and successfully implemented. Until then, it is only a policy proposal or plan, even when quite far advanced. As my small group of MECs repeatedly mentioned, policy delivery should be the government's (and thus the civil service's) dominant objective.

The Aberbach, *et al.*, concept of convergence between the most senior civil servants and their political executives (ministers) overlaps with both the ideas of civil service politicisation and of a more integrated (ministers/officials) model of policy-making. Convergence could be claimed if either senior officials' roles were taken over politically (reducing them to a partisan status) or if they and their ministers became closer partners in policy work (contrary to the Woodrow Wilson ideal type of the complete separation of politics from administration). Two important interview survey questions were intended to gain further comparative

data, following Aberbach, *et al.'s* and Ezra Suleiman's (1974) interest in both the convergence thesis and the concept of civil service politicisation.

Q,16 "In countries such as the US, Sweden and France, senior civil servants are known to assume a more political role than is expected in, say, the UK. Would you say that South Africa is presently becoming more like these three countries?"

Despite this question asking for a direct comparative judgement of these three countries about whose government many respondents may not have felt very knowledgeable, only nine out of 178 said they did not know, while nine more made comments without offering an opinion on the question. Of the 165 officials who have a direct yes/no answer on South Africa's moving towards these named countries' practices, 70% said they did see this (yes) and 30% said they did not (no). Lack of time led to only 27 of these 116 who had answered Yes being asked which senior grades were affected by this trend towards "a more political role."

One might expect this effect to be perceived as being confined to the top two grades of DG and Deputy DG. However, this small group of 27 respondents in fact split evenly across all grades: 37% suggested that only the two grades would be affected; 33% included the next grade (Chief Director); and 30% saw all senior grades, even including the lowest (Assistant Director) as affected by this politicising trend.

Q.20 "Some observers say that senior civil service positions in South Africa are highly politicised. Do you agree/disagree?"

This question was intentionally pitched in strong terms, in order to see how far a strong (even extreme) statement would draw support, perhaps expressed with conditions. It also allowed for any more open-ended comments. The given statement did not merely suggest that political considerations were significant in senior civil service work nor did it confine its reference to only the top two or three grades. It asked for a reaction to the idea that the senior civil service as a whole was now doing work which was "highly politicised." The idea was to grade reactions between full acceptance of this very strong statement and only conditional reactions, or actual disagreement. It came as a surprise that only 13 individuals out of 179 either did not know or made a comment avoiding agreement/disagreement with the statement and that 86% of the 166 who did offer a view on this basis either strongly agreed (25%) or agreed (61%) with it. Only 13% disagreed and 1% (two respondents) strongly disagreed. This is a very powerful response to a deliberately strongly-worded prompt. However, I am aware that many respondents faced difficulties trying to give both officially approved responses and their honest opinions on this issue.

Finally in this survey report on role conflicts and politicisation, mention is made of the very important matter of the DG's tenure of office and, consequently, professional standing as the head official in a government

department at either the national or provincial level. The question asked whether the DG should be removed from that post whenever a new minister or MEC was appointed. (It is reported in the next interview survey report in Chapter 7.2: the officials' view was strongly negative, 83%:17%, among the civil servants but somewhat positive, 5 MECs to 3, among the handful of MECs whom I interviewed.) This strong rejection by officials of an idea that is already actually provided for in South African civil service law and regulations is of clear interest to the convergence and politicisation themes. It shows the senior cadre resisting the power of removal of the DG, which is already vested in ministers/MECs. As this power does actually exist, these officials' practical opinion is probably that it should not be used except in extreme and unusual circumstances as some of them said.

This chapter has presented the theme of role conflict and co-operation between the most senior officials and their ministers/MECs. Various differences between their roles, resources, tenure, etc., were reviewed, while certain bases for co-operation (compatibility, mutual respect, similar tasks, etc.) were also mentioned. Countries' constitutional rules or conventions on civil service-ministerial relations affect politicisation: in South Africa's case, ideas of officials' political neutrality may be changing among some of them. The chapter has found that it would be premature to state that overt senior civil service politicisation is inevitable. A remarkably high level of perceived "problems" between departments' DGs

and their ministers/MECs has been a striking feature of my interviewees' responses.

Chapter Seven
Senior Officials and Policy-Making

7.1 The Policy Process in South Africa:
(a) from centralisation towards plural influences?

> Public policy is itself not easy to define. Sometimes it is simply
> equated with outputs of government, but more usually policy
> is implicitly or explicitly contrasted with implementation or
> routine administration, although the distinction is not always
> clear cut, and may critically depend on the perception of the
> observer (Leach, 1995:33).

The formulation of public policy was once seen by a few analysts as the
prerogative of the politicians alone. Others have long since contested this
idea, notably Aberbach and his colleagues in their 1981 study who have
argued that the "politicians energize the policy process...[whereas the
senior civil servants] seek to equilibrate and accommodate, to avoid
conflict, to avoid extremes (Aberbach *et al.*, 1981: 92). The more modern
argument is that ministers (political executives) are jointly involved in the
policy-making process with their senior officials. Policy-making is not the
joint preserve of these two sets of actors: it is shared, at least to some
degree, with various other forces outside the government. This section
comments on the participation of the senior civil servants and
ministers/MECs in the policy-making process in South Africa. It will also
allude to the roles of other interest groups. For this, it will use two major
current policies — the Reconstruction and Development Programme (RDP)

and the Growth, Employment and Redistribution Strategy (GEAR) — as examples. Both these policies have been formulated since apartheid, although the way in which different sections of the public received them differed strongly.

In South Africa, as in many other countries, the participation and influence of various actors like the trade unions shape public policy — especially the union federation Congress of South African Trade Unions (COSATU). Other actors include the non-governmental (and community-based) organisations, opposition political parties, the business and private sectors, and the traditional (ethnic) leaders through their Congress of South African Traditional Leaders (CONTRALESA). This body is "an influential lobbying group of 'progressive chiefs' aligned to the ANC" (Johnston, 1996:183). The ANC itself has formed, together with COSATU and the South African Communist Party (SACP), a "tri-partite alliance". There is no doubt that this alliance exercises a significant influence on public policy-making. Inter-governmental relations is another aspect that cannot be left out of any debate on public policy-making in South Africa because policies have sometimes been developed at either the local or provincial levels, before being modified and adopted by the national government.

In South Africa, policy-making involves varied groups and interests. Many of them have been largely influenced by the country's apartheid history,

notably racial minorities and majorities, rural-urban groups, community-based and non-governmental organisations, ethnic or traditional groups, political parties, trade unions and the business sector. Presently, it would appear that racial politics (black-white) largely affect the relations between the last-mentioned sectors, labour and business. Much of the economic wealth of South Africa is controlled by largely white corporate and other businesses, with the majority black population supporting these businesses with both its labour and consumer demand. The trade unions have also grown large and active since the days of the anti-apartheid struggle, thus organised labour and business presently appear to jostle for vantage points in policy-making. As is usually the case in many countries, the government is faced with a major challenge of dealing with these varied interests, possibly with a view to incorporate them into the policy-making process in some sense. There is no doubt that the politicians and the senior civil servants have to collaborate closely on these matters. The major test, of course, will be how far (and similarly how many of) these interests could be associated with, or even included in, the policies made by the politicians and the senior civil servants.

It was mentioned above that the ANC is part of a tri-partite political alliance that comprises COSATU and the Communist Party. As a labour federation, COSATU is normally active and influential on labour-related policy matters, whilst the SACP exercises particular influence on ideological matters. As an alliance, the three partners normally support

one another's positions, although they sometimes disagree. Typical examples of disagreement are the RDP and GEAR policies which are discussed below. The alliance has insisted on many occasions that such disagreements are a healthy manifestation of any democracy and, further, that this was bound to happen given that the ANC is a broad church with differing interests. However, both COSATU and the Communist Party have shown a consistent but often low-key resistance to the GEAR strategy, perhaps to the embarrassment of the ANC. Despite such resistance, members of both COSATU and the Communist Party who have been deployed within government have to give their full support to the GEAR policy and to treat it like any other policy. Quite a number of such individuals have been appointed to influential positions inside the government, including the senior civil service. Some might have been deployed in various parts of the country because of the need to de-populate the parties' headquarters. Others might have been deployed to other levels of government (or even non-government work) because of the need to delegate or devolve power from central government.

In the case of the provinces in which the ANC was not in the majority (or forming the ruling party) there were often no clearly discernible patterns of policy-making. Certainly, the relationships of the politicians and the senior civil servants in the IFP-ruled KwaZulu-Natal have been similar to those in the ANC-ruled provinces. However, as Johnston (1996:169) has observed, the politics of the IFP-ruled KwaZulu-Natal "differ in crucial

respects from those of other regions." He has further noted that, "Capitalising on ethnicity had always been an essential part of [the IFP's] mobilising strategies, and the new conditions of the 1990s tended to encourage its further exploitation" (p.175). Thus, the IFP might have used the ethnic factor to politicise the civil service positions in the province. A number of KZN senior civil servant respondents spoke of their uneasiness that the senior posts were increasingly politicised, but some were not aware of this. Those who expressed this concern said there was an IFP-ANC conflict in KZN. This, presumably, was having a dramatic effect on the roles and functions of the politicians and senior civil servants in some departments. As one official put it, "This IFP-ANC thing is like putting two bulls in the same kraal."

A comparison of KZN and the ANC-ruled provinces shows that most blacks (those who classified themselves as African) in the KZN departments which I surveyed were Zulus. Whether this was merely accidental, given that the majority of people in this province are Zulu speakers, or whether the provincial authorities were out to deliberately maintain a Zulu ethnic character in the departments concerned was not immediately clear. However, it is worth mentioning that I was warned beforehand about the dangers of asking questions on certain topics, especially those related to the conflict between the two rival political parties in the province. (This topic was not on my agenda, but it is possible that those who agreed to be

interviewed were very cautious about the matters which I did raise with them.)

Whether similar observations could be made about the Western Cape remains a puzzle. Unconfirmed claims have often been made in the past about the Western Cape provincial government's uncorrupt administration, compared to national and other provincial departments. However, there have been some allegations and unconfirmed reports of racism and corruption levelled against this provincial government. The provincial administration's refusal to implement Affirmative Action has also been attacked by the opposition ANC in the province, which has accused the government of "not been governed by its political leaders, but by a cabal of senior, white male civil servants" (*Cape Argus*, 20/10/99). The Western Cape provincial government, as would be expected, has been quick to refute such accusations. Gerald Morkel, provincial Premier, recently criticised South Africa's Public Service Commission for what he called "misrepresentation of transformation" in the province (Morkel, 2001). He added that transformation in the Western Cape had improved and that the Commission was misleading Parliament on this issue.

After apartheid, South Africa emerged from a tradition of centralisation of the policy-making process (Marais, 1993) and this transition is not yet complete. During apartheid, most of the operations of the senior civil servants and the politicians were largely concentrated in Pretoria — the

administrative capital. Virtually everything, whether minor or major, had to be referred to Pretoria for decision and action. Policy-making was therefore heavily centralised and slow, resulting in delays in implementation — particularly at the provincial and local levels. It is not clear whether such centralisation hindered or helped the politicians and the senior civil servants in any way in their duties; but for ordinary citizens such delays were usually like a nightmare. People had to travel from all over the country to Pretoria, often having to make repeat visits whenever their matters were not resolved successfully. For those who had means of communication, the centralisation meant that they had constantly to call Pretoria and to send correspondence, which often got lost in the process, before they could receive services (such as identity documents or passports).

When the new government took over in 1994, there were initial indications that it would reduce centralisation substantially and delegate suitable matters to the provincial and local governments. This has since happened in many respects, but centralisation essentially remains on many other matters. There have been suspicions (according to South African media) that the Presidency has begun to centralise policy matters under the Office of the President. A typical example of such centralisation might be the appointment of the departmental DGs. Any such change might affect the roles of these senior officials in the policy-making

process. Of course, the newly appointed DGs may develop a *'Yes Minister'* mode of thinking and behaviour (Taylor, 1999:59).

Policy-making in South Africa also reflects as much the views of the electorates as the interests of party politics. The New National Party appears to be gradually becoming less influential on policy and other matters, and its place in the national political spectrum appears to be gradually taken over by the Democratic Party. It is presently not very clear whether the DP is comfortable with its newly-found position of national opposition. This could perhaps explain the party's decision to opt for coalition with the NNP in the Western Cape shortly after the 1999 general elections.

The advent of a free and democratic South Africa has ushered in constitutional provisions for human rights, including freedom of expression and assembly. However, such rights have meant that government should not focus on narrow interests such as white and wealthy social groups alone, but on a wide array of sometimes-conflicting political interests. Among some of these interests has been the need to ensure the equal representation of the different groups in the policy-making process. In essence, this has meant making policies that are sometimes perceived as intended primarily to achieve racial, gender, ethnic or other forms of balancing. Gender and racial balancing, for instance, means that such policies are aimed at ensuring a desired mix of people across the racial

and gender divides. This is irrespective of whether such people can indeed perform the functions for which they were appointed. In principle, this would lead to applying quotas for the different groups. However, the ANC government has attempted to meet this challenge (making laws and policies intended to enhance equal representation) without having to resort to formal quotas.

However, it would appear that this policy of balancing has been misunderstood even by the senior civil servants who, among others, have to apply the Affirmative Action policies. At present, it would appear that the government is aware that it should not sacrifice efficiency, effectiveness and good performance for the sake of gender, racial, and other forms of balancing. In effect, the government is in a predicament which requires a sometimes-costly balancing act. Of course, in a country like South Africa that has barely emerged from the scourge of apartheid, the need for ensuring all these forms of balancing inevitably becomes an emotive issue.

