

‘I’m No Longer Applying Straight’

**Human Resource Practices in State
Institutions: perspectives of public
servants**

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List of Abbreviations:

AGSA	Auditor General of South Africa
ANC	African National Congress
AO	Accounting Officer
CCMA	Commission for Conciliation, Mediation and Arbitration
COO	Chief Operations Officer
CoGHSTA	Department of Cooperative Governance, Human Settlements & Traditional Affairs
CoGTA	Department of Cooperative Governance & Traditional Affairs
CV	Curriculum Vitae
DA	Democratic Alliance
DG	Director General
DDG	Deputy Director General
EA	Executive Authorities
EFF	Economic Freedom Fighters
DIRCO	Department of International Relations & Cooperation
DPSA	Department of Public Service & Administration
HOD	Head of Department
HR	Human Resources
KMC	Kyalami Metropolitan Council
KZN	KwaZulu Natal
LLB	Bachelor of Law
MA	Master of Arts
MEC	Member of the Executive Committee
MFMA	Municipal Finance Management Act
MM	Municipal Manager
MMC	Member of the Mayoral Committee
OPSC	Office of the Public Service Commission
NDP	National Development Plan
NEC	National Executive Committee
NEHAWU	National Education, Health and Allied Workers Union
NGO	Non-Governmental Organisation

PA	Personal Assistant
PARI	Public Affairs Research Institute
PEC	Provincial Executive Committee
PERSAL	Personnel & Salaries Database
PR	Proportional Representation
PSC	Public Service Commission
REC	Regional Executive Committee
SALGA	South African Local Government Association
SARS	South African Revenue Service
SASCO	South African Students Congress
SMS	Senior Management Service

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Introduction

Appointment, promotion and placement of officials in positions within government administrations is the subject of intense daily discourse by those working within the state and political organisations. It is highly contested, attracting frequent accusations of impropriety and unfairness. In particular, the role of political functionaries in determining human resource processes has attracted furious debate. Concepts like ‘cadre deployment’ and ‘political appointment’ have come to be frequently used in a pejorative sense – perhaps especially during the tenure of President Jacob Zuma. The revelations over ‘state capture’ that proliferated in the media during the final years of Zuma’s term have particularly enflamed these discussions, and polarized what the limits of political influence should be when it comes to human resource practices in the state.

This report seeks to contribute to these debates by presenting the experiences of officials within state institutions themselves. Many of these narratives unravel the simple assumptions that have arisen in diagnosing human resource problems afflicting the state in the post-Zuma era. These narratives are the vehicle by which commonly-shared experiences and perceptions are elaborated, and areas of disagreement and contest are brought into relief. While contestation unfolds over appointment decisions in different ways, depending on the institutional context, what these narratives together confirm is that such contests can have destructive effects on institutional stability, employee wellbeing and the effectiveness of the state in fulfilling its service delivery mandate.

The primary purpose of this report is not to present an exhaustive and detailed agenda for reform. Rather we aim to sensitize readers to the kinds of experiences faced by those working in government: their perceptions, predicaments, and horizons of possibility – the human dimension which is frequently absent in descriptions of the state.

In **Part A**, we consider longer debates around political involvement in human resource practices of the South African state, its perceived consequences, and impulses towards reform.

In **Part B**, we present narratives of public servants, interspersed with analysis which highlights parallels and areas of contest in the experiences of other officials. This demonstrates the breadth of contest over the involvement of politicians in appointment decisions, but it also highlights broader difficulties in achieving good human resource practices in the state.

In **Part C**, we advance an overall assessment on what respondents believe the appropriate role of politics in human resource processes in the state is, flagging complexities which any potential reforms must take cognizance of. We then note two recommendations for changing the current system of recruitment, both of which stem from existing proposals and which find endorsement in the narratives of those interviewed.

Part A: Debating the Place of Politics in Human Resource Processes

1. Post-Apartheid Imperatives for Cadre Deployment

Legislation in the post-apartheid era responded to the need for political deployment to positions in state administrations in the context of the transition from white minority rule.¹ The placement of party cadres has been an explicit policy undertaken by the ANC. According to Chipkin, 'The African National Congress [ANC] argued that not only had successive National Party governments implemented racist laws and policies but that the very structure of the state itself worked to advance white interests'.² A 1998 policy document declared:

We [the National Liberation Movement] have inherited a state which was illegitimate and structured to serve the interests of a white minority. [...] To attain all these and other objectives, it became the seedbed of corruption and criminal activity both within the country and abroad. [...] The NLM cannot therefore lay hands on the apartheid state machinery and hope to use it to realise its aims. The apartheid state has to be destroyed in a process of fundamental transformation. The new state should be, by definition, the antithesis of the apartheid state (ANC, 1998).

Indeed, as Picard argued, during 'the four decades under apartheid, the bureaucracy functioned as a major patronage network'.³ The incoming ANC therefore confronted a situation, in the words of Dexter, of '[a] large number of senior officials, from Deputy-Director and up, who have through their loyalty to their Apartheid masters achieved their seniority levels'.⁴ To transform the bureaucracy from one dominated by white males into one which was representative of South Africans – and committed to the ethos of the ANC – the decision to grant politicians extensive control over appointment decisions was expressly taken.⁵ At the

¹ See: Robert Cameron, 2010, 'Redefining Political-Administrative Relationships in South Africa', *International Review of Administrative Sciences*, 76, 4:676-701; Geraldine Fraser-Moloketi, 'Public Service Reform in South Africa: An overview of selected case studies from 1994-2005', *Masters in Administration Thesis, University of Pretoria*.

² Ivor Chipkin, 2016, 'State, Capture & Revolution', *Public Affairs Research Institute, Working Paper Series*.

³ Louis A. Picard, 2006, *The State of the State: Institutional Transformation, Capacity and Political Change in South Africa* (Johannesburg: Wits University Press), p.292. See also Deborah Posel, 2000, 'Labour Relations and the Politics of Patronage: a case study of the apartheid civil service' in G. Adler (ed.), *Public Service Labour Relations in a Democratic South Africa*. (Johannesburg: Wits University Press).

⁴ Quoted in Fraser-Moloketi, 'Public Service Reform', p.19

⁵ In addition to provisions made in the Public Service Act, outlined below, the commitment to transformation was also expressed in the Employment Equity Act, 55 of 1998, which specified that along with formal qualifications and experience, the state should implement 'affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure equitable representation in all occupational categories and levels in the workforce'. See

same time, provisions were made to decentralise powers of appointment away from a centralised authority – the role historically played by the Commission for Administration⁶ during apartheid – and grant greater human resource (HR) functions to the political authorities of departments and municipalities.⁷

In many other developing countries, a Public Service Commission has played a much more interventionist role in HR decisions. In South Africa, by contrast, the PSC effectively underwent a demotion in its mandate, with most of its competencies devolved to Executive Authorities (EAs) – that is, political functionaries – within institutions of state. This was in line with New Public Management (NPM) thinking, which emphasised the need for greater autonomy for state institutions in the interests of delivery. This played a significant role in introducing managerial reforms to the public service in the 1990s.⁸ Along with HR functions, procurement decisions were also devolved to other spheres of government in a bid to give public sector managers greater discretion and flexibility – to ‘allow managers to manage’.⁹

In terms of the Public Service Act, political heads, Executive Authorities in national government – that is, the President and his Ministers – and in provincial government – Ministers of Executive Committees (MECs) – have wide discretion in the selection of candidates for positions within departments.¹⁰ Thus EAs have powers to determine ‘the internal organisation of a department, including its organisational structure, HR planning and the creation and abolition of posts on the fixed establishment. The EA also has powers regarding recruitment, appointment, performance management, promotion, transfer, dismissal and other career incidents of employees of that department’.¹¹ These capacities may be delegated to senior managers, who may in turn delegate to other employees.¹² At the local government level, the municipal Council is vested with powers to ratify the contract

<https://www.saica.co.za/Technical/LegalandGovernance/Legislation/EmploymentEquityActNo55of1998/tabid/3041/language/en-ZA/Default.aspx>.

⁶ Renamed the ‘Public Service Commission’ in the democratic era.

⁷ Public Service Commission, 2016, ‘Building a Capable, Career-Oriented and Professional Public Service to underpin a Capable and Developmental State’, *PSC Report*, p.6

⁸ See Ivor Chipkin & Sarah Meny-Gibert, 2012, ‘Why the Past Matters: Studying Public Administration in South Africa’, *Journal of Public Administration*, 47, 1:102-112; Viothann Naidoo, 2015, ‘Changing Conceptions Of Public ‘Management’ And Public Sector Reform In South Africa’, *International Public Management Review*, 16, 1:23-42.

⁹ Cameron, 2010, ‘Redefining Political-Administrative Relationships’, p.684.

¹⁰ In terms of Section 3 (7) of the PSA, 1994, EAs have powers and duties regarding the internal organisation of a department, including its organisational structure, HR planning and the creation and abolition of posts on the fixed establishment. The EA also has powers regarding recruitment, appointment, performance management, promotion, transfer, dismissal and other career incidents of employees of that department.

¹¹ Public Service Commission, 2016, ‘Building a Capable, Career-Oriented’, p.60.

¹² Cameron, 2010, ‘Redefining Political-Administrative Relationships’, p.684.

appointment of senior management – including municipal managers and departmental managers.¹³

The PSC, meanwhile, took on a more limited ‘research, monitoring and watchdog’ role.¹⁴ Established in terms of section 196 of the Constitution of the Republic of South Africa¹⁵ and the Public Service Commission Act of 1997,¹⁶ the PSC’s mandate is now ‘to investigate, monitor, evaluate, propose measures, give directives, report and advise on the organisation, administration, the personnel procedures and practices, and the effective and efficient performance of the public service’.¹⁷ Reports and recommendations for policy change are largely channeled towards the Department of Public Service and Administration (DPSA), whose role ‘has been to create policies centrally while departments are then responsible for tailoring these policies to fit their own contexts’.¹⁸ Moreover, a distinction was drawn between the public service and local government.¹⁹ The mandates of the PSC and DPSA do not extend to include local government, which instead refers to provincial and national departments of Cooperative Governance and Traditional Affairs (CoGTA).

2. Problematic Results

There are a number of works which have considered the combined effects of an explicit policy of political deployment, devolved human resource functions, and expanded managerial autonomy. According to Chipkin, these public sector²⁰ reforms have produced some perverse results as the ANC has become increasingly fragmented – a phenomenon that was underway during the administration of Thabo Mbeki, and which was starkly signified by the controversial rise of Jacob Zuma to the Presidency in 2009, which split the party. ‘After 2009 the ability of the ANC to control its own government, officials and cadres has declined remarkably’, Chipkin

¹³ The appointment of municipal managers, was for a long time governed in terms of s.82 of the Municipal Structures Act of 1998. The appointment of senior managers had been guided by section 56 of the Municipal Systems Act of 2000. These provisions were changed substantially with the Municipal Systems Amendment Act of 2011, which brought far greater and more rigorous requirements for advertising, shortlisting and interviewing of candidates for all of these positions.

¹⁴ Cameron, 2010, ‘Redefining Political-Administrative Relationships’, p.684.

¹⁵ Act 108 of 1996.

¹⁶ No. 46 of 1997.

¹⁷ Public Service Commission, 2016, ‘Building a Capable, Career Oriented’, p.2.

Five national Commissioners are appointed through the National Assembly, and a Commissioner for each province is appointed by the provincial Premier.

¹⁸ Public Service Commission, 2016, ‘Building a Capable, Career Oriented’, p.7.

¹⁹ The Public Service is constituted by 150 national and provincial departments, plus government components, that are listed in schedules one (1) to three (3) of the Public Service Act. The Public Service is differentiated from local government, which is governed by its own legislation, principally the Municipal Finance Management Act, the Municipal Systems Act, and Municipal Structures Act.

²⁰ The term ‘Public Sector’ is inclusive of the public service and local government.

notes, 'There is growing contestation about who has legitimate authority in the organisation and where, moreover, power lies'.²¹

Devolved political authority over the distribution of jobs, it has been argued, has resulted in a variety of negative consequences for the so-called 'political-administrative interface'.²² In their 2016 report entitled 'Building a Capable, Career-Oriented and Professional Public Service to Underpin a Capable and Developmental State In South Africa', the Public Service Commission (PSC) noted that 'cadre deployment has in recent times assumed a negative connotation as it is taken to mean the appointment, on purely political considerations and patronage of persons who are not suitably qualified for the posts concerned'.²³ This has been conceded by the (now former) Secretary General of the ANC, who conceded that 'mistakes [are] committed by our structures in deploying cadres who do not even meet the basic requirements for the posts they are deployed in'.²⁴ There has also been exceptionally high turnover in the Senior Management Service (SMS)²⁵ – especially HODs. This is borne out in recent research which claimed that 216 Directors-General (DGs) had been fired, shifted or suspended between 2009 and September 2017.²⁶ It claimed that 'the majority of relationships between ministers and directors-general, around 60 percent, will last 12 months or less and more than 40 percent of all of them will involve an acting director-general'.²⁷

At municipal level, the Auditor General's 2016/2017 MFMA Report signalled high levels of instability in key administrative positions. This has been flagged as a critical problem.²⁸ Following the local government elections of 2016, the recent Report notes, this has been particularly acute, and a number of positions have remained unfilled. The AGSA reports that 'at year end, 28% of the chief financial officer positions were vacant (21% for longer than six months) – a slight regression from the 24% at the end of the previous year. Municipal manager positions were vacant at 27% of municipalities (17% for longer than six months) – a regression from the previous year's 20%. After year end there were further terminations

²¹ Chipkin, 'State, Capture & Revolution', p.18.

²² For a fuller description of the legislated roles of each, and an elaboration of what might constitute a healthy relationship between the two, see Christopher Thornhill, 2012, 'Effective Political-Administrative Relationship for Policy Making and Implementation', *African Journal of Public Affairs*, 5, 1:56-68.

²³ Public Service Commission, 2016, 'Building a Capable, Career Oriented', p.9.

²⁴ Gwede Mantashe quoted in Naidoo, 2015, 'Changing Conceptions Of Public 'Management'', p.37.

²⁵ The Senior Management Service (SMS) consists of the top four employment categories in the public service – that is, directors-general, deputy directors-general, chief directors and directors.

²⁶ See Gareth Van Onselen, 2017, 'Political Musical Chairs: Turnover In The National Executive And Administration Since 2009', Available at: <https://irr.org.za/reports/occasional-reports/files/irr-political-musical-chairs.pdf>

²⁷ Quoted in *Ibid.* p.9.

²⁸ See: Mosa Phadi & Joel Pearson, 2017 'The Mogalakwena Local Municipality: An institutional case study' *Public Affairs Research Institute*; Mosa Phadi & Joel Pearson, 2018, 'We Are Building A City: The Struggle for Self-Sufficiency at Lephalale Local Municipality', *Public Affairs Research Institute*.

and resignations'.²⁹ The average overall vacancy rate at senior management level in municipalities in the North West was 60%.³⁰ Additionally, the report noted that 'political infighting at council level and interference in the administration weakened oversight and implementation of consequences for transgressions, and made local government less attractive for professionals to join'.³¹

An earlier PARI report from several years ago broadly summarized some of the problems and predicaments posed by the 'open' bureaucracy operating in South Africa, in which politicians 'retain substantial lawful discretion over the appointment, promotion and, in extreme cases dismissal, of public servants'. Researchers noted that such a system:

...can enable politicians to go beyond formal and impartial rules in imposing their will upon public administrations. Politicians with power over appointments and promotion can place close associates into key positions and collude with them in non-compliant behaviour. By threatening, even implicitly, loss of career-progression or even dismissal they can coerce public servants into breaking the rules. Politicians may, of course, have good or bad reasons for doing this. However, by blurring lines of accountability and impairing correct lines of control, political and personal appointments can negatively affect discipline at all levels of the organisation. High-level political and personalised appointees generally do not follow the career paths necessary to give them knowledge of their administrations. They also tend not to remain in their positions for long. Furthermore, if a principal requires political or personal support from her appointee, she loses control correspondingly. If she makes the appointment with reference to a third party – a friend or a political ally or political party – she may find herself constrained while her appointee may be enabled by a second line of accountability.³²

Many point to the conflicts that have occurred over positions in government as often being linked to battles over patronage. Positions come with a number of material benefits for political networks, including opportunities for tendering. Booysen has pointed to 'a far-reaching war for institutional control by individuals and groupings within the ANC' since Zuma's rise to the presidency, characterised by 'continuous purge attempts' of deployed politicians and officials at all levels of the state.³³ 'ANC contests and their repercussions are directly transferred to the state', which can result in 'inaction and paralysis in the public sector'.³⁴ The ANC itself

²⁹ Auditor General of South Africa, 'Consolidated General Report on Local Government Audit Outcomes: 2016/2017'. Released May 2018. p.18.

³⁰ *Ibid.* p.73.

³¹ *Ibid.* p.22.

³² Public Affairs Research Institute, 2014, 'The Contract State: Outsourcing and Decentralisation in Post-Apartheid South Africa', *PARI Report*, p.47.

³³ Susan Booysen, 2011, *The African National Congress and the Regeneration of Power*, (Johannesburg, Wits University Press), p.359, p.371; Susan Booysen, 2015, *Dominance and Decline: the ANC in the time of Zuma*, (Johannesburg, Wits University Press), p.95.

