

CHAPTER ONE

GENERAL INTRODUCTION

1.1 Introduction

This study focuses on the role of the institutions, mechanisms and processes of political control over the public service including perspectives in terms of the functional dependence of public servants in relation to these institutions, mechanisms and processes. This introductory chapter provides a background, rationale and statement of the problem for the study in order to put the research problem in the proper context. The research problem and research questions addressed in this study are identified before the objectives of the study are explained. The research method that is used as well as the methods to collect manner information are also discussed. Terms frequently used in the dissertation are concisely defined in order to avoid misinterpretation or misunderstanding. This chapter concludes with an overview of the chapters contained in the dissertation.

1.2 Background, rationale and statement of the problem

The central problem of this research is to highlight the question of whether the public service should be subject to political control and how such control should be exercised. The phenomenon of political control over the public service in South Africa cannot be quantified as an integral part of public administration and an essential ingredient of representative democracy.

The main purpose of this study is to establish the nature of political control over the public service and the practical actions that could be taken at an institutional level to promote the balance of political control, political principles and the functional dependence of public servants in the state bureaucracy.

The contemporary call for fundamental reappraisal of political control, legislative direction, public accountability and democratic principles in

governmental institutions is a worldwide phenomenon in good governance as is evidenced by current literature as well as by the agendas of inter alia national and international conferences on the administrative and public management sciences. The current emphasis on the need for accountable, efficient and democratic governance may be attributed to the problems arising from the detrimental effect of the polarisation of the civil service, and also through the added process of current political and constitutional reform towards the establishment of post-apartheid democracy in South Africa (cf. Mbatha, 2005).

The position of ministers and higher civil servants within the political and administrative hierarchy of governance reveals the prevailing spirit in the political and administrative institutions of a country. The distribution of their responsibilities within the organisation of state departments, which results from statutory provisions and from practices to which they have given rise, reflects the degree of centralisation in the political/administrative system. The responsibilities with which they are charged in relation to the interests of the majority public and civil society and the determination of the general interest demonstrate the role assigned to the public services in the institutional mechanisms of power (cf. Auriacombe, 1996 and Auriacombe, 1999a).

This position results from two elements which are at the one time complementary and contradictory. While civil servants are in a position of political and functional dependence vis-à-vis their hierarchical superiors, they retain a certain amount of personal responsibility and initiatives in terms of their political neutrality in the service of the public. They carry out their duties on instructions and under the supervision of the higher levels of government, whose role it is to organise the application of the policies given by the political authorities through the mandate of the majority public. This situation, does not, however, exclude the possibility of autonomous action, to a greater or lesser degree according to the employee's position in the hierarchy. This is true both in respect of the implementation of instructions received and the determination of the activity of the particular department (cf. Auriacombe, 2002).

Of course, the balance between these elements varies according to the administrative organisation of the different countries. The Swedish system, for example, allows its employees a great deal of freedom in the fulfilment of their duties while the South African and the French system are more politically centralized (cf. Auriacombe, 2002). The balance also changes over time, however. It seems that the scope for initiative is growing now days: this is due not only to the increasing number of activities undertaken by government administrations and their increasingly technical nature, but also to a questioning of the classical style of command. The appearance of new forms of management organisation in terms of governance principles, and the generally-felt need to devolve responsibilities in governance (in practice, if not in law), are tending to modify the relationships between superiors and subordinates. Further more, the constant extension of the government's oversight in terms of contracting out public services strengthens the position of civil servants vis-à-vis the political authorities, especially in the highest level of the administration (cf. Auriacombe, 2002 and Auriacombe, 2003).

The phenomenon of political control over the civil service cannot be quantified. This is all the more essential in South Africa's case, as research and sources regarding political control over the civil service in South Africa are relatively rare comparing to sources regarding the accountability dimension of control. Within the context of the strategies and legislation adopted to set up an efficient administration and the political desire for accountability and service by honest officials, there is little doubt that this topic is both important and relevant.

1.3 Research problem and research questions

In view of the background provided above, the main research problem to be addressed by this dissertation will, therefore be: **What is the nature of political control over the civil service and what practical actions could be taken at an institutional level to promote the balance of political control, political principles and functional dependence over the management of public assets, policies and service delivery?**

Through the application of primary and secondary source research methods, the following research questions, which could provide possible solutions to the problem, will be pursued:

- What is the nature of the interaction between the variables of political control and democratic accountability over the administrative system, political principles and functional dependence?
- What is the difference between the elected and the appointed official?
- What is the ideological grounding of political control over the civil service and how can this interaction be strengthened and made more fluid through democratic good governance and public administration?
- What determines the nature of the civil service and how can a clear and meaningful basis for interpretation and utilisation by both political as well as administrative aims and functions be established with regard to the role of political control?
- How can the power of ministers leak to bureaucrats (the administration)?
- What is the nature of the interaction of how ministers exercise control over the civil service?
- Are public servants neutral?
- What are the norms of ministerial accountability and how can ministerial accountability be effectively and efficiently be integrated and encouraged in the process of good governance?

1.4 Objectives of the study

In order to achieve the aim of the study, the objectives of the study are to provide:

- A description and an explanation of the variables influencing the meanings, foundations and processes of political control over the public service through the application of a literature study in terms of a conceptual and institutional overview of the state related concepts, phenomena, institutions, structures and processes that influence control over the public service.
- An overview through the application of a literature study of the variables influencing the meanings, foundations and processes of control, accountability and responsibility in terms of control over the public service in a democratic system of ministerial responsibility.
- A description and an explanation of the variables influencing the interaction of political control over the public service through an application of a literature study of the role, processes and phenomena relating to the interaction of political control over the public service.
- An integration of the determinants of the hierarchical position of public servants in relation to political control over the public service through the application of observations in terms of the facts obtained through the literature studies of the previous objectives as well as a validation of these facts through the application of information obtained during interviews.

1.5 Method of research and collection of information

The research methodology is quantitative and multiple sources of information have been used. It is based on an analysis of both primary and secondary sources which cover a wide spectrum of themes including published core literature on the concept, theories, and approaches of political control over the public service, case studies relating to political control over the public service

from both the international and the South African contexts, as well as the relevant legislation, regulations, official documents, archives, policy documents, newspapers, journal articles and internet websites. Besides the observational method, the literature analysis is supplemented by open-ended questions during interviews with Senior Management Services (SMS) personnel in the public sector, officials, specialists and experts on the public service.

