

Dealing with the ‘soft’ issues that undermine service delivery at all levels.

By

**Prof. Peter E Franks
Professor Extraordinary
School for Public Leadership
University of Stellenbosch**

This paper will provide a broad analysis¹ of the current crisis of public servicing in South Africa, highlighting the so-called soft issues, the psycho-social issues, that have provided such intractable challenges over the past twenty years.

The new South Africa emerged from the negotiated end to Apartheid in a world context of Regime Change, Globalisation and successive global economic crises. The regime change that took place was widely as, “...a model of compromise and creative leadership for the world. (Brent, 1996, p. 126).

South Africa is an extremely diverse society in the process of nation building. In everyday life, religious, cultural, ethnic, as well as political authorities hold sway and these many diverse centres of authority have a myriad of influences on decision-making in the public service (Franks, 2006).

The enormity of the task facing the new government was daunting. South Africa had to merge the many administrations of the central government and the various homelands into one coherent, vastly extended administrative system, while at the same time develop policies and practices to ameliorate the ravages of Apartheid and its colonial past. It also had to contend with the rapid urbanisation unleashed by the lifting of influx controls radically overburdening the supply of urban services. To add to these difficulties, the ANC was faced with an administrative system and ‘Mandarins’ (top civil servants) who they felt they could not trust.

¹ For a more complete analysis see Franks, P.E. (2014) South Africa. In Van Wart, M, Hondeghem, A, & Schwella, E (Eds.) Leadership and Culture: Comparative Models of Top Civil Servant Training, London: Palgrave. And Franks, P.E. (2014) The Crisis of the South African Public Service. Focus, The Journal of the Helen Suzman Foundation, Issue 74, November.

Nonetheless, an effective restructuring occurred in which a three sphere system (National, Provincial and Local Governments) was created, incorporating all the previous administrations and rationalising the previously fragmented local governments. The three spheres are independent and interdependent which makes central control difficult and some in Government would therefore have preferred them to be tiered.

The task was monumental and it is remarkable how quickly and effectively the public service was able to restructure, incorporating all the previous administrations, setting up an entire developmental Public Service and rapidly correcting the racial imbalance from the past.

The New South Africa inherited a racially skewed public service in which 95.5% of the top 3,239 civil servants were white, only 4.5% were not white, and only 0.6% black African. (Picard , 2005, 40). Black Africans made up the vast majority of public servants at the lower levels with some being middle and senior level public servants in the homeland Governments” (Picard, 2005, 45). Faced with this situation of a history in which blacks (black Africans, Indian and coloureds) had been largely excluded from executive roles in the public service, as well as the private sector, it was no surprise that the ANC was suspicious of the existing public servants.

The promise of the new South Africa was widely exaggerated by the euphoria that accompanied the negotiated settlement, a settlement that was seen by some as a miracle and role model for the world. However, others merely saw it as a strategic move on the road towards the National Democratic Revolution.

Consequently, the ANC Government has had great difficulty managing the public service cadres to implement the policies as promulgated by Parliament. Practice has been distorted by the interests and actions of public servants, some answering to the National Democratic Revolution, others to the Constitutional state and sometimes merely a masquerade hiding their own self-interest.

In this rapidly changing and confusing environment, training in administrative matters and towards productivity have been overwhelmed by the political, as it was with the Nationalist Regime that preceded it.

Loopholes have been quickly identified and exploited, as officials interpreted policy in terms of their own ideological bent and/or in their own interests as well as those of their kin and comrades. The problem with this kind of mismanagement throughout a system of Public Service is that the corruption of management cascades down the ranks, and compounds. Incompetent managers tend to hire even less competent subordinates in order to safeguard their position. The centres of excellence and commitment become swamped by the malaise.

Policy has been distorted in two ways:

1. At the level of policy formulation: by an over-reliance on foreign models and a failure to develop policies truly suited to the South African context.
2. At implementation: where particular interpretations and interests have distorted the original intentions and spirit of these policies.

