



The IRR's Blueprint for Growth 4: In service of the public: Reforming South Africa's public administration

August 2024
Sara Gon and Terence Corrigan



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222 Smit Street (Virtual office),
Braamfontein Johannesburg, 2000, South Africa
PO Box 291722, Melville, Johannesburg, 2109, South Africa
Telephone: (011) 482-7221

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Authors: **Sara Gon and Terence Corrigan**

Editor: **John Endres**

Contributor: **Edward Polsue**

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Introduction – a new government, but what about a new public service?

The 2024 elections produced a situation unprecedented in South African politics since its democratic transition: a government in which no party holds a majority. The magnitude of this change and what it signifies for the country has not yet become apparent, but it is indicative of the state of crisis that has gripped the country. After the damage inflicted by the so-called State Capture era and the disappointment of President Cyril Ramaphosa’s “New Dawn”, hopes are high that the new Government of National Unity (GNU) will be one that puts South Africa onto a positive trajectory.

While governments may come and go, the apparatus of state typically remains intact. And one of its biggest challenges will be harnessing a public sector that has served mainly the ANC for 30 years. It is a public sector which has, in many cases, aided and abetted the ANC’s rule, often while failing to perform the duties mandated. Indeed, the problems besetting the public service are acknowledged as a major brake on South Africa’s prospects even by the ANC itself.

The purpose of this report is to consider the future of the public service: what a government would need to do to ensure that it fulfils the mandate set out in the Constitution. Since even the ANC, South Africa’s dominant party until the May polls, now accepts that the public service is failing in its responsibilities, this is germane to its own actions and conduct for successfully running the country in future. For a hypothetical government led by reformist parties – those that have historically been opposed to the ANC, whether or not this is understood to be those current in the GNU – the issue is arguably more pressing. They would inherit a public service that bears the imprint of decades of ANC dominance and would need to plan to deal it. This also applies to reformist parties in charge of municipalities or provincial or national departments. In any event, action must be taken to meet these challenges.

To do this, this paper explains the background to South Africa’s public service – its constitutional mandate and the ideological drivers that have been influential in its actual performance – followed by a discussion of its operations, and particularly its deficiencies as they have been identified since the 1990s. Finally, it looks at possible solutions to the problems that have taken hold.

What is the public service?

Constitutional foundations

The public service refers to the staff of the official institutions established at various levels – municipal, provincial and national government, as well as by state-owned or administered bodies – which provide services for the benefit of all the people in South Africa.

The Constitution of the Republic of South Africa, 1996¹ sets out the key principles of “a democratic, transparent and accountable public service”. These principles include:

- The maintenance of a high standard of professional ethics;
- The promotion of efficient, economic and effective use of resources;



- The promotion of a development-oriented public administration;
- The provision of services to the citizens in an impartial, fair and equitable manner;
- The responsiveness of the public service to all citizens; and
- The establishment and promotion of a public administration representative of the broader South African population.

Section 195(2) (a to c) of the Constitution provides that the basic values and principles must govern administration in “every sphere of government, organs of state and public enterprises”.

In addition, the Constitution makes clear that the public service is to be meritocratic, that it should be professionally operated and that public servants are to be held to high standards of conduct (while the state is to respect their interests). The public service is to be politically non-partisan and must carry out the lawful policies of the day. Section 197 states:

1. 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 loyally execute the lawful policies of the government of the day.
2. The terms and conditions of employment in the public service must be regulated by national legislation. Employees are entitled to a fair pension as regulated by national legislation.
3. No employee of the public service may be favoured or prejudiced only because that person supports a particular political party or cause.
4. Provincial governments are responsible for the recruitment, appointment, promotion, transfer and dismissal of members of the public service in their administrations within a framework of uniform norms and standards applying to the public service.

As at 28 September 2023 there were 1,734,566 people are employed in South Africa’s national and provincial public sectors.² This number does not include the 3442,809 municipal employees, or the 222,960619 employees of state-owned enterprises (SoEs), universities and Technikons. (Note that political office bearers – councillors, Members of Parliament and so on – are not part of the public service. They are elected for set terms and with some exceptions will serve at the pleasure of the political parties they represent.)

Objectives

The Constitution established the Public Service – and the state as a whole – with an extensive “developmental” mandate. This required that it not just provide services efficiently and lawfully, but that it strive to address the accumulated deficits in living standards and opportunities.

For the ANC, this had pragmatic, political and ideological roots. The state had always been a prime prize, the vehicle through which it could drive a wide-ranging programme of upliftment and “transformation” (of which more below). Essentially, state power would be the resource that could be parsed into other societal goods.

The ANC had a strong Communist influence, but with the collapse of its erstwhile Communist supporters around the time of the transition, the option of widespread nationalisation and direct state control receded.



However, the economic and developmental successes of the East Asian “tiger economies” were attractive substitutes. They offered a model of rapid development that would combine the contribution of the private sector with an interventionist state (the latter as a sort of senior party). This idea – the “developmental state” – was evident in ANC and government thinking from the time of the transition, although the phrase seems only to have been formally used in the 2000s.³

This was also phrased in starkly political terms. As a 1996 discussion document put it: “We must fight against the liberal concept of ‘less government’... The purpose of this liberal offensive is to deny the people [an idea coterminous with the ANC] the possibility to use the collective strength and means concentrated in the democratic state to bring about the transformation of the South African society.”⁴

All of this, in turn, demanded first-rate public administration. It implied a state apparatus staffed by skilled and enthusiastic civil servants, that could draw on enormous reserves of material resources and expertise, and the integrity of which was beyond question. This is not how things have turned out.

The context

Political context: hegemonic aspirations of the ANC

To understand the state of the public service today, it is necessary to understand the political and ideological background. The ANC took power in 1994, and with it control of a state that brought together numerous pre-existing administrations. These had been geared to serve particular race groups, as well as to administer the nominally independent and self-governing homelands. The capacity and professionalism within them were widely divergent. The ANC was determined to alter the racial composition of the public service, which was deemed largely politically hostile by the ANC. An early imperative was therefore to embark on a programme to reengineer the demographics of those working in the state, albeit with at least a rhetorical acknowledgement of the importance of retaining skills and the goodwill of committed civil servants whom the post-1994 institutions had inherited.⁵

This was matched by a rapid move to place politically reliable people into influential positions. This quickly took on the form of an overt party-political programme. This was encapsulated in a 1998 party document: “Transformation of the state entails, first and foremost, extending the power of the NLM [National Liberation Movement – the ANC and its allies] over all levers of power: the army, the police, the bureaucracy, intelligence structures, the judiciary, parastatals, and agencies such as regulatory bodies, the public broadcaster, the central bank and so on.”⁶

While it went on to claim that “this is not in contradiction to the provisions of the constitution which characterise most of these bodies as independent and non-partisan”, this was implausible and by all accounts, party interference in the nominally non-partisan state has been a significant determinant of its operations.

The most important expression of this was the ANC’s programme of “cadre deployment”. In terms of this, a party committee would decide where hand-picked party activists (or at least, people sympathetic to and approved by the ANC) were to be employed. In principle, it sought to ensure that its deployees were present in all influential bodies across society, though given its control of the state, this would always be the most accessible site. The exact scope of the programme is unclear, as it has taken place in a party committee, away from public scrutiny. Partial insights into the body’s workings were given by minutes obtained by the Zondo Commission, which indicated that it was even fielding résumés for positions in the state.⁷

Ideological context: the National Democratic Revolution

All of this has deeper roots in the ANC’s commitment to the ideology reflected in its National Democratic Revolution (NDR).