The issue of standards similarly also makes it difficult for these matters to be resolved objectively because many of these standards have often been blamed for the perpetuation of racial discrimination, particularly as they were formulated during the apartheid days. A fresh attempt to deal with this issue has been the enactment of the 1995 South African Qualifications Authority (SAQA) Act to look at the formulation of new and non-

discriminatory standards at the work place. Another attempt to look at the issue of balancing the different interests in the policy-making process has been the NEDLAC (National Economic Development and Labour Council) approach. This body is a forum where the representatives of government, trade unions, business and some NGOs meet regularly to discuss mutual interests. Some of these meetings have tackled the thorny issues and the forum has been quite helpful in bringing out such issues, although they have not always been satisfactorily resolved. The NEDLAC process has involved both politicians and senior civil servants and might have helped them to improve their approaches towards policy-making generally. However, NEDLAC's significant impact has not yet been felt. The NEDLAC forum seems to be a good beginning, given South Africa's racial history with its legacy of intolerance of any opposition and criticism. But many other interests are excluded from this forum and from whatever contribution to policy-making it may achieve.

(b) The RDP and GEAR as Controversial Policy Issues

After the 1994 general election, the ANC introduced a working paper that eventually became the Reconstruction and Development Programme. The aims and objectives of the RDP were to identify the undeveloped and underdeveloped areas of South Africa, and to suggest mechanisms and strategies for redressing development-related problems in those areas. The document also aimed to restore or replace infrastructure that was either damaged or destroyed at the height of the anti-apartheid struggle,

and generally to ensure an environment conducive for development. This policy was intended to redress the legacy of apartheid throughout the country and consequently had mass or social appeal. For the first time in the history of South Africa, a policy was developed that clearly identified the needs of the poorest communities and provided assistance. The policy stopped short of simply promising people jobs, houses or education but it gave them hope that these and other vital services would be provided eventually by the government. While it appeared as if many sectors of the society supported the RDP, the policy needed large-scale funding to begin the numerous projects with which it was expected to counteract many years of apartheid stagnation. The UK government supports the RDP within the £30m annual aid programme (2000-2001) administered by its Department for International Development. A brief commentary by DFID described RDP as setting ... "specific targets for service provision. Water, electricity and health care access are among the successes but progress on several fronts has not yet matched earlier hopes" (DFID, 1998:4).

The government initially appeared to be fully committed to the RDP policy, although some sections of the business sector later became sceptical about what they believed were ambitious or grand projects. Overall, it appeared as if both the politicians and the senior civil servants generally supported this policy. The inputs of each to the formulation of the RDP may, however, be difficult to assess because unsubstantiated comments

have been made that the ANC had planned this programme long before its 1994 electoral victory.

In 1996 the South African government introduced another policy, GEAR (Growth, Employment and Redistribution Strategy). This was a macro-economic strategy aimed at tackling especially the problems of low investment and job creation. The DFID commentary described it in December 1998 as follows:

> The 1996 Growth, Employment and Redistribution Strategy (GEAR) sets out the government's macro-economic strategy to promote investment and economic growth and establishes specific targets (recently revised) for the budget deficit, growth and job creation. Growth reached 3.3% in 1995 after a decade of stagnation but has since fallen back and may be barely positive this year. The official target of 6% growth is considered feasible provided South Africa takes determined action to tackle constraints including unproductive investment, insufficient savings, low productivity, excessively regulated and protected markets and the slow pace of privatisation and public sector reform. Recent turmoil in global markets threatens hard-won macro-economic achievements and there are fears of recession. Investors remain cautious. Despite high real interest rates the Rand remains vulnerable. Unemployment is estimated at 23% and rising. GEAR has generally won business endorsement for its macro-economic principles, but faces domestic challenge for its failure to generate growth or jobs (DFID, 1998:4).

Whether this strategy originated from the interactions between the senior civil servants and the politicians in some departments (especially Finance) is not clear. It is also not clear how far consultations were undertaken with the varied interest groups before the GEAR was adopted. However, the business sector in particular appeared to be heavily involved in planning the GEAR programme.

Many sectors of the society welcomed the RDP after it became government policy. The reason for this might have been that it was introduced during the era of the charismatic Nelson Mandela but, perhaps more significantly, because it offered to overturn the apartheid backlogs. In particular, the trade unions (especially COSATU) seemed to be in favour of the RDP. On the other hand, these unions became increasingly opposed to the GEAR policy because it was seen as being against the interests of the working class. Many other trade unions outside COSATU gradually also came to oppose GEAR and to argue that, contrary to the government's claims and expectations, it would neither lead to job creation nor attract foreign capital investment. They further opposed the policy because they felt that it would not re-distribute wealth but lead to massive job losses, which would eventually further impoverish the poor. Undoubtedly, the unions and their other partner in the tri-partite alliance (the South African Communist Party) were opposed to GEAR on ideological grounds. This could have been primarily because of the overwhelming support for GEAR by the business sector (*New African*, 1999:17). For

their part, most business interests appeared to support GEAR on the basis that it would produce wealth and create jobs, attract much-needed foreign investment and eventually ensure South Africa's full participation in the global economy (*Mail and Guardian*, 27/08/99).

The stage was thus set for a business-labour clash over these two policies, for which the two sides increasingly offered vehement support. For the senior civil servants, their positions on these two policies could be said to have been clear. As public service employees, they were bound to support government policies. This was in spite of the fact that the government gradually toned down its emphasis for the RDP and shifted it in favour of GEAR. This might have led to uncertainties among the senior civil service in some departments, particularly when they had to help formulate financial retrenchment policies which, among other things, required moratoriums on civil service recruitment, whilst they were expected simultaneously to implement the RDP.

In terms of the nature of inter-governmental relations in South Africa, it could be argued that the senior civil servants and the politicians also faced uncertainties in the application of the requirements of the two programmes. In the provinces with an ANC government, perhaps the party was able to garner support for the GEAR policy without alienating its support base, but this must have been a difficult exercise. Even so, the party still had to convince its trade union and communist partners about

the merits of the GEAR programme. This issue has now become one of those upon which the tri-partite alliance partners have openly acknowledged disagreement. In those provinces where the ANC had no majority, (KwaZulu-Natal and the Western Cape) the situation was even more confusing. One reason for such confusion was probably that South Africa still had to decide whether it was reverting to the Westminster system or adopting federalism. As things presently stand, it could be argued that the country's political system contains elements of both federalism and unitarism, perhaps emanating from the political negotiations of 1993 among the different political parties. This however, had the potential of causing confusion not only among the politicians and the senior civil servants, but also for inter-government relations themselves. It was also possible that some politicians and senior civil servants could mistakenly believe that some provinces might one day be granted autonomy by the central government. Presently, it would appear that the country is enjoying the benefits of both the unitary and federal systems, even if this might negatively affect policy-making at the different levels of government.

It has been argued in this section that the policy-making process in South Africa now involves a variety of actors. The most prominent of such actors include the politicians and the senior civil servants, opposition political parties, the ANC's tri-partite alliance partners and other non-governmental and community-based organisations, notably business interests. The

Reconstruction and Development Programme and The Growth, Employment and Redistribution strategy have been noted as examples of how policy-making unfolds in the South African context. These are by no means the only important policies and strategies of the new government and other policies could possibly be featured to explain the process better. The RDP has been outlined because it has appeared to enjoy overwhelming support from the ruling ANC and many of its supporters (many of whom are in the black communities). It has been seen as a socio-economic and political programme for redressing the development-related problems caused by the apartheid era. In contrast, GEAR has tended to be supported by the mainly white, affluent and business sectors. It has been mainly a market-based programme aimed at attracting foreign investment and creating jobs by relying on market-related strategies.

The influences of the different groups and interests have been to some extent reflected in the country's policy-making process. Some groups, including the politicians and the senior civil servants, have been seemingly in favour of the RDP, whilst others were apparently more in favour of the GEAR policy. This does not mean, however, that those who appeared to be in favour of one policy were automatically opposed to the other. Perhaps the majority of South African politicians (particularly from the ANC) were solidly behind the RDP policy, but the policy has been gradually losing its importance and significance, and has appeared to be superseded

by the GEAR policy. As for the senior civil servants, their positions on these matters have not been possible to assess — particularly given the fact that this group is also heterogeneous. However, the point was made that the senior civil servants really have no choice but to implement both the GEAR and RDP policies even if this meant having to de-emphasise the importance of one in favour of the other. To explore the nature and limits of the control of the senior civil service by ministers/MECs in the semi-federal South African system would require a different study from this one, with quite different priorities for its interviews. How far such ministerial control might have affected policy-making outcome is not clear, but this is also an important dimension of the relationship between senior officials and their political heads.

Another important observation about policy-making in South Africa concerns the delicate balancing act of the government in terms of the different interests. Thus, it was stated that the need for equality has had to be balanced against that of job creation; and racial and gender balancing has had to take into account the need for effectiveness, efficiency and performance. Similarly, the interests of the affluent sections of the society had to be counter-balanced with those of the poor in the policy-making process. Whether the government has succeeded in this exercise is still difficult to tell, but it would seem that it intends to follow this policy-making strategy. The balancing of various interests is in practice quite complex.

The GEAR and RDP policies have been cited as examples to illustrate the difference between a policy with seemingly mass appeal and one with an appeal to business and the implications for the interests that normally cluster around such policies. Thus, on the one hand, the trade unions and other supportive groups were very critical of what they perceived as the government's deviation from the RDP. On the other, the private sector interests have constantly accused the government of pandering to the wishes of its trade union and communist partners at the expense of the country's economic prosperity. The business sector has also attacked the trade unions for chasing away much-needed investments by their allegedly militant and hard-line stances on labour matters. In short, an attempt at basic ideological influence on South Africa's policy-making process has probably equalled the influence of other, less ideologically-based, groups in society.

7.2 Senior Officials' and MECs' Perspectives on Policy-Making: a Survey Report

The question of how policy is made is clearly of basic importance in any study of high officials in advanced political systems in which officials are distinctively formed into a cadre, which is separate from ministers. However, for this study, policy-making could form only a minor part of my interviews for officials or MECs because the more dominant themes of the post-1994 civil service (overall change, managerial issues and AA) took up most of the time. On policy-making I asked a simple open-ended

question (which followed Suleiman (1974a) though he asked about influence on politics in general):

Q.25: *"How influential is the South African senior civil service in policy-making?"*

This was asked of the provincial level officials: as stated earlier their work is largely implementation of policies and goals laid down nationally so it was of interest to gather their claims on this traditional senior role. Their 133 direct responses (there were only two uncodeable comments) divided into 43% claiming a "very significant" role with a further 31% claiming a "significant one" (74% combined). Only 11% said that this role was "weak" while 16% said that it existed "hardly or not at all" (27% combined). So 85% accorded at least some policy-making input to their service with only 16% virtually denying it. There was not time to press them on their conception of policy-making, but the Quotations Box, below, shows sharp disagreements about officials influence which may rest on different ideas of what policy-making covers.

Provincial officials may well define as policy work the essentially implementing or managerial tasks within policy laid on their provincial governments by the national level. Their colleagues in the national-level Departments of Health and Education might deny policy-making status to this work, saying that they and their ministers are the only authors of true

policy and the financial resourcing decisions that give policy its reality. It is a familiar and obvious feature of debates about the nature or priority to be enjoyed by policy implementation that, in any bureaucracy, one level's idea of what is a mere detail of implementation is seen and dealt with as policy at a lower level. Perhaps all policy consists of implementation at one or other lower levels so that there is no such thing as policy: only an elaborate succession of planned implementing tasks, becoming ever smaller at the margin until the policy can be declared fully implemented.

A few of my provincial government respondents did take the opportunity, at various points in their interviews, to comment or complain about the central-provincial balance of powers which they claim South Africa's semi-federal constitution (and the working methods of the ANC government) has produced. If, as these critics among the surveyed officials claim, the centre keeps the provinces too short of both opportunities for initiatives and revenue resources, then there is only limited scope for policy-making by MECs, their provincial cabinets or their officials. If a large group of these provincial officials have answered this question with a 74%:27% perception of a "significant" policy-making role for themselves, what may be deduced? This clear 3:1 majority may well be thinking of mainly management (implementation) policy issues towards (e.g.) the many hospitals, clinics, colleges and schools for which their Health and Education departments are responsible. Alternatively, these 74% of 133 senior officials may have taken a more comparative view of the question

and said how significant their own cadre's input into policy-making (however defined) seemed to them to be as opposed to their provincial ministers' (MEC) input. The higher priority for interview time that I gave to my survey's dominant theme of post-1994 overall civil service change prevented much probing of this overall result on the policy-making function. But officials offered some comment to augment the basic findings. (The eight MECs asked about this divided: highly influential (four); influential (three); not influential (one) — along the same lines as their officials, although such tiny numbers can have no wider significance. They did not offer any comments, because of lack of interview time.)

Box 1:	Officials speak about Senior Civil Service Policy-Making:
1.	"In my department, the top management are highly influential in the policy-making process, but [not] the middle and lower levels." (Female, black; provincial government; less senior grades.)
2.	"Senior civil servants do not have any influence on the policy-making process." (Male, black; provincial government; less senior grades.)
3.	"The senior civil servants play a minimal part in policy-making. Their roles have little impact on this process and I think they are involved more in policy implementation than formulation." (Male, black; provincial government; senior grades.)
4.	"The senior civil servants are very influential in policy-making." (Male, white; provincial government; less senior grades.)
5.	"The provincial senior civil servants play a major role in policy-making. They are regularly invited to the national level where they contribute in all spheres." (Female, white; provincial government; less senior grades.)

> 6.   "It depends on each department's situation. In our department the senior civil servants have a lot of space to engage in the policy debate." (Male, coloured; provincial government; most senior grades.)