³⁴ Booysen, *Dominance and Decline*, p.29

admitted within its ranks 'a silent retreat from the mass line to palace politics of factionalism and perpetual in-fighting' fuelled by 'contestation for power and state resources'.³⁵

Beresford has pointed to a widely-held perception that 'political appointments at all levels of public office, including provincial premiers, mayors, and municipal managers, are made on the grounds of political loyalties over competence, and that those on the wrong side of ANC power holders could expect to be 'purged' from their public office'.³⁶ He continues: 'Positions of public office are hotly contested, but not only because they are an immediate source of wealth for the individual. They are also a means by which powerful patrons can distribute resources and opportunities to their extended networks of dependents'.³⁷

3. The Post-Zuma Reform Impulse

With these concerns in mind, the question of how to curb these tendencies and establish an appropriate balance between political power and administrative autonomy has attracted some broader attention in the closing years of Zuma's presidency and through to the rise of Cyril Ramaphosa. Archbishop of Cape Town, Thabo Makgoba – a vocal critic of Zuma – emphasised that 'President Ramaphosa and the ANC should see this time as a moment in history to embrace the principles and objectives of the New Struggle – a struggle to which we all should commit: a struggle for equality, a struggle about values and institutions rather than personalities, a struggle to build strong systems which cannot be undermined by one party or person's whim'.³⁸ Whether this momentum can be sustained remains to be seen, but there are certainly increased hopes that thoroughgoing reform to state institutions might be on the horizon.

Chipkin has proposed changes to appointment legislation in relation to key central government institutions.³⁹ He finds that 'apart from Chapter 9 institutions, appointments, suspensions and disciplinary processes are at the discretion of politicians, who are likely to

³⁵ *African National Congress*, 'Organisational Renewal & Organisational Design Document', (March 2017), available at <http://www.anc.org.za/sites/default/files/National%20Policy%20Conference%202017%20Organisational%20Renewal.pdf>.

³⁶ Alexander Beresford, 2015, 'Power, Patronage and Gatekeeper Politics in South Africa', *African Affairs*, 114, 455, p.233.

³⁷ *Ibid.*

³⁸ Quoted in Paul Hoffman, 'Green Shoots on the Tree of Constitutionalism', 2 April 2018, Available at <https://www.dailymaverick.co.za/opinionista/2018-04-02-green-shoots-on-the-tree-of-constitutionalism/#.WsSGVlhubIU>

³⁹ Ivor Chipkin, 2017, 'Personalising and De-Personalising Power: The Appointment of Executive Officers in Key State Institutions', *PARI Working Paper Series*. Chipkin considers the Public Protector and the Auditor General, the National Treasury, the Constitutional Court, the South African Police Services, the National Prosecuting Authority, the Independent Police Investigative Directorate and the State Security Agency.

use political criteria'.⁴⁰ He identifies how President Zuma wielded his powers of appointment with great effect:

The consolidation of Jacob Zuma's authority as President has come with purges of the leadership of key state institutions and the deployment of political friends and allies. This politics of purge and displacement has wracked the law and order departments (the police, the directorate for specialised crimes (the "Hawks")), the National Prosecutions Authority, the South African Revenue Services (SARS) and some of the state-owned enterprises, most recently Denel, a state arms company. The unexpected dismissal of the Finance Minister in December 2015 was an attempt to seize control of the National Treasury.⁴¹

However, he notes the important role that the judiciary has begun to carve out in making determinations of minimum competency for some of these positions. He also recommends the establishment of a recruitment process similar to that of the Judicial Services Commission (JSC).

The PSC has long sought to bring changes to policies governing HR matters in state institutions, and to establish a greater role for itself in guiding these processes. It envisages a far more energetic role in the public service, intending 'to become an activist commission that actively promotes a particular view of public service, which is based on continuous research, investigation and evaluation'.⁴² Since at least the mid-2000s, the PSC has drafted documents calling for reform of procedures governing appointments to the public service.⁴³ In its 2016 report, the PSC recommended that responsibility for advertising jobs should be taken back from Executive Authority (ministers and MECs) and be lodged with Heads of Departments. 'Professionalising the public service implies that appointments are done on the basis of the inherent requirements of the occupation/job', the report reads, 'This means that political office bearers should have no role in appointments except if appointments are made on policy considerations, which are allowed by the Constitution Section 195(4)'.⁴⁴

Accompanying this broad suggestion towards professionalisation, the report furthermore recommended that internal candidates be considered before advertising the job externally, and proposed that candidates be considered for promotion only after they had served an adequate amount of time at their current level and that their suitability be assessed through a grade exam. The PSC raised the possibility of recruiting middle managers (feeders to senior positions) via an entrance examination.⁴⁵ The report maintains that there are certain instances where political deployment is necessary, however, accepting that 'policy considerations

⁴⁰ *Ibid.*, p.32.

⁴¹ Chipkin, 2016, 'State, Capture & Revolution', p.18.

⁴² Public Service Commission, 2016, 'Building a Capable, Career Oriented', p.vi.

⁴³ Once again, note that the "Public Service" denotes officials working for provincial and national government. The PSC exercises no mandate over Local Government.

⁴⁴ Public Service Commission, 2016, 'Building a Capable, Career Oriented', p.33.

⁴⁵ *Ibid.*

should play a role at the senior levels (Director-General and Deputy Director-General and other HoDs) and appointment of ministerial advisors and other staff in ministerial offices'.⁴⁶

In 2017, Chipkin noted that these calls by the PSC for a move away from the 'open' system were like a 'cry in the wilderness'.⁴⁷ But in March 2018, the Chairperson of the PSC noted optimism that their suggestions for addressing the contentious personnel management practices would be taken more seriously with the new administration.⁴⁸ President Ramaphosa has yet to publically weigh in on long-standing debates about recruitment and professionalisation of the public sector. He did intimate in his first State of the Nation Address that, in the interests of efficiency, he was initiating 'a process to review the configuration, number and size of national government departments', yet the finer details remain unclear.⁴⁹

He has, however, expressed commitment to the National Development Plan⁵⁰: 'We have a plan', Ramaphosa told parliament, 'I have a plan and it is the National Development Plan [NDP]. That is our plan'.⁵¹ Whether this means adherence to the proposals the NDP makes around human resource practices in the public service and local government is similarly unclear. Proposals for reforming appointment and career paths of public servants more generally are dealt with explicitly in Chapter 13 of the NDP. It calls for the professionalisation of the public service, and summarises its recommendations as follows:

- An administrative head of the public service should be created, with responsibility for managing the career progression of heads of department, including convening panels for recruitment, performance assessment and disciplinary procedures.
- A hybrid system for appointing heads of departments should be introduced, incorporating both political and administrative elements.
- A graduate recruitment programme and a local government skills development strategy should be introduced to attract high quality candidates.
- The role of the Public Service Commission in championing norms and standards, and monitoring recruitment processes should be strengthened.
- A purely administrative approach should be adopted for lower-level appointments, with senior officials given full authority to appoint staff in their departments".⁵²

⁴⁶ *Ibid.*

⁴⁷ Chipkin, 2016, 'State, Capture & Revolution', p.11.

⁴⁸ Address by PSC Chairperson Adv. RK Sizani at the PARI Round Table on Public Service Reform, held 10 April 2018 at the University of the Witwatersrand.

⁴⁹ Kgaugelo Masweneng, 'Downsize Looms for SA's Bloated Administration', *Sunday Times*, 19 February 2018, Available at: <https://www.timeslive.co.za/sunday-times/business/2018-02-19-downsize-looms-for-sas-bloated-administration/>.

⁵⁰ The National Development Plan (NDP) was the product of the work of the National Planning Commission which President Jacob Zuma appointed in May 2010 to draft a vision and national development plan. The Commission was an advisory body consisting of 26 people drawn largely from outside government, chosen for their expertise in key areas. The NDP set problem areas in the post-apartheid state, and set out a vision for their redress by 2030.

⁵¹ Makhosandile Zulu, 'The President says that he does have a plan', *The Citizen*, 20 February 2018, Available at: <https://citizen.co.za/news/1828017/the-president-says-he-does-have-a-plan/>.

⁵² *National Planning Commission*, 'Our Future: Make it Work. NDP Vision 2030', p.55.

Human resource processes thus form a key area of reform in the estimation of the NDP in trying to forge an appropriate 'political-administrative' balance. These findings have long been endorsed by the PSC in consecutive reports since the NDP's release, yet little has come of these recommendations. The PSC has expressed some hope, however, that the new President may be more amenable to these proposals.

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Part B: The Experiences of Public Servants

The next section seeks to contribute to discussions around recruitment in the post-Zuma era by presenting the experiences of public servants. While many of the themes which are highlighted throughout the narratives presented below have been recognised for some time, and have underpinned a range of policy recommendations, we believe that any reform efforts may be enhanced by understanding how challenges over this contentious field are experienced within particular contexts.

Taking the *perceptions* of public servants seriously, for instance, reveals that there is no simple consensus about where and how to instantiate the boundary between political and administrative roles. It shows how public servants are grappling with how recruitment might be done correctly, and about when an appointment is fair and unfair. It will be shown that there is no simple definition of what constitutes a 'political appointment' for instance, and that the term itself is rather loosely invoked. It is the subject of rumour. And these rumours can have very real consequences. This is indicated, in one small way, by the hesitancy of officials to broach the subject of appointments. Many are quick to read an implication that they have been employed through manipulating processes, and are frequently very defensive. This is also one reason that we have maintained anonymity in citing the words of respondents in this report. All names have been changed, and as much as possible, details which may identify individuals have been removed.

We present interviews from two officials who until recently worked in local government, followed by the testimony of two officials who currently work in provincial government departments, and conclude with the narrative of an official who worked in a national department. We follow each narrative with analysis interspersed with the experiences of a range of other officials who PARI researchers have interviewed in the past, as well as Commissioners from the PSC. The aim is not to present an exhaustive study of the dynamics around recruitment and present a programme for comprehensive technical reform. Rather, we have chosen the narrative genre to illuminate the humans in the machinery of government. We hope that by being attentive to the experiences of individuals - their perceptions, predicaments, and horizons of possibility – the report will challenge some prevailing preconceptions and prejudices. While some modest recommendations are made for increased support for bureaucrats, we also aim to caution against purported 'quick fixes' to problems that are deeply historical.

We seek to maintain an awareness of the diversity and unevenness of the state and how experiences of recruitment are shaped by these very different contexts. A metropolitan municipality in a highly urbanised province functions in ways that are often vastly different from a small rural municipality, for instance. Where evident, we have drawn common threads between narratives. While the varied histories of institutional settings should be remembered throughout - histories which must inform any proposals for transforming recruitment

processes – the narratives nonetheless point to a number of common themes in experiences of recruitment.

Siyanda Bhengu Part I:

‘That’s where everything started to go wrong’

‘I’ve been in the public service all my life’, Siyanda Bhengu told us. Having been an active ANC member in the struggle against apartheid, Bhengu went on to become one of ‘a new breed, a new cadre of public professionals’ in the post-apartheid dispensation. Recognised for his role in the struggle, Bhengu was selected to be trained in a Postgraduate Diploma in Management specialising in Public Policy and Administration. A partnership between Wits University and the ANC, Bhengu explains, the programme was guided by the will to transform the bureaucracy: ‘Let us train these people so that they can be able to bring this new ethos in the public service’.

After graduating Bhengu was employed by the Department of Tourism, who along with other departments and parastatals, had recruited directly from this pool of graduates. He then went on to work at the Department of Public Service and Administration in a training capacity. Bhengu would soon move to work in local government, appointed as a Manager of Economics and Tourism in the Kyalami Metropolitan Council (KMC), a transitional structure from 1994 until 2000. Bhengu experienced some early successes, including the creation of a One Stop Shop for investors. Following the creation of the Ekurhuleni Metropolitan Municipality, Bhengu was head-hunted by the Mayor for a management position:

‘You did such a wonderful job in [the KMC] as a Manager - I want you to be a head’, [he said]. He gave me the position of Executive Director: Economics and Tourism

Bhengu explains that he got the job through his proven track record rather than involvement in political structures:

I was never appointed through political connections. But I have been involved in politics for a long time. I was appointed because of the things that I’ve done.

While Bhengu explains that things had proceeded fairly smoothly immediately after the amalgamation, by 2005, things had begun to change as political pressures became more apparent:

Whilst we are busy working with Ekurhuleni and these things, during [the first Executive Mayor’s] time, you could see that the relationship between us and top management [was good]. Most of us were considered as politically astute or politically appointed - then we started now being swayed along by politicians [in Council] who were our bosses. Because now there were tenders involved. The politicians are getting to the issue of: ‘what is going to happen to me in five years?’. If you don’t dish out as many tenders, you become very much unpopular. Unfortunately my department didn’t have many tenders, but those people who were like in Public Works, Technical Services - they are

becoming 'good boys' and corrupt. They were giving the politicians in order to become 'good boys'. So I had a small budget and they left me alone. And then I realised that 'No man, I'm no more comfortable in Ekurhuleni'. Because you can see when people are no longer taking you seriously, because you don't have money. Then I started looking for a job.

Bhengu explains how he was led to another avenue for employment in the state through the help of an influential political fixer.

I met a guy [who was] the personal advisor of Sydney Mufamadi - the first local government minister... When I told him I have a masters degree he said 'No you are educated man!'

The advisor would approach Bhengu in 2009 with a new offer of employment:

There was I sitting at home one night thinking about this bad [time] I'm having at Ekurhuleni and [he] phones me and says 'Do you want a job?'... I said 'What job?' and he said 'city manager'. 'Ey! Where?' 'East London'. 'Yoooh East London!'. You see, it's a cultural thing now. Because Xhosas and Zulus... they don't [get along].

Bhengu explains how the Minister's advisor spoke to the Mayor of Buffalo City. Despite his initial hesitancy, Bhengu flew down to East London with the advisor for a meeting with the Mayor:

She just told me 'You know I wanted [the advisor], but [he] said he is got the best person and that's you' I said ' You don't even know me'. She said 'No, no, no. As long as [the Minister's advisor] knows you I want you as my MM'.

Bhengu explains how there was a small administrative obstacle in the way of his appointment, which was quickly by-passed:

They had already closed the day for the applications for MM... But now that they were headhunting me, they phoned the head of Corporate Services to say 'Look there is an application that is coming. You must take it. It is an instruction'. So that guy was told to take my application. I gave in the application. I was shortlisted. So one rule has been broken. They broke the rule. I was called into an interview very soon - within a week - had a very good panel of people, I passed the interview [and] went through this very difficult psychometric test, finished it.

However, Bhengu's appointment would ultimately be derailed by competing political interests. He soon learned that the Regional Executive Committee (REC) as well as the Provincial Executive Committee (PEC) of the ANC were firmly against Bhengu's appointment as City Manager – as they had been against the Mayor – since they viewed it as an imposition by the National Executive Committee (NEC):

The PEC and REC are unhappy with [the Mayor] and me. And politics started. That's where everything started to go wrong... the [ANC] factions started to work on my case.

The final step in the appointment of a City Manager takes place through the passing of a resolution by a majority vote of Council. Bhengu explains that the ANC caucus in Council was split over the matter. While some believed that Bhengu should be appointed, others were furiously against it. In his estimation, the distribution of tenders lay at the heart of the division:

One faction which had been promised tenders, who were told [by the REC] 'If you employ this guy, we will never get anything'. The faction of the ANC that was promised things did not go to Council meeting. The faction that wanted me in went to the Council meeting. But they made one very, very costly mistake which is costing me up till today: they did not count how many councillors were there to reach quorum. So they were one councillor short.

Unaware that they had not reached quorum the Council passed the resolution – which would soon be overturned:

I was appointed, they gave me the contract. These people are crooks - the REC - knew that the council didn't have a quorum. They went to court - they went to King Williamstown - they won the case. My appointment was nullified... So I could not start. No job. Nothing

To make matters worse, Bhengu was struck by another tragedy:

In all this process, [the Minister's advisor] is the key. He is facilitating my appointment. When he realised that I won't get the job, he got a terrible headache, an insufferable headache in the morning he was dead by night. Killed by stress. I lost [him], lost the job, lost everything. I have been in hell.

Bhengu's narrative portrays a complex picture of the role of political loyalty in the determination of appointment decisions. Having worked as an official in the state since the transition, he offers a perspective of an official perceiving the modes and motivations underpinning recruitment practices shifting, and adapting to these changing realities.

Of his experiences in gaining employment in Ekurhuleni, Bhengu insists that he was not 'politically connected', and got his job through merit.⁵³

During our time, to be honest, the politicians had nothing to do with the appointments. They would appoint maybe the Municipal Manager. And then they'll appoint the [councillors who would serve as] Members of the Mayoral Committee (MMCs). How the MM appoints the other guys - it was merit at that time. You would be politicised once you are in. But the MM would want the best team, and that's it - during that time. That was the early stages - 2000 to 2005. It was still very much based on merit. Then [more intrusive appointment demands by the REC] started afterwards.

Speaking of his tenure at Ekurhuleni, he nonetheless notes that he was 'politically astute or politically appointed'. By this he means that he was actively involved in ANC politics, and it was the ANC in the municipal Council who had ratified his appointment. At this point, he believes, it was the latter that left senior managers vulnerable to being 'swayed': 'Councillors

⁵³ This runs contrary to arguments by Amusan, for instance, who argues that post-1994, the ANC government adopted 'a radical, socialist approach through a spoils system, where the politically connected individuals will get the job of administration as *red bureaucrat* as against expert bureaucrat, irrespective of administrative experiences' (emphasis in original). And indeed, Amusan appears to take little cognizance of the affirmations in both the Public Service Act and the Employment Equity Act that merit and some form of representativeness should form the basis of public service appointments. Lere Amusan, 2016, 'Spoils and Meritocracy: Post-Apartheid Challenges in the South African Public Service'. *Journal of Public Administration*, 51, 2, p.297.

were our bosses'. And, in his estimation, it was the connection of Councillors to Regional structures of the ANC which brought the pressures for the distribution of tenders:

Obviously it starts from the Region. Because all of these councillors report to the REC. So the REC comes with this self-enrichment agenda, to say 'Look, you - we deployed you to Technical Services and Member of the Mayoral Committee. So we must eat there'. So even if you don't want to be corrupt, but you are reporting back to the REC - and the REC is giving a mandate to say 'There is a guy who is going to come up with a tender to build roads - and this guy must get this job. And it is your responsibility that he gets this job'. So you start talking to your Head of Department to say 'Hey, this is the mandate. This guy must get this job'. So the HOD is under pressure [from the councillor] and now has to ensure he sits down with his team, he fixes things so that it meets this guy.