As Dr Anthea Jeffery, head of policy research at the Institute of Race Relations, has written in her analysis of the NDR, *Countdown to Socialism: The National Democratic Revolution in South Africa*, the NDR derives from Vladimir Lenin’s “two-stage” theory of revolution.⁸ First, the goal would be to achieve liberation from colonial rule. Second, these societies would gradually shift from an inherited capitalist system to socialism. Ultimately, communism would result, and true political and economic freedom would be achieved.

The ANC has pursued the NDR since 1969, when it was adopted at its Morogoro Conference in Tanzania. Jeffery points out that despite a changing global environment and its achievement of political power, the ANC has recommitted itself to the NDR every five years, at every ANC policy conference from 1997 to 2022.

Front of mind in this respect has been the assumption that the ANC – as a party – represents a sort of vanguard force that has an historical sense of mission to “transform” society. This has been expressed as its drive for “hegemony”. Effective party control of institutions of state was a key part of this, ensuring appropriate ideological and political commitment in particular roles (and, in theory, suitable qualifications and capabilities). This is a deeply entrenched mode of thinking in the ANC and explains why the practice of cadre deployment has been openly acknowledged, though the specifics of the practice and decisions of the party committee doing it have been opaque. It has been utterly uncontroversial within the party, and stoutly defended when it has come under criticism.

The public service after 1994

Phase one: Bringing the Public Service into Democracy

The Constitution sets out a view of a professional, non-partisan public service, to which end a package of institutions and legislation have been created. Making this a reality has proved challenging, arguably proved beyond the capacities and political imagination of the government.

Transformation and the early vision

The formative period post-transition saw extensive changes in the composition of the civil service. *The White Paper on the Transformation of the Public Service*, published in 1995, set out a detailed vision of the institution going into the future, along with a comprehensive list of challenges. The ideal was a highly skilled, appropriately-sized civil service that would reflect the country's demographic profile, would be responsive to the imperatives of the constitutional order and provide excellent services to the country's people. To do this, the paper suggested that the government needed to alter the demographic composition of the public service, upgrade skills and encourage new values.

While the White Paper supported the race-based transformation agenda, it did note that many existing public servants felt insecure in their positions and that their willingness to serve the new dispensation should be acknowledged. It also noted that the valuable skills that some of these public servants possessed were essential to the successful operation of the service and the execution of the government's plans.⁹

Perhaps because of mistrust for the (white) staff it was inheriting, and perhaps because demographic transformation was a relatively – albeit deceptively – simple issue to address, the new government set to work to alter the racial and gender composition of the public service. Indeed, at times this was expressed as a priority surpassing all else. As one ANC MP, Maria Rantho, who later went on to the Public Service Commission, put it in the late 1990s: “It is imperative to get rid of merit as the overriding principle in the appointment of public servants.”¹⁰

The drive to ensure a reliable public service (from the point of view of the new administration) led to a programme of voluntary severance of employees, not infrequently with generous packages to incentivise this. This produced significant disruption, with a loss of institutional memory and of already insufficient technical and professional skills.¹¹ The negative impacts came shortly to be acknowledged by the government itself (which also lamented that the severance scheme had failed markedly to reduce the size of the state), which was also becoming keenly aware of the skills deficit in the public service.¹²

The failure of the state to perform its functions efficiently dogged post-transition South Africa from the start – though it should be noted that many of the antecedent bodies were gravely deficient themselves.

Institutions and policies

Institutionally, one of the most important bodies set up by the Constitution to regulate the public service was the Public Service Commission. The PSC was first established in terms of Section 209 of the (Interim) Constitution of the Republic of South Africa, 1993 as an oversight organ for the public service, and restated in the final Constitution of 1996 in terms of Section 195. It requires the PSC to function as a non-partisan body, the foremost purpose of which is to promote the constitutional values and principles of public administration in the public service. It was furthermore meant to coordinate efforts to rid government of corruption and maladministration, and develop and improve a policy on ethics for the public service.

The PSC's activities included:

- Monitoring adherence to regulations on personnel procedures and transformation policies;
- Promoting a high standard of professional ethics;
- Evaluating the management of information technology; and
- Monitoring, evaluating and investigating service delivery, and related organisational systems and practices nationally and at provincial level.

The PSC might have been constituted as a body responsible for the management of the public service as a whole. But its role was diminished by what has been referred to as the foundational piece of legislation of democratic South Africa, passed even before the final constitution was ratified in 1996. This was the Public Service Act (PSA), passed in 1994, which reintegrated the various tricameral administrations (those within pre-1994 South Africa and homeland governments) into a unitary system.

The Act removed the PSC's executive powers, leaving it largely confined to advice and recommendation.

The Act gave politicians very wide discretion over government administrations. For example, it granted executive authorities the responsibility for decisions regarding the structure of departments. These included a department's internal organisation, planning, human resources management and so on. It was also responsible for staff recruitment and performance management. Wide-ranging powers of appointment were granted to the president, to cabinet ministers, and (at provincial level) to members of relevant executive councils, although provision existed for these to be devolved for operational purposes. Nevertheless, according to Ivor Chipkin, director of the New South Institute and an authority on public administration in South Africa, this created a situation in which the public service was set up to be a fundamentally politicised institution.¹³

Initially, the power of politicians to deploy people to key positions saw high-profile appointments of politically connected figures to institutions such as the Office of the Public Protector, the National Prosecuting Authority, the South African Revenue Service and the South African Reserve Bank. For the most part, these appointments were positively received, albeit with some murmurs of concern about the explicit political pedigrees of the new incumbents. Nevertheless, these new appointments were generally seen as capable people, who by acquitting themselves well in their responsibilities helped dispel some of the concerns.¹⁴

As time went on, the ANC gained in confidence and began to push more aggressively for its "hegemony". It paired the discretion granted to politicians in terms of the PSA with its own structured party programme of cadre deployment, as outlined above.

The pitfalls of political discretion became visible early on. The ANC did not have the skilled people for all the jobs that needed to be filled. It is doubtful that a skills-scarce society like South Africa did in its entirety. Not all politicians and not all politically influenced appointments were committed to the public good – some were party hacks, while others were just venal. Many of those appointed were not up to the task, were evidently favoured as a form of patronage or because they were considered suitable for the interests of the party.

The appointment in 2000 of Jackie Selebi, a long-time party activist and latterly diplomat, as National Commissioner of the South African Police Service proved to be an especially embarrassing and damaging case, not only because of his evident unfamiliarity with policing, but because he was compromised by criminal connections. (A necessary caution in discussing cadre deployment is that – at this writing – no comprehensive record of the deliberations of the party committee responsible for it has been made public. Troubling in itself, given the influence, real and potential, that it may have wielded, it also means that discussion of the phenomenon relies on incomplete information.)

This was later compounded by internal conflicts within the ANC. These took on a particularly destabilising form in the contest between Thabo Mbeki and his sacked former deputy, Jacob Zuma, which culminated in Mbeki's loss of the party presidency at the ANC's Polokwane Conference in 2007, and the country's presidency a few months later. It also spilled over into battles in the public service, as senior officials lined up behind their preferred contender, or hedged their bets, declining to take contentious decisions until they discerned which way the winds of state would blow. Zuma's presidency would go on to infamy, associated with the moniker "State Capture", though it bears acknowledging that he inherited the features of the system that would prove so damaging.