This section should deal next with two interview questions contributing to the thesis that there is convergence between senior officials' and ministerial roles and interests. The question comparing South Africa to countries such as France or Sweden in the political character of their senior civil servants' work deserves a repeated mention: it was reported in Chapter 6.3. In essence, the two things which are believed to be producing convergence are the minister's growing need to think about the official's resource and management problems while the modern official needs to think more than the traditional type may once have done about the minister's political policy ideas. This is in order to gain some practical grasp of them before their resources and management aspects make their impact.

The second of these convergence questions is reported here (it was mentioned at the beginning of Chapter 6.3 and will be touched on again in the Conclusion section (8.2):

Q.21 "When dealing with issues, South African senior civil servants think and act mostly like their ministers/MECs." (agree/disagree)

This question is linked to previous studies, so continuity and direct comparability confined it to my national-level officials working in DPSA and the national Department of Health. Of the maximum of 40 of these respondents, only two were d/k. Of 38, 18% strongly agreed and 68% agreed (86% combined) while 11% disagreed and 3% strongly disagreed (14% combined).

Within this modest number of national-level officials, it seems that little idea of a policy/administration dichotomy exists. As Aberbach *et al.* suggested, senior officials see the varied stream of issues and problems coming to them as needing mixed political and technical treatment on a constantly changing basis, as issues evolve. This 86:14 majority is strong evidence for the conditions for significant convergence being in place — although other behavioural variables, notably some aspects of politicisation of the senior civil service ranks, could limit movement towards greater similarity of roles (Hojnacki, 1996:142; Kotchegura, 1996:35). Thus, a more intellectually similar approach to a department's policy and management problems and tasks could be knocked off course by a more sharply politicised relationship arising between ministers/MECs and senior officials in a system such as South Africa's. Scholars argue that in other systems, such as the UK's, people are definitely not used to — and may actively wish to avoid — the more openly political identity of

some senior officials, which is traditional and accepted in France, Sweden, Germany or the USA (Wright and Page, 2000).

Another prominent set of interview questions, asking officials about any "problems" or "challenges" in their departments' working relations with ministers/MECs, was reported in Chapter 6.3 and deserves a repeat mention here. Any role conflict or other friction between senior officials and their ministerial heads, such as Q.s 26-28 explored, should touch on policy issues or disputes about policy-making roles or demarcations of functions. The same very much applies to the next matter to be covered and reported. This is the very important issue (previously mentioned in Chapters 5.5 and 6.3) of the permanent or semi-politicised personal tenure of a department's DG (and the Deputy DG or SG acting as administrative HOD). As already indicated, the question was:

Q.22: "Would you say that (as sometimes happens in some countries) a senior civil servant (especially a Director-General) should be removed or transferred to another department whenever a new minister/MEC is appointed?" (Yes/No/comment)

The question was clearly asking what should happen (would this be good practice?) but a number of the 175 respondents who gave an answer (there were only five who would not) seemed quite sure that this practice was already in place — even to the level of Deputy DG or Chief Directors being described as personal ministerial appointees who serve at the

minister's or MEC's pleasure. However, their opinion on the practice was not necessarily affected: no-one said they supported it simply because they thought it was already in place. Only 17% of the 175 said the DGs (*et al.*) should be so removed; 83% said that they should not.

Officials commenting on this question sometimes combined their understanding of the current rules for DGs going or staying when a new minister or MEC comes into office, with an opinion on the merits of the idea. Officials seemed far from agreed on whether it is currently open to a new, incoming minister or MEC, to either seek or actually to execute a DG's removal and to choose a successor. One respondent seemed to both state and support the rule as she understood it to apply: "The DG must go out with the outgoing minister/MEC unless the latter wants to keep them. If the DG works well [with the minister/MEC] they must be retained" (female, black; provincial government; less senior grades). Two other officials endorsed the temporary tenure of the DG: "The minister has to be given a chance to change the DG [or the administrative HOD at Deputy DG grade] if the minister feels like it", (male, white; provincial government; senior grades); "Yes, the DG must change once a new minister is appointed; it makes a lot of sense for the DG's contract to run parallel to the minister's period in office", (male, 'South African'; provincial government; less senior grades). In contrast, the negative opinion of this practice was strongly in the majority, resting on the need for continuity — whether of administration or policy, or both: "No, the most senior official

in the department must not be changed once a new cabinet member is appointed. This is because of continuity: a new DG will not know how to continue. Moreover, a Director-General is not a political appointee" (male, black; provincial government; less senior grades).

The last comment reflects the different views of the *status quo* of this topic: many respondents did see the DG and other very senior grades as political appointees. The nine MECs who responded on this major feature of their potential power were evenly divided, with five in favour (at least two of them with conditions) and four opposed. Four of the five supporters of having these top officials potentially removable were ANC MECs but so were three of the four opponents. This 4:3 split among seven ANC MECs may indicate (even with such a tiny number) that this is a pluralist, not a strict party line, issue. The two non-ANC MECs took opposing positions, although the supporter of having these officials formally transferable was restrained: "It may be appropriate, but this should not happen at all times. It should be an option left to the minister/MEC." One ANC MEC agreed: "The legal option to change the DG/HOD must be there" — implying that this should only be a reserve power. Several negative ANC opinions on this issue emphasised the importance of the DG/HOD's contracts as the basis for their job tenure: "It is not acceptable; the removal of a DG/HOD must be based on their contracts, like all the highest civil service positions". This ANC MEC's view was echoed by another's: "It is not acceptable to change DGs because

they are normally appointed on a five-year contract". The third ANC opponent of the automatic transfer of a DG/HOD stated more simply: "If there is no change of government, DGs should remain in the department when the minister/MEC leaves".

Anyone making a broad inquiry into the tenure of either DGs or the other most senior grades (I spoke with 175 officials and eight MECs on the topic) soon appreciates that it is a rather uncertain subject. With an interview question, there is the usual doubt as to whether all respondents have given their opinion on what should be the practice, rather than information on what they believe the actual practice to be. Beyond this, there appeared to me (mainly meeting respondents in late 1999 and the first half of 2000) to be regional variation on the subject — whatever any national law or official rule may have said. A few officials clearly declared that not only their DG but all their most senior colleagues, even from Chief Director upwards, were already "political appointees." Many more respondents indicated that they did not see their DG in this light (and usually, as the figures show, added that they would deplore this change). It seems likely that some respondents were confusing the right or convention of a minister/MEC to determine (or strongly influence) a new DG's or administrative HOD's selection with an equivalent right to get rid of them. This is not the same thing, as comparison with many other countries, including the UK, confirms.

South African ministers/MECs enjoy considerable initiative and decision power when the DG or HOD posts in their departments require to be filled. To remove incumbents from these or other very senior posts (around Deputy DG level), however, requires the minister/MEC to obtain the consent of the President or regional Premier, respectively (although the president often devolves this function to the minister for the DPSA). The arrival in a department of a new minister/MEC does not necessarily lead to the DG's or HOD's transfer out (much less dismissal or enforced retirement) — at least if there is no change of party control of the national or provincial government in question in hand. Change of party control has been the basis for the current regulations which made a transfer a possibility.

There has been general political talk or speculation that the ANC members of the Government of National Unity decided that their own future government would no longer tolerate chief officials at DG/SG/Deputy DG levels whom they were finding to be negative and hostile (Ngonyama, 1999). Some respondents who repeated this explanation added that ANC ministers' bad experience with these apartheid era old guard officials led them to insist on having only pro-ANC replacement DGs, *et al.*, if they were to trust them. These respondents saw the new rules allowing a new minister/MEC to seek the President's (DPSA's) or provincial Premier's consent to replace a high official as a rebound from the ANC's negative experiences in the GNU, before any changes had been made in the

operations or political outlook of the senior civil service. While supporting the new rules, as an appropriate outcome of the past experience, one or two respondents said that they hoped or expected they would fade away. This would leave the DG as a permanent career official like any other — removable only for a normal good cause and only very exceptionally on any political or policy ground. To make the DGs, or any other official, the current MEC's placeman would, rightly or wrongly, make them more like ministers' political advisers than senior professional managers. It would be a strongly politicising act, affecting our present topic of policy-making roles but spreading out to all of the senior service and its roles, sooner or later. This might be abated if the grounds for a possible request to replace a DG/HOD were confined to irreconcilable personal frictions with a simple personal preference or conflict on policy issues ruled out. But it seems they are not, so the politicisation is plainly in view.

It is the practice of the five interview survey reports in Chapters 3-7 briefly to mention relevant interview topics where they contribute to each chapter in addition to reporting them more fully in their relevant place. This section on the policy-making aspects of the interview survey therefore concludes with two such mentions. Q.55 (reported below in Chapter 8.1) yielded results on a question asking which current civil service problems were seen by the respondent as rooted in the pre-1994 civil service: 46% nominated continuing bureaucratic inertia. If this perception has substance, it must considerably prejudice policy-making,

however "influential" either officials themselves or MECs may say that senior civil service is in policy work. Secondly, a minor reference to policy-making arose from Q.30 — the final question of Chapter 8.1. Asked to name one aspect of the senior civil service that had particularly changed since 1994, 3% of respondents named officials' increasing role in policy-making. This is commented on at the end of Chapter 8.1.

This chapter began by asking whether centralised or pluralist tendencies seem to apply in South African policy-making and has taken as an example the two different economic policies, RDP and GEAR. Without claiming that officials' and ministers' experience with these policies offer evidence for or against Aberbach *et al.*'s (1981) concept of officials' and ministers' convergence, this chapter has reviewed the fortunes of these two policies within the context of pluralist pressures to influence policy outcomes (e.g. the role of NEDLAC). The uncertainties experienced by senior policy-making officials within this pluralist setting have been mentioned. The chapter has continued with a survey report on interviewees' perspectives on civil service policy-making work. It has noted that a very strong majority (85%) saw at least some civil service input into government policy-making. Finally, the chapter's main result was the interviewees' striking level of opposition to any routine removal of DGs or HODs by ministers/MECs when these elected public officials arrive in a new department.

Chapter Eight

The Changing Senior Civil Service: Survey Findings, Conclusions and Recommendations

8.1 Senior Officials' and MECs' Perspectives on Post-1994 Change: a Survey Report

This final chapter reports the survey results on the central concern of this study: officials' perceptions of the significance and desirability of post-1994 change in the senior civil service. These perceptions include particular aspects of the changes which have deserved their own chapters: AA policy; management innovation; political role conflicts; and the policy-making process — so comments by officials (and the small group of MECs) will include further views on these matters. The theme of change, taken overall, will form the climax to this study's survey report, prior to its final conclusions and recommendations on senior civil service issues and for further research.

A historical sequence of my interview questions' topics, based around 1994, is the best presentation. This will be:

(Q.55) Current civil service problems which are attributable to the old, pre-1994, civil service's character;

(Q.31) Whether there has been significant change since 1994;

(Q.32) Whether senior civil service roles are changing;

(Q.33) Whether changing significantly;

(Q.34) "In your own department?"

(Q.35) "How do you view these changes?"

(Q.36) "Are they desirable/undesirable?"

(Q.30) Naming one particular change since 1994.

I sought some views on the continuity of current problems and weaknesses (in 1999-2000) with the unreformed civil service before 1994. The question ran:

(Q.55) Which current problems of civil service productivity are in your view attributable to the pre-1994 civil service?

This open-ended question referred to practical departmental issues ("productivity"). It has been commonplace since 1994 to ascribe problems or weaknesses to the apartheid era. Only three individuals replied that none of the current problems could be blamed or assigned in this way. Among the 129 officials who did nominate a sole or main problem with this character (no multiple coding) 46% referred to features which could be coded as "entrenched bureaucratic inertia and conservatism, being the legacy of the old guard officials." The rather different problem of continuing "race or gender prejudice within the senior civil service" was chosen by 29% (as already mentioned in Chapter 4.2, above, on AA). Five percent nominated "bureaucratic arrogance, secrecy, lack of a sense of accountability with touches of nepotism and corruption" as a pre-1994 legacy while the remaining 20% spoke of a variety of other problems. One prominent problem in this mixed group was the continuing difficulties of

South Africa having merged separate and widely differing apartheid era civil services and governments into one, supposedly integrated, operation.

A review of all the comments made overall about the post-1994 changes yields very few which referred back, however, briefly, to the old apartheid-based civil service. Three officials (the third one white) supported the new civil service saying respectively that changes were "a good and long overdue ... effort to redress the apartheid atrocities" [but there is a huge gap between expectations and achievement]; "they should have happened long ago, but South Africa stayed behind the rest of the world in apartheid isolation"; "the new government is not interested in the experience of the pre-1994 civil service ... we have lost many experienced white officials recently."