Like those under the Apartheid Regimes, many public servants have been motivated by the possibilities of capital accumulation inherent in their positions. Conspicuous consumption became the rule. At first the new Government was careful in its deployments, spending a great deal of time and effort in deciding on appropriate candidates. However, as many skilled and experienced public servants left the service after the introduction of the Voluntary Severance Packages (May 1996), many deployments came to be less than appropriate in terms of merit (Kanyane 2012). Siddle & Koelble (2012) describe cadre deployment as "...a practice whereby individuals loyal to the governing elite are 'deployed' to government positions, not necessarily by reason of the suitability for those positions, but because of the political reliability" (p. 11). In addition, cadre deployment has been complemented by an unfettered application of Affirmative

Action, without the support, monitoring or management both promised and required, reducing it in too many cases to mere favouritism and nepotism.

Cadre deployment has had consequences that are deepening and compounding. This is not an unintended consequence but, like all others, a consequence of partiality in conception and application. While not all deployees have been incompetent, far too many have.

This contradiction between responsibility to the Constitution and that to the National Democratic Revolution has hindered the ANC Government's ability to implement policy and maintain well-functioning management. Kader Asmal, an ANC Minister in a number of portfolios during his career, warned a conference on Ethics in Public Life in 2010 that the NDR should be scrapped as dire consequences could result if it is not. As he said, it creates a fundamental, "... conflict of interests because the values of the revolution are incompatible with those of the constitution. Political office bearers are obliged to swear an oath or affirm that they will uphold the constitution. Those that are also required to walk the path of the NDR are hopelessly compromised by the clash of values that this entails." (Quoted in Hoffman, 2010, p. 1).

The need for the political appointment of Public servants is not at question, what is at question is the skill, discipline and commitment of public servants to impartially deliver services over and above their political reliability. One understands the imperatives driving this process, considering the fear of sabotage by the unfriendly old regime's public servants. However, sabotage can only be resolved through corrective management, so that public servants do what the Legislators – and Legislation - expect of them. Old saboteurs are easily replaced by new ones if there is inadequate management and discipline, and confused ethics.

If the Public Service does not take a disciplined role in implementing the policies as set by the Legislature, then it makes nonsense of management and everyone is enabled to interpret policy

in terms of what they believe, as a cadre, they are not only entitled to, but, out of loyalty to their variant of the National Democratic Revolution, they are duty-bound to follow. In making decisions, other favouritisms can also be decisive, as various customs and practices decree. It is therefore not surprising that policy implementation has been undermined on the scale that it has. The argument against neutrality, although well meaning, undermines management as a whole. Rousseau warned in 1762, “It is not good for him who makes the laws to execute them, or for the body of the people to turn its attention away from a general standpoint and devote it to particular objects. Nothing is more dangerous than the influence of private interests in public affairs, and the abuse of the laws by the government is a less evil than the corruption of the legislator, which is the inevitable sequel to a particular standpoint. In such a case, the State being altered in substance, all reformation becomes impossible.” (Book III, Democracy) Impartiality and commitment to the general good is essential for a democracy.

The Reconstruction and Development Programme (RDP) promised an extensive programme of Affirmative Action, including training and support, and stated further that, “Within two years” of Affirmative Actions’ implementation, “...recruitment and training should reflect South Africa in terms of race, class and gender.” (1994, p. 127). Despite warnings of the need to support appointees (Franks, 1991, 1992, 1995, 1996), many commentators have agreed that the training and support promised was seldom forthcoming; nor was the situation adequately managed or monitored as promised. Furthermore, the concept of ‘potential’ became a favoured loophole through which kin, friends, and comrades were favoured over more competent applicants.

Even the possibility of on-the-job mentoring and training diminished as the Voluntary Severance Packages (VSP) (introduced in May 1996) somewhat depleted the store of experience and skill in the Public Service, despite government’s commitment to retain skills. Those with skills took the packages, as they knew they could find employment and many later came back as consultants

while much of the deadwood from the old regime remained, as they could not find other employment.

By 1998 the Presidential Review Commission noted that the benefits of the VSP were “...far outweighed by the disadvantages”, including a number of “...undesired and serious adverse effects”, so-called unintended consequences. Picard (2005) later commented that, “The failure to focus on institutional strengthening in the first decade of non-racial government may have long-term implications for South Africa.” (p. 370).