Interestingly, then President Thabo Mbeki had been given to remarking on occasion on the deficiencies in the public service, on its failure to live up to the vision of the Constitution and to perform its functions with professional efficiency. Public servants, he said in a 2007 contribution, needed to be "patriotic and selfless", and that "a lot of work" remained before the country would enjoy "the stable and highly motivated public service we need to achieve."¹⁵

The PSA, then, had the effect of enabling extensive political influence in the running of the civil service, and indirectly in fuelling the problems that pushed the state towards acute crisis.

Ivor Chipkin sums this up: "The Public Service Act grants politicians wide discretion in operational decisions in state organs and in the recruitment of public servants. The situation is even worse at local level where the politicians are the administrators. Cadre deployment is possible because the law allows politicians to appoint officials."¹⁶

Phase two: the Zuma era

Politicisation ramps up, capacity declines

The rise of Jacob Zuma coincided with the debilitating global financial crisis. In many respects, the global turmoil served to underline South Africa's dire circumstances. Governance had already been the subject of growing concern – even the ANC's then secretary general, Kgalema Motlanthe, conceded in 2007 that corruption was "far worse than anyone imagines" and that "the rot is across the board"¹⁷ – but South Africa now turned to a fatally compromised politician to lead it. Even as peer emerging markets recovered their growth trajectories, South Africa foundered. It never recovered the 5%-plus growth rates that it had briefly enjoyed in the mid-2000s.

It is worth noting that Zuma's rise to power had been supported by the ANC's leftist allies, who had hoped for a different – and inevitably more statist – approach to all matters. In theory, state capacity was needed at this point more than ever.

It was also at this time that the accumulated weight of inadequate skilling and sundry other failings fulsomely manifested itself. In 2009, a report on the state of municipal governance painted a dire picture of the sphere of government most directly responsible for day-to-day, quality of life service provision. “From evidence to date,” the document stated in its introduction, “it is clear that much of local government is indeed in distress, and that this state of affairs has become deeply-rooted within our system of governance.”¹⁸

The document went on to identify several critical shortcomings: backlogs and consequently enormous demands for services; dysfunctional chains of communication and accountability between the authorities and the communities they were meant to serve; corruption; bad financial management; political interference (“the political administrative interface”); and the impact of inter- and intra-party rivalries.

The National Development Plan

The National Development Plan – much praised at its release in 2012 – called attention to the same complex of factors. Placing much emphasis on the need for a state able to drive a developmental agenda – a “capable and developmental state” – the plan expressed concern about the politicisation of state institutions (again, “the political administrative interface”), a dearth of skills, organisational and leadership confusion, and a consequent lack of professionalism in the public service. Its extensive suite of recommendations included measures to insulate the public service from political interference – notably by enhancing the role and powers of the PSC – engaging in ongoing training and career development, ensuring clear understanding of the standards and outcomes expected of public servants, and developing more robust and accountable systems of delegation and oversight.¹⁹

The 2014 review of the public service

A few years later, in 2014, the Department of Public Service and Administration (DPSA) produced a review of the public service after 20 years of democracy.²⁰ It argued that the core of public service reform had been the transformation of institutions' racial and gender composition, attempting to make them mirror South Africa's demographic makeup. The review submitted that this had been done “through a well- thought-out rationalisation process, informed by the spirit of reconciliation, combined with ambitious, but clearly stated targets to correct the situation.”²¹ It did, however, recognise that a major challenge it faced was “the lack of core skills needed for effective administration in the public service”.²²

The review recognised that people employed without the skills necessary for their positions were destined to fail. The government's solution had been to enrol large numbers of public servants for short-term courses, though it rapidly became clear that this was not an effective response to a deep-seated skills shortage – and thus policy was later shifted towards encouraging ongoing capacitation.

The thrust of the document was in line with the NDP, pointing to problems such as deficiencies in the skills profile, the propensity of public servants to move from one position to another, poor coordination between different parts of the government, and the instability in governance systems that this engendered.

The document echoes the NDP's calls *inter alia* for dealing with political interference, for focusing on skills development, for better coordination across the public service, and for the cultivation of a professional ethos.²³

One former public servant (employed in a senior position in a provincial department and working closely with the political leadership, which was drawn from the ANC) interviewed for the review provided a view into how these problems were experienced in practice. She described a state of paralysis and avoidance of responsibility. Political preferencing was often played out within factions of the ANC. Many senior officials' contracts are linked to the incumbency of political principals; they can be deprived of their livelihoods by changes within the party. There is a strong aversion to attracting attention or risking the displeasure of influential politicians, and thus for officials to take responsibility for potentially contentious decisions.

Meanwhile, consequence management is weak. Lacking strong direction and goal orientation, poor productivity is tolerated. Corrupt and criminal interests have taken advantage of this to influence employment decisions and resource allocation: the phenomenon of "ghost workers" and the consequent payment of salaries for non-existent work being an egregious example that has dogged the public service since the 1990s. Where attempts are made to impose discipline, this is met with strong resistance from unions, often without due regard for the impact on the institutions and the services they provide. Human resource departments may collude in this by stalling the provision of necessary documents, while some employees have learned to "game the system", such as seeking transfers or taking to prolonged sick leave to avoid the consequences. Much of this seems to boil down to endless delaying tactics, during which salaries continue to be paid and hoping that the institutional environment would change so that the disciplinary process would halt or become moot.

By the latter part of the Zuma presidency, the problematic condition of the public service was essentially common cause. There was also general recognition of the nature of the problem. The latter had four broad expressions:

1. An inadequate skills base across the board;
2. Weak management, poor coordination and problems with delegating authority;
3. Corruption in various forms; and
4. Political meddling in the operation of the public service.

Taken together, this suggested that there was something profoundly amiss with the public service. Interestingly, while the intrusion of inappropriate political influence was recognised as a part of the problem, these documents did not specifically mention cadre deployment. The considerable influence that was wielded by a dominant party beyond the view of constitutional oversight was neither acknowledged nor examined.

Phase three: the Ramaphosa era

The post-Zuma era was heralded by the election of Cyril Ramaphosa – formerly Zuma’s deputy – to the presidency of the ANC in December 2017, and his elevation to the country’s presidency early the following year. His accession to power ignited a profoundly hopeful atmosphere. He was seen by many as an ideal choice, a business-friendly and empathetic constitutionalist and reformer, in contrast to the venality and corruption associated with Zuma. He acknowledged the damage that the “state capture” project of the past decade had inflicted (though his own complicity was tactfully overlooked) and held out the possibility of restoring the country’s institutions.

The capable state

A key part of President Ramaphosa’s “reformist” agenda since 2018 has been directed at rebuilding state capacity, which went by the term “capable state”, a matter that has featured repeatedly in his public communications.²⁴

This was clearly not the case in the public service as it had come to exist. The National Planning Commission wrote in a 2020 report:²⁵

Staff at all levels of the government bureaucracy should have the authority, experience, competence and support needed to do their jobs. A significant challenge and contradiction that goes against the developmental state aspiration of South Africa identified is the rejection of meritocracy in the country’s public service. Persons are appointed to jobs in State-Owned Entities and the public service without the requisite experience, skills or gravitas as a result of inappropriate political involvement in selection and performance management.