Quotation Box 8.1:

Officials speak about problems attributable to the pre-1994 civil service:

1. "We have inherited from the pre-1994 senior civil service an ill-prepared and untrained group of people; bureaucratic attitudes (mostly around Director level and above) especially on AIDS/HIV matters; and subtle forms of racism (some sectors in this department are still purely white)." (Male, black; provincial government; less senior grades)

2. "I attribute staff fraud (stolen government vehicles, cheques, etc.) and nepotism to the pre-1994 civil service. We now have staff's uncles, aunts and cousins employed in this department." (Female, white; provincial government; less senior grades)

3. "In this department we have pockets of inefficiency because we have inherited the old Public Service Commission's officials. So, I attribute the top-down approach of these predominantly white officials to the pre-1994 civil service." (Male, Indian; national government; less senior grades)

4.   "The current challenges we face in our department are the same as before 1994, but perhaps there is now less money available for our programmes." (Female, white; provincial government; less senior grades)

5.   "The current problems that I attribute to the pre-1994 civil service are mostly related to the presence of the old apartheid system's people in our midst. They practice apartheid in a very subtle way. The supervisors from this group still monitor an individual by always asking, 'Where are you? What are you doing?'. There is also resource allocation by favouritism amongst the whites which must be exposed." (Male, black; provincial government; less senior grades)

6.   "I attribute the bureaucratic mindset, top-down management style and centralised, bureaucratic systems in this department all to the pre-1994 civil service." (Male, white; national government; senior grades)

7.   "We have inherited from pre-1994 managers who don't take initiatives and also the issue of nepotism (which resulted from some personal incentives that were given to the apartheid-era officials)." (Male, black, provincial government; senior grades)

8.   "The problems that we face, which I can attribute to the pre-1994 civil service, are low morale, absenteeism (caused by stress-related illnesses) and high staff turnover among our officials." (Female, black; national government; senior grades)

9.   "In this department, the challenges we face are that some officials are not performing up to expected standards, and some take longer to perform their duties because they are not used to the public service culture. The first problem was there [before] 1994 but the second is new." (Female, white; national government; less senior grades)

All ten MECs had comments, mostly extensive, on this interesting theme of attributing current problems to the recent past. Not surprisingly, the eight ANC MECs blamed many problems on the years before they took power. (The only MEC to reject this attribution altogether was a non-ANC MEC: "All our problems are inherent to all civil services in the world".) On the dominant topic of overcoming "entrenched bureaucratic inertia" (46%

of officials had been single-coded under this label) ANC MECs referred to "negative staff attitudes; poor work ethics and a culture of staff entitlement and a job for life; no concern for urgency; excessive hierarchy; and tunnel vision. All of these may be seen as aspects of inertia. As one of the non-ANC MECs put it, it is summed up as, "clinging to the old ways: 'we have always worked this way in the past'." Concerning the nomination (by 29% of officials) of "continuing race and gender prejudice within the senior civil service" as a problem attributable to the apartheid years, one ANC MEC reported that racial polarisation in this department caused a Workplace Friendship Forum to be launched, intended to promote social relationships away from the work routines. Where the post-1994 integrated system of departments rests on various separate pre-1994 structures (former black homelands and the former Transvaal Provincial Administration) a number of these general civil service problems are worse and their attribution to this past regime even more plain. The path to genuine integration is impeded by the "old blood and new blood" cadres failing to become one body, according to one MEC. This is the particular problem in KZN province. Speaking about "the political-administrative interface" as a whole, one ANC MEC stated that any weakness of current operations could be attributed to the pre-1994 regime in the sense that no minister took any interest in this interface, "and had no idea about administration." No conflicts arose because nothing was done and nothing questioned.

Turning to the period since 1994, Q.31 prompted respondents with the ANC government's policy on the civil and public service and asked about any significant actual change for the senior civil service:

Q.31 "In view of the changes introduced by legislation (e.g. the Batho Pele Principles and the White Paper on the Transformation of the Public Service) would you say that there have been any significant changes in relation to the operations of senior civil servants since 1994?" (yes/no/comment)

Only six out of 179 respondents replied d/k and 88% of the 173 giving a yes/no answer replied Yes and 12% No. A selection from majority opinions follows next offering examples or aspects of positive change and of problems and weaknesses. It is a wide selection because this theme of overall change since 1994 is at the heart of this study.

Quotation Box 8.2:

   Officials speak about changes in the senior civil service since 1994:

1.   "A great shift from the administration model to the management model is the most significant change to the operations of the post-1994 senior civil service." (Female, coloured; national government; senior grades)

2.   "Three main changes: accepting greater managerial responsibility; a move away from centralised to decentralised management; and the increasing accountability of managers." (Male, white; national government; senior grades)

3.   "There is now a lot of commitment, especially from those in management positions. However, the post-1994 black managers carry a particular burden of proof to show that they can do better than those who have been in the civil service more than 20-30 years." (Male, black; national government; less senior grades)

4.	"The structure of the civil service before 1994 constrained the roles of senior grades, but not any more." (Male, black; provincial government; most senior grades)
5.	"The composition of staff (race and gender) is for me the most significant change." (Female, black; national government; senior grades)
6.	"Firstly, there is much greater autonomy for officials, even at the lower levels. Secondly, there is now greater focus on results, not procedures. Thirdly, there was some democratisation, but only around 1994. The only negative change is that issues are often decided on an emotional (especially partisan) basis." (Male, white; national government; senior grades)
7	"These changes are positive in bringing in more flexible and better management but negative in that power is abused when people move too quickly from one position to another and when some senior civil servants do not always follow the rules when making promotions." (Female, white; national government; senior grades)
8.	"One innovation that I think has remarkably changed the roles of the senior civil service is the way in which they are now being promoted and appraised, using performance contracts." (Male, black; provincial government; less senior grades)
9.	"I would say the introduction of a Patients' Rights Charter; the *Batho Pele* White Paper on the new civil service; and making the civil service representative." (Male, white; national government; senior grades)
10.	"Our Departmental Secretariat now represents all racial groups and we now work as a team, unlike before. We are now also following the guidelines of the *Batho Pele* White Paper with its emphasis on a strongly customer-friendly civil service." (Female, 'South African'; national government; less senior grades)
11.	"One of the negative consequences of these changes — especially the drive to reduce the size of the civil service through Voluntary Severance Packages — was that the skilled people left and the worst remained, especially in the Education department." (Male, white; national government; less senior grades)
12.	"Managers are now expected to be strategic in thinking and entrepreneurial in approach, not mere passive implementers of the national government's policies." (Male, black; provincial government; senior grades)
13.	"The main limitation on these changes is that the black community are not inclined to challenge the quality and standards of service delivery. This will make it difficult for us to evaluate it." (Male, black; national government; senior grades)

14. "The changes we have had are good and are supposed to speed up service delivery, but the problem is that senior civil servants might not be ready for decision-making because of insufficient skills." (Female, white; national government; less senior grades)

15. "Yes, we have had significant and positive changes but our implementation may be found wanting. About 80 per cent of service delivery is in the provinces, but we have also lost skills at the national level. Moreover, we have not yet resolved the provincial-national problem on who is better qualified to handle certain issues." (Male, black; national government; less senior grades)

16. "The current changes in the senior civil service are very positive as they devolve power to operational levels and minimise centralised management. They emphasis cost-effectiveness, accountability, performance contracts and the customer perspective of the *Batho Pele* principles." (Female, black; provincial government; senior grades.)

17. "The move from a total lack of transparency, non-consultation and all the emphasis on rules, including the cultural diversity that we now have, are the changes which I would mention." (Male, white; national government; senior grades.)

18. "There is now more focus on policy implementation and capacity building. In addition, community participation has increased dramatically." (Male, black; national government; senior grades.)

19. "We no longer have a white male-dominated civil service. We also have a greater sense of accountability towards the electorate. Finally, our roles emphasis development." (Male, white; national government; senior grades)

20. "I would point to four main changes: a more problem-solving approach; targets and plans (as part of personal contracts); more open management; better training for middle managers." (Male, black; national government; less senior grades)

21. "We've had change in terms of service delivery and the campaign to implement the *Batho Pele* White Paper (the customer-oriented approach). These two are, for me, the significant changes." (Male, Indian; national government; less senior grades)

22. "The main aspect that I think has changed in the roles of the senior civil service since 1994 is that it now has new ideas and is no longer rule-bound or inclined towards red tape." (Male, white; provincial government; less senior grades)

23. "I think the different training methods that we now have; the higher morale among civil servants; and their general optimism,

are the significant changes." (Male, black; national government; less senior grades.)

The next question moved from the pre-1994 and post-1994 periods to ask about the present:

Q.32 "Would you say that the roles of the present senior civil servants in South Africa are changing?"

The response was exactly the same as on the period since 1994: of 172 officials giving a yes/no answer, 87% said Yes and 13% No (compared with 88%:12%). I wanted to know whether these continuing and current changes were seen as either significant or desirable:

Q.33 "If so, are they changing significantly or only a little?"

Only four individuals (2%) out of the 168 who answered said there were no changes currently going on. Of the 164 who saw changes, 66% said they were significant (or, for some officials, very significant) while 34% said that things were changing only a little — a 2:1 majority. This majority is much less overwhelming than those perceiving change overall or in principle. Instead of majorities of 88%:12% and 87%:13% on the two general questions just reported, the majority seeing significant (or very significant) change over those officials who said they were seeing "only a little" is 66%:34% (2:1, as just noted). This would seem to

suggest that one third of respondents saw the publicity and official rhetoric of civil service reform as less important than the government might claim. Perhaps this large minority was finding the practical implementation of reforms less impressive than the political promise. In contrast, responses to the next question — concerning respondents' own departments gave a quite different impression.

Q.34 "Are the current changes taking place in your own department far-reaching/significant/insignificant/no changes/dk?"

Again, 2% declared no changes, leaving 169 respondents with a view to report. Fully 63% of these described their current departmental changes as "far-reaching"; 33% as "significant" (96% combined). Only 5% saw changes which they described as "insignificant". So a 96%:5% majority declared for far-reaching or significant changes in their own department as against a 66%:34% majority declaring for significant change in the senior civil service as a whole. Respondents would obviously know more about departmental change and expect to be more plainly affected by it than generalised civil service change spread across the country. This very strong perceptions of real (even dramatic) change in respondents' own departments (ten departments were included in the study) deserves the emphasis among the survey findings.

Quotation Box 8.3:
      Officials speak about the significance of current changes in senior civil service roles, notably their own department:

1.   "Our roles are changing significantly with the move from rules to innovation and creativity. In addition, we now emphasise value for money and a customer-orientated focus." (Male, white; national government; senior grades)

2.   "There are far-reaching changes in my department. Some are desirable whilst others are not." (Male, black; provincial government; most senior grades)

3.   "The senior civil servants now have to identify and be responsible for their targets. If they don't perform they won't get rewards." (Female, 'South African'; national government; less senior grades)

4.   "The roles are changing significantly. South Africa is unique because I believe that public servants cannot be apolitical." (Male, black; provincial government; most senior grades)

5.   "Much of the change is good, but too often changes occur whenever a new minister comes into office." (Female, white; national government; less senior grades)

6.   "At the highest levels — Director and above — the roles are changing significantly, but below Director level there is not much change." (Male, coloured; provincial government; senior grades)

7.   "The roles of the present senior civil service are changing a little and we need to concentrate on policy and planning." (Female, black; provincial government; less senior grades)

8.   "The roles of the present senior civil servants are not changing at all." (Male, black; provincial government; senior grades)

9.   "I am unable to say, because in this department we have two groups: those who want change and those who resist (or even sabotage) such change." (Male, white; provincial government; less senior grades)

A few comments by the small group of MECs should be noted — remembering that all eight of the MECs in charge of the eight provincial Health and Education departments whose officials appear in this survey

are included (plus two other MECs in other provinces). Four (all ANC) said that the senior civil service as a whole was currently changing "significantly" while three (two of them also ANC) thought "only a little" (Q.33). Like the officials, their opinions on the extent of change in their own departments were different. Seven MECs (all but one ANC) said current changes were "far-reaching", while two others (both ANC) thought there were changes in process, but not far-reaching ones. Speaking of the senior civil service overall, one non-ANC MEC said: "The roles are changing because the senior officials now have to sign performance contracts and enter into agreements with their ministers/MECs. They play a much more advisory role to the politicians." This last remark meant that, in this MEC's view, senior officials were no longer often pursuing policy goals or operating practices on their own, more independent, authority.

The other non-ANC MEC in my small group declared that the senior civil service was changing only a little and added a striking comment:

"Nothing has really changed, except for new faces in the senior posts: the approaches of the past continue. The ANC have done what the old National Party used to do — appointing a politically influenced senior civil service. The ANC is deploying its cadres just as the NP used the Broederbond to place its people."

Regarding changes seen in the MECs' own departments, one ANC MEC selected the new approach to human resources (personnel) management as an example of far-reaching current change: a "user-friendly environment" would now be maintained. Another saw basic departmental re-organisation (twelve former district offices being merged) as the far-reaching change.

This survey report now reaches the most important interview questions, whose responses were the principal goal in conducting this study. What do a good number of South Africa's current senior civil servants, located all over the country, think of the changes in their service? At different points during the interview, I asked two general questions, intended to be a check on each other. In fact, their responses are similar (although unfortunately on the basis of a varying 'N' because of lack of interview time for the later question).

Q.35 "How do you view such changes in the senior civil service?"

The response to this open-ended question was that 60% of the 169 officials who gave a direct response were coded as unconditional supporters while a further 24% supported the changes which they perceived, but with some conditions. 15% gave mixed views on the changes as they saw them, with positive and negative points stated together; 1% (two persons) opposed the changes as they saw them.

The parallel version of this basic test of opinion on the merits of the changes each respondent perceived, formed the final question in the sequence about "significant" changes in the senior civil service as a whole and in the respondent's department in particular. It simply asked "are they desirable/undesirable?"

Q.36 "Are these current changes taking place in your own department highly desirable/desirable/conditional support/undesirable/highly undesirable?"

Based on the rather lower number of 156 officials who gave a direct response, 32% replied "highly desirable" and 53% "desirable": a total of 85% plainly positive support. Conditional supporters of the changes in question numbered 9% while 6% declared for "undesirable" (there were no responses of "highly undesirable"). Thus 94% offered some degree of support for what they were seeing in their own department.

A comparison of these two basic attitude questions — one asking about current changes in the senior civil service in general and the other about those in the respondent's own department — shows an even higher level of unconditional or conditional support for departmental changes than for changes at large. As we have noted, it is obviously changes in the respondent's own department which will generate the stronger personal attitude.

Table 8.1: Comparison of respondents' attitudes to current changes in the senior civil service at large and in the respondent's department

Q.35 "How do you view such changes [in the senior civil service]?"