The Region is formally an oversight and coordinating structure of local Branches of the ANC. Branches elect a REC every three years through elections, which have become increasingly contested over the years. It is partly because of the overwhelming power that Regions have come to wield over recruitment in municipalities that positions on the REC attract such intense struggle. As part of the ANC's Constitution, the Region holds powers of selection over Councillors and Mayors. They are responsible for holding list conferences to determine who makes it to the proportional representation (PR) list for local municipalities. In the process, in most cases they also have the determining say about who is appointed as Mayor. Yet it is clear that, in many places, the powers of the REC extends well beyond these explicitly political roles, reaching into processes that govern the appointment of municipal administrators and overseeing their career incidents.

Across multiple municipalities where PARI has conducted research, RECs determine both who gets appointed to positions in the municipality, and how those appointed should distribute the business opportunities that such positions provide. As Crispian Olver points out in his 2017 book: 'There is a standing joke in ANC circles that Regional Secretaries walk around with two files under their arms: one contains all municipal tenders, and the other is the list of staff vacancies and appointments in the municipality.'⁵⁴

Since the formalisation of local government structures after the transition period, the appointment of Municipal Manager (MM) – the top administrative position within a municipality - has been understood as a mandate of the REC. This has been confirmed in a great many places where we have conducted research. A former mayor of the Mogalakwena Local Municipality in Limpopo described this as a 'tradition of the ANC'. He described how three names are drawn up by the REC for the final selection of the Provincial Executive Committee (PEC) – more specifically, the 'deployment committee' of the provincial ANC. Yet both he and Bhengu intimated that the need for more direct influence over tender distribution and recruitment has, over the years, seen greater intrusion of the Region into appointment

⁵⁴ Crispian Olver, 2017, *How to Steal a City: The Battle for Nelson Mandela Bay*, (Johannesburg: Jonathan Ball Publishers), p.48.

decisions – to the point where the REC is selecting candidates for most levels of the administration.

There is a widely-held view in other municipalities in which PARI has conducted research that due to the political nature of their deployment, section 56 managers⁵⁵ are required to toe the line of their political principals – both within Council and within the Regional structures of the party more generally. Two clerks in the HR offices of a local municipality told us:

Section 56: they are political appointments and you are basically told to go there ... obviously somewhere along the times you start having a conscience or whatever you stop doing whatever you are told to do so obviously you are going to go very soon... it's just unreasonable because you are pressured to do certain things then you end not following policies and everything else then you start doing things that are not in line with your duties.

This has been confirmed by a host of senior managers themselves. During an interview with the Manager of Technical Services in a particularly troubled municipality, he received a text message from the Mayor to action the payment of a water and electricity bill for the Regional offices of the ANC.

Yet it is possibly the MM that comes under the greatest pressure. As we have argued elsewhere, the position of MM⁵⁶ is one of the most contested positions in all of government.⁵⁷ The MM is recognised as the Accounting Officer (AO) of the institution who provides the final signature on most processes. Conflicts over this position have resulted in some damaging consequences for the functionality of municipalities. Bhengu discovered just how contested the position of MM was – to his detriment. Without the support of the Provincial and Regional powers of the ANC, his appointment could not be ratified.

Bhengu narrates his decision to leave Ekurhuleni in terms of the creeping influence of tender-based corruption and the associated pressures that were being imposed on senior managers by councillors in the Mayoral Committee. Looking back, he sees this as the onset of a style of influence-wielding that came with the rise of Jacob Zuma to the ANC presidency. Under Zuma, the powers of the Regions and Provinces became emboldened, in contrast to 'when Thabo and Mandela were Presidents of the ANC, [when] the center used to have control'. He frames his experiences as part of the decline that, in his estimation, set in under Zuma, and recounted a warning that the Minister's advisor gave him: 'Siyanda I know you are not happy in Ekurhuleni, and I can tell you right now these guys who came in now after Polokwane are going to loot the government'. Nevertheless, his narrative shows how this politically-influential connection at the national level helped 'facilitate' his path to the position of city manager at

⁵⁵ Senior managers in municipalities appointed on a contractual basis in terms of Section 56 of the Municipal Systems Act 32 of 2000, as amended by the Municipal Systems Amendment Act 7 of 2011.

⁵⁶ City Manager in the case of metropolitan municipalities

⁵⁷ See Phadi & Pearson, 2017, 'Mogalakwena Local Municipality: An Institutional Case Study', *Public Affairs Research Institute*.

Buffalo City, and flout recruitment procedures. Political connection in the appointment process is not, *per se*, problematic for Bhengu; rather it is the expectations of corruption that he regards as evidence of degeneration. In his view, it was the consequence of an increasingly fractious and corrupt ANC that punctured his chances of becoming MM.

In the concluding section of his narrative, however, we see how Bhengu came to terms with aspects of what he calls the 'Zuma culture' that he saw creeping into the state, and ultimately to his great detriment, he followed strategies he had seen practiced elsewhere to gain another position in government.

Siyanda Bhengu Part II: 'I'm No Longer Applying Straight'

After the abortive appointment at Buffalo City, Bhengu began job-hunting again:

I was looking in the paper for a job... I realised that in [a small town municipality in KwaZulu-Natal] they are looking for a Strategic Executive Director. That time, the Zuma culture is now beginning to build up: if you don't know anyone politically, you won't get a job - especially in this top position. And that person, when he employs you, he employs you because you are going to push tenders for him.

Through another acquaintance in the national office, Bhengu managed to get the number of the Regional Chairperson under whose authority the municipality fell:

[So I] phone him, he picks up the phone. 'Hey my name is Siyanda Bhengu, I need to talk to you... really honestly if I don't speak to you, I don't know whether I'll be able to get this job, and I don't want to waste my time'. [He replies] 'No, no, no take this number'. He gives me the number for the [Regional] Secretary, and I arrange a meeting with the Secretary. I drive all the way to [the town] and I find this guy. When I get into the office of this guy, and this guy looks at me. I'm busy marketing myself, I've given my CV. This guy is looking at me - he is not concentrating. [He says] 'I know you... You were in a memorial service of one of our comrades here, about a year ago. And you told us nonsense - that we are useless as ANC, that we are being beaten by IFP all the time, [that] the ANC is not doing anything here, the IFP is winning here. Not delivering services what, what, what'. I said 'Ja - it's me!' He said, 'You don't even have to apply for this job. We want people like you!' He takes the CV, phones the MM... [gives her] the CV and says 'Hey this guy must get the job'. I got a job in [this small town].

Bhengu identifies the change that he had undergone:

It started from the Zuma era, I'm no longer applying straight. And I got the job as Strategic Executive Director from 2012 till last year. That was one of the biggest mistakes I've ever done - to take that position.

Bhengu would be one of many officials selected by the REC for a position in the municipality. He explains how the Regional Chairperson essentially governs the institution from a distance through strategic appointment decisions. When it came to the position of Mayor, for instance:

He is a chairman. He doesn't want to be a mayor. They 'remote control'. He employs the Mayor on his behalf. He put him there from the IFP. Crossed the floor, came to the ANC. He was told 'Come to the ANC, I'll make you a mayor'.

Bhengu's appointment came with strings attached. The following year, he set out to campaign for the Regional Chairperson in an elective conference that would change everything for Bhengu:

Elections take place. He is beaten. From where I come from, in terms of elections of the ANC, when you are beaten, you shake hands with the guy who has won, you work with him, come together for the ANC. Only to find that [in this case], no, I didn't read it [correctly]. In Gauteng they do that. In KZN, it's war. So I just go straight to the new chairman: 'Ey Chairman, I'm going to work with you. Congratulations'. Yeeee. I messed up. I messed up big time... I was labelled as the camp of this other guy. The guy who employed me hated me with passion. I'm not even a year in the job.

Bhengu describes how the former Regional Chairman, despite having lost the elections, continued to use his considerable sway in the municipality to try to fire him:

All the councillors belong to the old chairperson, all the administration to the old person. Everything is still his. So he is manipulating everything... He calls the Mayor - he calls the entire staff - and says 'Get rid of him. Find something. Fire him'.

He found himself the repeated target of accusations of impropriety which were never substantiated. For a period of almost five years, he was repeatedly placed on suspension. Ultimately, a disciplinary hearing found him guilty of just one offence, for which the maximum punishment prescribed was several months without pay. Yet soon Bhengu would find himself in the firing line again:

The [newly appointed Regional Chairperson] said he wanted to work with me. He says 'Look, the previous Municipal Manager's... term has come to an end'. He says 'You're going to be acting MM'. He calls these guys who are very much anti-me... The mayor and his [executive committee]... Right then the Mayor said 'No I can't work with this guy'.

Machinations at the provincial level would prove determinant in this deepening stand-off. While the new Regional Chairperson had been supported in the province by the Provincial Chairperson, the previous REC had been supportive of an opposing faction in the province. When this latter faction won the provincial elective conference – in a process that a high court subsequently ruled was procedurally invalid – the new PEC moved to dissolve the Region:

They were trying to nullify [the Region's] influence, so they can keep a stranglehold in terms of the resources and their people. So I was like naked. They made my life very difficult. And then, when my contract came to an end, all the other contracts of the senior managers who were nice and good to [the old chairperson] were renewed. Mine was never renewed. So that's the thing. Simple as that.

At the time of interviewing Bhengu, an elective conference was due to be held the following weekend to constitute a new REC. Bhengu has placed his hope for future employment on his ally winning once again: We spoke. He said 'No problem. If he gets something he will definitely do something [for me]'.

Regional elections can be a watershed moment, bringing changes to the staff of local municipalities – but also exacerbating tensions between opposing factions of the ANC and their proxies in positions of management in the municipality. Incoming Regional politicians cannot, it seems, so easily or rapidly insert their own allies into positions in the municipality. As Bhengu explains, even with the election of a new Regional Chairperson, the previous incumbent still wielded extraordinary power in the administration.

Bhengu points out, moreover, that given the dependence of Regional politicians on ANC Branches, it is often not quite as simple to ‘purge’ people from positions given the importance of their votes. Lower positions in the municipality are often awarded to Branch Secretaries and chairpersons, and thus even those from an opposing factional slate who find themselves in leadership positions are often forced to retain appointments made by previous RECs. It is for this reason that Bhengu believes the only real solution to remove these calcified political operators is for an opposition party to be elected to power, and he cites the examples of the Democratic Alliance’s (DA) swift removal of political appointees in both Tshwane and Johannesburg metros following the 2016 elections.

Bhengu’s narrative also draws attention to the wider relationships that exist between Regional and Provincial political structures. The Region is itself dependent on the balance of power in the Provincial ANC. In Bhengu’s case, the newly elected REC was hamstrung by the sway of the PEC’s supporters in the Region – principally the previous Regional Secretary who accrued enormous powers through his control over recruitment in the municipality. It was after the dissolution of the REC by the PEC – a structure which Bhengu insists was illegally constituted – that he lost any political support.

The interactions between Region and Province – at times cooperative, at times antagonistic, depending on the factional configurations of each - have been the cause of much difficulty for many officials in the administrations of many municipalities. As we have discussed elsewhere, the quality of this relationship can prove decisive in determining how stable administrative management is in a local municipality.⁵⁸

In the case of Mogalakwena Local Municipality in Limpopo, for instance, the REC was initially prevented from having their preferred candidate appointed as MM, instead yielding to the PEC’s selection – although begrudgingly. Yet the REC worked to constantly undermine the MM’s position. Contestations over this appointment brought severe dysfunction to the institution, eventually grinding all basic processes to a halt. With the dissolution of the PEC by national ANC structures and the changeover of leadership in the provincial Department of CoGHSTA, the REC finally had the provincial support required to pursue the appointment of its preferred candidate to the position of MM. Yet ructions within the Region and Province have continued, and at one point,

⁵⁸ See Phadi & Pearson, ‘Mogalakwena Local Municipality’; Phadi, Pearson & Lesaffre, 2018, ‘The Seeds of Perpetual Instability: The case of Mogalakwena Local Municipality’, *Journal of Southern African Studies*, DOI: 10.1080/03057070.2018.1464301.

there were at least 5 vacancies in management positions owing to disputes over the outcome of the Regional elective conference.

These trends can be witnessed in many municipalities. Yet it is important to bear in mind that both the context and organisational cultures of institutions of government can vary considerably depending on the extent and complexity of bureaucratization, and the nature of employment opportunities and socioeconomic development in the area. We turn now to the experiences of another local government official working in an environment with dynamics that are quite different from those just recounted. Working as an Executive Manager in the Johannesburg City Metro, this official entered the public service without explicit political intervention, and found far greater resources for resisting what she regarded as undue political interference, including in appointment decisions.

Thandiswa Mamane: ‘Stay out of party politics, but you can’t be apolitical’

‘I was never called to a smoky room to say “No, we are going to give you this job and in return we want you to do this and this... I think the only conversation I have was with the [Member of the Mayoral Committee] who said “Ah, my sister why don’t you apply for this position?” And that was the end of it.

Thandiswa Mamane was awarded a five year contract as Executive Director in the Johannesburg City Metro following what she regards as a standard interviewing process. This followed an already extensive career in local government, which had prepared her to ‘interact with politics and politicians’. She recounts a conversation with Sydney Mufamadi, the first post-apartheid Minister of Local Government, which informed her approach in government early on:

I was like ‘I am apolitical’ and he says to me ‘It’s not possible for you to be in a particular field and be apolitical. You must never bring party politics to work but you must never be apolitical. He was talking essentially about distribution of value and assets, and who gets what and who doesn’t get what, and where. And that can’t be devoid of some political influence... government is a political institution, so how can you not want politics to be in government when the thing that runs the government has to come through a political process.

She explains how this was reinforced by Parks Tau, the former Mayor of Joburg:

Parks used to call us the bureaucratic party and we used to call him the peanut gallery with his people that sat next to him... [he used to say] that the bureaucratic party can sabotage everything, so this is the space where the bureaucratic party must tell us what their views are, because it will be silly of them to think bureaucrats have no views or that our views are only technical, that is also not true.... He said that if you don’t want to get involved in politics, then don’t work for government. If you want to be in an apolitical environment then go to the private sector, and you will deal with office politics and not party politics!

Mamane emphasises that her role was largely about managing relationships between staff members. Mamane took on the difficult task of getting various people in different units of government speaking to each other. This involved 'translating':

And for me the thing was "How do I translate this to here and this to there" because actually these people are pursuing the same thing, they are perhaps just not talking to each other. And I am only here for a short time and so I personally am not going to do anything.

She was able to stand her ground against the wishes of politicians on numerous occasions – including in appointment decisions. She recounts one instance in which she was able to resist the imposition of a particular candidate for a job:

There was a gentleman who has been in the city and then went to the Eastern Cape and was a problematic person but was uh...politically powerful and I think I had just started in the city, and I get a call from the MMC [to say] "This person is looking for a job, do you have a position that you could give him?" and I say "Let me have a look. I will get back to you, and send me their CV so I can have a look at their skill set." I mean [mean they were] qualified and everything, and technically sound but a really difficult human being and I personally don't have the ability to manage a political animal like that. Especially when ... their entry into the department is negotiated. So I wouldn't be able to...and so I had the ability to say no.

In this setting, she insists, she was not aware of any political deployment made in which managers were hired 'who didn't have the competence but they were simply politically connected'. And, on the whole, she found the work extremely rewarding, yet the nature of the role was nonetheless taxing. By the third year, Mamane was looking for work opportunities elsewhere. Yet she believes she made real achievements during her tenure, and it was not only 'push' factors which motivated the decision. A desire to spread her wings and have international experiences was also a major driving force. Yet, ultimately, shifts in the political landscape would make this decision much easier for Mamane.

In the 2016 local government elections, the ANC sustained heavy electoral losses and was unseated as the governing party in the Metro. A coalition government under a Democratic Alliance (DA) leadership was formed, with the Economic Freedom Fighters (EFF) as 'non-coalition' partners. A number of colleagues became targets for removal by the incoming administration, sometimes tarred with claims of corruption and maladministration – largely unsubstantiated in Mamane's view.

Under the peculiar arrangement of the coalition government, Mamane argues that there are now a number of appointments of 'political animals':

I think of the heads of departments, they are all political appointments. Some were political animals with clear political allegiances but they are not eloquent in the positions that they occupy. One of the things that happened I think in the [coalition government]... well the EFF say they are not in a coalition. I don't know if they will have the conversation upfront to say "We want to choose the person for this position and this is what the person must be like." I mean there was one [executive director] who was number 5 in the scoring [of the interviewing panel] and that position was offered to them. And that's just untidy... And again supposedly is completely on merit but it can't be on merit if number 5 gets the job!

Mamane was able to finish out the term of her contract, which ended just a few months into 2017:

I was determined to serve my contract. When I was leaving I had a conversation with my son “I am leaving Jo’ burg blah-blah...” so he says to me “Is it because Parks is no longer a mayor?” and I said “No, I am not Parks’ lackey. I have done my part so that’s it”... So I would like to think that I have left on my own terms.

Mamane’s case shows how an assertive bureaucrat can avoid unwelcome political instructions, including in some appointment decisions, and effectively manage relationships with politicians more broadly. She does not view herself as unusually forthright in the Jo’burg City Metro. Yet she does concede that technical experience provided her and her colleagues with the foundation to operate with a degree of self-confidence:

If I think about my former colleagues...they were all very clear on views that they held and were always comfortable expressing it... I think in Jo’ burg at the time just about everyone who held a portfolio was well respected in that discipline, not just within Jo’ burg. They had a profile that went far beyond the city and I think that gave them confidence... But it also meant that when they spoke they were worth listening to.