In policy terms, the creation of an efficient and effective public service has two key components: firstly, dealing with the outright pathology of corruption; and secondly, addressing the various structural impediments to the operation of the public service.

Addressing corruption

Efforts at combating corruption have followed much the same path that was (in theory) followed by previous administrations, albeit with the claim that this was being undertaken with greater sincerity and energy. South Africa has numerous agencies empowered in one way or another to act against corruption; bespoke bodies such as the Investigating Directorate within the National Prosecuting Authority have been established to provide greater focus. Under President Ramaphosa much has been made of the changes to institutional leadership in organisations like the NPA and the South African Revenue Service. Some individuals involved in state capture have been prosecuted, some assets frozen, and some funds recovered.²⁶

The efficacy of these measures has been widely questioned. Indeed, the erosion of the capacity of law enforcement bodies over the preceding years has made this task a difficult one. It is therefore hard to see game-changing success if these efforts are not paired with substantive success in the second component, addressing the structural deficiencies in the public service.

Indispensably, dealing with corruption demands proper, robust protection for those exposing malfeasance, commonly referred to as whistleblowers. The stakes involved have been demonstrated from time to time with the harassment and murder of officials who attempted to do expose wrongdoing. The case of Babita Deokaran, who was murdered in 2021 apparently for highlighting corruption related to healthcare procurement, gave this sinister phenomenon a poignant face. The motivations driving whistleblowers can often be complicated and are not always altruistic, but their centrality to dealing with entrenched corruption makes their safeguarding a key strategic matter.

Addressing structural problems

The Zondo Commission: facing the question of politicisation

Among the final acts of Zuma's presidency was the appointment of a judicial commission of enquiry under Justice Raymond Zondo. *The Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State* was intended to investigate a host of allegations into corrupt, improper and unethical conduct during the so-called State Capture years. Its report, finally and fully released in June 2022, found that this phenomenon did take place "on an extensive scale".²⁷

The Zondo Commission provided a vivid, daily reminder of what had taken place in South Africa and the malaise confronting the country. It demonstrated how the weakening, suborning, and exploitation of state institutions and public entities largely occurred through strategic appointments and dismissals at public entities, and a reorganisation of procurement processes. In contrast to previous studies, the Zondo Commission dealt forthrightly with cadre deployment and was scathing in its assessment, stating that the practice was impermissible under the Constitution and in terms of the law.²⁸

The report focused on specific issues and particular institutions rather than on the public service as a whole, though the broad thrust of the document and its recommendations are applicable to the broader public service.²⁹ Much of this emphasised the ability of political office bearers to influence appointments within the State.

This theme has been taken up by a number of experts and commentators in the public administration field. For example, a 2022 study by Ivor Chipkin, Michelle le Roux and Rafael Leite of the New South Institute – *Personalising and De-personalising Power*³⁰ – drew attention to the phenomenon of structural politicisation. One important point was that the requirements for appointment to many senior state positions were permissive (the only requirement for appointment as Commissioner of Police, for example, was to have a clean criminal record).

This situation, they argued had been set up deliberately. As Chipkin stated in a presentation on the report: "This was not an accident ...The fact is that key senior appointments – ministers and the President – have very, very wide discretion to appoint who they want, because the criteria for those appointments is so slim."³¹ In other words, the discretion of political office-holders to intervene in appointments meant that there was very little separation between the political and administrative elements of the state.

With political considerations being regarded as more important than administrative or professional standing, the quality of administration could only suffer.

Chipkin returned to this point in a later contribution (*The Five Cs of the Contemporary Crisis of Government and how to Overcome them*, co-authored with Rafael Leite,) writing that the structural design of South Africa's public administration "makes each and every public servant in South Africa a political appointment, potentially."³² The report went on to note the disjuncture in the system, where the Public Finance Management Act conferred on senior civil servants extensive financial discretion – but given the powers their political principals held, they were constrained in what they were able to do. "In effect," they write, "new managers' hands are held behind their backs by politicians. This largely explains why after 1996 there have been so many conflicts between Ministers and senior officials. The problem is that senior officials, irrespective of race, could not do their jobs unless their political superiors allowed them to. The likelihood of conflict was built into the very structure of government."³³

Also In this context, the Democratic Alliance mounted a legal challenge to the ANC's cadre deployment initiative. It sought to have the records of the cadre deployment committee made public, and a declaratory order made against the practice. It was successful on the first count (although, despite a court order, the records have not been made public, aside from what had previously been produced to the Zondo Commission), but at this writing had not succeeded on the second. This had (understandably) strong political overtones: if successful, the records may have implicated President Ramaphosa in decisions germane to state capture, while a formal declaration (along the lines of what the report of the Zondo Commission had affirmed) that the practice was unlawful would have struck a significant moral blow against the ANC's record in government. It also sought, unsuccessfully, to introduce a Bill into Parliament that would effectively outlaw political interference in appointments.³⁴

Interestingly, the pathologies associated with political interference were conceded by Yoliswa Makhasi, Director General of the DPSA:³⁵

One specific example of how the system itself can make it difficult is that we operate under two major pieces of legislation – the Public Finance Management Act (PFMA) and the Public Service Act (PSA). The PFMA delegates responsibility for financial management of the department to the civil service head of department. However, the PSA delegates responsibility for senior recruitment to the political head of the department. This system can be subject to abuse if there is a disagreement between the two heads and if hiring is blocked, which creates administrative instability.

In effect, a growing consensus was emerging that the public service was not fit for purpose and that unwarranted political interference was a significant factor in bringing it to this point. Moreover, this was both a function of the design of the system and of the manner in which it had been run.

The role of political interference has dominated public discussion of public service reform, and for good reason. However, the government's (formal) approach is rather more wide-ranging. The central element of its professionalisation initiative was in the publication of *A National Framework towards the Professionalism of the Public Service*.³⁶ In his foreword, President Ramaphosa conceded the "challenges" confronting the state, admitted that appointments were often made without due regard for skills or capacity, and recognised that political meddling needed to be reduced. The framework "aims to build a state that better serves our people, that is insulated from undue political interference and where appointments are made based on merit."³⁷

It is worth noting the full exposition of what the document understands by professionalism:³⁸

"The professionalisation of the public sector refers to the subscription by all public servants to the basic values and principles of public administration as enshrined in Chapter 10 of the Constitution of the Republic of South Africa of 1996, including the values espoused in the Public Service Charter and the commitment to upholding the principles of *Batho Pele* by showing empathy towards the plight of the citizenry, especially those who rely on government goods and services for their daily living.

The professionalisation of the public sector refers to the uninterrupted career longevity of public servants who are there to do their job, regardless of any changes of Ministers, MECs or councillors within the governing party in charge of the administration, or changes to political parties in government after elections. In this context, professionalisation is considered the creation of an environment of integrity that insulates public servants from any political interference, which is viewed as a precondition for government becoming an employer of choice by people who wish to pursue their job careers for a lifetime; and

The professionalisation of the public sector is about full recognition of the various professional categories within the sector and subjecting them to registration with externally regulated professional bodies and associations. It also refers to creating additional professional categories of workers linked to some form of training, which leads to the external regulation of such categories of workers according to a particular standard, code of conduct, and ethical framework.

The document is lengthy and sets out in detail proposals for instituting these strictures in the public service. Among these was a wide-ranging revision of the legislation and associated regulations and directives germane to professionalism; tighter pre-entry and promotion requirements (including the expanded use of tests); compulsory participation in induction and reorientation programmes; a review of performance management systems and their reform; and ongoing development and training to ensure relevant skills and professional capabilities were available and updated as the administrative demands evolved.