(n = 169)

Unconditional/conditional support	Mixed views	Changes opposed
84%	15%	1%

Q. 36 "Are these changes [in the respondent's department] desirable, etc.? (n = 156)

Highly desirable/desirable/ conditional support		
94%	-	6%

Note: if Q.36 had been open-ended, requiring the coding of free responses, it may well have produced a similar number of "mixed views" to Q.35 and a very similar profile of responses.

Quotation Box 8.4:
Officials speak about the desirability of current changes in the senior civil service and in their own department:

1. "The current changes modernise the civil service by doing away with many rules: this frees management." (Male, black; provincial government; most senior grades)

2. "These positive changes are right to emphasise indicators, quality measures and compassion. We are dropping bureaucracy and non-value-adding processes such as too many meetings and reports." (Male, black; provincial government; most senior grades)

3. "These changes are overwhelming and unsettling in terms of both structures and personnel, but necessary." (Male, black; provincial government; less senior grades)

4. "The current changes promote transparency, inclusiveness, equity and interactions between politicians and the public service. But there is no follow-through of plans and few measurable objectives. There is not enough accountability, nor value for money." (Female, coloured; provincial government; most senior grades)

5. "These changes are very necessary but we civil servants need a lot more expertise to handle them." (Female, white; provincial government; less senior grades)

6. "It would be unrealistic to think that we can always get fresh outsider recruits of good quality: quality is bound to be compromised initially." (Male, Indian; provincial government; senior grades)

7. "For most departments in this province, transformation is still in process. This department is about to implement changes, but we have a problem of staff shortage." (Female, black; provincial government; less senior grades)

8. "These changes are not fast enough and transformation is very slow." (Male, Indian; provincial government; less senior grades)

9. "I have nothing against these changes, but I think that they are too drastic and rapid. Overall, however, they are effective." (Male, white; provincial government; senior grades)

10. "Current changes in my department are unfortunately not far-reaching: problems, particularly nepotism, can set in if we do not act against them." (Female, black; provincial government; less senior grades)

11. "These desirable changes in my department are not far-reaching; there is a big gap between the intention on paper and actual delivery." (Male, coloured; provincial government; senior grades)

12. "We are now more informal than the very structured old senior civil service. However, promotion is still slow because there are many junior people and very few top positions." (Female, white; national government; less senior grades.)

13. "There are still people in this department who are reluctant to accept these changes. They opt out and accept the severance packages." (Male, black; provincial government; most senior grades)

14. "These changes have introduced problems of unstructured work processes. The new government isn't interested in the experience

of the old government's people." (Male, white; national government; less senior grades)

15. "Change doesn't really take place; whites are still put in top positions to manipulate the officials." (Male, black; provincial government; less senior grades)

16. "The community now have easy access to the department, but we are experiencing such rapid and chaotic change that our people aren't quite sure where to refer the public for services that they need." (Female, white; provincial government; less senior grades)

17. "The current changes taking place in my department are far-reaching in terms of policies and vision but little political linkage with other departments." (Male, black; provincial government; less senior grades)

18. "I haven't seen anything of these re-structuring or other changes, yet." (Female, white; provincial department; less senior grades)

19. "Eighty percent of these changes are good but the bad ones include the linking of Affirmative Action to nepotism." (Male, black; provincial government; less senior grades)

20. "I view these changes as positive, but they are mostly on paper and I think they have less effect on the senior civil servants." (Female, black; provincial government; less senior grades)

My ten MEC respondents had much to offer on how they viewed both senior civil service changes at large and the desirability of changes in their own department. One fundamental point on their own formal position naturally attracted the attention of more than one MEC. This was the legislative change making the minister/MEC the "Executing Authority" of a department and the DG's clear legal superior. As one ANC MEC said: "The MEC has been made accountable by the rules, unlike before when the province's DG could step in and overrule the MEC". A non-ANC MEC echoed this point: "The MEC used to be a mere figure head but is now, as the Executing Authority, fully accountable to the provincial Parliament on

all issues in the department." The other non-ANC MEC in my group of ten respondents agreed: "The changes are positive because they increase accountability."

MECs' working relations (and probable role conflicts) with senior officials were touched on as part of these current changes. One ANC MEC commented: "Politically, the sunset clauses [which had protected senior, white pre-1994 officials] made it difficult for ministers/MECs to change the senior civil service. The political and administrative mandates clashed with each other." In contrast, as another ANC MEC commented, MECs are legally entitled to evaluate senior officials under the performance contract policy. A third ANC respondent commended a more decentralised and accountable civil service operation which would strengthen officials' accountability; while a fourth one noted that the path to an output-based management system, with accountability and transparency, would be a long one. One of the non-ANC MECs praised the newly-legalised public service trade unionism in principle but claimed it was already over-protective of individuals' interests against the collective interest. This MEC also claimed politicisation ("interference") with the senior civil service now that MECs can appoint new provincial DG/HODs and even Deputy DGs.

The final survey question to be reported concerned a point of saliency in respondents' minds about these senior civil service changes: what may have stood out in their perceptions?

Q.30 "Please specify one aspect of the roles of the senior civil service which has particularly changed since 1994."

This open-ended question's 127 direct responses were coded as citing either a welcome or unwelcome principal change. Some 39% of 122 citing a welcome provincial change nominated changes among senior officials themselves which were gathered under a code "improving senior civil service attitudes" — i.e. attitudes towards both each other and to the public. These mentions were similar to other suggestions, coded as "greater democratic commitment by the senior civil service to the government's policy goals" (9%). Another 34% spoke of changes which could be coded together as more formal "public sector reform and better standards." These three themes all concerned the senior civil service's own performance and accounted for 82% of respondents' choices. A further 16% specified their welcome for the better racial and gender mix in the senior civil service which they detected, while 3% welcomed the greater policy-making role for officials. Only five respondents chose principal changes which they found unwelcome: the weakening of the public service's legislative independence (two persons) and the loss of senior skills as blacks replaced whites (three persons).

The nine MECs who commented on their choices of one particular aspect of change offered only a few points not previously mentioned under other questions. Several choices of the eight ANC MECs naturally reflected their

own position as department heads: the Public Service Act now allows failing officials to be dismissed under their contract terms; senior officials now share policy-making with MECs; they are now accountable to their MEC for managing funds and other resources; overall, officials now work to a ministerial responsibility model which has made the MECs fully accountable to the provincial Parliament and therefore the undisputed head of their departments. Looking more broadly, one or two of these ANC MECs chose the senior civil service's place in the wider society as the most significant change since 1994. Becoming a bit less critical of their senior officials than they had previously been, they added to their colleagues' choices of greater civil servant accountability and policy-making interest, the view that senior officials had become less office-based ("more hands-on"). Officials were also said to have a much sharper focus on the needs of "the majority of the population in areas of need" — (the response of a black ANC MEC, presumably referring to mainly black communities neglected under apartheid). As to how all this good new work was to be achieved, this survey report might well conclude with two phrases by a non-ANC MEC which capture the style of open democratic pluralist politics which is the new South Africa's goal: "Everyone now has to negotiate; previously they gave instructions".

8.2 Conclusions on the Survey Findings and 'Convergence' Model

The installation of a Government of National Unity shortly after South Africa's first democratic elections in 1994 brought hope to many people, both in that country and abroad. Subsequently, the post-apartheid civil service experienced tremendous pressure to deliver on the government's pre-election promises. In 1996 Harber noted, "The extent to which the government transforms the public service will be its most important test this year — and the most important indicator of its determination to deliver on its election promises" (*Mail and Guardian*, 9-15/02/96). Such promises heightened expectations on the performance of civil servants, which was expected to be much higher than that of the apartheid era — including, arguably, other African states.

In retrospect, perhaps the new government may have over-reached its capacity by adopting policies that required abundant experience or expertise. Despite its middle income status, South Africa remains "a country with exceptionally high levels of poverty and inequality" (DFID, 1998:1). Therefore, the majority of civil servants who were expected to drive the transformation process were hamstrung by several factors, including lack of capacity and relevant expertise. Neeshan Balton, acting DG in the Gauteng Premier's office recently explained that the office faced "...important challenges in the recruitment of managers and staff who have the necessary skills and commitment to serve the public and in

ensuring the successful implementation of [the] new policies..." (*City Press*, 10/09/00).

Throughout my interviews, many (provincial) senior civil servants complained about inefficient and ineffective implementation. This was certainly their major challenge. For most officials, policy implementation-related challenges could help explain South Africa's post-apartheid reconstruction and development difficulties. Examples include the acute shortage of educational materials and books, essential medicines and other supplies, inadequate or unavailable medical personnel, untrained teachers. These were, for most of my interviewees, by far the most pressing challenges to effective policy implementation in their departments. Even where supplies and personnel were obtainable, departments still faced transportation and communication problems common to many African countries. The unethical practices of some officials (as discussed in Chapter 5.3) also added to the officials' implementation problems, which are acute in the provinces although not confined to this level. At the national level, major challenges included the drafting of policies and legislation by the senior civil servants, overall support to ministers/MECs, lack of information (particularly as disaggregated by race, gender and other variables as required for post-1994 policy-making).

Other challenges for the senior civil servants were pertinent: many had never worked in large, culturally very diverse — and especially multi-racial — departments. The challenge here was the "...creation of a new public service from those of the four former provinces and ten homelands and capacity to turn agreed policy into practical programmes..." (DFID, 1998:5). As one senior KZN provincial official explained, they had to merge a patchwork of "ex-departments" inherited from apartheid. My MEC interviewees also confirmed these difficulties. Each of these structures brought along its own peculiar organisational culture (Handy, 1993) with implications of harmonising these diverse cultures within the same department. Moreover, smooth integration was further hampered by the sunset clauses because, at least before 1999, the DGs could not sack the dead-wood in their departments. In 1995, this alone was reported to be "...costing South African taxpayers millions of Rands in either redundancy packages or in keeping on staff from the former homelands who have no work to do but do not want to move to other areas" (*Mail and Guardian*, 8-14/12/95). In my interviews, some respondents said that mutual suspicions emanating from apartheid were bound to persist during South Africa's transition to democracy. A number of most senior officials mentioned, not surprisingly, that they experienced a negative mind-set (euphemism or official-speak for racism) in their departments. Van Zijl Slabbert, a former opposition leader in the apartheid era, has said that, "...you can invent new constitutions, but you can't invent new people"

(*The Guardian*, 19/04/01). Such a mind-set possibly affected the officials in many ways, but my research could not determine how prevalent it may be or how far it affects the reform process.

Despite the current reforms which, among other things, sought to deal with these issues, many officials expressed dissatisfaction about administrative red tape and unnecessarily hierarchical structures and arrangements in their departments. Such observations had been made a few years earlier. In 1998, possibly referring to such practices, the *Presidential Review Commission* stated in its report that "...the public service inheritance of the new government in 1994 was fundamentally flawed...." (*PRC*, 1998). That the senior civil servants still experience "bureaucratic" and other hurdles more than five years into the new dispensation is perhaps not surprising, given the more than four decades of apartheid. The only worrying factor is that — in spite of the real challenges posed by apartheid's legacy — it would appear that some officials prefer to harp on this legacy, even in cases where they might have combated it. Certainly, this tendency to flog a dead horse (blaming apartheid for all ills) might give temporary relief to some officials and politicians. In the long run, however, it could give the system false assurance and possibly encourage complacency within the civil service. Failure to guard against this tendency could in future make it difficult for civil servants to explain lack of delivery and good performance.

The need for 'representivity' and Affirmative Action within South Africa's civil service is generally attractive, politically and morally defensible — given the apartheid legacy (Qunta, 1999). However, the application of AA in government departments quite understandably evokes strong emotions. I agree, in principle, with those among my respondents who, from their comments, felt that the policy was justified; but I would not support AA as a long-term measure (say, more than 20 years). (Almost all — 98% of 166 respondents — confirmed that their department had an AA policy but one third (32%) offered significant reservations on its quality; from their comments, most of this group wanted it to be more effective.) As Hugo (1998: 18) stated, South Africa's AA incorporates "merit, albeit racially restricted." As a long-term strategy, however, it could become incompatible with the merit principle in the strict Weberian sense, although critics have argued that in Africa such principles were selectively applied by the former colonial powers (Adamolekun, 1993: 38-40). By this, I do not intend to raise debates on the definition of merit, which, like 'standards', is controversial in South Africa. My other problem with this empowerment tool is that its intended beneficiaries ("affirmees", as they are called in South Africa) are often not given sufficient help and support (Ramphele, 2001). These "affirmees" (especially women) it would seem, are often thrown in at the deep end, with little or no support wherever they are appointed. Mentoring by a more senior official, especially during the first six months of appointment, could be an example of such support.

The Truth and Reconciliation Commission summarised the relevance of AA to South Africa's transformation as follows:

> The principles of Affirmative Action and employment equity are essential to the transformation process. To facilitate this, training in career development and professional skills for all sections of South African society needs to be given priority. Special attention, in this regard, needs to be given to the eradication of inefficiency and the promotion of a culture of hard work and honesty (*TRC* Report, 1998: 313).

In practice, AA poses major implementation challenges for South Africa's civil service. To begin with, it is understood differently by officials in the same department. One example could be the "disjuncture between national and provincial departments", which an interviewee mentioned. In addition, the AA policy is not applied uniformly within the civil service because of various (and often conflicting) interpretations. Usually, though not always, AA focuses on race and gender but excludes disability, an important criterion for "affirming" previously marginalised individuals in the civil service. With the onset of democracy in South Africa, policy-makers have been asked to be careful not to exclude issues such as disability from the policy agenda, yet it appears that the disproportional focus on race/gender issues has put disability last in policy-makers' list of priorities. On gender issues, some officials (mostly women) complained about what they saw as a lukewarm (if patriarchal) approach to gender-related disparities in their departments. However, such comments were

very few and observers have stated that the position of South African women in politics and the civil service has been improving. In 1996, as Morna reported, "about one quarter of South African Parliamentarians [were] women — the seventh highest percentage in the world." Similar advancements were noted in the civil service where the numbers of "...women in senior management positions [were said to have] increased from 3% to 10% since 1994" (Morna, 1996). If these observations are true, it would mean that South Africa has veered off the regional (Southern African) trend whereby women are generally marginalised in civil service and political positions (see Geisler, 1994; also, Maphunye, 1996: 10). Despite these observations, much still needs to be done on gender: women officials at or above the Deputy DG level are very rare.