Recruitment of Public Servants through political processes and affirmative action congealed around the notion of cadre deployment. The unintended consequences of these practices began to be noticed by some commentators but, this was met with denial from the ruling party.

The 1996 Constitution provides a clear idea of the kind of Public Service management that was envisaged, and a clear goal for the transformation process:

- Professionalism, impartiality and excellence;
- Accountability and transparency;
- Participatory policy-making;
- Efficiency, effectiveness and equity;
- A developmental and service orientation. (Presidential review commission 1998)

However, while these goals are admirable, their implementation was distorted by particular interpretations and conflicts of values and interests, unmediated by Weberian competencies or a notion of impartiality. Rothstein (1968) discusses China’s cadre deployment with reference to the concept of ‘enfeoffment’,(feudalism), to describe situations in which the incumbent views their position in the Public Service as, “... something they could use more or less as their property to extract private resources from.” (p. 184).

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

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

For convenience five overlapping periods can be identified in the development of the new South African public service to the present juncture:

- 1987 – 1994 Preparations for change.
- 1991 – 2003 Euphoria for the new South Africa.
- 1999 – 2008 Defensive denial, blaming unintended consequences.
- 2006 – 2012 Growing acknowledgment.
- 2011 – Present Comprehensive and integrated response?

In terms of public servicing, issues concerning implementation have been raised since the mid 90’s. The first comprehensive survey of a public service in South Africa, that of the Northern Province [Limpopo] Public Service, conducted for the HSRC by Franks, Glass, Craffort and de Jager (1996) identified a number of key issues which Franks over the next 10 years of engagement with Provincial and local Government in Limpopo further developed to include the following:

- Factors external to the organisation influence all levels of decision making, diverting it from its *raison d'être*. Networks based in politics, tribalism, (tribal, clan and/or village family), family, school and/or business enter the realms of the organisation 'hijacking' positions, resources and delivery to other purposes.
- Historical and contemporaneous favouritisms (from *baasskap* to *broerskap* to sexism to comradeship);
- Lack of mobilisation of skills and expertise towards a common vision;
- Classism. A feeling among some public servants that they are 'professionals' and therefore superior to those they are supposed to serve;
- Confusion of political and administrative purposes;
- Conflict between the perceived demands of tradition and custom/Political interests and comradeship, tribal or clan loyalties versus the demands of modern administration, leading to a confusion of values and interests.
- Undermining of performance evaluation systems;
- Inadequate supervision and management;
- Inadequate training and development;
- Covering-up, excusing, or simply just not recognising, incompetence.
- The dominance of a non-confrontational ethos.
- Lack of confrontation of these issues by management
- The democratic 'limitations' imposed by a radical and self serving definition of democracy and participation which hampers discipline and/or compliance to organisational demands. Democracy infusing all levels decision-making in society allowing cadres to move in whatever direction they will, while masking self-interest as the general good. (Franks, 2007)

Leadership has to take hold. Leaders are elected democratically to manage the organs of state for the general good and not to allow partial interests to have their way. However, all the talk of leadership will lead nowhere unless there is management support for their direction. Leadership without management is like flying without a flying machine of some sort, and will quickly return to earth.

The Presidential Review Commission of 1998 never even mentions corruption as Picard (2005) has noted (p. 154). The DPSA Review 1999-2000 identified the following shortcoming of the transformation project:

- Time lines for transformation were over-optimistic.
- Tendency to tackle transformation in an unplanned way (doing too many things at the same time) and not necessarily properly sequenced.
- Importance of management development was underestimated.
- Complexity of introducing new policies were not commensurate with the pace of developing new managers.
- Focus of change initiatives was mainly at senior management level.
- Public service remains to a large extent issue and crisis driven. Very little strategic planning and visionary management takes place in practice.
- Regulatory frameworks need[s] to be made more flexible to accommodate the creative approaches that were coming forward. Instead they tended to act as barriers to innovation.
- With hindsight, our transformation approach in some instances may have undermined the resilience and self-protecting nature of the bureaucracy. Our accountability framework remains unclear. Are our managers empowered and capacitated enough to be really accountable for delivery of services?