The reformed system would foreground merit. The influence of politics on senior appointments would be reviewed, through the increased involvement of the PSC in appointments and fixed-term contracts – subject to performance reviews – for senior public servants.

The goal of all this would be to build a public service able to take on the developmental functions that had been so much a part of the original state vision.

Four observations need to be made about this document. Firstly, it was a framework, making recommendations, but leaving actual policy design to various departments and bodies; secondly, the proposals are systemic in nature, and would depend on being implemented as a whole; thirdly, the success of the Framework places a lot of emphasis on changing the culture of the public service; fourthly, it is quite remarkable in that it mentions cadre deployment explicitly and critically (“cadre deployment practices must be reconsidered for merit-based recruitment and selection in the public sector”³⁹). The latter point was picked up by IRR analyst Terence Corrigan – one of the authors of this paper – as representing a remarkable admission, and evidence of possible change.⁴⁰

New legislation

Part of the professionalisation agenda has been expressed in recent pieces of legislation. In May 2023, the Minister of the Department of Public Service and Administration, Nxolo Kieviet, tabled the Public Administration Management Amendment Bill (PAMA),⁴¹ and in October 2023 the Public Service Amendment (PSA) Bill.⁴²

In addition to dealing with a number of technical issues, the PAMA Bill aims to harmonise operations across the various spheres of government, strengthen the prohibitions against civil servants doing business with the state, and coordinate collective bargaining across the sector.

The PSA Bill arguably stands to be more impactful. Among other things, it would vest administrative powers in department heads and clarify the role played by the President and provincial premiers in appointing and managing the “career incidents” of heads of departments. “Career incidents” are not defined in the main Act but presumably refer to changes in the status of an employee. The responsibility for administration and appointments would move from the executive (or political) authority to the head of department, thus firmly rooting operational control in the administrative leadership, and senior civil servants would be barred from occupying political office. The crucial issue is that this bill should reduce the discretion of politicians to recruit staff and interfere in operational matters. Departmental officials would have more authority to hire competent people and to produce workable and actionable plans.

The Public Affairs Research Institute (PARI), a prominent think tank in the field of public policy and public administration, remarked that while it welcomed the passage of the PSA Bill, it felt that more was needed:⁴³

There is still plenty of room for political corruption to enter into decisions about who is appointed as an HoD, and for that HoD to then promote those interests down through the administrative hierarchy (and into procurement decisions) via their (new) authority over recruitment and appointments in the department.

PARI's view was that the key to the professionalisation drive was not to depoliticise administration, but rather to introduce appropriate “checks and balances” to ensure that it was not subject to corrupting political influences, though still ready to carry out a democratically determined mandate. For this reason, it had previously argued that the key to effective reform was to ensure that political influence was confined to certain parts of the process – largely to setting policy – while appointment, staffing and training should be undertaken by other actors. A strengthened, independent and non-partisan Public Service Commission would need to be at the centre of reform efforts and to exercise oversight on the operation of a reformed public service – and to operate as a bulwark against undue political interference.⁴⁴

What's next? Levers for fixing the public service

By this writing, it has become apparent that South Africa's public service is in a parlous state, unable in places to meet even its minimalist responsibilities, let alone the more expansive duties that a “developmental” mandate would require. That this is being admitted in official circles represents appreciable progress from the refusal to discuss or countenance such concerns in the early years following the transition. How it is dealt with is a critical matter for South Africa's future.

One study concluded that the central failing of South Africa's public service was that it had “not been effectively institutionalised.”⁴⁵ South Africa's public servants were too often ignoring the formal strictures of their work, pursuing goals outside the institutions' mandates (sometimes illegally), with sanctions failing to act as a deterrent or being inadequately applied. Personnel felt themselves unbound to the rules by which they were formally required to abide.

This, in brief, is what pervades South Africa. Professionalism has not taken hold, and demands of political formations, personal connections and even criminal networks have been able to interpose themselves.

Indeed, another source consulted for this project – whose experience was in a large and challenged municipality – warned that in his experience what may have started as political preferencing has morphed into capture by criminal elements. Long-entrenched senior staffers may have been nominally “deployed” by the ANC, but over time they have become linked to syndicates to whom they now owe their preponderant loyalty.

These are people for whom ideology and political allegiance have become of mere instrumental importance, and for whom “public service” is sheer criminal opportunism.

As Chipkin noted: “Whether current plans succeed or fail will shape the trajectory of South Africa for a very long time.”⁴⁶

A study by the World Bank pointed to five interconnected drivers behind successful public services. These are:⁴⁸

Political leadership: the political heads of the public service need to be able to cooperate with stakeholders, within and outside of their institutions. This is especially important where change is underway and resistance is encountered.

Institutional capacity building: where reforms are undertaken and new systems introduced, their durability depends on the robustness and sustainability of the institutions within which they exist.

Incentives are important: creating incentives for both institutions and for the public servants within them to perform well, helps to ensure that they fulfil their tasks competently.

Transparency: transparency is a technique for dismantling silos in governance, facilitating the sharing of information between institutions in government, and shifting incentives by making information on the workings of government available to the public.

Technology: technology is an important enabler of productivity and efficiency, provided it is properly designed and well used. IT systems must be relevant to the tasks to be performed. They should not be conceived beyond the ability of their users to handle or manage. Properly applied, technology can be an important means of changing behaviour.

The report noted that each of these was meant to reinforce the others and underlined the importance of bringing them together: “The overarching element of success is strong coordination to ensure that governments and their MDAs [ministries, departments and agencies] are no longer operating at cross-purposes. Through coordination, performance can be boosted, and through innovation and experimentation one can get a glimpse of the other side of the river and ideally the direction of the next stone.”⁴⁸

The World Bank’s view is in line with what has been presented above. South Africa’s public service needs to be reordered to enhance its technical and professional competence, but for this to be effective the question of appropriate leadership must be addressed. Leadership in turn will be necessary to make sure that legislative and policy changes are taken up in the conduct of the personnel of the public service.

Leadership is of course paired with the professional quality and enthusiasm of those subject to it. An effective public service is characterised by a particular set of norms enforced by the institutions. Ideally though, these are norms that its members internalise, and to which they are held by their peers – a distinct cultural orientation, in other words.

So, what would a reformed public service look like, and how would this be achieved? Ivor Chipkin points out that as this is a complex system, any one intervention will likely depend on others for its success.⁴⁹ This is quite accurate; drawing on the analysis above, this study proposes that multiple sets of reforms will be needed. The first seeks address the political and policy-related roots of the current problems. This concerns (i) depoliticising and reforming the public service and (ii) reassessing the role of unions. The second relates to operational control. In this sphere, the concerns are (iii) leadership and management and (iv) establishing and maintaining organisational discipline.

The third relates to enhancing the capacity of the public service to play a value-adding and developmental role in society. This concerns (v) recruitment, (vi) capacitation and (vii) the judicious application of technology. These are discussed below.

i. Depoliticisation and reform

The deliberate politicisation of the civil service through cadre deployment and the outsized structural role conferred on politicians in the appointment of staff both need to be dealt with decisively.