The principle means employed to do the research for this dissertation is available literature and questions posed during informal interviews. Seeing that the activities of government to achieve sound public administration are concerned with many aspects of Public Administration and Management the literature that has been consulted covered a wide spectrum of themes – state, government and public administration related concepts, control, responsibility, accountability, organisational structure and design, and case studies and factual information regarding political control.

1.5.1 Research method

The purpose of this section is to present a brief introductory discussion of the research method used in the dissertation. Qualitative research focuses on meaning, experience and understanding, thus to ensure a clear in-depth understanding of a research topic. Qualitative data can allow for a greater degree of non-sequential data that results in a cyclical and open-ended research process. This dissertation makes use of a qualitative design to study the "properties, values, needs or characteristics that distinguish individuals, groups, communities, organisations, events, settings or messages" (Du Plooy, 2001:83).

Deciding to follow either a quantitative or qualitative approach during research design, determines which research methods will be chosen (Mouton in Webb and Auriacombe, 2006:599). When a social scientist decides to follow a qualitative approach, he or she is most likely to make use of methods and

techniques associated with it, including ethnographic studies, grounded theory and case studies. The qualitative research method that was chosen for this dissertation is grounded theory, which will be explained in the following paragraph for clarification.

Grounded theory is a qualitative research method that uses a systematic set of procedures to develop an inductively grounded theory about a phenomenon. Only after data concerning a particular phenomenon has been collected and analysed, does a theory materialize. However, not all data collection and analysis exercises develops into a theory, some eventually only describe phenomena (Strauss and Corbin in Webb and Auriacombe, 2006:599).

The aim of grounded theory is to build theory that is faithful to and illuminates the area under study. Grounded theory should accurately represent the everyday reality of a particular substantive area, be understood by those who were subjected to the study and those who practiced it and be abstract enough to be applicable to a variety of different contexts related to that phenomenon.

As mentioned before the self-defined purpose of grounded theory is to develop theory about phenomena of interest. The researcher attempts to derive a theory by using multiple stages of data collection and the refinement and interrelationship of categories of information.

The grounded theory researcher starts with the raising of generative questions which help to guide the research, but are not intended to be either static or confining. As the researcher begins to collect data, core theoretical concept(s) are identified. Provisional linkages are developed between theoretical core concepts and the data. The effort tends to evolve toward one core category that is central. Eventually, one approaches conceptually dense theory as new observation leads to new linkages which lead to revisions in the theory and more data collection. The core concept or category is identified and fleshed out in detail. This process continues and does not end.

Grounded theory does not have a clearly defined demarcated ending point. The research project ends when the researcher decides to end it (Webb and Auriacombe, 2006:599).

The approach followed in this dissertation was designed to incorporate the elements that have already been identified by scholars in the field as being the critical components that must be considered for an impartial assessment of the nature and role of political control over the public service. Therefore, the choice of method for this study was based on the following requirements:

1.5.2 Literature study

- Relevant published textbooks on public administration and public management.
- Unpublished dissertations and theses.
- The South African Constitution and other relevant legislation.
- White papers, official and unofficial documents.
- Published and unpublished documentation, research reports and annuals of state departments and the Public Service Commission reports.
- Political speeches, unpublished lectures, documented interviews.
- Articles from scientific journals, reference works, newspaper reports as well as magazine reports.
- Internet sources.

1.5.3 Interviews

Interviews and discussions with SMS personnel, other senior officials, specialists and experts for the civil service and academics were used to verify and interpret data for clarification.

1.6 Terminology

Comprehensive conceptual clarifications of terms specific to the research appear in the appropriate chapters. However, to avoid uncertainty and ambiguity in the interpretation of concepts, terms utilised throughout the dissertation are concisely defined below. Furthermore, capital letters as well as lower case letters were used interchangeably and not consistently to indicate positions, posts and institutions throughout this dissertation. He-slash-she and him or his-slash-her is also used interchangeably with him or her etc.

Administration

It can refer collectively to top-level officials in the executive branch or to the coordination and implementation of policy by civil servants (Mavanyisi, 2002:12). This term will be used interchangeably with bureaucracy.

Bureaucracy

This term has a broad as well as a stricter meaning. In the broad sense the concept termed “public bureaucracy” is used in its simplest form, namely to refer to formal institutions that act with the consent of the state. In the narrow sense “bureaucracy is conceptualised as a kind of organisation with special characteristics common to present-day organisational structures (Mavanyisi, 2002:12). This term will be used interchangeably with administration and public service.

Civil Service/Public Service

Civil Service and Public Service are used interchangeably for the purposes of this dissertation because of the interchangeable usages of the terms in the literature. Within public administration there is a public service for the Republic, which must function, and be structured in terms of national legislation, and which must loyally execute the lawful policies of the

government of the day (The Constitution of the Republic of South Africa of 1996 (Act 108 of 1996) (hereafter referred to as the Constitution of 1996).

Control

In general, control refers to the authority to give order to be executed or to put a restraint on actions, and to set standards of comparison for checking the results or organised activities. (See chapter three).

Government

The institutions responsible for making and carrying out the laws supporting a particular policy, and for passing judgement on disputes that arise under those laws. It is thus the way of ruling or controlling a country (Collin, 2004:106). (See section 2.3.2).

Governance



Governance refers to the function, action, process or qualities of Government. It does not refer to government structures such as a cabinet or a local council, but to the policies made and the efficacy with which these policies are implemented. The meaning of the adjective “good” becomes apparent in the World Bank’s definition of good governance as being ‘epitomized’ by predictable, open, and enlightened policy making (that is, transparent processes); a bureaucracy imbued with a professional ethos; an executive arm of government accountable for its actions; and with a strong civil society participating in public affairs; and all behaving under the rule of law’ (Peters, 1996). (See section 2.3.2.2).

Public Administration

Public Administration is a term used to describe the study of selective practice of task associated with the behaviour, protocol and conduct of the affairs of the administrative state. The term could further be classified as the art and

science of the management of the affairs of government as applied within the confines of the bureaucracy (Mosher, 1980:8). (See section 2.4.1).