Despite the clarity of the message they were receiving from their own departments, the Government continued to introduce too many new initiatives and further technical solutions to the challenges so that, the undermining they referred to, continued. The Presidential Review Commission ended up recommending, "... more affirmative action with a general nod to human resource development but no specifics on capacity building or skills development" (Picard, 2005, 155)

Numerous new systems were implemented including an attempt to reward excellence which collapsed when as the Minister of Education at the time Naledi Pandor pointed out, that they all evaluate each other as excellent. Performance Management was attempted but also failed due to the same of comraderie among the cadres.

However, since 2004 the occurrence of service delivery protests has increased and intensified, with violence has become far more common.

By the time of the watershed ANC Conference at the University of Limpopo in 2007, known as the Polokwane Conference, it was clear that there were serious challenges in the Public Service at all levels. This conference, building on the work of Fraser Moleketi's term as Minister of Public Service and Administration, crafted the attributes of the developmental state. It emphasised "... proper training, orientation, and leadership of the public service" and the state's "...ability to translate broad objectives into programmes and projects and to ensure their implementation" (ANC 2012, p. 59). This was reaffirmed at the ANC Conference of 2012 together with the National Development Plan.

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

The National Development Plan (2011), which many in government are equating with the National Democratic Revolution, can serve "as a guiding framework for action" (Levin 2013, slide 32). It has been accompanied by the launch of the Public Service Charter, the Year of the Public Service Cadre and the Public Administration Management Bill (2013). This Bill, in consultation processes since 2007, forms a comprehensive and integrated response to the challenges faced by the public service, instituting basic Public Administration in the Weberian sense:

The Bill initially provided for the following;

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

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

Even as reduced, to a less than entirely comprehensive, multi-pronged or fully integrated response to the challenges facing the development of the public service in South Africa, the Act as promulgated may begin a process toward good governance. However, it remains to be seen whether the response can ameliorate the soft, psycho-social issues which ultimately determine how these interventions will be interpreted and implemented. While the bill was hurriedly passed through Parliament in March 2014 it took about seven months for the President to sign it, but so far no implementation date has been decided.

The Act portends a legal technical solution to the challenges faced by the public service as conceived in the NDP and after years of denial, it is pleasantly refreshing. It confronts corruption, non-management and mismanagement in direct ways ultimately providing for a legal framework where a senior manager can be dismissed for not instituting anti-corruption or other disciplinary measures.

Following the publication of the National Development Plan, the Minister of Finance, publicly acknowledged the intractability of the issues and challenges faced, when he said in his 2013 Budget Speech to Parliament: “There are also too many people who have a stake in keeping the system the way it is. Our solutions, hitherto, have not matched the size and complexity of the challenge. As much as I want, I cannot simply wave a magic wand to make these problems disappear. This is going to take a special effort from all of us in Government, assisted by people in business and broader society. And it will take time. But we are determined to make progress.”

It is a critical moment for South Africa, wherein, if the challenges faced are not confronted at their root, that is radically, they will continue to undermine the technical efforts to deal with the symptoms. At root are issues of conflicts of interest, and confusion of values. A primary confusion is that of adhering to a constitution and a national democratic revolution at the same time. Another confusion, is what Mr Ben Mthembu, then Chairperson of the Public Service Commission, eloquently described as a, “...lack of clarity on what constitutes good practice and what is not acceptable” (2013). He provided an example:

“In African culture we believe in taking care of people who are important to us, by ensuring they are fed and provided with opportunities. We know this has limits, but what are they?”

He concluded:

“It is important that we have a conversation about how far well intentioned and good-hearted cultural practices should extend in the professional realm and where they must stop” (p. 1).

South Africa has to establish an ethical framework, based in the values of the constitution, so as to govern and manage conflicts of interests in order to achieve public service delivery for the public good.

Democracy, is not a prescription for: looting, distributing the spoils of war; self/group/network interested manipulation of the rules and tender regulations to serve their interests, but not those of the people they are meant to serve. It is as much in the management of these processes where managers and supervisors overlook the non performance of colleagues and/or tenderers.