The suggestion that cadre deployment is an uncontroversial practice, perhaps only poorly applied, must be rejected. As the Zondo Commission report stated, it has no justification in the Constitution or in law. The practice must be unambiguously discarded. So far, the ANC has declined to disavow it, although in the negotiations for a post-election government, part of the agreement ledged a “professional, merit-based, non-partisan, developmental public service that puts people first.”⁵⁰ Given the ANC’s past attitudes to the matter, it is unclear whether this represents a willingness to surrender cadre deployment, or merely the claim that it will do so “better.

But even if cadre deployment were to be abandoned, this would not necessarily be the end of the matter. Dismantling the structured process by which the ANC seeks to exert influence might simply be replaced by a more informal system by which pressure is applied by individual power brokers. (A theme in scholarship on African politics is the importance of uninstitutionalised authority such as personal relationships and clientelist networks: “despite the formal political structures in place, power transits essentially through the informal sector.”⁵¹) Terence Corrigan has previously warned that “cadre deployment, whether as it exists now or as some sort of informal, unadmitted successor, [would] continue to cripple the country.”⁵²

So, the prospect exists that even stepping away from formal cadre deployment could simply lead to another form of it. Cadre deployment needs to be overcome in toto. Checks and balances on the appointment processes can lessen the opportunities for political interference and the designation of particular roles for politically appointed office-bearers (effectively the political leader and his or her staff) can provide bulwarks against political interference, but they will likely be insufficient. Rather, erasing politicisation that has taken hold will require a change in the political culture and the assumptions of particular political groups – foremost the ANC, though not exclusively – that the state is a prize to be captured and merged with their policy agenda. Needless to say, the NDR vision for the public service will need to be abandoned.

More fundamentally, depoliticisation requires thorough reform of the public service. It will need to remove the avenues that have enabled undue and toxic political influence to make itself felt. The key will be fully to restore the Public Service Commission to its role as fulcrum of the public service, and of the careers of public servants. An absolute separation of the latter from political influences is neither possible nor desirable – since in a democracy, it is the prerogative of the incumbent government to have its policies carried out by the instruments of the state. However, it is critical to guard against the preferencing or prejudicing of public servants based on their political allegiances.

It is important to ensure that their first-order priorities are always aligned with the fulfilment of their duties and the discharge of their professional responsibilities.

Thus, the model proposed is for the PSC to create a buffer of sorts between the political authorities and the professionals who staff the institutions. Ultimately, it would sign off on staff policy, and would hawkishly protect a meritocratic ethos (which would need to be developed) from political or any other intrusion. Where senior appointments might justify some political input, as in the case of Directors General, these would be appointed from a shortlist compiled by the PSC, following an appropriate interview, selection and vetting process. The resulting relationship would be one of cooperation between the political and administrative principals, rather than that of superiors and subordinates.

ii. The role of the unions

The quality of unionism in the public sector has deteriorated in the past thirty years. Many union leaders and officials lack the professionalism to manage industrial relations between their members and management.

Sometimes this manifests in their inability to exercise control over their members, the consequence of which is unlawful industrial action and, often, criminality. Sometimes this may be an implicit bargaining strategy.

The ANC has a long-standing alliance with the Congress of South African Trade Unions, which is well organised and has been critical in marshalling support for the ANC at elections. Cosatu has been able to exert formidable influence on labour legislation and on government's approach to the public sector workforce.

Public sector wage increases reflect the perceived political hazards to the ANC of not adequately acceding to strident demands. In contrast, in the private sector wages, conditions of employment and wage increases have to reflect the economic environment in which different sectors operate. The most recent example of this was the public service wage negotiations which agreed on a multi-term agreement for the financial years 2023/2024 and 2024/2025. The average increase for 2023/4 was an above-inflation rate average salary adjustment of 7.5%.⁵³

The median public sector salary is R46,000 per month – 77% higher than the private-sector average of R26,000. Public servants also receive substantially more non-wage benefits than their private sector counterparts.

For ordinary South Africans, the sense that public servants are generously remunerated is a source of frustration and cynicism. They can see that the productivity of the public service is poor. The value they receive for the money they pay for such services is unsatisfactory, and in many respects deteriorating. This is conflated in the public consciousness with narratives of corruption and venality, a perception that is amplified when people receive indifferent or abusive treatment from officials.

The public sector unions bear a share of the blame for this. It is not their responsibility to manage workforces, and they should not be able to veto policy decisions and protect shoddy performance. Indeed, union spokespeople are often vocal in their commitment to “developmental” efforts. But in practice, they have often played an obstructive and counterproductive role, and this needs to change.

Addressing this requires a multi-faceted approach that takes into account the interests of the unions. Consultation between managers and union representatives is important, especially when measures that adversely affect their members are under consideration. But while trade unions must be consulted properly, their interests should not be the primary consideration for management’s decisions, nor indeed the only conduit through which management communicates with employees. Communication is always management’s right and obligation. Unions represent their members and can communicate what and how they chose; but they aren’t the employer, who always retains the right to communicate with employees, whether they are union members or not.

Above all, union officials at lower levels should not usurp the functions or prerogatives of management from lower-level managers, and junior managers should be able to rely on the support of their superiors for resisting any attempts to do so.

Much of the power that unions (particularly Cosatu) hold derives from their strategic political standing. This has created a devastating conflict of interest, and it is imperative that this relationship is fundamentally reconstituted. Managers attempting to manage and to impose consequences need not only to be supported by the institutional resources (such as human resource departments), but also by the political leadership. Unless political leaders are willing to support public service reform and to back managers attempting to implement it, even if this holds adverse consequences for some of its union support, it is doubtful that the required reforms can be successfully carried out.

The political dynamics attendant on dealing with Cosatu unions are likely to see fractious industrial relations in the next few years. Sound industrial relations practices in management are going to be crucial.

However, for this to stabilise, it is imperative that unions, union officials and indeed unionism in the public sector as a whole need to “up their game”. The reality is that whatever privileged party-to-union relationship has existed will (and should produce) diminishing returns. Unions in a more competitive environment will need to rely on the transactional nature of the employer-employee relationship.

They will have to make their appeals based on the value they can add to the functioning of the public service and to the provision of services to the country as a whole. This will demand a better quality of union thinking and action, which, if achieved, stands to benefit of the country as a whole.

iii. Good leadership and management

While policy and politics are important, the key ingredient for success is good leadership and professional management. It is not first and foremost the resources available to government, which are in any event diminishing, which will make the public service better. It is the experience, commitment and hard work of managers and leaders in the public service that will create the efficiencies that are so crucial to successful change. This is a process that may take significant time to show positive results.

A former leader in a municipal council (an elected representative who took on an executive position) approached by the Institute of Race Relations described his experiences in managing the transition from control by one party to another.

Initially employees were generally apathetic and sceptical, since politicians come and go. They had become accustomed to operating without much certainty as to what they were supposed to do, and who would manage them. However, in his experience most people tended to be pragmatic rather than ideological. For the majority, personal orientations notwithstanding, they saw little value in undermining the new administration. (There is anecdotal evidence of this elsewhere, that government employees are fundamentally a middle-class constituency who would wish to perform their duties if capacitated to do so and appropriately led.⁵⁴)

The key to achieving a positive response from employees was to act decisively and be energised, being prepared to take tough decisions and then being prepared to take responsibility for the outcomes of those decisions. The broader lesson is that political leadership needs to be willing to be held accountable for its policy choices and the leadership it provides; in so doing, it provides the administrative leadership with an implicit bargain where the latter must agree faithfully to carry out that policy.