Public official

This term will be used interchangeably with bureaucrat, SMS personnel, public servant and state official and would be referring to a person who is permanently employed by the government both national and internationally in one capacity or another in accordance with professional requirements. (See chapter four).

Political office-bearer

This term will be used interchangeably with minister, member of the executive council and executive office. (See chapter four).

Public sector



The public sector can be defined as a collective term which refers to the public service as well as local government, statutory bodies, quasi-government institutions, parastatals and similar bodies (Clapper, 2000:18). (See section 2.4.3)

Values

Values are the conscious, affective desires or wants of people that guide their behaviour. They are, for the purpose of this study, preferences and decisions which provide the standards by which public officials live. Values, as defined by Hilliard and Ferreira (2001:93), are general standards by which people live, views about what is desirable. Values refer to ethical standards. Values involve deep emotional dedication to certain cognitive views of the value of objects normally relating to human activity.

1.7 Organisation of chapters

Chapter **one** provides a general introduction of the entire study. It deals with a background, rationale and statement of the problem, research problem and research questions, as well as objectives for the study. The research method that is used as well as the manner to collect information is also discussed. Terms frequently used in the dissertation are concisely defined and the chapter concludes with an outline of the chapters contained in the dissertation.

In order to gain a better understanding of political control chapter **two** provides conceptual and institutional review with regard to the state-, government- and public administration-related concepts, phenomena, institutions, structures and processes that influence control over the public service.

In chapter **three**, an overview is provided, of the variables influencing the meanings, foundations and processes of control, accountability and responsibility as well as the normative requirements, in terms of control over the public service in a democratic system of ministerial responsibility.

In chapter **four** a description and an explanation of the variables influencing the interaction of political control over the public service in terms of the role, processes and phenomena relating to the interaction of political control over the public service is provided. The various characteristics of the public service and the prerequisites and sources that allow for the occurrence of political control are also dealt with. The differences between the appointed and the elected officials, the relationship between the government and the public service, the factors that lead to an increase in the political influence exerted by higher (top-level civil servants) the role and style of ministers in a democratic system, the influence of civil servants on decision-making as well as the neutrality of public officials also come to the fore.

Attention will also be given to the integration of the determinants of the hierarchical position of public servants in relation to political control over the public service through the application of observations in terms of the facts obtained through the literature studies of the previous objectives as well as a validation of these facts through the application of information obtained during interviews.

In chapter **five** a synthesis is given and conclusions drawn, based on the findings of the study. Possible recommendations are also made, which may encourage the support and practice of democratic control over the civil service.



CHAPTER TWO

LITERATURE STUDY: CONCEPTUAL AND INSTITUTIONAL OVERVIEW

2.1 Introduction

This chapter sets out to clarify the first study objective posed in chapter one, as to provide **“a description and an explanation of the variables influencing the meanings, foundations and processes of political control over the public service through the application of a literature study in terms of a conceptual and institutional overview of the state related concepts, phenomena, institutions, structures and processes that influence control over the public service”**, in order to establish a clear and meaningful basis for its interpretation and utilisation in the context of the following chapters in the dissertation. The purpose is to eliminate confusion regarding various state-related concepts, institutions and variables that influence control over the public service such as the definition and characteristics of a state, the functions of the state in public administration, the concepts and role of the constitution and constitutionalism of a state, the separation of powers, government hierarchy or spheres of government, the system of checks and balances, as well as the concepts associated with the political organisation of the state authority.

It is also a purpose of this chapter to eliminate confusion regarding government-related concepts, institutions and variables that influence political control over the public service. These include the executive authority, government, executive institutions in non-democratic systems, as well as executive institutions in democratic political systems.

This chapter also deals with the concepts and institutions that influence control over the public service that are public administration-related. In this regard attention is paid to public administration, administration, the public sector, the public service as well as the concept structure.

Finally, the chapter explains the institutional factors that also play a role as external variables influencing control over the public service. These institutions include institutions that oversee control, the Constitution of 1996, the Parliament, the Cabinet, the President, the Auditor-General, the Minister of Finance, the Treasury, the Financial and Fiscal Commission, the Commission on the Remuneration of Representatives, the Public Service Commission, the Human Rights Commission and finally the central guidance institutions.

2.2 State-related concepts, institutions and variables that influence control over the public service

There are many state-related factors that influence the interaction between the political and administrative system. These factors exert a determining influence with regard to the notion of political control over the public service.

2.2.1 Definition and characteristics of a state

The central authority and the state are not synonymous. The central authority refers to a structure with procedures and processes whereby authoritative decisions are taken in the state (Mavanyisi, 2003:34). In everyday language the term 'state' is used in a number of ways. Heywood (1997:5) defines the state as a political association that established sovereign jurisdiction within defined territorial boundaries and exercises authority through a set of permanent institutions. Cloete (1998:3) simplifies the normally complex meaning of the state by providing characteristics of the state as:

- A territory with a population constituting of a community.
- An independent entity from and not part of another sovereign political entity.

- The state as constituting public institutions to maintain law and order and to provide public services for the maintenance of the community and to provide public services to the general welfare of the population.

Furthermore, a state cannot exist without an authority. Although the form of the authority does not influence the status of the state as an entity, the form of authority can influence society, the political process and public administration. Unlike the state, which is a more permanent association, both of authority and the government can change more frequently. Von Glahn (1986:90) notes, however, that change in the form of authority, its representatives and even the constitution cannot affect the status of a state.

The concept state is an abstract concept to which different meanings are attached. According to Skinner (1989:90,112) the concept “state” is not only abstract but also has different meanings and definitions. As a concept relating to constitutional law and the law of nations the state refers to an entity with a particular legal status (as actor). As a philosophical concept the state can refer, amongst others, to achievement of the “good life” and the ordering of society. As a sociological concept the state may refer to the individual’s interaction with other individuals in groups on an organised and regulated basis. At present, though, the state is the highest human association in which the national authority can take authoritative decisions.