Furthermore, there is no time limit set for the application of South Africa's AA, probably for political reasons; but failure to specify any time limit creates restlessness and uncertainty (especially among white civil servants) about their future in the civil service. Government could in future find it difficult to assure especially the white officials that AA does not aim to remove them completely from the civil service. A very careful "balancing" of merit-based criteria with AA will have to be followed here; otherwise this policy could detract from its intended objectives. Closely related to this is the perceived reluctance (resistance, in some cases) mostly by the white senior civil servants, to support the new changes. Perhaps such reluctance stems not so much from true resistance, but the

uncertainty created by these changes for these officials' careers. During the restructuring of departments in 1996, for example, it was reported that there were "...many fears, especially among whites, over the future of the civil service" (*Mail and Guardian*, 16-22/02/96).

Transformation in South Africa has as much to do with changing negative attitudes of the civil service — particularly the old guard — as reforming its administrative structures. In December 1995, a local weekly reported that "nearly two years after South Africa's April [1994] elections, many governments are still struggling to rid themselves of the detritus of apartheid and emerge as sleek and efficient operations", (*Mail and Guardian*, 8-14/12/1995). Certainly, in my interviews I felt that these old guard officials were sceptical about changes in their departments. I also thought they reluctantly accepted the spirit of the new "rainbow nation" (as used by Archbishop Desmond Tutu and Mandela to describe the new, diverse South Africa) which post-apartheid policies aimed to support.

Calls for transforming the civil service in South Africa are, as noted in Chapter One, closely linked to the provisions of the country's constitution (s. 195, 1996). This constitution — which "has won global praise" for its comprehensive human rights provisions (DFID, 1998:5) — outlines the values and ethos of the post-1994 civil service. Many other laws and policies that inform the current civil service reform were formulated following the adoption of this constitution. As I inferred during fieldwork in

the provinces, such values were readily supported in the ANC-ruled provinces but less so in those ruled by the opposition. It is commonly known in South Africa that the New National Party is critical of the ANC-initiated AA policy. Thus, its Western Cape provincial administration is not keen on AA. As an MEC interviewee in this province told me, the Western Cape prefers merit-based appointments. AA was blamed for unnecessarily politicising the top echelons of the civil service.

An observer noted that shortly after the 1994 elections, the GNU wanted to "...avoid conflict and ensure the loyalty of civil servants." However, "...this focus on reconciliation has come at the cost of effective service delivery" (Harber, *Mail and Guardian,* 9-15/02/96). This well summarises post-1994 South Africa's dilemma: on the one hand peace, stability and reconciliation were critical, given this society's contradictions that were once perceived as irreconcilable; on the other hand the civil service needed change urgently. Some viewed this civil service as "the body, heart and organs" of a serpent that kept it alive (*Mail and Guardian*, 04-10/07/97).

On managerialism or New Public Management reforms in the civil service, South Africa is not following the UK trend whereby "...almost every reform in the 1980s and 1990s included participation by one or more big management consultancies...", e.g. Andersen, Ernst and Young, KPMG (Pollit and Bouckaert, 2000: 20). However, international experiences on

civil service reform now appeal to South Africa. The Public Service Commission recently studied performance management contracts in several countries (PSC, 2000). At the time of writing, the PSC is formulating guidelines to evaluate South African HODs. It had examined the civil service systems of Australia, New Zealand, Canada, Singapore and the United Kingdom (PSC, 2000:1). Three interesting observations on the evaluation of the HODs in these countries were made. The PSC learned that the "...evaluation of the Directors-General/Chief Executives/Permanent Secretaries, the elite of the public service, is a very high profile event, accorded top priority." This evaluation, it was noted, "...is located at the highest office in government i.e. Prime Minister's Office (President in our [South African] case), and led/driven by high level functionaries from the Prime Minister's Office and Public Service Commission" (PSC, 2000:1). Pollit and Bouckaert (2000:19) also refer to this high level of policy leadership (Pollit and Bouckaert, 2000: 19). The Commission further observed that evaluation "...is linked to the appointment process through a performance management instrument of one kind or the other" (PSC, 2000:1).

Such observations appear to support the managerialist innovations noted elsewhere (Pollit and Bouckaert, 2000). NPM-related reforms in South Africa's civil service clearly have begun. It might not be long before all officials at and above Chief Director level have signed personal Performance Management Contracts and are being evaluated by their

ministers/MECs. What is not clear, however, is how far the government intends to proceed with these NPM reforms. If it does, it will find very strong support among senior officials, assuming my respondents to be typical. Fully 94% of the 124 interviewees replied that performance contracts "would improve efficiency in the top positions of the civil service." Similarly, it is not clear how far these reforms will develop "professional career administrators" from South Africa's cadre of civil servants (Aberbach *et al.*, 1981). As part of introducing these reforms and to discourage, in particular, unethical conduct within the civil service, South Africa could consider adopting the whistle-blowers practice of the UK civil service (OECD, 2001: 5). This involves the use of an official toll-free line by both the public and officials to warn departments on the dangers of any malpractice. Accordingly,

> The United Kingdom's Civil Service Code obliges civil servants to report any actions which are illegal, improper, unethical, in breach of constitutional conventions or a professional code, or which may involve possible maladministration, or be otherwise inconsistent with the Civil Service Code (OECD, 2001).

This could perhaps help departments to deal with the problems emanating mostly from the former apartheid civil service (such as the ghost workers problem in some provinces). Overall, it could take some time before South Africa's NPM reforms bear any meaningful fruit. Observers have said that it normally takes between five or more years in the OECD countries before

success on management reforms can be assessed (Pollit and Bouckaert, 2000: 70). While welcoming the stress on management as part of introducing private sector innovations in the civil service, some critics have expressed concern on what they perceive as undue centralisation in South Africa. Steven Friedman argues that "...improving public administration — and centralising authority to do that — has taken precedence over strengthening democracy." He felt that more power was being concentrated in the President's Office (*Mail and Guardian*, 8-14/09/00).

The politicisation of senior civil servants deserved specific treatment in this study on South Africa. I used politicisation as understood by several public management reform and comparative executives scholars (e.g. Adamolekun, 1993; Hojnacki, 1996; Page and Wright, 1999; Peters, 2000; Pollit and Boukaert, 2000; Subramaniam, 1977; Suleiman, 1974; Verheijen, 1999). Hojnacki (in Bekke *et al.*, 1996: 142) has argued that, "It is virtually impossible to be a high level civil servant in any society without being political in some way" and this might be true, particularly in Sub-Saharan Africa (Adamolekun, 1993). However, I did not think that South Africa intended to emulate France's cabinet system or the United State's "...long history of political appointments in the federal bureaucracy...[nor even the] increasing levels of political selection of personnel in other countries" (B. Guy Peters, 2000: 133). If by politicisation we mean "...the degree to which politicians are involved in

making partisan appointments to senior administrative posts" (Page and Wright, 1999: 8), this was probably happening in South Africa at the time of my study. However, it was not clear whether the ANC intended to have government departments staffed solely by partisan appointees, however desirable this option might seem to them.

A large proportion of positive responses to this question on the senior civil service being "highly politicised" ("agree" 61%, "strongly agree" 25% out of 166) suggests that the politicisation of the senior civil service in South Africa is occurring. As figures suggest in the text, a large proportion of my interviewees believed that the senior civil service positions were politicised. These results are particularly striking given that South Africa's new approach legally empowers the "executing authorities" to remove or replace the departments' chief executives. Thus, whether politicisation was actually occurring is a different matter that this study has not been able to ascertain as I had largely to depend on the officials' own understanding of the perceived politicisation.

Similarly, the remarkably high 83% response in favour of retaining the DG when the minister/MEC leaves office, as against a mere 17% who were in favour of the DG being removed or transferred, deserves comment. On the one hand, it might signal a rejection by the officials of encroaching politicisation in their departments or civil service generally; on the other, it could be a manifestation of different interpretations of politicisation by

my interviewees. These comments also apply to the strikingly high 65%: 35% response of the officials who said they perceived problems with their MEC. Certainly, I cannot fully discount my interviewees having responded in ways they thought would be more acceptable to me. Despite this apparent limitation, this question has given me a good indication about how open and transparent South Africa's new civil service might be, especially to outside researchers. I had sought to test such openness and transparency, as part of this study, as these terms are now common in South Africa's civil service laws and vocabulary. I was well-received in many departments and provinces and, judging by this, my overall impression is that the traditional "inward-looking" (as one respondent put it) civil service culture is gradually disappearing. However, this still has to be verified in the Western Cape, where the refusal of my access may have implied this traditional attitude.

On the Aberbach *et al.* (1981) idea of convergence, there seem to be indications that South African senior civil servants (especially DGs/HODs) may well "think and act" like their ministers/MECs. The majority within the group of 38 national officials who perceived this process was striking: 86% to 14%. A possible explanation for this result could be the general post-1994 South African trend towards reconciliation and avoidance of overt conflict. Without claiming a conclusive contribution to the theme of convergence between political executives and their higher cadres, this concept has been a particular interest of this study. In fact, as Aberbach

et al. contended, convergence might apply mainly in the developed countries and its relevance to developing countries could be questionable. They were quoted at the beginning of this thesis stating that in only very few developing countries is power is actually divided between elected politicians and career officials. This may not be true of South Africa, judging by what many of my interviewees said on issues of politicisation of the civil service and on whether ministers and senior civil servants "think and act" alike. However, South Africa's case is unique in that it has barely recovered from its apartheid hangovers and the distortions of the past system (especially race) make it difficult for one to assess the relevance of convergence to the country. Nevertheless, the Aberbach *et al.* study's Image IV could resemble South Africa's situation. According to this image, politicians and civil servants share policy formulation, brokering of interests and articulation of ideals; but only the civil servants implement policies. Of course, some energizer ministers/MECs appeared eager to get involved in the implementation process because of fears that the old guard could sabotage or at least delay post-apartheid changes in their departments.

Page and Wright (1999) have recently revisited the Aberbach study; they looked at the roles, perceptions, status and power of senior civil servants in western Europe over the past three decades. They have criticised, among others, Henry Jacoby's (1973) "bureaucratization-of-the-world thesis" which posited that "bureaucratic elites would become increasingly

powerful", and the Aberbach study (Page and Wright, 1999: 2). They argued that "...the available evidence to support [the Aberbach *et al.* thesis] is exceedingly thin" (Page and Wright, 1999: 2) concluding, "...there is no evidence from studies of bureaucracies before 1945 to support it" (Page and Wright, 1999: 4). These claims are interesting. However, they might be of less relevance to my study on South Africa as it did not specifically seek to challenge the Aberbach study but to learn from it.

In conclusion, I agree with observers' comments that, probably because of its "universally admired constitution", overall, "...South Africa has made great political progress in a short time" (DFID, 1998: 1, 5). In legal terms at least, this constitution has introduced major changes: the need for accountability, transparency, equity and a customer-orientated civil service — that were virtually absent before 1994. My personal observations were that even many of my civil servant interviewees still needed to adopt and practice these values. I am unable to comment comprehensively on the direction of the changes in the civil service primarily because transformation in South African departments has just begun. Some observers also stated that in the wider society, as in the civil service, "...transformation is far from complete" (DFID, 1998: 1).

This final chapter has presented the interview results on this study's central interest: the perceptions of recent changes in the South African

senior civil service among its members and their opinions on the merits of these changes. It has concluded that support is very high (84% offering unconditional or conditional support and 94% finding changes in their own department either "desirable" or "highly desirable"). The chapter (and this study) have concluded that the heightened general expectations on civil service performance since 1994 have stimulated public concern over such problems and issues as the integration of the former apartheid departments, policies for Affirmative Action, unethical or corrupt official practices, personal Performance Management Contracts and alleged civil service politicisation. Final findings of this study are that South Africa's unique post-apartheid situation makes it difficult plainly to discern an Aberbach *et al*. convergence between senior officials and ministers/MECs. However, their Image IV model has been found possibly to resemble the South African case. Overall, I have concluded that the necessary qualities of transparency, accountability and equity in a customer-orientated civil service still lie in the future because transformation in South Africa has just begun. This conclusion is notwithstanding the clear political and legal progress achieved since 1994.