According to the IRR's interlocutor, for political leaders, being cordial with employees was very important. Meeting with them directly and exercising oversight by "doing the rounds" regularly was a powerful statement of commitment. Employees wanted to be heard and respected; they tended to come round quickly to new management. Confrontation should be, he said, avoided as much as possible (though avoidance was not always possible) and rewarding excellence was crucial. The tolerance of mediocrity has, after all, been a significant part of the downfall of South African public service.

Given the state of the public service, it is inevitable that cases will arise in which unsuitable appointments were made (and some will no doubt be made in future). In responding to this, managers in the public service need be alert to and take advantage of those who are on fixed term contracts.

By being alert to the termination dates, employees can be removed by the effluxion of time. Managers tend to forget or be unaware of these details, which offer a way to end the service of malcontents or incompetents without undue conflict.

Very strict but fair performance criteria must be implemented, and employees held responsible for their performance. Poorly performing employees need to be worked out over time with studious recourse to proper disciplinary procedures. If stuck with a problem person, it is often practical to keep them employed with uncontroversial activities rather than dismissing them.

Conversely, if an incumbent is competent and trustworthy, management must make sure to support the employee, particularly if their loyalty to the public institution transcends their party loyalty. If such a competent person wants to resign, it may well be worth trying to persuade the employee to stay.

Skills in the South African environment are at a premium across the board, as are the intangibles of work performance, such as work ethic and an imaginative approach to problem solving. The loss of institutional memory is deeply damaging to the effectiveness of organisations. Workflows and outputs depend on systems and processes that take time to learn and understand, even regarding things as pedestrian as keeping the minutes of meetings, or accounting for resources. Having qualifications without relevant experience is often insufficient. For all these reasons, it is worth making an effort to hold on to good employees.

iv. Organisational discipline

Key to all of this is dealing with failings in upholding and maintaining staff discipline. The Disciplinary Code and Procedures for the Public Service was negotiated in 1998 by the parties to the Public Service Co-ordinating Bargaining Council, covering all state employees, apart from those working in municipalities (the latter are covered by the code negotiated at the South African Local Government Bargaining Council). A disciplinary guide was subsequently devised to supplement this.

Managers will need to be fully conversant in how disciplinary processes function, and to process matters quickly and thoroughly, so that employees understand that misbehaviour and incompetence will have consequences.

Structurally, getting the discipline function right demands that weak and uncooperative human resource departments be reformed. Since they are crucial to instituting consequence management, it is imperative that they operate efficiently, maintain complete records on staff (information technology can be of great value here), and make this available timeously for purposes of career progression and consequence management. A reformed PSC should prioritise this and ensure that stiff consequences follow when HR officials obstruct these processes.

Note, however, that human resources departments must not manage staff on behalf of managers; they must act as a resource to assist management only.

Discipline requires a culture of responsibility among managers. A crucial rule, at all levels in an enterprise within the public service discipline including hearings, is that discipline must be conducted by the manager directly responsible for the employee. First, it is a responsibility the manager must exercise as necessary part of all his or her managerial responsibilities. Second, it is crucial to reinforcing the authority of the manager, both with the disciplined employee and with regard to what other employees can expect if they breach their compact with the employer.

Higher levels of management must be available in the event that an appeal is lodged by the employee. If a structure is very flat, a level of appeal may not be feasible.

There may be circumstances when an independent outsider is appointed, but this should be reserved for complex cases and/or cases concerning high-level management. It can also be resorted to for use in very controversial cases, for example, involving someone who is perceived to have political cover and who would be able to use technical errors or claims of bias to dispute the validity of the process.

A point that is often overlooked or misunderstood by managers is that disciplinary processes are not dependent upon the conclusion of any parallel criminal proceedings. The two processes have nothing to do with one another. A criminal charge for theft laid against an employee becomes a matter for the state's legal processes to decide whether to carry through, or not, to a possible conviction. While the employer may lay the charge, after that the process is not the employer's to manage.

The disciplinary process is both the employer's right and duty to commence and carry through. The criminal outcome is irrelevant to the in-house proceedings. The latter concern the enterprise, are usually completed very much faster, and for the charge to be proven the employer only has to prove the employee's guilt on the "balance of probabilities". (The test is whether it is more likely (51%) than not (49%) that the employee committed the misconduct complained of.)

The employer is entitled (and should be encouraged) to give the prosecution all the minutes produced in hearings, as well as any evidence relied upon during hearings. The police and prosecution thus can be greatly capacitated in trying to obtain a conviction.

Too often an excessive suspension period is justified by claiming that the outcome of the criminal case must be awaited before a disciplinary hearing can be commenced. Not only are the two processes unrelated, but the onus on the prosecution to prove the commission of the crime is much greater than that of the employer, namely, "beyond any reasonable doubt".

So, while a crime may not be proven on that strict onus in a court, it may be proven on a balance of probabilities by the employer, which would entitle the employer to dismiss the employee irrespective of what is happening in the criminal proceedings.

Even if the employee is later found not guilty in the criminal proceedings or the case is dismissed on a technicality, the employer is under no obligation to reinstate the employee. If the employer's onus was met, the dismissal stands.

Given the very likely possibility that a criminal charge may not even get to court or the process may be hugely protracted, the real punishment for misconduct or poor performance will lie in the loss of a job. A possible criminal conviction is too remote, and from the employer's point of view it should be irrelevant to deciding the question of the employee's continued employment.

v. Recruitment

The public service is so called because it is meant to operate for the benefit of society as a whole and for each of its members. Its activities provide foundations that enable a great deal of societal activity. More than for any other institution, the public service is a steward and custodian of public trust and resources. For this reason, it has a particular duty to live up to a strict code of ethics; it is also for this reason that public servants are amply rewarded for their work, so as to (theoretically) to remove the temptations for malfeasance and to encourage excellence.

Official plans have called for making the public service an attractive and preferred career. For many incumbents, it has been a safe and protected one. One aspect to changing this lies in a new system of recruitment.

The key concept here is meritocracy. If in the 1990s, this was a concept to be rejected, it is now a concept that is imperative to reviving the public service. A meritocratic public service would be an organisation whose members command respect from society and evince respect for themselves and the institutions they operate. It is one in which its tasks are carried out efficiently and to the benefit of society as a whole. If employment in the public service is to come with special prestige, the bar to entry must visibly be a high one.

To do this, new recruits should undergo an entry exam appropriate to the position they hope to occupy. This would evaluate such skills as comprehension and problem solving, as well as (where necessary) professionally relevant content, such as knowledge of planning or the law. Sitting and passing this exam would not guarantee employment but would make one eligible to enter the public service, subject to the availability of a position, performance in interviews, verification of other qualifications and so on.

The goal would be to ensure that new entrants are highly competent, highly motivated and proud to have distinguished themselves merely in the process of appointment. It would also signal that a demanding and performance-oriented culture is being established; in time, the hope is that this would become the overall expectation of all public servants.

vi. Capacitation

Organisations are institutions in which communities of people cooperate in pursuit of a common objective. Organisational effectiveness rests on the individual capabilities of each member to fulfil his or her tasks, and of the ability of the leadership to ensure a cumulative, integrated outcome of all these efforts that achieves the purpose for which the organisation was established. Organisations must manage the inherent tension between requiring staff to follow leaders and respect chains of authority, while giving them enough freedom to deploy their skills and show value-adding initiative.

An effective system would optimise and balance these demands.