Every state therefore has its own authority with decision-making procedures, power and legitimacy that differ from other states. Authoritative decisions include two political groupings, namely the authority or government and the governed (population or subjects) (Bekker, 1994:49). The population in a state possesses, or has a claim to certain rights and liberties and have to meet certain obligations, for example paying taxes. However, an entity must meet certain requirements to be able to function as a state (Bekker, 1994:49). In its simplest form one could say that a state is the organisational form of a political community. The commonest political organisational form of our time, however, is that of nation state or a community that is composed and organised according to nationality.

From the preceding discussion it is evident that an entity has to meet certain requirements in order to function as a state. One can refer to a state in terms of constitutional law when the state has at least the following characteristics: A community of people (population) that lives in a particular demarcated territory; is subject to the authority enforced in terms of (legal) rules; by a particular authority. Furthermore, a state must also have a certain degree of political sovereignty (Carpenter and Viljoen, 1992:10).

It seems as if the state can be viewed as a permanent association where the concepts of government and authority change frequently and that the status of the state is not explicitly affected by the Constitution.

2.2.2 Functions of the state in public administration

All state interventions can be grouped into four main categories of collective functions, namely, power functions, security and protection functions, economic functions and redistribution functions (Theunissen in Venter, 1998:115). However, these functions cannot be limited to national government because they also apply at provincial and local government spheres. It is thus important to briefly discuss these functions in order to place the discussion in the context of this chapter.

States can have interventionist and non-interventionist characteristics. This form of distinction is relevant because some states might not allow full democratic freedom (by means of interventions such as the restriction of opposition), yet it might permit free economic activity where there is minimal state intervention (Theunissen in Venter, 1998:115).

In respect to South Africa, during the apartheid period, state policies tended to be both political and economic interventions, which ranged from political freedom to economic sectors (Theunissen in Venter, 2001:120). Since 1994, however, a change has taken place and state interventions have lessened to a certain extent. Certain interventionist actions are still taking place within the

Department of Health, where there are proposals to force medical practitioners to agree to a kind of compulsory “medical service” in areas specified by government (Theunissen in Venter, 2001:120).

2.2.2.1 Power functions

Power functions primarily involve the maintenance and projection of the power of the state and tend to reside at the national sphere of government. Such functions fall primarily within the sphere of government departments such as the Department of Foreign Affairs, Defence, Trade and Industry, and Constitutional Development. Diplomacy, military strength and economic power are integrally linked with the ability of a state to maintain and project its power both within and across its own borders for purposes of deterrence, expansion of influence, strategic interests and so forth (Theunissen in Venter, 1998:117).

2.2.2.2 Security and protection functions

The security function of the state relates primarily to the most basic human needs - protection. Protection is not limited to the obvious, such as protection by the defence forces from hostile aggressors from outside the state's borders, and protection from criminal activity by the law enforcement and crime prevention services such as the South African Police Service (which falls under the jurisdiction of the Department of Safety and Security). It also includes aspects such as the management of the judicial system and the administration of justice (Department of Justice), and the use of prisons to rehabilitate and separate criminal elements from society as a whole (Department of Correctional Services).

Also of considerable importance is the protection of the environment, both natural and artificial, as this impact not only on the present but also on future generations. Protection of the environment in South Africa falls under the jurisdiction of, among others, the Departments of Environmental Affairs and Tourism, Water Affairs and Forestry, and Health (Theunissen in Venter, 1998:117).

The protection function of government takes place at all three spheres of government. Functions such as defence and policing in South Africa reside at the national sphere. Protection services such as ambulance services, paramedical services, fire brigades and traffic control operate at the provincial and local spheres (Theunissen in Venter, 1998:117).

In addition to the above examples, Chapter 9 of the Constitution of 1996 makes for institutions to support constitutional democracy. Such state institutions are designed to protect the inhabitants of the state from the illegal actions of government and public officials, as well as the arbitrary misuse of power by the state apparatus. They include, among others, the Public Protector, the Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the Commission for Gender Equality, the Auditor-General and the Electoral Commission. These state institutions are independent and are only subject to the constitution and the law.

No interference is therefore allowed on the part of any individual or state entity as regards the functioning of these institutions whose main function, as mentioned previously, is the protection of constitutional democracy, thereby protecting the rights and interests of individuals (Theunissen in Venter, 1998:117). In South Africa the constitution is the supreme law of the country.

All persons, groups and institutions are subject to the provisions and protection of the constitution. Neither the President or any member of government, nor any public official is above the law. Even Acts of Parliament have to fall within the legal parameters set out in the constitution. The constitution is therefore a powerful instrument in regulating the actions of the state as well as providing the legal framework for the functioning of government. It is the ultimate instrument for protecting the rights of the individual. However, the constitution is a legal document and in order to be effective it has to be respected by those in power. In the event of the constitution being suspended owing to an illegal transfer of power to a new

government for example by force, the provisions of the constitution will be meaningless and the protection it offers worthless. It is for this reason that every citizen should respect and protect the principles enshrined in the constitution (Theunissen in Venter, 1998:117).

2.2.2.3 Economic functions

The economic functions relate to the creation of wealth and is determined by the political ideology of a country and include functions such as the provision of basic services and products, the basic infrastructure, the development and promotion of a sound social, industrial and technological base, and job creation (Theunissen in Venter, 2001:123).

2.2.2.4 Redistribution functions

The redistribution functions of government is primarily concerned with the provision of welfare and social services such as those related to health, education, housing, old-age pensions and so forth. Government departments and parastatal institutions are active in the provision of these services in South Africa. The redistribution function of the government is also an important means for inhabitants of a country to obtain the minimum survival requirements and the potential for development, and to achieve an acceptable quality of life.

The payment of tax is the responsibility of every citizen in any state. Paying tax is the primary function of redistribution in which claims for public services, such as safety and security are paid from public funds obtained from tax revenues (Theunissen in Venter, 1998:120).

