



Building a Capable State

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Concept Paper for O R Tambo Debate on Chapter 13 of the NDP - *Building a Capable State*

Introduction

When Reading Chapter 13 of the National Development Plan (NDP), *Building a Capable State*, published in 2011, the analysis and recommendations still seem highly relevant and fresh. This could be interpreted in one of two ways; either as an accolade to the keen prescience of the authors, or as a sad measure of how little of what was set out has been implemented or accomplished.

In this instance the problematique of a capable state is not expressed in terms of policy, but in the pragmatic and matter-of-fact modalities of public service (and public sector) institutional effectiveness. To some extent the Chapter reads like a good primer on established principles of sound public administration and management - and to some extent this is both its great strength and its weakness.

Past Progress and Future Challenges

The audit set out regarding progress since 1994 is brief and succinct. The apartheid institutional structures have been thoroughly dismantled, the trappings of democratic governance established, and significant achievements in the provision of basic services have been notched up. More optimistic however is the contention that there has been a system consolidation specifically designed to serve developmental objectives, as much that follows gainsays this.

Without much further ado the Chapter plunges into its authors real concerns that ‘the temptation of quick fixes has diverted attention from more fundamental priorities particularly the deficit in skills and professionalism affecting all elements of the public service’. Further, that at “senior levels reporting and recruitment structures allow for too much political interference in selecting and managing senior staff”. The result of this is characterized as “unnecessary turbulence in senior posts in the public service and reduced confidence in the leadership”, which in turn has undermined “the morale of public servants and citizen’s confidence in the state”.

Tackling issues pertaining to levels below the management leadership the authors believe “there has been insufficient focus on providing stimulating career paths that ensure the reproduction of skills and foster a sense of professional common purpose”.

The key concerns expressed in Chapter 13, in terms of the journey to a capable state, are thus framed up front, frankly and openly. Early mention is made of the lack of a clear vision, weak managerial capacity and a lack of leadership.

Issues and Debates

Thematic topics towards the building of a capable state are explicitly identified in Chapter 13, and are well worth debating as they stand. Five headline issues are identified as follows:

1. The need to stabilize the political administrative interface;
2. Making the public service and local government careers of choice;
3. Develop technical and specialist professional skills;
4. Improve relations between the three spheres of government;
5. Clarify the objectives and mandates of state-owned enterprises.

In the case of each of the above we will now proceed to identify key perspectives and recommendations which could usefully be aired and debated.

Political-Administrative Interface

The question of the political-administrative interface constitutes one of the key and long-running debates in public administration theory. Initially the Chapter 13 authors tend to take the classic position, as epitomized by the disciplines purported founder, Woodrow Wilson, that there should be a clear distinction between the political and administrative roles. Although the famous (or infamous) term “deployment” is not mentioned there is a sharp comment in regard to situations where “public servants are recruited on the basis of political connections rather than skills and expertise” or “access to state resources and services becomes defined by political affiliation, rather than citizenship”, What is not mentioned is the growing phenomenon whereby recruitment (or promotion) is justified on alleged political grounds, whereas the reality is simply pure favouritism, or nepotism, or even in some cases monetary kick-back.

Various measures are proposed including the instituting of a Head of the Public Service. This is a seemingly constructive idea as in some countries this position acts as a mediating factor between the political and administrative realms and serves to protect professional civil servants from arbitrary decision by Ministers or other politicians. However this recommendation does not seem to have achieved much resonance in the past 5 years and would seem to have mainly fallen away.

A further recommendation, which has been made over the years from several quarters, is to strengthen the role of the Public Service Commission (PSC). Again this may be a constructive suggestion, but the question has to be asked why the PSC, possessing constitutional independence and far-reaching powers enshrined in both the constitution and in legislation, needs strengthening. Another perspective would be that the PSC is potentially quite strong enough, but the appointments to the PSC have been largely of people unwilling to challenge or take issue with the wishes of political office-holders or otherwise unsound decisions and practices. An independent and assertive PSC could indeed improve public service performance immeasurably, but this may have to do with making much better appointments rather than fiddling with existing

legislation. Actually some of the reports of the PSC are quite useful and hard-hitting, but are routinely ignored by the major players involved in governance of the state - and the PSC has generally found it fit to leave matters there.

A notable problem in terms of the political-administrative interface in South Africa is that on one level legislative and regulatory lip service is paid to the classical doctrine of a merit public service, and a distinction between the political and administrative functions - whereas in reality it is an utterly open secret that most senior appointments are politically driven and that there is extensive political interference in administrative operations. Putting it more starkly than do the Chapter 13 authors, the country then has two choices. Either change the practice to comply with our current constitution, legislation and set down criteria and procedures,; or change the doctrine legislation and regulatory procedures to align with the actual public service custom, practice and culture which post-apartheid South Africa has developed.

It would seem that the latter option, that is, bringing our doctrine and legislation in line with our current culture would be the more viable. Not in the sense of simply enshrining bad practice, but by recognizing and rendering transparent the nature, scope and modalities of political appointment. This is what happens in a number of countries which quite openly, and through set procedures, practice political appointment - but with the potential damage mitigated and controlled though legislated measures. Think for example of the USA, where political appointments are tested by appointees being interviewed in Senate or Congress, or France where each Minister chooses a brace of advisors called the ministerial cabinet which acts as a counter-balance to the technocratic power of the professional public service, or Germany, where senior public servant are internally rotated and redeployed after each election to ensure Ministers with politically sensitive portfolios have senior civil servant whom they can trust.