8.3 Recommendations for Policy on the South African Senior Civil Service and for Further Research

i. I agree with the overall NPM reforms currently unfolding in South Africa's civil service and I recommend, in addition, that the government should consider extending the personal Performance Management Contracts to Assistant Director level and above. My interviewees at these middle-management levels expressed disappointment that they were neglected by the new reforms. In one interview, an AD jokingly said that he detested the tag "Assistant Director." "There is nothing to direct at this level", he said.

ii. I agree with the Public Service Commission's (2000) view that the evaluation of the senior civil servants — especially the HODs — has either not been done systematically or is lacking in some respects. So, government needs to design a transparent and effective system of evaluation for HODs and other most senior officials. The help of various specialists such as SAMDI, Forum for SA DGs, South African scholars of public administration/management, to name only a few — could be enlisted.

iii. I recommend that the implementation of Affirmative Action be closely analysed to ensure that those "affirmed" by AA are not set to fail. Government needs to set up a monitoring body (or Commission) comprising, for example, selected DPSA officials and Public Service Commissioners, representatives from the Forum for SA DGs, the South Africa Gender Commission and selected provincial HODs. Of course, the PSC, all HODs and ministers/MECs have to spare no effort in avoiding the use of AA especially for party-political gain by anyone.

iv. I also recommend that the government should consider setting specific time limits for the application of AA. In other words, it is important to decide whether this policy should be a short- or long-term measure. Government cannot afford any more unnecessary loss of vital expertise (especially among the white, coloured and Indian/Asian officials who — either rightly or wrongly — might feel

threatened by AA). Many of these officials, as I observed in the different departments, were usually dedicated to their work. South Africa's civil service cannot afford the loss of valuable expertise either to the private sector or to overseas countries where such expertise is in high demand. A task force or appropriate commission needs to be established to look into this issue.

v. On politicisation of the senior civil service, I recommend that the government should carefully consider having a reasonably balanced mix of political and merit-based appointments — especially at and above Chief Director (level 14). This could leave the Directors (level 13) and their immediate supervisors (Chief Directors) relatively free to apply themselves to purely administrative matters, and in turn help speed up policy implementation lower down the hierarchy.

vi. I therefore propose further research (e.g. as done by the DPSA and its international partners, notably DFID) on the effect of hierarchical structures and practices. One interviewee said that working in their departments was like "operating in silos" but this study has not investigated such claims although other respondents alluded to them.

vii. On ghost workers and other forms of unethical conduct in some government departments, I recommend consideration of setting up a mechanism like the UK civil service's whistle-blowers project of dealing with such conduct (OECD, 2001). Run by officials from DPSA, PSC, Public Protector's office, etc., this would identify real or potential cases of maladministration and other improper practices.

viii. I also recommend that the DPSA and PSC should investigate the allegedly increasing centralisation in the formally integrated "ex-departments."

ix. Such an investigation could well extend to the entire civil service because centralisation is a broad critical theme.

x. I have noted that South Africa is currently assessing the civil services of a range of (mostly developed) countries, including those of the UK, France, New Zealand, Australia, Canada, Singapore. This is

commendable, given South Africa's unique quasi-federal politico-administrative system, plus the fact that the country straddles the 'poor'/'rich' divide among countries. Therefore, I recommend that the country should equally examine the civil service systems in the developing countries, particularly in Africa, — even if, as might be argued, many of the lessons that might be learnt in this regard could be essentially negative (e.g. politicisation, bribery, corruption, nepotism, etc.).

xi. "It is commonplace to end discussions on African organisations and their management with a plea for more research" (Jones, 1990: 63) and this study cannot but follow this example. My study could not have hoped to cover every conceivable topic in the literature. Therefore, I recommend further studies especially by researchers on African public administration and management, comparative executives and the wide minister-senior civil servant relationship. Such studies could help to further examine in particular the issues of politicisation, NPM reforms and the Aberbach *et al.* notion of convergence.

It is quite fitting to conclude this thesis with the following pertinent comments from one observer of South Africa's young democracy:

> ...we remain prisoners of our past, on both sides of the divide. And, if this country does fail to create the kind of society to which our Constitution aspires, it will not be because blacks are innately incompetent or whites inherently prejudiced, but because we could not unlearn our past. The baggage we bring from the past is understandable. But it is also, as we have seen over the past couple of years, the greatest obstacle to building the society most of us want. While the good news is that this generation will one day be replaced by one without as

much baggage, we do not have to travel the route of those societies who have had to progress by learning from the costly mistakes of a generation (Steven Friedman, *Mail and Guardian*, 02/02/01).

Appendix 1

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White Paper on the Transformation of the Public Service (1995) Pretoria: Ministry for the Public Service and Administration.

Appendix 2

White Paper on Public Service Delivery (1995): the *Batho Pele* (The People First) Principles

According to this White Paper, the post-apartheid civil service (and the entire public service) should strive at all times to serve the public based on the following principles:

a. Consultation

b. Service standards

c. Access

d. Courtesy

e. Information

f. Openness + Transparency

g. Redress

h. Value for Money

Appendix 3 (a)

The Interview Questions and Guide to their reporting in the text

(Source: some questions in this Interview Guide, although modified to suit the South African situation, were taken from Ezra N. Suleiman (1974: 391-415)

I am a University of Essex Ph.D. student and as part of my doctoral research I am conducting a study on the roles of senior civil servants and politicians in South Africa. You have been identified as one of the interviewees who could provide information on the relationship between these two sets of public officials at national and provincial government levels.

The information you are asked to provide is required for research purposes only and will be treated with utmost confidentiality. You are not required to provide your name and the information you provide will not be used to jeopardise or compromise in any way your position, or the integrity of your office.

Guide to the interview survey questions and results reported in the thesis text or in the following Appendix (3b).

No.	Interview Question	Location
	s.1 Personal/Career Data	
2	Departments of the 180 interviewees	Appendix 3b
3	Current grade	Appendix 3b
4	Previous grade	Appendix 3b
5	Gender	Appendix 3b
6	Race	Chapter 4.2
7	Age	Appendix 3b
9	Years in the respondent's current post	Appendix 3b
14	Years of employment outside the civil service	Appendix 3b
15	The range of non-civil service previous employment	Appendix 3b

Data on Issues
s.2   Civil Service Issues: Political Relationships and Roles

16	In countries such as the United States, Sweden and France, the senior civil servants are known to assume a more political role than is expected of such officials in, say, the UK (contrasting case). Would you say that South Africa is presently following the same trend?	Chapter 6.3
18	If 'yes', is this applicable to all grades or only some?	Chapter 6.3
19	If only some, from DDG upwards? If only some, from Chief Director upwards?	Chapter 6.3

If only some, from Director/Assistant Director upwards?
If only some, from some lower grade upwards?

20	Some observers say that senior civil service positions in South Africa are "highly politicised". Do you: strongly agree/agree/disagree/strongly disagree/d/k?	Chapter 6.3
21	When dealing with the issues confronting their departments/ministries, South African senior civil servants think and act mostly like the political Heads (ministers/MECs) under whom they serve. Do you: strongly agree/agree/disagree/strongly disagree/d/k?	Chapter 7.2
22	Would you say that, as sometimes happens in some countries, a senior civil servant (especially DG) should be removed or transferred whenever a new minister/MEC is appointed?	Chapters 6.3 & 7.2
25	How influential are the senior civil service in policy-making?	Chapter 7.2
26	Are there any problems that the senior civil servants in this department are facing in their co-operation with the minister/MEC?	Chapter 6.3
27	In your view, are there any problems between the highest administrative official (DG) and the elected political head (minister/MEC) in this department?	Chapter 6.3
28	What are the main challenges your department faces with its MEC?	Chapter 6.3

s.3 Assessments of Changes since 1994

30	Please specify one aspect of the roles of the senior civil servants which has particularly changed since 1994.	Chapter 8.1
31	Would you say that there has been any significant change in relation to the operations of senior civil servants (Assistant Director upwards) since 1994?	Chapter 8.1
32	Would you say that the roles of the present senior civil servants in South Africa are changing?	Chapter 8.1
33	If Yes, are these roles changing significantly or only a little?	Chapter 8.1
34	Are the current changes taking place in your department: far-reaching/significant/insignificant/ no changes/d/k?	Chapter 8.1
35	How do you view such a change or changes in the civil	Chapter 8.1

service?

| 36 | Are these changes desirable or undesirable? | Chapter 8.1 |

s.4 Views on Recruitment, Promotion and Affirmative Action (AA)

| 37-8 | Which criteria do you think presently play an important role in the recruitment and promotion of senior civil servants in this country? | Chapters 4.2 & 5.5 |

| 42 | If you had to choose between two candidates, both of high personal merit, for appointment as senior civil servants (all things being equal) would you choose:
• one who has spent the past 20 years as a civil servant?
• one who has spent most of his life outside the civil service?
• adopt another course of action? (please explain) | Chapter 5.5 |

| 44 | Does this department have an Affirmative Action policy? | Chapter 4.2 |

| 46 | Does the implementation of AA in the department place equal emphasis on race, gender and disability? | Chapter 4.2 |

| 48 | (Only for non-African Respondents)
Do you personally feel threatened by the Affirmative Action policy? | Chapter 4.2 |

s.5 Organisation, Management and Performance Issues

| 50 | Would you say that the present structure or organisation chart (organogram) of this department makes it difficult for senior civil servants to perform their roles? | Chapter 5.5 |

| 55 | Which problems, if any, are attributable to the pre-1994 civil service? | Chapters 4.2 & 8.1 |

| 56 | What is your view of the new Performance Management Contracts and Performance Agreements in the civil service? | Chapter 5.5 |

| 57 | Do you think that these contracts will improve efficiency in the top positions of the civil service? | Chapter 5.5 |

| 59 | Should these contracts be applied at all levels of the senior civil service? | Chapter 5.5 |

| 64 | Are there any "ghost workers" in this department? | Chapter 5.3 |

65   Have there been ghost workers in the past?   Chapter 5.3

66   In your view, why has the South African civil service   Chapter 5.3
      been experiencing the problem of ghost workers?

Thank you for agreeing to be interviewed

Appendix 3 (b)

Report of Data Not Covered in the Thesis text

Q.2   National or provincial government departments of 180 officials interviewed
(% of 180):

Provincial government official, Department of Health,
Mpumalanga: 7%
Provincial government official, Department of Health,
North West: 6%
Provincial government official, Department of Health,
Gauteng: 13%
Provincial government official, Department of Health,
KwaZulu-Natal: 14%
Provincial government official, Department of Education,
Mpumalanga: 7%
Provincial government official, Department of Education,
North West: 7%
Provincial government official, Department of Education,
Gauteng: 12%
Provincial government official, Department of Education,
KwaZulu-Natal: 11%
Not a provincial official (national government: DPSA or national
Department of Health):   22%
Provincial DG: 2%

Q.3   Current grade (% of 180):

DG (Provincial government)   2%
Deputy DG (National or provincial government)   6%
Chief Director (National or provincial government)   3%
Director (National or provincial government)   28%
Deputy Director (National or provincial government)   35%
Assistant Director (National or provincial government)   26%

Q.4   Previous grade (if any) (% of 180):

DG   -
Deputy DG   2%
Chief Director   4%
Director   4%
Deputy Director   13%
Assistant Director   19%
Less senior than Assistant Director   51%
None (their current post is their first scs position)   8%

Q.9   Years in the respondent's current post (% of 177 cases):

0-1 years   10%
2-3 years   69%

4-5 years	6%
6-7 years	14%
8-9 years	1%
10+ years	1%

Q.14 Years of employment outside the civil service (% of only 39 national-level officials who gave this information):

0-1	year	18%
5-9	years	8%
10-14	years	15%
15-19	years	5%
20-24	years	0%
25+	years	3%
No non-civil service employment		51%

Q.15 The range of non-civil service previous employment (% of only 34 national-level officials who gave this information):

Other public service (but non-cs) administration	12%
Private sector: business/professional practice	35%
Academic/research	47%
NGO, voluntary, community, non-commercial	6%

Q.5 Gender (% of 180 respondents):

Male	67%
Female	33%

Q.7 Age ranges (% of 174 respondents):

21-30	2%
31-40	36%
41-50	41%
51-60	18%
61+	3%

Appendix 4

Grades of the South African Civil Service

Grade	Numerical Level
Clerk	2
Senior Clerk	3
Chief Clerk	4
Principal Clerk	5
Officer Rank 1	6
Officer Rank 2	7
Officer Rank 3	8
Officer Rank 4	9
Assistant Director	9-10
Deputy Director	11-12
Director	13
Chief Director	14
Deputy Director-General	15
DG or Superintendent-General SG)	16

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Appendix 5

A Performance Management Contract for a Senior Official

ANNEXURE 2

EMPLOYMENT CONTRACT PROMULGATED UNDER SECTION 12 OF THE PUBLIC SERVICE ACT, 1994 (PROCLAMATION NO 103 OF 1994) FOR HEADS OF DEPARTMENT

ENTERED INTO BY AND BETWEEN

The Government of the Republic of South Africa herein represented by_____
(full name of political office-bearer) in the capacity of Executing Authority of_____ (indicate portfolio) (hereinafter referred to as the Employer)

and

_____ (full name) as head of department (herein after called the Employee.)

WHEREBY IT IS AGREED AS FOLLOWS:

1.   **Appointment**

1.1   The Employer hereby appoints the Employee, who agrees and accepts appointment as Head of Department _____ (name of Office, Department, Organisational Component or Provincial Department) in terms of section 12 of the Public Service Act, 1994 for a period of _____ years (___ calendar months) commencing on the _____ day of _____ and terminating on the _____ day of _____.

1.2   In terms of this Contract -

1.2.1   the Employee shall serve the Employer as Head of the _____ (name of Office, Department, Organisational Component or Provincial Department) at such place as may from time to time be directed by the Employer;

1.2.2   the Employee will be responsible for the efficient management and administration of _____(name of Office, Department, Organisational Component or Provincial Department) as contemplated in section 7(3)(b) read with section 7(4) of the Act;

1.2.3   the Employee is also responsible for the exercise of the powers and the performance of the functions entrusted to a head of department in general or to the incumbent of Head of Department of _____ (name of Office, Department, Organisational Component or Provincial Department) in particular, by or in terms of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996), the Act or any other law.

2. **Remuneration**

2.1   The remuneration that the Employee shall receive as from the date of assuming duty as stated in clause 1 above, is that specified in Appendix A.

2.2   The salary and benefits will be payable in twelve (12) equal monthly instalments on the fifteenth day of each month and should the fifteenth fall on a Saturday, Sunday or public holiday, on the preceding working day.