Her case speaks to the relative assurance and strength by which an official can operate if they are confident of their abilities and knowledge, and do not owe their appointment simply to a political connection. Mamane insists that she was not the ‘lackey’ of a political functionary, but operated within an environment in which the technical role of bureaucrats was valued. Mamane’s narrative shows how a prevailing organisational culture can help maintain appropriate roles:

There was always clarity that politicians don’t get involved in manager’s decisions but they can get involved in policy decisions... So that delineation was kept.

It is clear, however, that a longer history of more entrenched bureaucratic norms is evident in the Jo’burg metro, as compared to many other rural municipalities we have studied. This has produced an environment of greater autonomy for skilled bureaucrats.⁵⁹ Mamane’s testimony furthermore bares a striking difference from that of Bhengu in that there is no mention of intrusive interventions on the part of Regional party structures in the day-to-day activities of senior managers in the municipal administration – something which deserves further comparative study.

Along with more entrenched bureaucratic norms, Mamane also emphasises the importance of individuals in maintaining an appropriate balance in the ever-contested political-administrative interface. She argues that the City Manager, Trevor Fowler, served as an important bulwark against interference:

We could actually go to Trevor and say “We don’t think that the mayor or the MM are correct on this.” and uh...so there was a place where you could have a conversation with politicians and say

⁵⁹ The precise histories of bureaucratization which have contributed to creating this context should be studied further.

"I don't agree with you on this matter. I accept that you have authority and you can instruct me differently, so that instruction is in writing and it's a proper resolution. But my professional advice is this". So it clarified how technocrats interfaced with politicians.

The individual character of officials is also important. Mamane insists that bureaucrats must be willing to stand their ground and be forceful about their autonomy – and insists that they should use their 'institutional cover' to contradict a politician if necessary:

That institutional cover can come from a whole range of things, it can come from interpersonal relations and it can be from above or it can even be from below. So you can have a very strong team around you and that's where your protection and strength come from... having a good relationship with your political [principals] of mutual respect [is important] where you are able to say "But I don't agree". If it's one sided where you are taking instructions uh...that doesn't make any sense to me.

The MM of Lephale makes a similar point:

People tend to undermine politicians in most business because politicians are not learned like the technicians, they are not, so they tend to undermine - that shouldn't be the case. It's a matter of managing a relationship, understand where your responsibility, and where the politicians role ends and understanding that politicians have to perform that oversight role. Because once a politician asks you about your project, you think the political is interfering – that is not interfering. A politician is playing his own oversight role.

Mamane also makes the point that influence can come from a wide variety of sources, not simply politicians:

It is not that if there is no political instruction then there is no other form of instruction ... you can be run from politicians or you can be run by business... You have a [private entity] who thinks this policy doesn't work for me, and can come to the municipality and start a policy review process. So that the policy can be changed in a way that helps them to extract value. That is completely acceptable... But if a politician comes and says "You prevailing policy in this area is wrong because of 1,2,3,4, 5" that is political interference.

She thus makes an important distinction between party politics and politics more broadly conceived, insisting that one cannot be 'apolitical' in a political institution since decisions about the distribution of value are always contested by multiple sources. She believes that Parks Tau had an appreciation of this – hence the 'bureaucratic party' appellation. Yet Mamane does not believe that this means that officials can have no party political affiliation. And indeed, she takes a generous view of the tendency of political heads to seek to surround themselves with those they trust from the same party.

I think part of the problem is that we pussyfoot around the idea that the political appointees cannot be just people in the mayor's office... I think the idea that you can come into government as a new government and inherit [managers] of core portfolios that ... you want to run [is misguided]. You want to know [that the] person who is there, their loyalty is with you... But this notion that the administration is independent of this: I think it's nonsensical... You knew you were in the opposition and poked holes in this thing and you finally come in and you take over. The people that you were poking hole at must now serve you? And you think they are going to be loyal to you? No... You want to have somebody who sympathizes that "If this is the extent of the risk, we are prepared to

take that risk” because that’s what feeds into political decisions... And if there is no trust actually the whole thing just collapses.

Mamane does not believe that the removal of managers seen to be close to the previous administration is in itself wrong – indeed, she believes that political deployment is a necessary process in shoring up allegiance. But she argues that there is a fair amount of hypocrisy in the DA’s approach:

I think that the DA’s poster and the DA reality are very different things. The DA presumably doesn’t purge but if you look at what has happened in Jo’ burg it’s nothing short of a purge and there are people who were paid out of their contracts because they couldn’t work with their political principals... And I don’t think that it’s a problem in an office but don’t say one thing and do the other...

Yet Mamane admits that there are problems of continuity in the system, and that there are distinct limits on the extent to which an Executive Manager can bring change to entrenched systems:

I mean the things that I was thinking about in year 4 about the work were vastly different to the things I thought this was about in the first year... [Y]ou see something that doesn’t seem right and you try to follow it to its root. It took a better part of five years to understand how this thing really work, what is it? Who makes what decision and what point? And how do you fix it without making it about the person? ... And I remember having a conversation with the director responsible for the function when I was leaving. And I was saying to her “You know we have taken this thing to this point, I am worried that the next person who comes is going to take them four years to figure out, this is where the problem is. How do we hard wire the solutions?” So I think there is an issue with the rate of term.

A Manager of Technical Services in Lephalale Municipality told us that five year contracts mean that managers can achieve little before they have to start looking for another job:

It takes you a year to learn everything about your Department... by year three you are already looking for another job. I have two years left on my contract and I’m looking. If I find something I will take it.

Mamane does note, however, that ‘it is possible to extend the contract if both parties agree, so there is room to make that a bit longer’, but that managers frequently opt out themselves: ‘The five years is both too short but it can also be very long’. Yet here one must take note of the different political environments in which these officials operate. While Mamane worked in an environment with a stable political leadership, in many places there has been profound and often acrimonious political instability. In institutions riven by intra-party factionalism, threats of removal of section 56 managers are ever present. They can find their five year contracts derailed, or their tenure marred by disciplinary proceedings and suspensions, as Siyanda Bhengu experienced.

The Manager of HR at Lephalale Municipality bemoans these unsettling changes that are often demanded with the frequent turnover of politicians:

It does affect as you know when a person comes in he comes with his own vision of how he’s going to do things differently. You might even [in] the worst [case] get the one that comes in and says

'We now have to relook the structure of the institution', and that would require even going back to council and say[ing] 'We want to change positions'. That causes a need for you to consult with unions ... So it does really affect the way we do our work and when you receive a new manager now and then you might be concentrating on certain things and when the new one comes in he's different and wants to do things differently. So if that change was happening in 5 years time that was better but if it's every 2 years, you've got these [disruptive] changes.

At a recent forum of Municipal Managers held under the auspices of CoGTA and the South African Local Government Association (SALGA), the proposal to make section 56 positions permanent was raised.⁶⁰ This would require changes to the Municipal Systems Act.

Bhengu has described how 'municipalities are in a state of permanent restructuring' due to the demands that political principals make for the appointment of their allies:

Immediately when a new political leadership comes in, they realise they can't put their own people because it is full. So let's restructure. They want positions for their own people. So we begin restructuring. They have been doing restructuring since I started working here in local government.

PARI has also detected a trend within many municipalities for crucial positions to remain unfilled. While some motivate this in the name of the 'belt tightening' that was ushered in by the National Treasury from at least 2011, a number of officials perceive more sinister motivations. One respondent indicated that many positions which are regarded as unprofitable for 'looting' remain unfilled:

You know the money that was earmarked for service delivery, when people can't loot it, it remains unutilised, because people were still planning how to use it, they're caught out by time. Then it goes back to National Treasury, you see? Look for example, you see the office that you are working from? There should be someone employed full time working from that office. It's a PA. That post has been vacant for seven years now. Yes. And every year we have been rolling back over more than R300 million from an HR expense. And every year there is a letter to remind us that there is an office vacant. You see, on an HR front? I just want to give you a small example, and then you can see how big it can develop. Yeah, on an HR front. Remember in HR there's an appointing of people in your own image, and so on and so on. If you don't find those people, those posts remain vacant for as long as you're looking for a crony, and there's no improvement.

We have also noticed that in many municipalities, key oversight functions – including Legal Services, Internal Audit, Performance Monitoring, and Risk Management functions – have remained crippling short-staffed, with often only one official tasked to perform the onerous

⁶⁰ The proposal contained in the MM Forum presentation reads: 'A need has arisen to insert a new clause in the Systems Act that expressly provides for managers directly accountable to municipal managers to be appointed in a permanent capacity with a view to build resilient capacity in municipalities, ensure continuity, preserve institutional memory and build the much vaunted stability in municipal administration similar to the public service'. Available at: <https://www.salga.org.za/SALGA%20Municipal%20Managers%20Forum/Presentations/Identified%20provisions%20of%20the%20MSA%20that%20requires%20amendment.pdf>

tasks that their mandates require of them. Other purely administrative functions – records management or council secretariat, for instance – often find themselves similarly short-staffed. Whether this is by design or neglect is unclear, but it has a major impact on both staff morale and the functionality of the institution.

The Divisional Manager of Human Resources at Lephalale Municipality indicated that the nature of contract employment of section 56 managers scares off many talented people who may wish to fulfill a management role, and believes that the option of a permanent appointment for Executive Managers should be explored to prevent the turnover that can come with political turnover. He explained:

I wanted to put an application [for a management position]. I'm withdrawing it. It's frightening, there is too much turnover [for these positions]. But you know the biggest challenge there... I really don't know why municipalities are not opting to appoint these people permanent[ly] because the Systems Act is not saying appoint them temporary or for 5 years, it only says so for MM but it's across the country. But I have seen few municipalities have appointed permanent. It solves this problem because as we have explained earlier these are political appointees, it depends which party is ruling the council, the one that has more voice in terms of the appointees of section 57. So you would never know what really transpires outside that has influence in their positions. But there is political mismatch that happens along the way, first it matches but along the way there is a mismatch'

With so much turnover at the executive management level, he explained how it has largely fallen on Divisional Managers – who occupy permanent positions in the Municipality – to act as the administrative bulwark against excessive instability of political appointments. Divisional Managers are often the most excessively worked, yet are among the most valuable members of staff – important bastions of institutional memory and procedural knowledge. In the HR Manager's estimation, it is these positions that should receive greater support: 'we are saying in terms of emphasis, beef [up] this man because he is here for a long time'.⁶¹

We now move on to the experiences of officials working in provincial departments, which, while exhibiting many of the same trends identified above, have their own particularities which shape the experiences of public servants in matters of recruitment, promotion and discipline.

John Pakade:

'Your cover is now gone... You become radioactive'

There are three routes into the public service, John Pakade explains: 'There are the people that come with the minister – the entourage. There is the unconnected route of

⁶¹ Zanele Mtshali (introduced below) has made a similar point regarding permanent positions in provincial departments: 'The people who do the work are the assistant managers and the DDGs. If that layer were removed, government would collapse'

being the career diplomat through merit. And then there is the route that I almost got into – merit laced with connections’.

Pakade had received a Masters degree in social sciences at the University of the Witwatersrand, and had been active in SASCO during his years of studying. He describes how, along with the rest of his comrades in these youth structures pursuing degrees in International Relations were ‘absorbed’ into a Cadet Programme for the Department of International Relations and Cooperation (DIRCO). Pakade had wanted to be a speech writer, but was sidelined by the Minister’s coterie and given the job of research intern instead.

[T]he Cadet Programme ends and then I get told by somebody who was working for the then MEC [of a provincial department]. This guy knew me from Branch politics. [He told the MEC], ‘This guy has a Masters from Wits. This guy earns peanuts... this guy is educated. Let’s work him up’. [The MEC] has been told about me and... he goes through my profile and they tell him I write speeches. So that’s how I left that job... got into the interview process...

Pakade was interviewed alongside other candidates, ‘But I’ve already been tipped that, ‘Listen, we are looking for your skills, we are looking for someone we need to trust’. While the chance still exists ‘that you are not going to get it... if you say ridiculous things. But the guys in the interview process know that the political head wants you in the team’.

Pakade was appointed as an Assistant Director. He explains that his ‘political handlers’ intended to build him up to eventually take over the job of the Director, who had been appointed through the intervention of a previous political head. ‘I’m supposed to take over half of his duties at the political office’. He notes a perception that it is only at Chief Director level that positions ‘start becoming political’, but counters that candidates ‘actually start getting groomed’ from lower positions. Yet this often does not take place with the direct involvement of the political executive: ‘He doesn’t even need to know you. His people need to know you. So you will never link it to him... you will never be able to prove it because... it was a whole network’

But Pakade’s trajectory would be rapidly cut short:

‘On the day I get appointed, the scandal explodes [around the MEC].’

The MEC was embroiled in corruption allegations and forced to resign, leaving Pakade bereft of political support and, even before he had properly begun work, massively unpopular with the existing staff. He identifies three major causes of tension from which all subsequent unhappiness at the department stemmed:

So everything that I have experienced in this department really relates to that initial tension, where there are political interferences with appointment processes. [Firstly], I get taken up for a communications job but I’ve only studied politics, IR and anthropology - I didn’t do media studies, I didn’t do any Journalism, so there is a problem right there – [a] trust problem. Second problem is this [director] expects that I am here to take [over] his duties. The third problem: there are people who have been in the system, that started off as interns that whose next level is to become Assistant Director now this guy comes ... and leapfrogs [over them]

Pakade explains that most people knew how he got the job and that he found himself isolated: ‘There are people who would say “Oh that was [the MEC’s] person”’. On top of

it, he was not given any work for two years: 'Nobody gives you a job to do. Your subordinates don't listen to you because they don't have to listen to you anymore'. Instead, Pakade busied himself with further postgraduate studies, completing two more Masters degrees. But he describes intense psychological costs:

The anxiety that comes with not feeling like you are doing something, not feeling like you are fully employed really is cancelled by the whole thing because whenever things happen, whenever unfair labour practice happens and you go and report it to the labour relations, the sort of dismissive you know under tone is political... HR knows exactly [what your story is], so your case is defeated before you even open your mouth... so you become radioactive.

Pakade thus believes he was met with 'a whole new level of interference – of bullying, of whether you belong. Your cover is now gone. Now you have to prove why you are here. Then you have to find a sympathiser, prove yourself to them'. He explains that while positions requiring scarce skills can be governed by 'some kind of meritocracy', it is not the case with a social sciences background. As such,

if you are going to be gainfully employed at the stage, you got to have somebody up there. Either somebody in administration or somebody in the political office, that's how it works, that's how, that's how you get up, it's got nothing to do with your qualifications or competence, it really has everything to do with who you are connected with.

Finally, Pakade found something of a 'sympathiser' in the Chief Director of Communications: 'he decides to say "Look, this guy has qualifications. Let me see if I can use him"'. Yet he still felt underutilized:

I was basically that guy that you know and when they feel like it they would say oh please edit this speech for us and somewhat you can be bitter about it but when you think about it if you are going to have somebody because you don't have a proper succession plan and because there is this intervention you can't really have it any other way, in all fairness I don't think they could have treated me any better.

Pakade managed to find work in another unit where his skills would be better placed:

So 2016 I've decided that listen, I was working as a researcher. [I went to the] head of research and you got to get my credentials noticed.... [Through] a gentleman's agreement, I move[d] there.

However, he has remained at the same pay grade he entered the public service, with little prospect of advancement:

So with the way things are going I am not going to get promoted anytime soon. And even when I apply, I never get considered. When I apply they are going to ask 'What did you do in your previous job?' [laughs]. My boss [the director] is not going to tell them 'This guy is a good guy'. So I'm stuck in this position.

Pakade has contemplated his options, considering whether the incoming MEC and his faction 'may be more accommodating, more approving' of his position. But, overwhelmingly, he wants to find another means of building a career beyond political connections:

After a while you get tired of it, you really get tired of it because say I get a Chief Director post because [the MEC] was there, the next MEC comes what's going to happen? So you spend your time really accumulating degrees... the organisational culture, it's never a set thing, it's really

depends on the whims of who is there, the organisational culture is actually a culture of patronage, it's a patron-client system... Now I am no longer an active member of the ANC... it sort of terminated effectively when I realised that it doesn't work, so it died. This patronage thing doesn't work. You want another way [to build a career]. This is not working... You get tired of that game.

Pakade's narrative describes the difficulties that an ambitious public servant can face if they pursue a route into the public service through political connections. While he was able to 'leapfrog' other candidates to gain an appointment as an Assistant Director, the removal of his political patron left him without work, exposed and vulnerable to bullying. The manner of his entry, he believes, decisively stunted his career path.

Pakade is not the only one to have had such experiences – indeed, it is a problem that he regards as increasing exponentially with each turn of the political wheel. He describes how, for instance, that each new MEC brings a wave of new entrants into the public service. By law, a political head is allowed to appoint a group of advisors and other support personnel without following any interviewing process.⁶² As Commissioner Marais-Martins explains:

We will acknowledge that when a political principal comes into office [it is not uncommon] for such a political principal to want to have in his or her immediate surrounds people he or she trusts or can work with. So that principle that is widely practiced not only in this country but also in other countries. In terms of the ministerial handbook there is a clear cut indication that for most of these appointments that they are supposed to be linked with the term of office of the political executive authority.

The term of their contract is meant to be linked to the term of office of the political head. In practice, however, Pakade argues that this rarely happens and – certainly in Gauteng – these appointees are generally absorbed into the structure through contract positions. He describes these people as 'consecutive waves of residue'.