Since politicization of appointments, (some would say over-politicization of appointments) is so thoroughly embedded in South African custom and practice there may well be a case to create a new doctrine and concomitant legislation to render such transparent and to mitigate the risks of patently poor and inappropriate appointments. Chapter 13, although not spelling out any details, clears the way for this course of action in terms of their recommendation of a “hybrid approach” which it hopes “would allow for the reconciliation of political and administrative priorities”.

Public Service as a Career of Choice

The Chapter 13 authors recommend that the best talent should be attracted to the public service without the public service taking on an elitist and aloof character. A logical connection is made with the previous section in that it is stated that talented and skilled individuals are unlikely to be attracted to the public service if recruitment and

promotion is patronage dominated and if careers can be destroyed at the mere whim of an elected politician.

It is strongly recommended that the lack of a national long-term perspective on public service training and capacity building be remedied, as without such a consistent framework, efforts to capacitate and upgrade the public service will remain isolated, episodic and ineffective. Chapter 13 advocates the inception of a Graduate Recruitment and Training Programme which would source top talent directly from university and set individuals on a planned path of career development and training - and indeed there are few, if any, successful public services around the world which do not utilize some form of such a programme.

This section, while not actually advocating a single public service, also lays special emphasis on the need to include local government training and career pathing in all these proposed measures.

Develop technical and specialist professional skills

Chapter 13 strongly cautions against primarily focusing on policy and management skills and training, very possibly at the expense of technical and professional skills. Indeed there is a strong implication that this is exactly what has been happening for some time. A clear connection is drawn in terms of the limitations to extending key services if there is not a concomitant and planned technical and professional skills plan and programme. Strong recommendations are made in terms of both strengthening the state's role in developing technical skills, as well as ensuring clear career paths for technical specialist within the public sector.

It seems likely that actualization of such a vision for proactive and planned state intervention in driving professional and technical skills development would necessitate entirely re-envisaged and re-configured working relationships between government and the Higher Education Institutions, and government and the technical colleges, with the formulation of short-, medium-, and long-term strategies underpinned by clear co-operative protocols and sustainable funding arrangements.

It is vital that such an ambitious undertaking in regard to the higher education sector should not be seen as yet another advance in a creeping statist assault on academic freedom and institutional autonomy, but as a collegial value proposition in the national interest, with distinct benefits for both governmental and Higher Education stakeholders.

Improve relations between the three spheres of government

This section of Chapter 13 is somewhat different from the rest of the chapter embodying a fairly sophisticated and detailed account of South African intergovernmental relations.

An important point postulated out-front is that constitutional and even legislative intergovernmental arrangements cannot do more than create broad principles and a broadly designed frame-work in which the different spheres will operate. Beyond this point there needs to be an active and mutual spirit and culture of co-operation and problem-solving - which is seen as not currently existing as the various sides sit on the alleged rights, mandates and purported powers.

Key recommendations include “a more focused role for provinces”, which could be read as curbing the current provincial powers, including the vast patronage and corruption machines characteristic of many or most provincial governments. Further powers and functions are advocated for Metro governments since they are in the best position to manage integrated urban and local economic development. Despite the attendant risks, continuing and further differentiation is advocated for municipalities and districts, in terms of the hugely uneven capacity and infrastructure resources of such entities - provided such differentiation is accompanied by a significantly improved clarity in terms of differentiation mandates and modalities.

Clarify the objectives and mandates of state-owned enterprises

It is most evident in this section how little governmental attention and/or commitment has been given to the implementation of NDP recommendations and proposals. Set out in this section is a lucid diagnosis of the problems and malfunctions of South African SOEs which has been sadly ignored. The opportunity costs of not paying more attention to this section of Chapter 13 are now all around us in terms of the serial deterioration and/or serial disasters which have befallen much of the SOE family.

The perspective on SOEs presented is actually deceptively simple. First the developmental utility for SOEs is affirmed, especially due to their putative ability to be able to accelerate the development of key infrastructure. Then SOEs should have a clear and focused mandate, which renders transparent how its activities serve the public interest. Further, a well-defined governance structure should be in place as well as a clear plan to deal with capacity constraints.

As politely expressed in Chapter 13 many SOEs are burdened with over-complex or obscure mandates, or in some instances with mandates belonging to some agenda other than the public interest. Governance is murky, if not downright dysfunctional, Many SOEs suffer from endemic capacity constraints with no apparent plan how such will be remedied.

Sensibly the point is made that SOEs differ markedly in purpose, size and scope - and some may enjoy comparatively better functioning. However all SOEs should be subject to some kind of calculus as to how they are to be sustainable and whether the developmental benefits they provide (or potentially provide) are commensurate to their drain on the public purse.

Conclusions

It is perhaps a weakness of Chapter 13 that there is no real summation or set of conclusions, except for a singly cursory paragraph which (apparently vainly) affirms the need for progress and implementation. Perhaps after the tackling of such wide-ranging issues and wicked problems in respect of the creation of a South African capable state some exhaustion would have set in.

It was stated at the beginning that the strength and weakness of the Chapter was perhaps its exemplary character in terms of expressing good public administration and management practice. Seemingly, despite its trenchant analysis of key issues, and most constructive recommendations pursuant to achieving a developmental state, its somewhat textbook and best practice approach has left it without any discernable influence.

One may opine that this Chapter was batting on a sticky wicket from the very beginning as even partial implementation of its key recommendations would serve to challenge current bastions of power and patronage. Is there any real will to curb political interference in public service appointments? Would major players actually welcome transparent and well-functioning SOEs ? Are the political power-brokers really concerned about attracting talent to the public service/sector ? Does anybody in a position of real influence have the appetite for the long-haul and hard work of configuring relationships with the Higher and Further education sectors to develop professional and technical skills?

These questions, as above, are also surely worthy of debate.

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