2.2.3 The constitution and constitutionalism of a state

The term constitution has two meanings: first it means the whole corpus of the rules (written and unwritten) whereby the authority of the State is divided. Here the whole matter of constitutionalism and the constitution as a means of

expressing the will of the people is at issue. Secondly, it means the constitution, is a written document embodying some or most of the constitutional rules. For example, Britain has a constitution but not a (written) constitution (Carpenter and Viljoen, 1992:10). Therefore, a constitution is an important body of law. This body of law can either be written (documented) or unwritten (non-documented) in order to organise government institutions and society at large. A written constitution such as that of South Africa consists of a document or constitutional law applied and approved at a specific time (Gildenhuis and Knipe, 2000:2). An unwritten constitution like that of Britain does not flow from a particular act but from constitutional conventions and conventional rules. In this regard, a constitution of a state aims to serve a particular purpose. Therefore, the concept of constitution may be defined as the basic or fundamental law of a state, which outlines the general structures of power (Cameron and Stone, 1995:1). The constitution can also include a Bill of Rights which is a document outlining essential and basic human rights which are accepted by society as a whole (Cameron and Stone, 1995:1).

According to Gildenhuis and Knipe (2000:1), a true constitution aims at stating how the various government institutions are organised, what power is entrusted to these institutions and in what manner such power is to be exercised. With the above-mentioned facts in mind, it is crucial to mention the characteristics and purposes of a constitution.

Rautenbach and Malherbe (1998:4-5) highlighted the following as characteristics of a constitution:

- It is a set of basic rules with higher status than any other rules (or legislation) in a state;
- These rules determine how government and other authorities must function and how powers must be distributed in society; and
- It determines the form of state (unitary or federal or otherwise) by creating permanent governmental institutions to resolve conflict and

enforce compliance with the population's obligations towards authorities.

A Constitution is there to serve a particular purpose. According to Heywood (2001:298) it is difficult for states to govern without a constitution and this is because a constitution serves certain vital purposes such as empowering states, protecting freedom, establishing values and goals, legitimizing regimes and providing government stability.

- **Empowering states**

Constitutions limit government power and they mark out the existence of States and make claims concerning their sphere of independent authority (Heywood, 2001:298).

- **Establishing values and goals**

A constitution has to embody a broader set of political values, ideas and goals (Heywood, 2001:298). Constitutions differ from country to country depending on the form of government, for example, Islamic versus Western democracies.

- **Legitimising regimes**

A constitution has to provide legitimacy in terms of establishing a state's membership and recognition in the international community (Heywood, 2001:300). However, constitutions of dictator states are not always legitimate.

- **Protecting freedom**

The central purpose of a constitution is to constrain government with a view to protecting individual freedom (Heywood, 1997:28). These rights can either be negative or positive rights. Negative rights involve the state being prevented from encroaching upon the individual, and thus check the responsibilities of

government (Heywood, 2001:299). Positive rights are rights that make demands on governments in terms of the provision of resources and support and thus extend its responsibilities (Heywood, 2001:299).

- **Providing government stability**

A constitution can formalise and regulate relationships between political bodies and provide a mechanism through which conflict can be adjudicated and resolved (Heywood, 2001:299). A constitution can perform this by allocating duties, powers and functions amongst the various institutions of government (Heywood, 2001:299). The Constitution of 1996 is a good example of this.

The term constitutionalism is in most cases used in conjunction with the concept of a constitution. Constitutionalism implies that the political system should be based on definite rules and not on government acting without restriction (Gildenhuys and Knipe, 2000:4).

Constitutionalism also relates to constitutions insofar as constitutions can be used in any form of government such as in democratic, authoritarian, socialist and communist states (Mavanyisi, 2003:23). There may be non-adhesiveness to the concept constitutionalism especially in non-democratic or so-called pseudo-democratic states. This is because constitutionalism is associated with the curbing of the abuse of power, which is likely to occur in non-democratic or pseudo democratic states. However, this does not mean that all democratic states adhere to the ideals of constitutionalism.

This brings one to the true distinction between flexible and inflexible/rigid constitutions. A flexible constitution is the one that does not require any special procedure to amend it by two-thirds majority. An inflexible/rigid constitution is more difficult to amend and it requires more than just a simple two-thirds majority (Gildenhuys and Knipe, 2000:4). Gildenhuys and Knipe (2000:4) identified the following processes, either singly or in combination, as a requisite to amend a rigid constitution:

- A fixed majority of the legislature or constitution-making assembly such as the two thirds majority in Parliament, such as is required in South Africa;
- A special body created for the purpose, such as a special convention as is called in the United States; and
- A majority of the units of a federal or quasi-federal state such as are found in India.

A constitution is much more difficult to change than any other law of the land. This is because of the following reasons (Mavanyisi, 2003:24):

- Parliament can usually change it if more than 50% of the members of Parliament who are present, are for the change - better known as a simple majority; and
- A constitution itself needs a much higher percentage (at least two thirds or 66% of members of Parliament) of the vote to change its content and principles.

In review, the American and the South African constitutions are rigid constitutions because they have complicated procedures to amend them (Gildenhuys and Knipe, 2000:4). If a party wins the prescribed two-thirds majority in Parliament it has the right to amend the constitution without applying the above-mentioned complicated procedure. In South Africa, the national election in 1999 almost won the African National Congress (ANC) majority in Parliament with 66.58 percent of the votes (Mavanyisi, 2000:26). Nevertheless, this was not enough to obtain the right to unilaterally amend the constitution but with a coalition formed between the Minority Front (MF) and the ANC, the ANC held the sought after two thirds majority (Mavanyisi, 2000:26).

It can be deduced from the previous explanations that the Constitution of 1996 (Chapter 1 Section 2) is:

- The supreme law of the land and not Parliament;
- The law or conduct inconsistent with the constitution is invalid; and
- The obligations imposed by it must be fulfilled.

The South African Constitution has been internationally recognised as one of the most liberal constitutions in the world. This is because it is all encompassing of the human rights dedicated by the Bill of Rights in the constitution, whereas other states have the Bill of Rights as a separate document.

2.2.4 Separation of powers

Montesquieu, a French philosopher, pinned down the system of the separation of powers and it is referred to as *trias politica*, which suggests that each of the functions of government should be assigned to separate branches of government (Gildenhuys and Knipe, 2000:25). The separation of each branch of government powers refers to legislative, executive and judicial powers and each and every branch of government has specific functions and duties to perform. The purpose of the separation is to avoid concentrating too much political power in a single institution (Venter, 1998:25).