Zanele Mtshali (whose narrative is recounted below) has noted that the same is true in another provincial department, where contracted positions are even being 'found' for senior politicians from municipalities (eg. former executive mayors) who found themselves out of a job following ANC losses in the 2016 elections. Mamane notes the political and moral imperative behind it: 'They are going to be unemployed, and the levels of unemployment are too high and so you shove them somewhere in the institution... [they are guided by the principle that] "Comrade can't be unemployed"'.

Contract positions offer a way around DPSA regulations that require each position on the organogram to be ratified by the Department before an appointment is made. Commissioner Marais-Martins explains how this is a cause of concern for the PSC, who have decided to focus on it as a problem area:

⁶² As previously noted, this is covered in both Section 12A of the PSA, and Section 195(4) of the Constitution

We are looking into contract appointments of the department, because that is a mechanism that is often used to get people in the department in a manner that is non-compliant... There are a number of people who are appointed on contract and you find that this is how they are inserted ... I wanted to say smuggled! This is how they are got into the administration on contracts and these contracts are renewed and renewed... And people are ignoring that even with contract appointments there are rules and regulations that manages how you do a contract... We have found a few cases where someone who was appointed on contract and that contract has been extended to a point that this person has been on contract for 10 years.

This is one mechanism by which political appointees can come to be absorbed into the administration. Pakade notes that there is a term for such absorption: 'regularising'. The term has been adopted from human settlements parlance:

People would erect shacks and then instead of demolishing those shacks they will go and formalize. So the idea of regularising says you make what's irregular regular, so when they are regularising employees basically is somebody who, I shouldn't even be working [in the job]

Pakade explains that an irregular appointment can be 'regularised' through the process of horizontal transfer – by which someone is moved to another department on the same pay grade, 'Or find another position, you are not particularly suited for that position, so you are a square [peg]... pushed into that particular circle'.

Commissioner Marais-Martins admits that there is little way of detecting these moves:

Those are the tricks that people are using. The irregularity would be at the point of recruitment... There is nothing wrong for you to be transferred to another department but it is wrong if a person is on contract and is transferred on a permanent contract as if you were permanent, and that's what people are doing... I call it fraud because fraud happens in the [PERSAL personnel] system... The system doesn't know that this person is on contract. Let's say the system knows that last time you were appointed on contract but what the system doesn't know is whether between that contract appointment and the now permanent appointment if you went to through a recruitment process... So those who are doing appointment on the system are the ones who should be resisting but they are not resisting... the way a person is appointed permanently you have to get a submission where delegated authority has gone through the process and appointed a person and here is a submission [of all substantiating documents]. And I, a person who is going to capture the information, I must refuse if there is no submission. But now you must understand that this poor person who has to capture is a little personnel officer maybe... Who is told, you will do this or that personnel officer might be give a submission that is finished from beginning to end and uh...not looking if the submission is forged... People get away with these kind of things because they threaten the ones who are supposed to capture on the system.

Pakade explains that the unions are key in applying the pressure for regularising particular appointees. He believes he could work to try and have his position 'regularised', his political baggage swept away, if he was more vocal in the union:

I mean if I really wanted the next rank, I should just make more consistent noises in Nehawu, I pick a couple of fights with the existing management and they will say ok maybe he can be one of us... half the people in the union, maybe the loudest one third in the union are people who came as political attachments... So they are claiming they have been victimised unfairly... Because now you don't fit anymore, you don't fit properly anymore.

Yet Pakade does not want to pursue this avenue. He explains that factions of Nehawu are tied into factions of the ANC, and in the ANC there are 'factions within factions'. He is looking for a more sustainable way to build a career beyond 'patronage networks' – a system which he admits he got himself into, but which has brought profound turmoil to his life and his career prospects.

Pakade is quick to point out this system is also immensely frustrating and destructive to career bureaucrats. In the next section, we look at a particularly difficult experience of a public servant who found herself having to answer to a belligerent politically-connected manager who set out to undermine her.

Zanele Mtshali: 'We were just told: prepare an office!'

When we interviewed Zanele Mtshali,¹ she had been working for a provincial department for nine years, following eighteen years in the NGO space. "Comrades were always trying to get a job for me - trying to get me into government", she explained. While she had been tempted, she was insistent that she had to work in a field for which she had trained. Eventually, though, she was convinced to try make the move:

How I got employed is I called somebody and said 'I want to go into government'. And he said 'Ok, I am looking for people for my directorate. So there will be posts'. And I think there were three or so posts. They advertised, I applied for the one that was suitable for me... and there were other people that were employed - other two people.

She readily admits:

All of us, we were known to this person before we even entered the system. But I must emphasise that we were committed, we were competent.

Mtshali came to work under an acting HOD who she held in high regard, not least for being able to balance both political dynamics and administrative imperatives:

And she is a highly bureaucratic person, even though she has been a member of the ANC for a very long time. So she understands the politics of the ANC, but she is also a highly bureaucratic person. And she appreciates the value of doing things procedurally.

However, Mtshali explains, this official remained only in an acting capacity because she was not in favour with the Premier. This made her position very tenuous and meant that she was forced to exercise delicate discretion in relating to her political principals – 'it was always dicey'. Nevertheless, Mtshali worked well with the acting HOD.

However, Mtshali's job was taxing:

I was mainly alone in that Directorate and it was strenuous, mainly because I was also with staff members who were not doing their bit... The managers are pressed. You know they have got their operational duties that they are doing besides the managerial duties. So I ended up having to take those responsibilities. Because now when things are done in a hurry, and people are always under pressure - because there were also a lot of protests at that time - more than 50 protests a day in

the Province. So people are always under pressure to stabilise that situation. Because also the ANC is getting worried that we are going to lose the elections here if things are not right.

The weight of these responsibilities took a toll:

In fact eventually I was getting sick. I had to eventually see a neurosurgeon. And I'm still working - I haven't stopped! Then our HOD got ill. Now all the things... like there is meetings I have to attend. And I'm saying 'I can't. I am exhausted. I am not going to be able to make sense'.

Following the elections of 2014, however, Mtshali's already arduous job would be put under immense strain by the deployment of a new HOD.

This man was just plucked from nowhere and put in this Department. We were just told 'Prepare an office!'

According to Mtshali, this new appointee had previously been acting Director-General (DG) at a national department while the incumbent had been seconded for another project, and had been vying for a full-time appointment in that post.

They wanted to give this new acting person the position simply because of political connections, and he was part of the security establishment. I don't know whether it was NIA or whatever".

However, she explains, the Public Service Commission (PSC) intervened, and insisted that the incumbent return to his post, leaving the once acting DG without a position:

'So now he was floating - he didn't have a place. And I think they spoke to the Province - the Premier - and they slotted him in our department'.

The process of the transfer was chaotic from the outset. Nobody had received substantial warning, including the previous incumbent: 'Nobody even told her anything'. The incoming HOD was not equipped for the role either: 'He just stood with his arms folded... I have to babysit him'.

Mtshali took it upon herself to quickly get the new appointee up to speed and perform basic duties while he found his feet. Yet the relationship did not progress smoothly.

So when he comes, he is very insecure. I don't know what his reasons were, I don't know what he had been briefed. And he... the way he operates is very strange. It was not professional, definitely.

Over three months, the relationship broke down completely. During this period, Mtshali would observe office routine and discipline being [disrupted]. She explains how staff would:

come in the morning, sit and drink tea... then around 11 or 12, there is a mini crisis when they remember they have to work. And they start running around. I'm still taken aback.

Mtshali picked up a lot of the extra work herself.

I was working such long hours - even at home. I was always doing work. Whether it was a Saturday or Sunday.

She received no help from the HOD, and in fact quickly found herself out of favour by the recent deployee:

He had been in a political role, largely. It's those kinds of people who believe in entourages. She believes that her quiet independence and commitment to the job antagonized the new HOD and those he brought with him.

She describes how, after she had delivered a standard reporting document to the DDG about a conference that had been held by the Minister, 'all hell broke loose'. She was accused of spying for the previous HOD:

You know, it was such a ridiculous thing. Spying on what? The emails were flying. I said 'this is ridiculous'.

Later, she believes that the HOD and his new Office Manager actively sabotaged her by hiding sections of a report she had drafted for the perusal of the Provincial Executive Committee. Shortly thereafter,

I get an email that I have to sign: I have to write an apology to the MEC... So I go, I trace that file. I work out what happened and I work out that the file was actually hidden in the HOD's office. So I said I was not going to sign any apology, because that file was hidden - it was purposely done.

In response, Mtshali immediately approached the Human Resources (HR) division and told them: 'I want a transfer. Today. I want to get out of that office'.

Mtshali, like many officials, narrates her own entry into the public service through an important point of emphasis: that while personal and political connections may have smoothed her entry into the position, she is nonetheless qualified to do the job. She describes herself as a professional, committed to the tasks at hand. Her narrative tells a great deal about the kinds of deleterious effects that an official [perceived to be] a purely political appointment can have on workplace routine and structure.

Fortunately for Mtshali, a fairly robust HR function in her department has managed to work out a special arrangement for her such that she no longer has to work with the HOD at all. Instead, she has been put on secondment to another department. Yet here one can see another poisonous result of these kinds of disruptive political machinations: the fostering of an incredibly demotivating working environment. Indeed, following the turmoil that she perceives as having followed from her strident attitude, Mtshali has contented herself with doing very little work like many others:

There are people there sitting and doing nothing. Like I am doing now. I go, there is a work that I am supposed to do. That work is very little for a month. And most of the time I go and... I mean I am happy about it and I can feel... It has taken me three years to heal. But it disorganises you. Because you don't have structure in your life. I'm not the kind of person who wants to do business on the side. I will do it when I retire. As a civil servant I don't do business on the side. I've lost confidence in the leadership in the province, definitely. And I just feel that people are just doing whatever ... just to get by. It's senseless.

For Mtshali, the transfer of the HOD was evidence of a lack of consequences for wrongdoing within the ANC. Instead of dealing with a problematic individual, she argues, they transferred the

burden to them. And his arrival brought an end to what Mtshali believes was a very short-lived period of bureaucratic efficiency.

Her story also shows the often *ad hoc* and poorly-orchestrated processes of such transfers. The staff were not aware of the HOD's appointment until the very last minute, and even he himself seems to have been caught by surprise. This has a very jarring effect on mandated office processes. The HOD furthermore brought in his wake what Mtshali refers to as a 'strange culture' in the Department – one that she has seen afflicting relations between managers and subordinates, and between political principals and officials. For instance, she points to an expectation amongst many senior appointees that their line managers will sit next to them in a show of public support.

I think that is odd. You need to be able to interact with other people. Know what other people are doing, what they are going through. I'm with the manager 5 days a week and I'm sure [laughs]... and they know the effort that I am putting in. It doesn't have to be in the public display that I am aligned to this person, and I support them. I think it's such a bad culture... they don't even consider it as 'sucking up'. It's so embedded.

Mtshali believes that because she avoided playing these public loyalty games, she became a target of victimization: 'I think I was not responding to the subtleties - the pressures - I was simply not responding'.

It seems that much of these shows of loyalty stem from feelings of profound insecurity. Pakade noted similarly that managers frequently feel threatened by those they regard as more qualified than them:

as you keep on accumulating these degrees you start becoming a threat to someone and I didn't believe that you could be a threat to someone until I almost got fired for challenging how research was done, for challenging why a certain project was outsourced and why we couldn't do it internally ... everybody thinks you are *windgat*.

Similar kinds of loyalty performances characterise many state institutions. In local government of small towns, this appears to be especially acute, given the complex intermingling of the personal and the public that attends life as an official in a close-knit community. Bhengu, for instance, describes what he regards as an 'autocratic' style of power wielded by the Regional Chairperson due to his influence over key resources in an impoverished community:

The way he is wielding power. He is wielding tenders. He is wielding jobs. Remember [this town] has got no employment, nothing... So if you don't have connections in local government, either to get a job or for your kids to get a job there, or to get a tender, you're dead. So here is this guy, Chairman of the Region, he is controlling everything. So when he comes into a shop of a bar [gestures a sign of praise and subservience] 'Mangethe!'. They idolise him as a god.

He describes how managers of the municipality are forced to submit to him through gestures made at public gatherings:

You've got a place where they stay the whole day, the faction. At that place there is obviously alcohol, there is *chesa nyama*... Posh cars of all these REC guys are parked there. And then they keep calling the government officials, you see. The MM will be called in [gestures to dishing out money] to come and buy drinks, buy everything. Then the director for Technical Services will come

in and buy lunch. Then the other one will come and buy supper. You can just see that this is worse than whatever you thought you were fighting for. It's exactly like slavery in small [rural] areas. It's serious, pure slavery. And people because of their condition and their poverty, they accept it as a norm. And when you have been exposed to bigger places like me, you can't accept that. It's unacceptable. Then you can't keep quiet. That's the thing that made things worse for me.

Both Mtshali and Bhengu argue that they were forced out of their positions because they refused to accede to these demands of subservience by political principals.

Yet such decisions can prove immensely costly for officials. An area that is frequently neglected in literature on government appointment processes is the kinds of emotional and psychological traumas that are produced from working in a state in which politicians have such intrusive power over the lives of officials. While Mtshali was working late hours while enduring a range of attempts by the HOD and his office manager to undermine her, she began to experience significant health problems:

So I am tired and I phone a friend... I say I need to see a doctor. I need to be booked off. Because I am exhausted. You know. This far and no further. Cause at that time I was... Like I would finish work at around 11. At 5 o'clock I have to be up... I say 'I need a doctor', I go to the doctor and he looks at me and says - You are going to have a heart attack. He referred me. He said 'No there is nothing I can do - it is beyond me'. I went to a psychologist. I have an assessment, a consultation. He said 'I am booking you off until mid-Dec'. And he referred me to a psychiatrist. And I was having constant headaches by then. Sometimes it would be difficult to drive. I have to stabilise, I would stop. But I can work. But it was just too much. My fear is that I'll have an accident. Once I even drove to [a hospital] - I had to come to hospital because something can happen to me at night.

The mental health of state officials is an area that demands urgent attention. Many institutions of state are characterised by a climate of bullying and fear, not least because of the instabilities wrought by constant political turbulence. In Mtshali's estimation, half of patients in psychiatric wards are government officials. And it seems that this perception may not be inaccurate: Commissioner Marais-Martins notes a study conducted by the PSC that found that the 'most common illness that public servants at that point were afflicted by was actually mental illness'. 'You either are crazy to work in the public service or the public service is driving us all crazy,' she jokes. While Marais-Martins suspects that public servants may sometimes use this as an excuse for leave, we have repeatedly found evidence in our research into many state institutions of profound psychological trauma induced by unstable and acrimonious work environments. Many report that much distress stems from the actions of politicians or of politically-connected officials. Yet it is clear many who have been appointed through irregular channels, tied to a political connection, can also experience severe psychological costs.

Pakade says 'that there was no such thing as 'corrective counselling or a healthy working environment... because the toxicity that comes with having had political connections now says that at any chance [they will] liquidate you'. He notes that the history of his appointment casts a stain on day-to-day interactions in the office: 'There are people you don't speak to. There are people you only communicate with via email so that you can create a paper trail because you don't want to be [charged with something]... What kind of, what kind of work environment do you have? It's a toxic work environment, there is no succession planning, there is no growth, it's an

ineffective organisation'. He continues: 'It really affects [you], the anxiety that this thing has. It affects your social standing and the stagnancy that comes with this thing affects your mental [stability]'.

Bhengu endured repeated suspensions – on charges he regard as trumped up by political opponents – felt a chronic sense of uncertainty and disillusionment. Linked to this is a sense of financial distress, not only due to the often expensive nature of legal advice that they frequently seek in the wake of disciplinary charges, but also because of fears of a permanent loss of income. For Bhengu, this fear materialized after his contract was not renewed, and he now finds himself uncertain about how to earn an income. Pakade has had to try to find other ways to supplement a meagre income: 'you do extra jobs there and there, unfortunately not too close to the action so you can't steal any money (laughing) but I sort of understand how people get to steal money'.

Added to this is the sense of ostracism that can attend those who find themselves on the receiving end of a political faction's punishment. Bhengu describes, for instance, how many of his old comrades who had initially been willing to help him look for a job suddenly cut off all communication with him when they realised just who it was that he had made a political enemy of. Pakade describes the difficulties involved in the loss of his network of friends after his decision to leave the ANC, and the strain that financial difficulties place on relationships: 'you are discouraged, you are not happy, you are disgruntled ... so now you got to build new friendships and number two it affects your relational status [because you are not earning more]'.

Some officials have little sympathy to spare for those who pursued a political route into a position in government. Mamane, for instance, believes that you should expect what is coming to you if you 'sell your soul' like that. Similarly, Commissioner Marais-Martins notes:

So coming back to the issue of psychological trauma, the psychological toll uh...maybe I am being unsympathetic uh...but I say that "When you are a political deployee, you have to go through a recruitment and selection process". You must be able to prove that, yes you are a political deployee and was selected based on your capacity and your skills. And not because of your perceived loyalty to a specific person. Never mind the political party, I mean for me the political party is obvious, but when now you are speaking about being loyal to a specific person as an EA then people are stretching the boundaries to far beyond what was originally intended political deployment

Yet it is clear that the kinds of systems that have developed around appointments – a complex intermingling of formal and informal practices – is producing perverse personal results for all who are entangled in them. Both Pakade and Bhengu were two qualified individuals who owed their jobs principally to an informal recruitment process. Yet, certainly amongst many party circles, this has become *the de facto* route into the public service. While Mamane could rely on her scarce technical skills to set her apart, for instance, for people like Pakade who only have 'soft' skills in the social sciences, the routes into government appear far more constrained. For Bhengu who had spent his life involved with the ANC, he perceived the shifting norms around appointment that appeared to have set in as a culture within the ANC at local government level, and pursued what he perceived to be the only route into a management position at local government. This is, moreover, against a historical backdrop of high levels of unemployment and poverty amongst extended family networks. Unless we recognise that these routes into public service have accrued a significant degree of political legitimacy, we risk missing the reasons that they endure.