A particularly important matter here is the building of a suitable skills base. Skills deficiencies are universally recognised a significant burden on the public service.



Intuitively, the response would be to contract skills (through consultants or through outsourcing functions) or to introduce training programmes. Both can play a positive role, provided they are properly integrated into the work of the public service and not seen as an escape from responsibility.

For example, consultants may be a useful resource if they are performing a defined, relevant task and ideally empowering the staff to perform it in the future; though it may also be in the interest of consultants to maintain particular difficulties, or to introduce others to perpetuate a market for their services. Engaging consultants or outsourcing functions therefore requires considerable expertise in drawing up and managing the contracts.

Capacitation, meanwhile, is a process that needs to be managed with great care and deliberation. It needs to proceed from an understanding that skills and their application are as much the outcome of exposure to effective practice as of formal instruction. This makes the retention of valuable institutional memory important because on-the-job learning depends on the presence of experienced and capable colleagues.

It is also imperative that employment and progression be based squarely on merit. Although academic qualifications matter (and are required for certain positions), the suitability of candidates for their positions must be the determining factor in their appointment or promotion. For this reason, an entrance exam could be used to vet new recruits as to their aptitudes. For career progression, relevant, well-thought-out development programmes can be provided and used as a metric. These may be academic or practical; one public servant mentioned the importance of accurately recording the proceedings of meetings as a skill that is often absent.

Managers, meanwhile, should be open to approaches from staff for innovation, while understanding that they will ultimately be responsible for its operationalisation.

Finally, recognising that the public service is expected to implement policy that is often beyond its capacities, it is worth considering a recommendation by Brian Pottinger in his 2008 book *The Mbeki Legacy*. He suggested that a technical committee should scrutinise legislation for the feasibility of each piece of legislation, with each Director General then affirming (or declining to affirm) that it could in fact be implemented.

This would not be an entirely failsafe process, since legislators could press ahead regardless, but it would at least shine a light on the perceived abilities and deficiencies of the public service to undertake the tasks asked of it.⁵⁵

v. Technology

Information technology, digitisation and artificial intelligence have been revolutionary additions to the world of work. This is the case in South Africa's public sector too – one might think, for example, of e-Filing for tax submissions or online appointment booking systems for passport or driving licence applications. This has often made performing administrative functions simpler and easier.

The ongoing use of technology could be a valuable and practical tool for achieving the reforms set out above. To some extent, it already has: the use of verification technology has successfully identified “ghost workers”.⁵⁶ This should be encouraged. The full digitisation of staff records, for example, would be a valuable resource for disciplinary purposes.

However, technology is ultimately no more than a tool, and its successful application is only possible to the extent that public servants are able to use it. A report published by the University of California cautioned:⁵⁷

There are reasons to be attentive to how technologies are rolled out, especially as the recent jump in technology funding opens up the floodgates of consultants and contractors pitching their products. Technology cannot be used to paper over the lack of investment in the public sector that has characterized the past two decades. In fact, technology presents the greatest risk when it’s simply layered on top of already overwhelmed workers and processes, because there is no capacity built in for evaluation and recalibration to ensure that the technology is working as intended. Within the public sector there is enormous variation in size, resource capacity, mission, and political and social context, all of which affect whether and how technology is implemented.

The message is that technological solutions can contribute to dealing with the structural problems afflicting the public service but are not a complete solution. Unless accompanied by strengthened management and properly capacitated staff, they can exacerbate existing problems.

Conclusion

The public service as it stands is unfit for purpose. This is the case whether fitness is defined in a small-government sense or in the expansive developmental sense that successive administrations have nominally aspired to. This analysis concludes that the public service is urgently in need of thorough reform, principally – though not exclusively – to resolve the contradiction between the currently existing system of effective political control and the need for professionalism and management autonomy. It is plain that the matter needs to be resolved decisively in favour of the latter.

Recommendations

Whether undertaken by an ANC administration, a government of national unity or one controlled by an opposition party or coalition, there is a pressing need for some fundamental reforms:

- Amend legislation granting executive authorities the power to decide the structure of departments. The current, highly politicised approach is structurally unsound and lends itself to inappropriate meddling and consequent instability. This needs to be reformed to insulate the public service from party political demands. Where political appointments are to be made, these should be small in number, clearly identified in legislation, and subject to their own conditions of employment. In principle, it would make sense to link employment contracts to the incumbency of the relevant political principal.

- Restore the authority of the Public Service Commission to administer the public service. This was a sound approach for overseeing the operations of a professional and independent civil service. The commission should be composed of experts and professionals, selected through a process of nomination and parliamentary scrutiny.
- Encourage consultation and public debate around legislation and regulations for the public service among experts, the public, civil servants and interest groups. Public debate around the current Framework would be a good place to begin.
- Professionalise the public service. It is a matter of grave concern that this has not been done in the thirty years since the transition to democracy. Deficient professionalism by definition renders a public service unfit for its responsibilities. Dealing with this entails a number of distinct but related interventions: Merit must be the paramount basis for appointments and promotions in the public service, competence, trustworthiness, qualifications and experience must be the bases for appointment, and job performance and aptitude must be the primary considerations for advancement.
- Disavow cadre deployment and cease using it as a basis for appointment or advancement. It lacks a basis in law and contradicts the constitutional provisions relating to impartiality in the public service.
- Recognise corruption for the destructive pathology that it is. All indications are that corruption is now an entrenched feature of governance and that organised criminal groups have managed to infiltrate the state. Combating it will require persistence and determination. It will require conducting both disciplinary and criminal investigations expeditiously. Involvement in corruption must come to be associated with rapid termination of employment, and soon thereafter successful prosecution (in other words, the penalties for engaging in corruption need to be increased and imposed swiftly, visibly and consistently). This in turn demands the availability of detective and forensic capabilities, as well as the ability to crack complicated cases and to strike at senior officials who may be involved. As part of this, proper whistleblower protection is needed.

Finally, the state and public must be prepared for the conflict associated with disrupting the status quo. Sometimes management will have to withstand considerable pressure to regain authority and rectify an ongoing crisis in service provision. For the building of a capable state, though, there is no alternative.

Final thoughts

In April 2024, Caiphus Kgosana, editor of Business Times, wrote an article commemorating the first democratic elections. The article dwelt on the National Planning Commission and its plans for a capable public service.⁵⁸ Kgosana wrote about the National Development Plan's (NDP's) criticism of political interference in the selection and appointment of senior employees in the civil service. The NDP saw an increased oversight role for the PSC, amongst other recommendations. Looking towards the pending election, he wrote:

These elections — where for the first time the ANC might not garner enough votes to form a government on its own — present a rare opportunity for a new government possibly formed out of a delicate coalition to reset and rethink the public service of the future.

A depoliticised public administration run by skilled and capable officials who are appointed on merit and understand that their allegiance lies with the public they serve — and not the political parties they vote for and support, or the political principals who appoint them — could be the perfect gift to ourselves for three decades of democracy.

In the event, the election produced the first post-1994 parliament without a single-party majority, leading to a coalition among ideological antagonists. Whether this will hold remains to be seen. But perhaps, in the 12 years since the adoption of the NDP, years wasted by both Zuma and Ramaphosa, the public service will finally be reminded that it is there only to serve the South African public: public service employees are the servants of the country, not those of any political party.

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South African Institute of Race Relations

www.irr.org.za

info@irr.org.za

(011) 482 7221