In order to clarify the implications of all these competing and complementing issues it is important to unpack the issue of the conflict between the demands of custom and tradition and/or political loyalty with the demands of modern organisation.

It is urgent that difference needs to be recognised and celebrated. It is certainly not something to be embarrassed about. Let us put appropriate procedures in place to handle these legitimate responsibilities. The conflict between the demands of custom and tradition and/or political loyalty and the demands of modern enterprise, overtly or covertly affects all work processes at each and every level of enterprise. For instance this conflict or dilemma:

- Affects all processes of selection, and placement of staff that can be influenced by agendas extraneous to the goals of the organisation. Pressures to hire the home boy or girl is just the tip of this iceberg of nepotism;
- Work and modern enterprise are secondary to 'home' and all it stands for. That is, the spiritual frame of reference influenced by the ancestors, in the legends of the mass of the workforce;
- Interrupts work flows: funeral interruptions; absences without replacement, and/or delegation. In some cases access to the absentee's office may not be possible and if faxes arrive there they will wait till the absentee returns. This has the effect of clogging work processes. Even high level executives have to attend numerous funerals on Saturdays disturbing their focus and limiting their work;
- Strengthens informal networks: encourages the formation of tribal, clan, political, or whatever based informal networks which compete with the formal decision-making processes. Because of this, partial interests tend to be served above those of the organisation as a whole. Generally it creates disruptive networks that exacerbate organisational politics hindering organisational functioning;
- Complicates discipline, and makes it impossible to implement performance management. Managers cannot act procedurally against a home boy or girl who is not performing without having to face his family and clan at the funeral every Saturday. It is not like in the city where, if a manager fires someone or disciplines them, the manager probably never sees the person again. In the rural context it is much more personal. Strategies and procedures need to be put in place that can help people face these very real and emotional processes, decisions and dilemmas;

- Encourages favouritism of all sorts: nepotism, clanism, tribalism and camaraderie flourish. Hire the home boy or girl;
- Compromises security and confidentiality: the impossibility of implementing security protocols as they will be overridden for a 'home-boy or girl', or even a comrade. (Franks, 2007)

The list is not meant to be exhaustive but rather attempts to outline the complex psycho-social dynamic of interacting and overlapping issues/dimensions to the problem. For this system to be made more productive it will be essential that society embraces the notion of merit. For without it, like the rule of law, various forces extraneous to the organisation in question will come to dominate decision-making at all levels of the organisation and the society at large, as it has.

There are many other, so called soft, psycho-social, issues, such as the notion of participation which unless carefully managed can easily be misused and manipulated in the service of partial interests and even corrupt practices through the mere simulation of participation..

South Africa needs to face these challenges in all their complexity and be careful not to reduce, basically, political, value, cultural and social problems to legalistic and technical solutions. South Africa has to find a way to ameliorate these challenges. Some will call for Ubuntu as a silver bullet. However it is only a word, for on the ground it isn't really very visible. Others will call for more participation. While it is an important practice that can enhance decision-making and inclusivity, it can also become an alibi for the most gross distortion of policy and the disempowerment of groups in the favour of partial interests. Neither of these is a panacea. Just like processes such as affirmative action and cadre deployment, participation needs to be carefully managed for the common good.

Just as the Chinese have done since the introduction of Deng Xiaoping's vision of state-led capitalism, South Africa has to place merit at the forefront of the development selection and placement of public servants, whether they be comrades or not, if South Africa is to achieve the levels of public servicing necessary for a developmental state.

There is a serious problem with the whole measure of dialogue and debate currently dominating public and academic dialogue. If one does not confront the issues involved in accurately describing our realities, through self-reflection, we will continue with fatuous arguments and accusations in the rush to assassinate characters, and not ideas.

Unfortunately, there is a void in our thinking on a world wide scale where political correctness, not only claims to resolve the many big questions facing humankind, but even worse prevents open and critical dialogue concerning these psycho-social issues that have, as if by decree, been ruled out of bounds.

The soft issues, the psycho-social issues, are the hardest issues to deal with. Therefore, they really are the hard issues.

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