2.3   The general conditions of service and benefits specified in Appendix A, except for item 2.1 of Appendix A, will be as stipulated and provided for in terms of the Act, Regulations and applicable collective agreements reached in the Public Service Co-ordinating Bargaining Council (PSCBC). The parties to this Contract accept that the general conditions of service and benefits in Appendix A (excluding item 2.1) may be changed from time to time by means of collective agreements in the PSCBC and/or in terms of determinations by the Minister for the Public Service and Administration in terms of section 3(1)(b) or 12(2)(a) of the Act.

2.4   Subject to section 7(4)(b) of the Act, the Employee will also qualify for participation in other benefits and special privileges normally bestowed on a Head of Department as far as this is arranged accordingly in this Contract or other applicable prescripts.

2.5   When required to perform official duties away from her/his headquarters, the Employee shall travel at the Employer's expense and shall be paid a subsistence allowance in accordance with the provisions prescribed in the Act.

3. **Deployment during the contract period and re-appointment on expiry of the Contract.**

The Employee acknowledges that she/he familiarised herself/himself with the provisions of section 3B and 12 of the Act.

4. **Termination of employment**

4.1   The term of office of the Employee may be terminated in the following ways:

4.1.1   On reaching the prescribed (or earlier optional) retirement age [section 16(1), (2), 2(A) and (4)] of the Act.

4.1.2   On completing a term or extended term of office [section 16(3) of the Act].

4.1.3   Premature retirement at own request of Employee [section 16(5) of the Act].

4.1.4   Discharge in terms of any of the subsections of section 17 of the Act.

4.1.5   Re-determination of original term or extended term of office by the Employer [section 12(1) or (2) of the Act].

4.1.6   Voluntary resignation.

4.1.7   Death.

4.2   Pension and other payable benefits are directly linked to the specific section of the Act which is utilised, as regulated by the Government Employees Pension Fund Law, 1996, the regulations promulgated thereunder as applicable to a Head of Department, the Public Service Regulations and the collective agreement(s) reached.

4.3   Subject to the provisions of sections 16(5) and 12(1) or (2) of the Act, and the *Labour Relations Act,* 1995, either party may, after consultation and agreement, terminate the Contract before the expiry of an original term of office or an extended term of office, by giving to the other party three months' notice of termination, which notice shall -

    4.3.1   be given in writing; and

    4.3.2   be given on or before the last day of a month and take effect on the first day of the succeeding month.

4.4   Should notice of termination be given as contemplated in clause 4.3, the Employer has the right to require the Employee to vacate the office occupied by her/him and to leave the premises of the Department before the expiry of the three months notice period on a day stipulated by the Employer and not to present herself/himself for duty any time thereafter.

4.5   Should the Employer invoke the provisions of clause 4.4, the Employee will still be entitled to all such benefits as contained in the relevant prescripts and collective agreement.

4.6   In the case of inefficiency and misconduct, the Employer may deal with her/him, in accordance with the procedure contained in the applicable collective agreement reached in the PSCBC and the relevant labour legislation.

5.   Renewal and extension of term of office

5.1   The Employer shall in writing confer with the Employee at least two calendar months prior to the expiry of the term contemplated in clause 1 (*supra*) whether she/he proposes to retain the Employee in service for any extended period not exceeding five years (60 calendar months), or not. If the Employee is so informed of such intention to retain her/him in service for an extended term, she/he shall in writing inform the Employer, within one calendar month from the date of that communication, of her/his acceptance or not of such extended employment.

5.2   In the event that agreement is reached that the Employee shall enter into a further Contract on termination or completion of her/his Contract, the continued service of the Employee will be recognised under the new Contract so as to avoid any break of service and any accrued or *pro rata* entitlement will be carried forward into the new Contract.

5.3   Should the Employer not renew the Contract period beyond the initial period as stated in Clause 1 above, the Employee shall be entitled to the pension and other benefits directly linked to the specific section of the Act which is utilised.

6.   Conduct

6.1   In the interest of the protection and maintenance of the trade secrets, technical business know-how, confidential information, business connections, customer connections and all other confidential information ("trade secrets") of the Department, the Employee undertakes to the Employer that –

    6.1.1   she/he will not during her/his employment or at any time thereafter, either herself/himself utilise or cause to be utilised and/or directly or indirectly divulge and/or disclose to any third party (except as required by the terms and nature of the Employee's employment with the Employer) of any of the Employer's trade or other Government secrets;

6.1.2   she/he will treat as confidential all confidential information which a third party has in terms of any agreement made available to the Employer and which has become known to the Employee in the course of her/his duties and not divulge to any other third party any information regarding such confidential information contrary to the terms of such agreement;

6.1.3   any documents or records (including written instructions, notes or memoranda) relating to the trade secrets of the Employer which are made by the Employee or which come into the Employee's possession during the period of her/his employment with the Employer, are deemed to be the property of the Employer and will be surrendered to the Employer on demand, and in the event of the termination of the Employee's employment by the Employer, the Employee will not retain any copies thereof or extracts therefrom; and

6.1.4   she/he shall comply with the prescribed Code of Conduct.

6.2   The restraints imposed upon the Employee in terms of this clause –

6.2.1   are deemed to be, in respect of each part thereof entire, separate, severable and separately enforceable in the widest sense from the other parts thereof and the invalidity or enforceability of any clause or any part thereof will in no way effect the invalidity or enforceability of another part of the clause or the Contract; and

6.2.2   are deemed to have been imposed separately in respect of each of the provinces of the Republic of South Africa and the fact that they may not be valid or enforceable in respect of any one of the provinces, will not effect their invalidity or enforceability in so far as the other provinces are concerned.

6.3   The Employee -

6.3.1   acknowledges that she/he has carefully considered the provisions of the clause;

6.3.2   agrees that this clause is, after taking all relevant circumstances into account, reasonable and necessary for the proper protection of the interests of the Employer and the Government of the Republic of South Africa and that if she/he should at any time dispute the reasonableness of this clause, then the onus of proving such unreasonableness will be upon her/him; and

6.3.3   acknowledges that she/he entered into this Contract freely and voluntarily and that no circumstances exist and/or existed for her/him alleging either now or at any future time that she/he was at a disadvantage in agreeing to the restraints set out in this clause or was other than in an equal bargaining position with the Employer in agreeing to such restraints.

7.   Additional terms and conditions

The Employer and the Employee hereby agree to the following additional terms and conditions as contemplated in section 12(4) of the Act (delete if not applicable):

7.1   The Employee shall enter into an annual performance agreement with the Employer, linked to a specific financial year, which shall include at a minimum the following:

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7.1.1   Salary increases will be based on the performance of the Employee. Performance will be assessed in accordance with her/his responsibilities and key performance areas contained in her/his performance agreement and the extent to which the Employee complied therewith. In terms of an agreement reached in the PSCBC, salary increases for the Employee will be based on individual consultation. The Employee along with the Employer have the responsibility to consult annually regarding her/his salary increase and cash bonus within the restrictions of the budget based on the performance of the Employee. In consulting on the salary increase and cash bonus of the Employee, the guidelines forwarded by the Minister for the Public Service and Administration should always be borne in mind.

7.1.2   An annual performance agreement provided for in terms of paragraph 7.1 above linked to a specific financial year, stating clear performance areas/criteria/deliverables of the Department and the Employee must be entered into for the duration of this Contract. As performance agreements are linked to financial years, it should be entered into and presented to the Employer at the latest on 30 June every year for the duration of this Contract. The Employee should enter into her/his first performance agreement not later than three months after assumption of duty. In terms of the Public Service Regulations VII B.2, the Employer shall record delegations and/or authorisation in the performance agreement.

7.1.3   The performance agreement shall be revised if, at any time during its term, the work or environment of the Department is so altered (whether as a result of Government or management decision or otherwise) that the contents of it are no longer appropriate.

7.1.4   This Contract is directly linked to the performance agreement referred to in 7.1 *supra*. In the event that the Employee does not achieve the prescribed objectives/milestones of the Department, the Employee acknowledges that the Employer may deal with her/him, in accordance with the procedure contained in the applicable collective agreement reached in the PSCBC and the relevant labour legislation.

7.1.5   _____

        _____

        _____

7.2   Any other particular duties of the head of department:

        _____

        _____

        _____

        _____

7.3   The grounds upon, and the procedures according to which, the services of the head of department may be terminated before the expiry of his or her term of office or extended term of office, as the case may be:

        _____

        _____

        _____

8.   **General**

8.1   Good faith

In the implementation of this Contract, the parties undertake to observe the utmost good faith and they warrant in their dealing with each other that they will neither do anything nor refrain from doing anything that might prejudice or detract from the rights, assets or interests of each other.

8.2   Applicability of the Act

Any matters arising from this Contract, which are not specifically provided for herein, shall be dealt with in accordance with the provisions of the *Public Service Act, 1994,* as amended, the aforesaid Public Service Regulations, applicable collective agreements and other relevant legislation.

8.3   Interpretation of Agreement

The interpretation of this Contract shall be governed by the laws and legal principles applicable in the Republic of South Africa.

8.4   Jurisdiction of courts

8.4.1   The Employee submits to the jurisdiction of the Courts of the Republic of South Africa in the event of any legal proceedings arising from the provisions of this Contract.

8.4.2   It shall not be a breach of the Contract if a party to this Contract is prevented from or hindered in the performance or observance of its obligations hereunder by any Act of Parliament or other action of the State or by any cause or event outside the control of that party.

8.5   Variation

8.5.1   The Contract constitutes the whole of the agreement between the parties to this Contract relating to the subject matter of this Contract, and save as otherwise provided, no amendment, alteration, addition or variation of any right, term or condition of this Contract will be of any force or effect unless reduced to writing and signed by the parties to this Contract.

8.5.2   The parties agree that there are no other conditions, warranties or representations, whether oral or written and whether expressed or implied or otherwise, save those contained in this Contract, the *Public Service Act, 1994,* the Public Service Regulations, collective agreements and other relevant legislation (e.g. Government Employees Pension Fund Law).

8.6   Waiver

No waiver of any of the terms and conditions of this Contract will be binding for any purpose unless expressed in writing and signed by the party giving the same, and any such waiver will be effective only in the specific instance and for the purpose given. No failure or delay on the part of either party in exercising any right, power or privilege precludes any other or further exercise thereof or the exercise of any other right, power or privilege.

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9.　**Notice and Domicilium**

　9.1　The parties choose as their respective *domicilium citandi et executandi* for the purpose of legal proceedings and for the purpose of giving or sending any notice provided for or necessary in terms of this Contract, the following addresses-

	Employer	Employee
Physical address	_____	_____
Postal address	_____	_____
Telefax Number	_____	_____

　　provided that a party reports any change of her or his *domicilium* to any other physical address, postal address or telefax number by written notice to the other party. Such change of address will be effective seven days after receipt of notice of the change of *domicilium.*

　9.2　All notices to be given in terms of this Contract will -

　　9.2.1　be given in writing; and

　　9.2.2　be delivered or sent by prepaid registered post or by telefax; and

　　9.2.3　if delivered, be presumed to have been received on the date of delivery; or

　　9.2.4　if sent by prepaid registered post, be presumed to have been received within three business days of posting unless the contrary is proved; or

　　9.2.5　if sent by telefax, be presumed to have been received on the first business day following the date of sending of the telefax unless the contrary is proved.

SIGNED by the Employer at _____ on the ___day of _____

AS WITNESSES:

1.　_____

　　　　　　　　　　　　　　EMPLOYER (EXECUTING AUTHORITY
　　　　　　　　　　　　　　ON BEHALF OF THE GOVERNMENT)

2.　_____

SIGNED by the Employee at _____ on the _____ day of _____

AS WITNESSES:

1. _____

                                    EMPLOYEE (HEAD OF DEPARTMENT)

2. _____

Appendix 6

List of Apartheid Era Prime Ministers and Presidents (1948-1994)

D.F. Malan   (1948-1954), Prime Minister

J.G. Strijdom   (1954-1958), Prime Minister

H.F. Verwoerd   (1958-1966), Prime Minister

B.J. Vorster   (1966-1978), Prime Minister

P.W. Botha   (1978-1989), Prime Minister, later State President

F.W. de Klerk   (1989-1994), State President

Appendix 7

Research Plan and Calendar

Academic Years	Activities And Place	Duration
YEAR 1 (1998-1999) Oct. Nov. Dec. (1998) Jan. (1999) Feb. Mar. Apr. May Jun. --------------------------	Literature Review and Research Plan Essex May & June 1999: Preliminary preparations for Interviews, Questionnaires	9 Months Oct. 1998-Jun. 1999
Jul. Aug. Sept. (AB away)	Documentary study (archives), Contact with Heads of Departments and ministers/MECs (and Premiers) Cape Town (South Africa)	6 Months, July-Dec. 1999
YEAR 2 (1999-2000) Oct. Nov. Dec. (1999) Jan. (2000) Feb. Mar. Apr. May June July Aug. Sept.	Pilot Interviews: Northern Cape Interviews: (1) Mpumalanga Interviews: (2) North West (Jan.–Feb.) Interviews: (3) Gauteng (Mar.-Apr.) Interviews: (4) KwaZulu-Natal (May-Jun.) Interviews: (5) Western Cape (Jul.-Aug.) From Sept. 2000: Data Collation & Ordering, Data Analysis, follow-ups on non-responses, Cape Town	(Oct. 1999) (Nov.-Dec. 1999) From January-August 2000 About 2 Months in each province Sept. & Oct. 2000
YEAR 3 (2000-2001) Oct. (Return to Essex) Nov. Dec. (2000) Jan. (2001) Feb. Mar. Apr. May June	Essex (Further Data Analysis & preliminary Data reports) First Draft Thesis by mid-May 2001 Submit by 28 May 2001 Examination: late June 2001	One academic year