The ideal for a democracy is to separate powers between the legislative, executive and judicial branches and to provide for interrelated checks and balances (Gildenhuys and Knipe, 2000:8). The system of checks and balances ensures that there is accountability, responsiveness and transparency in the respective branches of government. In practice it is rather difficult to accomplish a system of separation of powers. The main reason for this difficulty is that executive and legislative functions tend to overlap. Hence, most Western constitutional states keep the judiciary separate and independent of the legislature and executive branches (Venter, 1998:25).

A constitution must make provision for an effective division of powers (system of checks and balances). Examples of this are the right of the courts to test the constitutionality of legislation and the right of Parliament to amend or reject the proposals made by the executive authority on legislation.

2.2.4.1 The legislative authority

The legislature is a body that has the power to make or to change the legislation/laws of a country (Gildenhuys and Knipe, 2000:136). The primary function of this body is to pass laws on matters entrusted to it (Cloete, 1998: 42). Cloete (1998:42) states that legislation can take the form of an Act (at the national sphere), ordinances (known as provisional Acts after 1993) and by-laws (at the local sphere of government). It is the responsibility of the legislature to ensure that legislation is made, changed or repealed to meet progressively changing requirements in terms of the circumstances that apply to each sphere of government.

In a cabinet system the paramount function of the legislature is the supervision and control of the cabinet. In the post-apartheid South Africa, Parliament is the highest law-making body but if any law passed by it conflicts with the constitution it will be rendered null and void.

2.2.4.2 The executive authority

The executive authority is the branch of government that has the authority by virtue of the constitution to implement the policies and legislation enacted by the legislature, and also to ensure that such implementation takes place. It is a confusing concept because it is so closely related to other concepts, such as those of government and public service. The confusion is worsened by its inclusion of two fields of endeavour that have uniquely distinct institutions designed to accomplish the specific goals pursued by each of these two fields of endeavour. This is where the concept is used in both narrow and broader sense. Both meanings relate to the field of study of political control over the public service. As indicated, the term “executive authority” has a broader as

well as a narrow meaning. In broad sense it encompasses the public service as a whole, that is to say all officials charged with the administration of government service, ranging from the President to the official, constable or soldier on the lower spheres of the hierarchy. Sometimes, in the popular sense the executive authority is also referred to as the bureaucracy. It is at the highest sphere of decision-making where politics and administration becomes artificial or, put differently, where political authority and administrative action flow together.

The focus of this dissertation is on the first-mentioned group officials, which is why the term “bureaucracy” is often used instead of “public service”. A more comprehensive analysis of public servants’ activities in the context of the highest decisions in executive management will be provided in the following chapters.

In a narrow sense the concept refers only to the head of the executive authority and his/her immediate subordinates (usually cabinet ministers). This implies that the cabinet alone represents this branch of executive authority and that the public service assists the cabinet in the implementation of policy decisions. There is a distinct difference between the concepts of public service, government and cabinet. The reason why all these are so confusingly classified together under the umbrella term “executive authority” is attributable to the fact that these concepts also reside from the notion of political control. A matter that should be taken into account here is the tendency that the executive authority overshadows the legislative authority. Given the complexity of modern life, the executive authority no longer concerns only the implementation of legislation, but also acts as the main formulator and determiner of the policy that must be adopted by the legislative authority.

The executive authority’s sphere of influence is therefore growing. The executive in South Africa is often referred to as the government or cabinet. The members of the cabinet are also members of Parliament (MPs) and are responsible to Parliament (Venter, 1998:59). It is thus clear from the above that it is the duty of the executive branch to implement the policies contained

in the legislation. It is also the executive branch, which is the decision-making body responsible for the day-to-day administration of government affairs (Gildenhuys and Knipe, 2000:155). This branch is also accountable to Parliament and it must embody the legislation made by the legislative authority.

2.2.4.3 The judicial authority

The function of this branch of government authority is to interpret laws before the courts of law. During the apartheid regime, the judiciary branch was subordinate to Parliament and it could not overrule its legislation (Cameron and Stone, 1995:11).

Presently, as noted before, the constitution is the highest law of the land. This implies that any law of any sphere of government, which is ruled by the judiciary that is in conflict with the constitution, will be ruled as illegal (Cameron and Stone, 1995:11). It is the duty and goal of the judicial branch to guarantee the rights and freedoms of the individual and to preserve the sovereignty of the law (Van der Waldt and du Toit, 1999:147). The judiciary is independent from the legislative and executive branches. No person and no organ of the state may interfere with the judicial officials in the performance of their roles (Van der Waldt and du Toit, 1999:147).

The Constitution of 1996 (Chapter 8 Section 165) cites that the judicial authority of the Republic vests in the courts. These courts include the Constitutional Court established in terms of section 167 (2), the Supreme Court of Appeal established in terms of section 168, the High Courts established in terms of section 169 and the Magistrates Courts and other courts established under section 170 of the Constitution of 1996.

These courts are independent and subject only to the constitution and they must apply the law impartially and without fear, favour or prejudice. The South African dispensation has thus established a well-founded system of the separation of powers in order to uphold the constitution.

2.2.5 Government hierarchy/spheres of government

According to Mavanyisi (2003:28) the magnitude of functions that need to be performed within a state necessitates the division of a country into smaller geographical units. This helps to ensure that the functions of government could be formed and executed efficiently and effectively. This division of the state into smaller geographical units leads to the creation of the three spheres of government. These spheres of government are inclusive of the central, provincial and local government spheres and are sometimes referred to as the government hierarchy.

Cloete (1998: 7-8) states that in terms of the Constitution and other legislation, provision is made for the establishment of the three spheres of government because: "The central sphere is also known as the national government sphere, the regional sphere is also referred to as the provisional sphere and the local sphere is also referred to as the municipal sphere of government" (Cloete, 1998:7). In South Africa each sphere of government is autonomous and is interlocked with other spheres and must operate in unity with them in order to deliver services (Besdziek in Venter, 2001:171). These three spheres are distinctive, interdependent and interrelated (Zybrands in Venter, 2001:202).

- **The national sphere**

The national government sphere makes decisions and has legislative power regarding matters of national interest (Mavanyisi, 2003:28). This sphere of government is on top of the hierarchy and the provincial and local sphere report to it.