Florencia Belvedere: 'The whole thing is bloody unfair... and nobody has the guts to say anything about it'

'I applied to become the head of the Johannesburg Refugee Reception office,' Florencia Belvedere explains, 'And I applied because I had been working on refugee issues from the outside but failing to influence government and I had done a PhD on the history of refugee politics in this country. And I think I had more historical memory about refugees than anybody else who was in government at the time'. Belvedere had worked in the NGO sector for many years, and came with a determination to enter government and bring change to the dysfunctional systems governing the recognition of refugees.

'There were people on that panel whom in hindsight I realized ... wanted somebody competent to do the work. And they knew that probably I will get it done'.

Hailing from Argentina, Belvedere's only concern was that she was not a South African citizen: 'The one thing with me would have been Affirmative Action - being white and foreign because ... I was a permanent resident and I told them so. But they were very happy'.

Belvedere encountered an office plagued by significant dysfunctionality. Staff and client restrooms had not had toilet paper for several months. She also describes the poor work ethic that prevailed:

There were some staff who were like, "This is a job and 4 O'clock is knock-off time" and they are out of the door. And my point was always: Let's get people in government that will have commitment first - knowledge of laws and procedures can be taught later.

During her tenure, Belvedere brought significant change:

I was running an office with like a hundred people and uh...and it was hard as hell to do... I think I managed to turn things around because I worked with the people who were eager to learn. We ran a pretty tight ship, we had uh...we [introduced] conference calls across all the refugee offices... we used to have daily production meetings and used score card templates – dashboards. We [generated] basic statistics on absenteeism, how many people were absent on a daily basis, on a weekly basis. We looked at how many clients were assisted on a daily basis.. What are their countries of origin? What are the factors creating bottlenecks in service provision?

After her Chief Director moved on to another job, Belvedere decided to apply for the post. Yet despite her experience and proven track record, she would lose out to a candidate widely viewed as a 'political appointment':

It was an interview panel and I was competing with this other woman and she eventually got the post. We were all in shock... and so I was waiting for my interview and this woman... she came and she was sitting in the same waiting room... I am preparing myself for this interview, you know thinking what's important to emphasize. And this woman comes in and she says "Oh! Is that the job advert? Can I see a copy?" And I said "Sure." And the reason why I remember is that she never gave it back. She went into the interview before me and she took it.... So I was very shocked when she got the post because at the time I was saying to myself "You are applying for this job and you have not seen the job advert?" and I am thinking naively "How can this woman get this job if she doesn't know anything about it?" I did the interview and everything ... then I hear that this other

woman got it... And then I started hearing from colleagues who said "Your name was on the recommendation form to the Minister but it came back and it was changed..." So nobody can really tell me what the hell happened.

According to Belvedere, the incoming Chief Director was widely seen as a connection of the Minister, who had just taken up the role. 'And from there it just went downhill', Belvedere says:

because there was no continuity [with the previous Chief Director]... all of that money that was invested in turning the JHB refugee office around and putting new systems, all came to a halt... we actually went backwards. I was based in Crown Mines when she was at head office... and I was exasperated. We had situations that needed to be resolved and I needed direction because we needed something in writing to say "What do we do with these cases or those cases." and nothing [ie. no response].

Belvedere sat on interviewing panels for appointments, and explains how the new Chief Director also sought to influence the process. On one occasion:

'[She] really wanted this guy to be hired and she kept and saying [to the panel] "I think we should all give him a five" [the highest score]. And I was like "No, we each produce our individual scores" ... she was definitely trying to make sure that this guy was hired and not anybody else, and I remember feeling extremely uncomfortable uh...especially because she was such a bad judge of character and people that she hired left a lot to be desired'.

To her surprise, Belvedere was soon charged for allegedly moving files irregularly from her office (when it was closed) to the interim refugee office in Tshwane:

I was first bullied into resigning and when I said I would not resign, the charge came. Definitely it frustrated me as much as gossiping but you know I was like "You know what? I'll be damned if I leave... so you want to charge me? Excellent". And then I went to a hearing and then the Department postponed, they postponed for year [and eventually dropped the charges after three years].

In the midst of this, Belvedere learned that she was under investigation due to suspicions over her residency status:

[The new Minister] started getting paranoid about security. You know Home Affairs became a Department of.. the security cluster. And then the questions started "Why have I been hired because I am not a citizen?" The same person who charged me and others were investigating my permanent residence application to see if I haven't paid anybody... And even someone from the inspectorate whom I knew said, "You know they are investigating you" and they got cross because they gave it to somebody below them to do this [investigation]... so there was definitely behind the scenes [dealings], you know.

While this process was ongoing, Belvedere was, however, physically removed from her office and relocated to the head office:

What was heartbreaking for me was that despite all my dedication and hard work to turn the office around, I was escorted by the security from my office because I was allegedly a security threat. I had to leave with my personal belongings and leave everything behind. I never wrapped up my office, it was like "Out of here". And I was told by this guy "You are a security threat and you are banned from the office." and I am like "What? Banned? Man, it's like back to apartheid". It was an absolute power trip.

For three years, with the disciplinary charge hanging over her head, Belvedere reported to head office, but was given no work to do:

I have got these skills and you pay me a salary and then you know I am trying to find work so I can keep myself interested, I can't stand wasting my life and sitting behind the desk and doing nothing.

But the Chief Director also sought to police Belvedere's interactions with other staff members:

I would liaise with the Chief Director of the Inspectorate ... I got along with him and it was important to draft joint operating procedures on processing of failed asylum seekers, children, etc. And one time she said to me "You are not allowed to speak to the Chief Director, you are a Director, so you must go through me" and she said that I was being insubordinate taking that initiative to try to do work with the Inspectorate... I ended up taking like a step back because anything I did was like a threat.

During that time, Belvedere completed her LLB studies. And eventually, she started working with the [Head of Immigration]:

He said to me, "Look you are wasted here, I need somebody to come work with me. Please come work in my office"... it was good but I wasn't properly placed. [I was a] Director with no portfolio.

She also began pressurising her superior to fire the Chief Director. Belvedere expressed her frustration of having to do the work of an absent senior manager:

For months she was collecting her salary and never around. She had newspapers delivered to her house in a government vehicle and she would ride in the government vehicle... [I told my superior], "you need to know that this is very frustrating because there are people who are earning a salary to do this work, so hold them accountable."

Yet Belvedere encountered inertia to deal with the Chief Director – something she regards as a frustrating characteristic of government:

And that's the thing, a lot of it is also about [the fact that] nobody wants to manage this... Because what happens in government is there is the white elephant and we are all staring at the white elephant and everybody goes around the white elephant... I just thought the whole thing is bloody unfair, nobody would do what they needed to do and that's the sad bit...

Fortunately for Belvedere, a new Minister arrived at the Department who took exception with the Chief Director's poor performance. Pressure from above mounted on her direct superior:

[The Minister] was getting fed-up [but] my superiors didn't want to go near her, none of these guys. Things were getting much more complicated, the complaints were increasing and nothing happening. He got the flag from the DG that "What are you doing? What are you doing?" so I was doing a lot of the work [to deal with this issue]. And I was like "DDG this needs to be done"... And eventually like I said I did all I could to make sure this woman was eventually fired. I drafted all the letters ... and delivered some of them to her house. She had stayed home for so many months uh...and eventually she was told if you are not coming back, you will be fired for abscondment.

Since the removal of the Chief Director, an acting official performed the role. Meanwhile, Belvedere applied on numerous occasions for a promotion without success. She even applied for the post that she had been fulfilling:

'I interviewed for the Chief Director post for the head of administrative support, the job I was doing for the DDG but on a director salary. I applied for that post, was shortlisted and they gave it to [another person]. When I asked someone in the Department why I wasn't given the post I was told "No, they said you were overqualified and you will be bored in this post," and I was like, "But that's the post I am doing"... and at that time I was like "This department is really starting to get to me". I was fed-up because I was a director and I couldn't get promoted but [I was] qualified

Unable to get a promotion and stuck in a frustrating work environment, Belvedere eventually decided to leave government. For her exit interview, she prepared a letter in which:

I was absolutely blatant that the appointments here are very much politically influenced. And I gave my example uh...and I said "I don't care, let them read this [in my exit interview]." Because I just think it was absolutely unfair, what they did to me.

Yet Belvedere left with a 'heavy heart', feeling that she still had much to contribute.

The case of Florencia Belvedere shows how hard-working and ambitious public servants can find themselves victimized and excluded from opportunities for advancement because of their refusal to bend to the will of politically-connected senior managers. Her case moreover shows how, even when one is willing to exhaust all channels of accountability, there are still distinct limits to what one can achieve. At the very least, in Belvedere's estimation, one can find oneself continually passed over for promotion.

Belvedere rails against what she describes as the 'compliance mentality' of many public servants, and urges that they be more assertive in defending their territory and exercising their duties:

[T]hey are people who feel demoralized by that "Do this and don't ask questions." But I just also think you know...I don't want to think of people as victims uh...certainly they are disadvantaged, but you make a choice. At one point you make a choice to keep quiet because you can always go... a lot of people will easily say, "I am not going to fight that. I know I can go to the bargaining council but it's just so much effort, so I am just going home to my family at 4 O'clock." And that's it. And they can live with that but I can't live with that, I think it's so wrong

By contrast, Belvedere describes herself as someone who 'shoots from the hip', who will not just keep quiet in the face of an injustice. Yet she admits that it may be easier for her to take this stance, given that she does not have an extended network of dependents who rely on her income:

[I]t's a punitive environment and I also think about another factor ... I don't have anybody to support, it's just me, myself and I. So if I get fired it's just me it affects but there are people who rely on this salary to support families. So they hold on to it for dear life.

Belvedere pursued every channel available to right a perceived wrong that had been done to her. For instance, she approached the PSC about the disciplinary charge hanging over her head, but received no support:

They don't get involved in disciplinary issues. It's just something to do with the conditions of services and so on. But any disciplinary matter they say "We can't help you." and I said "Fine I will tackle this on my own."

However, the PSC did issue a recommendation to the Department, finding that Belvedere was entitled to the payment of her travel costs from Johannesburg to Pretoria over the three year period, but this has not been abided by:

[The PSC] took their sweet time with that and [the Department] couldn't be bothered with the findings and to this day they never abide by it, because they say I was properly placed and there was no issue about paying me for moving me to Pretoria. They said I was placed in a correctly funded post called Director Repatriation and Integration, which is the post that has been occupied by the guy who has been acting as head for years. And I said "How can I be placed in a post that is occupied by another human being? I can't." So I said "You are lying. If I had been placed I would have been informed and I was never informed"

The Department thus ignored the recommendation, and the PSC told Belvedere that they could not force the issue. So she has pursued the matter further – first in the Bargaining Council, and now in the Labour Court. Yet her recourse to legal avenues won her the disdain of the leadership of the Department, and she privately learnt that unless she dropped the case, she would never get a job in the Department. Thus, even when one is trained in law and pursues every channel available, it seems that there is little that one can do to seriously challenge the compliance mentality that pervades government.

For most, it seems there is little trust in oversight structures. Mtshali was considering referring her matter to the PSC, but decided not to pursue it because she did not want the stress. She also notes that there was some political sensitivity around the matter:

I could have reported my matter to the PSC - the [provincial] commissioner was going to pursue it. In fact he wanted to pursue it independently of me - I was just going to be the reason for doing that, because he did discuss it with the Premier. But you know what they did to him? For almost a year, he didn't have a job. Probably that's one of the reasons. They don't want things to be straight. The ANC has to be forced by civil society to do things right.

Few have faith in the capacity of internal HR departments to solve their issues. It seems that at many levels of government, these units are marginalised and fairly powerless to intervene in matters of appointment, discipline and promotion. Earlier, Commissioner Marais-Martins noted how HR clerks can be pressurised into making an irregular appointment appear regular on the personnel system. In some cases, the pressures on this unit can be extreme. The HR manager of Mogalakwena, for instance, noted a tendency to blindside and isolate the HR function, which was reduced to a secretarial role.⁶³ She furthermore noted that she had encountered direct attempts to access her database and records, which she had resisted:

'They wanted to interfere [with me] ... but I didn't give them [what they wanted]... They wanted me to give them access to my PERSAL⁶⁴ for them to appoint... And I clearly indicated to them that the

⁶³ See Phadi & Pearson, 2017, 'The Mogalakwena Local Municipality', p.32.

⁶⁴ Electronic Personnel and Salaries database

PERSAL pin is a personal... They told me that there were positions that they wanted me to give them... I don't know, they appointed during our absence [while stationed at the library]. It was a politician who wanted access. One of the councillors. Telephonically so'.

While the case of Mogalakwena may be extreme, it brings out some trends we have seen across local government in small towns.

In Mtshali's case, HR was able to work out an arrangement for her to be seconded to another Department in the wake of the collapse of the relationship with the HOD. Yet in many other cases, respondents note feeling utterly abandoned. Pakade was left without any help from HR, who believed he was a 'problematic case' given that he had been appointed through irregular channels. Another respondent noted that:

HR is done when you are contracted. There is no conflict resolution in government at all. You are on your own, bro. And if you are upset, you don't speak, no one cares.

Belvedere's case also highlights once again the punitive strategy of giving an employee nothing to do. Pakade endured the same fate, and it had profound consequences on his mental stability. Similarly, despite her significant experience and drive for hard work, Mtshali remains underutilized and unfulfilled. Yet in her experience, there is generally low morale and little incentive to work hard, something which has a very deleterious effect on the ambitions of those who enter the public service. This seems at least partly to stem from feelings of unfairness in the way that grading and promotion functions in the public service. Commissioner Marais-Martins confirms:

There are high levels of people with low morale in the public service and these are the manifestations of some of the psychological impact that recruitment and selection can add on public servants... The other thing that we find is that there are high levels of unrealistic expectations. Because I may have a person in my department that come to me and say, 'But I have been in the public service for 20 years and I am still in the same position and I have never been promoted'. Now at ground level that is concerning but from another level, from the administrative point of view, not everybody will be able or eligible to get a promotion in their lifespan in the department, depending on where you are and depending on whether the upward mobility is brought into the system. So if there is no space for them, in cases like that I will say what should be done is improve the opportunity for you to be pulled up internally or 'Have you thought about applying somewhere else where there may be space?'.

Both Belvedere and Pakade endured the disillusionment that comes with not being promoted. Pakade's political baggage kept him from advancing, while in Belvedere's view, she could not progress within her department because political considerations were superseding merit. She recounts how, on numerous occasions, 'brilliant managers were never being promoted'. It is possible, however, to receive a salary increase despite remaining in the same job. Theoretically, consistent performance should lead to an official being moved up a grade. But in practice, many argue that this system is not working. Pakade, for instance, believes:

The notch increases are not working - that system is not working in terms of salaries and grading. Because you could [mitigate] the effects of all these [political] interventions and this lack of succession planning if there was, if after every year a person could contract for a certain job and then or certain projects and then have proper feedback. [But there is a lack of] nurturing and

performance management... so you can sit at the same notch for ages and ages, because you are ignored.

He also explains, however, that there is a hard ceiling as to how much the Department can spend on salaries, and given that they are continually having to find contract positions to absorb the consecutive waves of politically appointees, there is little left to go around for pay increases. Mtshali echoes these sentiments, and argues that the salary issue needs to be urgently fixed.

Perhaps most striking in Belvedere's testimony is the effects that machinations around appointment can have on progress in service delivery. She compares the years that passed since the arrival of the Chief Director as something of a 'lost decade'. Similarly, while Mtshali was able to establish a number of important administrative processes through the support of an engaged superior, the arrival of the HOD reversed these gains. This leads Mtshali to conclude that 'Government is not a good place to work. The only good thing is that your salary is assured, and your health [medical aid]', Mtshali told us, 'But it's a strange place - the things that happen. Very few departments are functional. Sometimes you get functionality, but it's for a very short time. If it doesn't suit the politician, they are going to wave it off'. And Pakade warns that internal personnel dramas are detracting from the main purpose of government: 'The one question you have to ask is: what happens to service delivery, what happens to meeting targets on time?'

Part C: The Difficult Path towards Professionalisation

In this section, we consider the road that lies ahead for reformers aiming to restructure human resource processes to induce greater professionalisation in the public service.

We first advance an overall assessment on the role of politics in human resource processes in the state. We bring out a number of complexities from the narratives which any potential reforms must take cognizance of:

- (a) Broad consensus that political influence in appointment decisions is legitimate, provided that it is founded on competence and not simply driven by personalistic motivations.
- (b) A warning against simple generalisations about the extent and effects of politicisation in institutions of state, and caution against regarding this as a phenomenon peculiar to the ANC.
- (c) Issues afflicting the effectiveness of human resource processes beyond political influence.

We then advance two recommendations for changing the current system of recruitment, both of which stem from existing proposals and which find endorsement in the narratives of those interviewed:

- (a) Strengthening oversight capacities and mechanisms for accountability in institutions involved in human resource processes, and
- (b) Limiting the powers currently exercised by political executives in appointment processes.