- **The provincial sphere**

The provincial government is established in Chapter 6 of the Subsection 103 (1) of the Constitution of 1996 established nine provinces at this sphere.

These provinces include the Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga, Northern Cape, Northern Province/Limpopo, North West and the Western Cape. The provincial sphere deals with aspects that affect people in a specific province and each province has a premier and an executive. The functional domains of the provincial legislature are agriculture, cultural affairs, entertainment, education at all spheres excluding university and technikon education, environment, nature conservation, policy, trade and industrial promotion, traditional authorities, urban and rural development, provincial public media, transport and roads, road traffic regulation, tourism and local government (Van der Waldt and du Toit, 1999:145).

- **The local sphere**

The municipal sphere of government deals with the affairs of local government and it is entitled to regulate its own affairs (Van der Waldt and du Toit, 1999:146). Van der Waldt and du Toit (1999:146) state that the local government must make provision for access by all persons residing within its area of jurisdiction to water, sanitation, transport, facilities, electricity, primary health services, education, housing and security.

Mavanyisi (2003:31) summarised eight characteristics of the hierarchical structure of the government of South Africa, as follows:

- The hierarchy is a pyramid structure;
- It is a single body, the central government, at the top, which has all the necessary authority to devolve legislative powers to other spheres and give instructions to governments in the lower hierarchy;
- The central government also has the power to control governments in the lower pyramid;
- Towards the base of the pyramid the number of governments increases and their powers subsequently decrease;

- The central government, at the top of the pyramid, has the most status and the governments at the base of the pyramid have the least, notably provincial and local;
- Authority and control are exercised downwards from the top of the pyramid to the base within the confines and stipulations of the constitution and other legislation applicable to provinces and local authorities;
- Accountability takes place upwards from the base to the top of the pyramid; and
- The judiciary is totally independent from any branch of government.

2.2.6 The system of checks and balances

Authoritative and democratic forms of states differ in their usage of the system of checks and balances (Kotze in Mavanyisi, 2003:32). This system limits the exercise of the government's power – the rationale behind constitutionalism. Kotze in Mavanyisi (2003:33) identifies four mechanisms that serve as checks and balances and which are often embodied in constitutions. These include public watchdogs, the role of opposition in Parliament, the effective division of powers and the possibility for civil society to develop independently.

These public oversight institutions (watchdogs) include the Auditor-General and the Ombudsman (for example, the Public Protector in South Africa). The Auditor-General is authorised to investigate any financial mismanagement or reports of corruption or maladministration in any of the authorities. In the case of the Public Protector, members of the public are entitled to lodge their grievances to this institution.

Opposition plays an important role in Parliament. There must be a chance for the ruling party to be accountable for its actions or to subject to scrutiny from the opposition for example by answering questions put by the opposition in Parliament (Mavanyisi, 2003: 33).

Civil society such as unions, the media, professional institutions, churches and other social and political organisations, can only be effective if human rights such as freedom of speech or association are entrenched (Mavanyisi, 2003:34). Civil society plays an important role in revealing the abuse of power or can help moderate the abuse of power or influence political decisions.

2.2.7 The political organisation of the state authority

Authority created a situation of obedience or submissiveness where power is not really a factor, even though authority frequently has to be supported by power although with the permission of those concerned (Gildenhuys and Knipe, 2000:8). The authority of the state involves forms of states such as federal and unitary forms of states. The authority of the state also involves forms of regimes such as democratic and non-democratic forms of authority. These aspects will be discussed in the next section of this dissertation.

2.2.7.1 Forms of state, authority and government

An authority in a state is associated with the concepts, “form of state”, “form of authority” and “form of government”.

- **Form of state**

Form of state refers to how the governmental authority is distributed through a state. Modern constitutional states belong to one of two classifications. They either fall into unitary or federal forms. A unitary state vests sovereign power in a single, national institution (Heywood, 1997:129).

In light of the above, the sovereignty of the government is undivided in unitary states (Gildenhuys and Knipe, 2000:9). This means that the authority of the central government is unrestricted, for the constitution of a unitary state does not allow any law-making body other than the national legislative branch (Gildenhuys and Knipe, 2000:1). Federal systems differ in the sense that the relationship between the federal (national) government and the state

(regional) government is determined not just by constitutional rules, but also by complex political, historical, geographical, cultural and social situations (Heywood, 1997:126). A federal state is based on a treaty among the federating units and a federal constitution is accepted either directly or indirectly by their representatives or by their citizens (Gildenhuis and Knipe, 2000:10). It normally takes form in different regional authorities and a central authority in order to express their common nationality and manage their national interests but simultaneously retain their individual character and independence as far as possible (Gildenhuis and Knipe, 2000:11).

- **Form of authority**

The term form of authority is sometimes referred to as a form of regime which is denoted by the totality of principles, constitutional rules, regulations, techniques, processes, institutions, institutional norms and basic values included in the formal structures and functions of a state (Mavanyisi, 2003:19). Kotze and Van Wyk (1980:148) noted that somehow these factors regulate the operation of the political system. In other words, the rules of the political system in a particular society. Consequently it could also refer to a regime.

- **Form of government**

This term is indicative of the nature of the executive authority, which is a much more restricted concept. Strong (1972:9) stated that the executive authority along with the head of government and his/her cabinet constitute the form of government.

2.3. Government and state structure-related concepts that influence political control over the public service

This section will focus on the factors that relate to government and state structures that influence control over public service. The terms that will be defined range from governance, executive authority and government.

Government, therefore, implies the establishment of government structures within the context of a state, to ensure that services are rendered to communities to ensure that their general welfare and quality of life are promoted. Individuals on their own are unable to provide the quantity and quality of services that a government representing the people can provide collectively to the community (Mavanyisi, 2003:40).

2.3.1. Executive authority

Political decisions made without being executed or enforced, are essentially futile. It is therefore not only important to take decisions, but provision also has to be made for their implementation. The executive authority is the irreducible core of government. Political systems can function without constitutions, Parliaments, a judiciary, and even without political parties, but they cannot survive without an executive arm to formulate government policy and ensure its implementation. The potential power of the executive authority is of such a nature that political control over the executive has to be implemented in order to ensure that responsibility to the national assembly or to a democratic electorate will be adhered to.