(1) Assessing the Role of Politics in Human Resource Practices of the State

(A) The Legitimacy of Political Influence

The daily work of state officials involves choices over the distribution of value – an exercise of power and politics.⁶⁵ Therefore, as Mamane reminds us, one cannot presume to be apolitical when working as an official in a state administration. And the function of a democracy is precisely to ensure that the bureaucracy is harnessed to the spirit of a political programme elected by the voting public. This requires that political functionaries exercise a

⁶⁵ As Thornhill puts it, 'It is important to refer to politics as one of the most significant phenomena in the public sector. In this regard it does not imply only *party* politics, that is, the politics of a political party, but politics referring to the process of decision-making; who receives what, when, where and how; a conflict resolution process which determines the apportionment of resources; the process by which power and influence are applied in order to determine whether and how government is to be exercised in any given area such as a state, a region or a municipality; or the apportionment of values'. Thornhill, 2012, 'Effective Political-Administrative Relationship', p.57.

degree of influence over who gets appointed to positions within the bureaucracy. As Marais-Martins notes:

For some people political deployment by its nature ... is not merited and it is therefore irregular and it is therefore undeserving to that specific person. [But] No, that is not the case - provided that person X was identified by a specific [executive authority] as a person that he or she can work with and can trust. And is a person that he or she believes would carry out the political and administrative mandate of the department. Because every department would be expected to carry the political mandate of the ruling party [whichever party that may be]. And provided that, that political mandate with the EA is the same political mandate on which was the basis of that political party be voted into power. So if you are a public servant within that department it is okay to expect that you will be carrying that mandate, provided that the mandate does not go against the grain of the Constitution. So ... there is nothing that says that person cannot be deployed. But there is a regulatory framework [that must be abided by].

Despite their difficult experiences, none of the respondents believed that political influence over appointments should be completely removed. Mamane defended the need for political appointments at certain levels, and called for an end to 'pussyfooting' around the need for new political entrants to be surrounded by staff that they trust. Nevertheless, she affirmed the need for competence:

I don't think there should be a dumbing down of the system uh...but I think we should be realistic on some of these appointments in the political offices. And you mustn't remove the requirements for technical competence and capability just because the appointment is made by politicians.

Mamane's reminder that one cannot be apolitical in government troubles simple divisions drawn between politics and administration. Mtshali, for instance, believes that in practice, the distinction cannot always be so easily drawn: 'Sometimes the managers are the ones who are more problematic. If the politicians don't do it, the managers do it! Because they are also politicians, these managers!' She thus fiercely disagrees with the idea that the answer for South Africa's troubled public service lies in simply 'allowing managers to manage'. She insists: 'These policies around democracy, independence - giving power to the managers - people manipulate those things to the extremes. Whether it is politicians or it is managers, they repurpose all those regulations and what not for their own ends'. An added complication arises from the fact that many public managers have risen to their positions through political processes. Undertaking efforts to insulate administrators from political influence may run the risk of simply elevating one set of politicians against another – or one set of interests.

Respondents did not take issue with the appointment of officials who were active in political structures – indeed, many of the respondents admitted that they had been employed through political channels. Rather, what fostered animosity was the filling of administrative positions through personalistic processes of people seen to be incompetent, and who exerted undue influence over other officials by virtue of their personal connections. Despite the fact that terms like 'cadre deployment' and 'political appointment' are regarded with contempt by many we interviewed, this language does not strictly encapsulate what causes such anxiety and personal for officials – in fact, they are broadly supportive of it. Indeed, this is likely because,

as Marais-Martins notes, these concepts have been stretched well beyond their intended meaning.

Might the root of the problem be more closely described as ‘politicisation’ which Peters and Pierre define as ‘the substitution of political criteria for merit-based criteria in the selection, retention, promotion, rewards and disciplining of members of the public service’?⁶⁶ The testimonies suggest that this should be unraveled further. Naidoo has argued that such politicisation need not necessarily conflict with administrative fitness – something with which most respondents concurred.⁶⁷ It may be useful to remember Miller’s comparative study of directors general hired before and after the end of apartheid, which found that, notwithstanding their lack of career experience in the bureaucracy, they nevertheless possessed a wide range of experience and skills from multiple sectors.⁶⁸ Party politicisation need not, on its own, be viewed as an inherent evil.

Many of the negative recruitment experiences of the respondents cannot so neatly be attributed to party politics – that is, an ideological commitment to the party. As Cameron puts it, it could be argued that many appointment practices are ‘less motivated by overt party politicisation and more by narrow self-interest’.⁶⁹ Of course, what constitutes ‘narrow self-interest’ should be problematized further. Indeed, the activities of networks may be motivated by more than just material gain, and show evidence of emergent and competing political currents outside of formal party mandates.⁷⁰ We argue that whatever the motivation, however, it is clear that while principals may publically justify irregular appointments on the basis of party political mandates, in truth they are often loyalists or clients of a particular person or network within or intersecting with party structures.

What is at issue, more broadly, is thus the clientelistic relationships that have emerged through various weaknesses in recruitment procedures. Opportunities for clientelism were certainly opened up by the explicit politicisation of recruitment during the transition. Yet the present morass in human resources in many institutions has arguably not arisen only as a result of formal political control over recruitment decisions, but rather its intersection with a context of low accountability and weak oversight over human resource practices, and

⁶⁶ BG Peters & J Pierre, 2004, ‘Politicization of the Civil Service: concepts, causes, consequences’ in Peters & Pierre (eds.), *Politicization of the Civil Service in Comparative Perspective*, London: Routledge, p.2.

⁶⁷ Vinothan Naidoo, 2012, ‘Cadre Deployment versus Merit? Reviewing Politicisation in the Public Service’, in Daniel *et al* (eds.), 2012, *New South African Review 3: The Second Phase – Tragedy or Farce?*, pp.261-277.

⁶⁸ Cited in Naidoo, 2012, ‘Cadre Deployment versus Merit?’, p.266.

⁶⁹ Cameron, 2010, ‘Redefining Political-Administrative Relationships’, p.679.

⁷⁰ Chipkin makes this argument in relation to the activities of ‘state capture’ of those associated with Jacob Zuma in *The Betrayal of the Promise* report, urging that we consider the existence of a ‘political project’. State Capacity Working Group, 2017, ‘The Betrayal of the Promise: How South Africa is Being Stolen’ *Special Report*.

splintering party unity. Indeed, the ANC has in fact lost a great deal of control over deployment decisions. Clientelistic relationships often intersect with party structures in complex ways, but party structures themselves are riven by deep divisions centered immensely around personal loyalties.⁷¹ Pakade notes the limited hold of the central ANC, for instance, pointing to ‘factions within factions’. PARI researchers have time and again heard reference to the ‘true ANC’ which party members are fighting to restore, in contradistinction to the corrupt and undisciplined cadres that many see as predominating. And Mamane reminds us, influence can come from many sources beyond party politics: ‘You can be run by politicians, or you can be run by business’. Recent works on the nature of ‘state capture’ in South Africa have shown that networks influencing recruitment decisions frequently extend well beyond the locus of party politics.⁷²

It is clear that the managerial reforms have contributed to this state of affairs, with the broad discretion afforded to public sector managers over HR practices opening far greater space for the splintering of central control by either party or government.⁷³ This also partly accounts for the unevenness of such processes in a wide variety of state institutions – a factor to which we turn presently.

(B) Avoiding Generalisation

These narratives call into question generalisations about the extent to which staffing in all South African state institutions has become so brashly politicised with little accountability, as some authors suggest. In assessing the reach of political functionaries into appointment decisions and its effects, what is clear is that we must understand the particular history of bureaucratization that has made the institution what it is – that is, whether it has a history of meritocratic appointments, administrative stability and routinized processes. In many local government institutions, for instance, it is clear that municipal managers appointed at the instruction of the regional ANC act at the behest of particular factions to intervene in appointment decisions. Bhengu’s testimony highlights a recurring trend in many unstable municipalities: the tendency for positions in the administration to be filled by those selected by the REC – even down to the lowest job grade. It is perhaps especially in these institutions that the reach of politicians into appointment decisions is most intrusive and destabilising for

⁷¹ See Phadi, Pearson & Lesaffre, 2018, ‘The Seeds of Perpetual Instability’; Booysen, 2015, *Dominance and Decline*.

⁷² See, for instance, State Capacity Working Group, 2017, ‘The Betrayal of the Promise: How South Africa is Being Stolen’ *Special Report*; Thuli Madonsela, 2016, ‘State of Capture Report’, *Public Protector of the Republic of South Africa*.

⁷³ Hughes has noted that some aspects of NPM reforms are vulnerable to accusations of politicisation. Cited in Cameron, 2010, ‘Redefining Political-Administrative Relationships’, p.680. See also Chipkin, 2016, ‘State, Capture & Revolution’.

everyday administrative routine. By contrast, the experiences of Mamane in the Jo'burg City Metro suggest an institution with a far more robust balance between political and administrative wings, and one in which meritocratic criteria are strongly valued in appointment decisions. The varied institutional histories of state administrations must therefore be more closely studied.

Amusen thus dangerously caricatures practices of recruitment in the entire state as functioning as simply a 'spoils system' where 'who gets what, when, where and how in terms of job opportunities is centred on the type of political party, ethnic group and intraparty politics/factionalism'.⁷⁴ While in some institutions this may be closer to the truth, in others it is clear that concerns of meritocracy feature prominently. The diagnoses of Booysen and Beresford – which point to the widespread dissolution of the distinction between politics and administration (a 'fused' state),⁷⁵ and strict, patronage-based appointment decisions controlled by ANC 'gatekeepers'⁷⁶ – may speak to trends in some institutions of state, but certainly not all. Before advancing wholesale reform, therefore, it is necessary to be attentive to the particular histories of institutions of state. Mamane believes that this lack of particularity is:

part of the problem with people who are in national government. It's like they actually never worked in municipalities and they are trying to regulate a space, one, that they don't understand, [and] two that they have very weak views of. I don't know if those rules are necessarily informed by fact. I have had the pleasure of working for both local and national government. And I can guarantee you that the effort that local officials or at least ones I have worked, put into their work these national officials would be shocked if they had to deal with that level of complexity and the kind of demand of that place. I think that public people want to view this thing as a single public service.

Narratives like those of Mamane moreover trouble analyses which characterise the politicisation of the public service as being a peculiarly ANC phenomenon. Indeed, Mamane believes that the once stable political-administrative interface of the Jo'burg metro is now experiencing much greater turbulence under the DA-led coalition. Recent testimony by another metro official advances the assertion that the coalition government has worked to '[make] life very difficult for people who stand their ground in terms of holding the line between party and state'.⁷⁷ Voting out the ANC therefore does not necessarily represent a solution to blurring of administrative-political boundaries in all contexts. Nevertheless, it is clear that electoral turnover does have the possibility of bringing positive change to some institutions weighed down by consecutive waves of poor appointments tied to political functionaries, as

⁷⁴ Amusan, 2016, 'Spoils & Meritocracy', p.294.

⁷⁵ Booysen, 2015, *Dominance & Decline*, p.29.

⁷⁶ Beresford, 2015, 'Power, Patronage & Gatekeeper Politics'.

⁷⁷ Sean Phillips, 'Flashing Red Lights about tenders and governance while head of the Johannesburg Roads Agency', *Daily Maverick*, 25 May 2018, Available at: <https://www.dailymaverick.co.za/article/2018-05-25-flashing-red-lights-about-tenders-and-governance-while-head-of-the-johannesburg-roads-agency/#.WzYW6NizblU>

described by both Bhengu and Pakade. Yet on a personal level, administrators with a political history can find themselves ineligible for appointment in an institution under an opposition government. Pakade applied for a position to the Jo'burg Metro after the election of the DA-led coalition government, but thinks that his involvement in ANC branch politics is the reason why his application has been unsuccessful.

(C) Obstacles Beyond Politics

Destructive political involvement in human resource practices of administrations is clearly one area which stunts effectiveness in many institutions of state. Yet when it comes to reforming the appointment process itself, interviewees offered varying perspectives, many of which did not center on perceived political intrusion. In some respects, Belvedere argues, government is not quite sure what they are looking for, and the appointment process as it currently operates frequently fails to attract the right skills:

The aspect of recruitment goes badly because sometimes there is not a proper understanding of who is needed to do that kind of work. So the requirements are wrong, so now you might meet the requirements but you are really bad for the job. And unless you have drive and willingness to learn to do something, it's going to be like moving a mountain ... you might have been *cum laude* in your degree, [but] it doesn't help me if I am going to babysit you all the time. [S]o to me there is also that aspect of recruitment [apart from] the manipulation or the bypassing [which deserves attention].

A number of respondents have pointed out weaknesses at the job evaluation phase, with institutions often possessing inadequate expertise for appropriate specification of a position, especially when it comes to technical posts – another unfortunate consequence of the devolution of human resource responsibilities to institutions without requisite managerial capacity.

In addition, many respondents have noted how interviews, as they are currently conducted, are generally a poor means of assessing whether somebody is right for the job. As Belvedere argues:

I can also be a hopeless worker but I do a great interview and I come out as I am golden... That is why the introduction of the competency assessments came in, so that it is not so subjective and that there is some level of assessment.

Another respondent working in a provincial department noted that interviewing panels are not geared towards understanding 'technical work'. Reflecting on her own interview for a highly technical post, she recounted:

When you get there, they will be asking you about Batho Pele principles, they ask a lot of theory. Which is okay, because it's government you need to know those, but they won't get to the core. [And then they say] 'Okay thank you, we want to make an offer', and I was like 'Wait don't you want to tell me about what we are going to be doing?' ... I think the interview process is flawed, because they are never able to pick up if the person can actually do the job or not.

In a bid to ensure that skilled officials are appointed, most respondents were strongly in support of more stringent competency requirements. Mtshali argued that there should be a thoroughgoing entrance exam: 'They should do it. Because most Directors in government - up to HOD - they are not competent. They don't pass those competency assessments. About 90%'. A recent PSC report also notes the inadequacy of the competency assessment introduced for the Senior Management Service:

One of the recommendations was that competency-based recruitment and selection should be adopted. Despite this, large variation can occur in the scores that members of selection committees may award candidates. Since there is no set of objective criteria against which candidates are scored"⁷⁸

In this vein, Mamane argues that there must be far more specificity in these competency assessments. She believes that the 'generic' competency assessment is inadequate:

I did a competency assessment before I left Jo' burg, it was the most ridiculous thing I ever did and I was presenting to non-planners about a planning concept. And I was doing it a month before I was leaving.

Much attention has been placed on ensuring that civil servants have appropriate qualifications. However, Pakade notes that a single-minded fixation on qualifications often obscures the extent to which one has the right skills:

I've got 4 MAs but that doesn't mean I am skilled in everything I do... when you dealing with a patronage system, a qualification becomes a skill. Which has a huge impact on actually delivering the work you are set out to do, because I mean I can come up with strategies, I did that in my MBA class: I can talk about vertical and horizontal alignment, I can talk about the environmental scan, I can do all of that but can I really implement? ... The public sector is really not an employer of choice because it's where you get all this dearth of skills, you get all this complications and that's why we are so good at channelling out policies, we are good at writing policies because we have all these people with qualifications... it happens because of how the appointment procedure is going, I mean at [my department] right now there is 70% employees that are in support function and it's only 30% that are actually [involved in the delivery of services].

As long as government continues to equate qualifications with skills, Pakade argues that the government's vaunted 'skills audits' are unlikely to produce positive results. The challenge of achieving sustainable and effective recruitment for the public service therefore lies not simply in putting measures in place to prevent irregular appointments – although this is certainly a necessary step. A broader perspective must take into account prior learning⁷⁹ and experience. It must also consider the kinds of skills that are being produced by the public

⁷⁸ Public Service Commission, 2016, 'Building a Capable, Career Oriented', p.31.

⁷⁹ Here it is worth flagging the long-standing debates around Recognition of Prior Learning (RPL) in the South African public service. See, for instance, Public Service Sector Education and Training Authority, 'Implementation Of Recognition Of Prior Learning In The Public Service, South Africa: An Exploratory Study', Available at: <http://www.pseta.org.za/wp-content/uploads/2017/10/Implementation-of-recognition-of-prior-learning-in-Public-Se2.compressed.pdf>.

education system.⁸⁰ The government has long recognised a fundamental mismatch between the skills produced at tertiary level and the needs of the job market, for instance.⁸¹ The inability of the state to attract requisite skills cannot be divorced from impairments in the education sector. There are hopes that the National School of Government will come to play a more central role as the primary conduit for public servants to enter into government with a robust set of competencies.⁸²

Yet for those with skills, a number of respondents note, a stint in government can in fact prove detrimental to one's career prospects. Mtshali notes that, rather than developing people, 'I think what is sad about what is happening in government is that even the little skill that people have.. you deskill them. People are not used to working hard'. And it can be especially destructive for those seeking to maintain professional accreditation. As one respondent noted,

There are a lot of technical people [in the department], but at the bottom line, they don't know what to do and half of them are leaving because they are frustrated. When you have registered with a body, you have to produce work to show [what] you have done. But you end up not having completed projects to show for your time in government.

(2) Recommendations for Reform

Foregrounding the discussion with these caveats, it is nonetheless clear that distinct commonalities can be detected in the experiences of public servants recounted above. These point to profound flaws in the way in which political influence over appointment decisions is currently regulated. Firstly, existing mechanisms are inadequately policed. Secondly, legislation places insufficient limits on the reach of the HR powers of Executive Authorities. We address both of these issues below.

(A) Strengthening Oversight Structures

⁸⁰ This is a point that has been made explicitly by the Public Service Commission – even in relation to the courses offered by the National School of Government. They have called for greater attention to be paid to on-the-job training and experience. See PSC, 2016, 'Building A Capable, Career-Oriented', p.30.

⁸¹ See Joel Pearson & Ntombi Mpofu, 2017, *Igniting a Skills Revolution: The Joint Initiative for Priority Skills Acquisition*, Teaching Case Study prepared by the Public Affairs Research Institute in partnership with the Graduate School of Development Policy and Practice at the University of Cape Town.

⁸² Richard Levin, Principal of the National School of Government, speaking the PARI Round Table on Recruitment Reform, held 9 July 2018 at the University of the Witwatersrand.

It is clear that the powers that political functionaries legally enjoy to hire a team of advisors and communication experts in terms of section 12A of the PSA, for instance, is being manipulated to provide an entry point for irregular appointments.⁸³ As noted above, while the contracts of these political appointees are intended to end with the term of political principals, they are instead frequently 'absorbed' into the administration. This is a clear example of how a lack of accountability and oversight over irregular appointments pervades many state institutions.

Even where bureaucrats have options and the appetite to pursue accountability, as Belvedere's case demonstrates, there is still far too little power granted to bodies like the PSC to directly intervene in HR incidents. The PSC Chairperson Adv. Sizani recently joked: "Our hands have been tied, and we box with one hand tied and get asked why we fight so weakly".⁸⁴ The PSC has itself long agitated for a more powerful role in the public service. For instance, in 2016, it noted the possibility to:

[R]eposition the PSC as an independent, impartial constitutional institution supported by its own integral administration and not by a Public Service department... The National Development Plan (NDP) also concluded that the OPSC's status as a Public Service department potentially compromises the PSC's independence... The new institution will be established by amending the Public Service Commission Act, 1997 (PSC Act).⁸⁵

The PSC has presented substantial comparative analysis from other countries with a developmentalist orientation – Brazil, China, Mauritius, Korea, Singapore, Malaysia and Botswana – and shown that, in all, a Public Service Commission plays an integral and powerful role in shaping the public service.⁸⁶ Commissioner Nzimande notes that the PSC in South Africa hopes to return to its once central role:

The only way that can be much more objective is if the PSC gets back to its original mandate. That means changing the Constitution - and I don't know when that might be – where it becomes an outside body that really recruits, promotes and gives the final decision as to who gets discharged from the service.

Principal of the School of Government, Richard Levin, has expressed skepticism about this, however, arguing that the older model of a powerful central commission like the PSC will be

⁸³ This adds greater weight to the warnings advanced by Thornhill about the possible negative effects of s12(A). In 2012, he wrote 'This particular authority could create an untenable situation in a department if such advisors are allowed to influence administrative arrangements. If policy advisors are restricted in their advisory roles to assist the minister in ensuring that he/she honours the party political mandate, this arrangement is acceptable. However, if the advisors become involved in the administration of the department it could have serious side effects, even compromising the head of department's accountability for actions performed or not performed'. Thornhill, 2012, 'Effective Political-Administrative Relationship', p.65.

⁸⁴ PSC Chairperson Adv. RK Sizani in discussion at the PARI Round Table on Public Service Reform, held 10 April 2018 at the University of the Witwatersrand.

⁸⁵ Public Service Commission, 2018, 'Report To The National Assembly In Terms Of Section 196(4) (E) Of The Constitution, Read With Section 196(6) held 1 April 2016 To 31 March 2017'.

⁸⁶ See Public Service Commission, 2016, 'Building a Capable, Career Oriented'.

‘difficult to resuscitate’. He advocates instead focusing on the recommendations of the NDP.⁸⁷ In the shorter term, government might pursue the ‘hybrid model’ advocated in the NDP. This plan envisages the creation of a Head of Administration who will be responsible for convening interviewing panels constituted by administrators, who will recommend three names for the position of HODs, for selection by political functionaries. The NDP does not position the PSC in the role of Head of Administration, but does endorse the inclusion of the PSC in interviewing panels. However, this has occasioned strong political push-back at the level of cabinet – as Adv. Sizani puts it, ‘the ministers are dead against it’. In Commissioner Nzimande’s estimation, instability at the ministerial level at the DPSA has ‘played havoc’ with the progress of implementing the recommendations of the NDP. During President Zuma’s tenure, there were frequent cabinet reshuffles which saw the removal of the DPSA Minister. Since 2008, there have been eight Ministers. ‘Just as they get to grapple with their portfolio, they go’, Nzimande continues, ‘in the end it is in the Minister of PA’s deliverable to make sure that it happens. It is one performance outcome that is there’.

To achieve substantial change in the short term, Nzimande argues, what is required

at the level of senior echelons of the public administration, it is just to implement an already agreed solution [the NDP]. Who will bell the cat? It can only be a President that will really kick butt, assisted by a stable Minister of Public Service and Administration, to say ‘This is no longer a point of debate. It is something we have agreed to in our NDP. And let’s work with the PSC to implement this’.

Recent developments in other Constitutionally-mandated oversight bodies may also spur the role of the PSC. Recent reports by the PSC have suggested that the recent Constitutional Court finding which clarified the role of the Public Protector may provide greater scope for the enforcement of the PSC’s recommendations:

[E]ven though decisions of the Public Protector and other statutory and constitutional organs are not equivalent to decisions of courts of law, they cannot just be ignored for as long as they are not taken on judicial review”.⁸⁸

While there may be appetite to launch a test case to establish this principle in relation to the PSC, Commissioner Nzimande notes that they do not have the resources to pursue such a legal challenge. Nevertheless, Adv. Sizani notes that with the public activist role that the Public Protector began to play under Adv. Madonsela, the role of the PSC has somewhat been ‘elevated’: ‘Nobody likes to hear a judgment from the PSC saying you have breached the oath of office, you are in dereliction [of a directive of the PSC]’.

The PSC does not have jurisdiction over municipal staff, although Commissioner Marais-Martins did note that the prospect of extending the mandate to include local government continues to be debated. There is a widespread sense that local government departments at provincial level are politically compromised. Indeed, in previous research PARI has shown

⁸⁷ Richard Levin, Principal of the National School of Government, speaking the PARI Round Table on Recruitment Reform, held 9 July 2018 at the University of the Witwatersrand.

⁸⁸ Public Service Commission, 2017, ‘Grievance Management Communique’, Vol.4, p.11.

how CoGHSTA has worked in the interests of factions of the ANC in matters of human resources.⁸⁹ As such, the courts and CCMA have come to operate as the primary means by which appointment decisions are challenged, yet this can be costly both financially and psychologically. As we have seen, HR divisions are embattled and politically marginalised. The South African Local Government Association (SALGA) does not serve as a forum for officials in local government to raise grievances regarding career incidents. Thus as Commissioner Nzimande notes, 'Local government is flying solo, and on autopilot'. There is thus clearly the need for greater external support and oversight for these units through an independent body, or through inclusion in structures like the Head of Administration touted in the NDP. Here, the rather unhelpful distinction between the public service and local government may need to be dissolved.⁹⁰

(B) Limiting the Reach of Political Functionaries

'The challenge facing South Africa is to avoid becoming fixated on the necessary but short-term need to stem the harmful effects of party political abuse and clientelistic pressures resulting from the existing level of political control over senior bureaucratic appointments and functioning', Naidoo argues:

Greater attention should be paid to the longer-term question of how to clearly and legitimately incorporate space for elected leaders to hold the bureaucracy accountable in making and managing political appointments. This would require decisions about where and how to transparently incorporate and regulate space for elected leaders to make political appointments, a process currently constrained by ambiguous statutory provisions.⁹¹

There is great ambiguity, for instance, in exactly how far the bounds of political appointment legitimately extend, as the narratives presented above demonstrate. Yet legislators clearly did not envisage a situation in which political functionaries would retain strict control over most appointment decisions in government, as has evidently become the case in some institutions. Legislation provides for the delegation of these capacities to public managers. In practice, little such delegation is being formally undertaken. As such, political functionaries often come to utilize appointment powers on an *ad hoc* basis, sometimes issuing a decision over appointment decisions well below senior management level. In its fifteen year review,

⁸⁹ See Phadi & Pearson, 2017, 'Mogalakwena Local Municipality'.

⁹⁰ According to Richard Levin, the idea of introducing legislation to dissolve this distinction was debated in 2008, but did not go very far. Speaking the PARI Round Table on Recruitment Reform, held 9 July 2018 at the University of the Witwatersrand

⁹¹ Naidoo, 2012, 'Cadre Deployment versus Merit?', p.273.

the DPSA found that in most cases, delegations existed 'on paper only'.⁹² This has been echoed by Cameron, who found that there has been extremely little delegation of HR authority from Ministers and MECs to public managers, and rather than 'freeing managers to manage', a situation of 'let the politicians manage' has arisen⁹³ - what Naidoo characterises as a 'twist of conventional NPM logic'.⁹⁴ Similarly, the NDP has affirmed the need for 'greater and more consistent' devolution of authority over HR functions from political heads to senior managers.⁹⁵ Commissioner Nzimande affirms that a far clearer boundary must be drawn between areas of appointment in which politicians can legitimately involve themselves, and those positions which should devolved to public managers:

[A]s for the top echelons of the public service, I agree that the process should still involve cabinet and what have you, but you need certain levels of delegations - enough for your DGs to be able to recruit certain levels themselves - like from Director downwards. Why would you have a political head appointing Directors, Deputy Directors, [and even] drivers? It just doesn't make sense.

It is for this reason that the PSC has recommended that Section 3(7) of the PSA be amended to 'assign all powers with regard to the career incidents of public servants below the level of DDG to the HOD'⁹⁶ - a recommendation that we endorse. Yet political heads have expressed resistance to moves in this direction. According to Naidoo, concerns to 'control patronage' may be a significant motive behind the resistance of political functionaries to devolve HR responsibilities to managers.⁹⁷ Yet these narratives suggest that appointment decisions made by political functionaries are not always simply guided by concerns over patronage, and are linked to other imperatives like trust, reliability, and ideological direction. Indeed, Naidoo also notes how the introduction of ministerial performance agreements since 2009 have also 'incentivise[d] politicians to try to micromanage their departments'.⁹⁸ Cameron also highlights a lack of trust in the capacities of some DGs on the part of Ministers, who were reluctant to delegate responsibilities to those they believed were 'not interested in equipping themselves to perform'.⁹⁹ Nevertheless, a lack of managerial skills on the part of senior management cannot be entirely divorced from the existing powers that EAs enjoy to appoint people to these positions. Indeed, this is what Cameron identifies as a 'paradox': 'On the one hand politicians

⁹² Of the 73 departments (out of 151) that responded to requests for survey information, 33% had limited delegation from EAs to HODs; 39% had average delegation; 18% had above average; 10% had extensive delegation. Cited in Cameron, 2010, 'Redefining Political-Administrative Relationships', p.689.

⁹³ Robert Cameron, 2009, 'New Public Management reforms in the South African public service: 1999-2009'. *Journal of Public Administration* 44 (4.1): 910-942.

⁹⁴ Naidoo, 2015, 'Changing Conceptions Of Public "Management"', p.35.

⁹⁵ National Planning Commission, 2012, 'Our Future: Make it Work', p.415.

⁹⁶ Public Service Commission, 2016, 'Building a Capable, Career Oriented', p.ix. See also Naidoo, 2015, 'Changing Conceptions of Public "Management"', p.35.

⁹⁷ Naidoo, 2015, 'Changing Conceptions of Public "Management"', p.36.

⁹⁸ *Ibid.*, p.35-36.

⁹⁹ Cameron, 2010, 'Redefining Political-Administrative Relationships', p.695.

want improved service delivery, on the other hand they do not trust senior bureaucrats, many of whom are political appointees, to perform this implementation role'.¹⁰⁰

In addition to limiting the powers that politicians exercise to only senior management level, a number of respondents thus point to the need for these officials to possess 'real skills'. As Nzimande puts it:

I honestly believe that there are certain levels where the political heads need to get involved - yes, at the level of their advisors, and the level of their office. But even there, it shouldn't be just because somebody shares my political allegiance. It must be: 'We share the same strategic political allegiance, but this person has real skills to bring'. It must be a combination, even where they are allowed.

This finds resonance with the recommendations of Cameron, who argues that 'incoming governments should have the right to replace staff in selected senior positions with individuals who share their ideological beliefs, provided they are administratively competent'.¹⁰¹ It is for this reason that the PSC has advocated for more specificity in competency assessments, greater paths for upward mobility for those already within the public service, and examination procedures for those vying for promotion.¹⁰²

¹⁰⁰ *Ibid.*, p.697.

¹⁰¹ Cited in Cameron, 2010, 'Redefining Political-Administrative Relationships', p.679-680.

¹⁰² See PSC, 2016, 'Building a Capable, Career-Oriented'.

Conclusion

The inclusion of wide-ranging powers over human resource practices in the administration was adopted by the ANC in the specific context of the post-apartheid transition. Suspicion of the 'old guard bureaucrats' saw the party opting to vest powers over recruitment, promotion, placement, and discipline in Executive Authorities, as opposed to a centralised body, as had been the practice during apartheid. And indeed, these suspicions were well-founded. A survey conducted in 1991 by the Human Sciences Research Council noted that the top tiers of the public service were still strongly in support of apartheid laws and practices.¹⁰³ In the 1998 Presidential Review Commission (PRC) report, the call was made for 'political appointments' to be pursued to mitigate against possible reactionary threats emanating from within the bureaucracy. However, the PRC also noted that this should only be a temporary measure, and placed emphasis on the need for skill and competence as the guiding norms in future.¹⁰⁴ Commissioner Nzimande emphasises the necessity of pursuing the route of wide political authority over human resources in the early post-apartheid period, but believes the time has come to revisit this:

In our context, it would not have worked to say 'From day one, PSC continue as you were doing, do these exams, you are the ones who are meant to appoint', without giving the power to the people who have a political mandate to transform society - it would not have worked. The question is, now that we are here, how do we revisit and now begin to go the route [followed by other developmental states]? Our report is beginning to point to that, to say 'Now we have entrenched, in terms of representivity, and the way things are happening in the public service, I think we are there. Can we have a discussion around what we need going forward to meet the needs of the NDP?'... You will see that the way we have structured our proposal [in our 2016 report], it says we actually need now to revisit this. But it is highly political - we don't want to underestimate that - because they have enjoyed this space for so long, why must you let go now. But a time for letting go has to happen, given the experience of how easy it is to corrupt this system.

It is clear that destructive political dynamics – principally, sharpening factionalism and increased intra-party competition – combined with an uncontrolled form of managerial decentralisation ('organisational anarchy')¹⁰⁵ have contributed greatly to rendering government an unattractive place to work for many. And the manipulation of human resources by politicians and the politically-connected have played a significant role in producing a hostile working environment. 'People in government are exhausted generally', Mtshali insists, 'Politicians have run them down'.

This report has, of course, cautioned against simple assumptions about the role of politics in human resource processes, and argued that these processes attract a broad array of

¹⁰³ Cited in Cameron, 2010, 'Redefining Political-Administrative Relationships', p.686.

¹⁰⁴ Cited in Cameron, 2010, 'Redefining Political-Administrative Relationships', p.686.

¹⁰⁵ A respondent cited by Cameron in *Ibid.*, p.689.

contestations from a variety of sources that cannot so simply be attributed to party politics. It has also warned against the generalisations about the extent and consequences of politicisation in the public sector. Nevertheless, the narratives presented do point to some common experiences across a diversity of institutions which urgently call for the strengthening of oversight capacities to detect and curb irregular appointments which flout established regulations, and for setting hard limits on the areas of recruitment in which political functionaries can involve themselves.

While some political influence over appointments to state administration is clearly necessary, the kinds of contestations that political control over human resource processes have come to attract in many institutions are clearly a source of profound instability, deinstitutionalisation and individual trauma for public servants.

These dynamics cannot be divorced from the broader context of the failure of post-apartheid promises of economic growth, deepening unemployment and poverty, and sharpening inequality. In small towns especially, these factors together form a crucial motor behind the conflicts that have emerged over government positions. For many, these battles can be a matter of survival. Mtshali believes: 'That's why those people will fight to death, because if they lose the job they are not getting [a salary]... They need to feed their family'. Nevertheless, it is clear that the use of state positions to further personal motivations is perversely weakening its ability to bring about redress at a structural level. Commissioner Nzimande notes:

You are never supposed to use the public service as your welfare station. The people you bring must be those who have real skills to contribute. Because if you don't do that, you are killing yourself, in terms of resourcing your office and your department. And you will never be able to deliver.

As we argued elsewhere, this can wreak extensive damage to institutional norms, derailing routine processes and bring service delivery to a complete halt.¹⁰⁶ On a more personal level, skilled public servants are confronting an environment which appears to place little value on their hard work, and neglect their own career development. Many find themselves stranded in positions where they feel underutilized and demotivated.

In some institutions of state – perhaps particularly at local government level – it appears that one cannot be appointed to some positions unless one ingratiate oneself to certain networks. Yet trying to build a career in the public service through this route can be like building a house of sand: with the turn of the political wheel, one can find oneself stranded, victimised or targeted for removal. For career bureaucrats, the fact that decisions of appointment, promotion, and discipline are often subject to the capricious whims of individuals can induce profound psychological turmoil. A great many skilled and ambitious officials who do not wish to participate in poisonous and conflictual loyalty games are being driven out of the public

¹⁰⁶ See Phadi, Pearson & Lesaffre, 2018, 'The Seeds of Perpetual Instability'.

service often wracked with depression and disillusionment. Unless serious attention is given to addressing the sources of this anxiety amongst administrators, it is unlikely that the public service will become the 'career of choice' that the NDP espouses.

Post-Script: On The Need for Further Studies

While this study has sought to present some of the major issues that surfaced during interviews with public servants, we wish to flag a number of limitations of the report which deserve much fuller and careful elaboration. Issues of identity within state institutions require far greater attention. Gender norms and conflicts, for instance, are integral in shaping scripts of behaviour within state institutions, including when it comes to issues surrounding recruitment, promotion and dismissal. The scope and time limitations of this study did not allow us to explore what only emerged as brief glimpses into some troubled dynamics particularly facing women working in the state. Many of these intimations were made off the record and have thus not been included in this report, yet they play no less of a crucial role in shaping many of the patterns highlighted above.

In off-the-record discussions, mention has also been made of how both regional and language affiliations can guide the appointment preferences within some institutions of state. While many respondents insisted that these tendencies have not given rise to outright divisions and conflicts within the state, there are nonetheless some indications that these factors are material in some institutions, and deserve more sustained analysis.