Naturally the media tend to portray politics in terms of the personalities involved in the political arena, however, the hope and expectations centred on the executive authority may also be its downfall. In many political systems leaders are finding it increasingly difficult to deliver on their promises. This problem is bound up with the disaffection with politics in general and with politicians in particular. Decisions must take account of people and the necessary funds must be available to implement decisions. It is mainly incumbent on the executive authority to carry out decisions affecting matters of national importance. Like so many other so-called political terms “executive authority” is also used in both a broader and a narrower sense. In its narrower sense it mainly refers to government, while in its broader sense it refers to government together with bureaucracy (officialdom). For the purpose of this dissertation both these meanings are investigated.

The executive authority is the branch of government that has the authority by virtue of the Constitution to implement the policies and legislation enacted by the legislature, and also to ensure that such implementation takes place. It is a confusing concept because it is so closely related to other concepts, such as those of government and public service. The confusion is worsened by its inclusion of two fields of endeavour that have uniquely distinct institutions designed to accomplish the specific goals pursued by each of these two fields of endeavour. This is where the concept is used in both a narrow and broader sense. Both meanings relate to the field of study of public administration. As indicated, the term “executive authority” has a broader as well as narrow meaning.

In the broad sense it comprises the public services as a whole, that is to say all officials charged with the administration of government service, ranging from the President, king/queen or governor-general to the lowliest official, reference is also made to the State bureaucracy. All officials in the public service are not involved in the highest sphere of decision-making; however top-sphere public officials are public servants at the highest sphere of the public service.

It is these officials who take decisions at the sphere where the separation between politics and administration becomes artificial or, put differently, where political authority and administrative action flow together. The focus of this dissertation is on the first-mentioned group of officials, which is why the term “bureaucracy” is used instead of “public service”. In the narrow sense the concept refers only to the head of the executive authority and his immediate subordinates (usually cabinet ministers). This implies that the cabinet alone represents this branch of executive authority and that the public service assists the cabinet in the implementation of policy decisions. There is a distinct difference between the concepts of public service, government and cabinet. The reason why all these are so confusingly classified together under the umbrella term “executive authority” is attributable to the fact that these concepts form the field of study of public administration, together with the concept “public sector” which has a wider meaning than “public service” and

also falls within the field of study of public administration. The executive authority's sphere of influence is therefore growing.

2.3.2 Government

The concept government refers to the body or bodies responsible for governing the state (Venter, 2001:118). In the case of South Africa these bodies consist primarily of the political executive, the President and the cabinet at the national sphere, and the premiers and executive councils at the provincial spheres (Venter, 2001:118). This is in contrast with the common usage of the term government, which is often used to refer to any part of the state and public administrative apparatus (Venter, 1998:114).

The common usage of the concept thus comprises institutions like the legislature, executive and judicial authorities that have been tasked to make decisions on behalf of society. Nowadays the general idea is that government is the primary policy maker and comprises the foremost institutions of executive authority. It has therefore gained a dominant political connotation. Although it is not a juridical entity (particular legal status actor), one finds nevertheless that the courts regard government as an entity that is empowered to act on behalf of the State in legal proceedings.

2.3.2.1 Government as an institution

According to Mavanyisi (2003:44) as with "state" there is a good deal of uncertainty of "government" about who or what government is. Accordingly, there are such definitions as "second authority" in the State (besides legislative authority) or the executive authority that has to implement laws. The government is referred to as the institution that is responsible for national government and administration, or the institution that is responsible for the execution of political policy and administration, in other words the principal institution of national administration. Government is also equated to the cabinet, at least in South Africa.

According to Strong (1972:7) government is the institution in which the right of sovereign decision-making is vested. The government's functions are those of peacekeeping and maintaining order, passing laws and levying taxes with a view to performing said functions. According to Strong (1972:7) government needs legislative, executive and juridical powers in order to perform these functions successfully. Reference to a government means, amongst others, that the concept of "government" includes more than just a few individuals who form the cabinet, or a President and his advisers. It also subsumes the bureaucracy (which for the purposes of this dissertation does not include the public sector), political institutions and other structures that enable the functioning the government concerned.

In contrast with "government" which is a much more wide-ranging concept, the term "form of government" is indicative of the nature of the executive authority, which is a much more restricted concept. Strong (1972:9) describes the executive authority as the head of government together with his/her cabinet. This implies that the executive authority that developed from the doctrine or the tripartite division of power and authority presupposes a particular form of government as the ideal "model" for the administration of its laws, for example the cabinet system that has a cabinet as institution to give practical effect to its governance function. In turn the cabinet has a public service comprising of government departments staffed by public servants to assist it in giving further practical effect to its governance function.

For the purposes of this dissertation, however, it would seem that the following distinction could be significant, namely that between government as institution on the one hand and as a function on the other. By making this distinction the matter becomes clearer. The government in a state with the cabinet as the form of government (i.e. the President together with all the other ministers, or alternatively a prime minister together with his/her ministers as appointed by the head of state at the recommendation of the prime minister) has a cabinet as the institution with primary political responsibility based on the authority bestowed by an electoral majority.

Government as a function to be explained in the next section is mainly an executive or administrative function based on authority lent by the constitution of the State. The concepts of “public service and “public sector” to be explained later are more readily comprehensible than the confusing concept of “government”. Reference is often made to officials in the public service as forming part of government, but this is not strictly correct. It would be more correct to say that persons in the public sector work for government, without being part of it. Government refers to the institution or institutions that are responsible for governing the State. In South Africa these institutions mainly include the President at the national sphere, the premiers and executive councils at provincial sphere and the municipal councils at local sphere - the political executive group.

It differs from the administrative executive group that is identifiable with the public service. In everyday parlance the term “government” often refers to any part of the State and the system of public administration. A case in point would be any reference to the legislative, executive and judicial branches of “government” plus their respective components.

Two aspects of the executive authority in South Africa are important, however: its composition and powers. As with the legislative authority the executive authority in South Africa is found at all three tiers of government. Whereas at the national and provincial spheres the executive authority is separate from the legislative authority, at the local sphere both the executive and the legislative authority are vested in the municipal council.

It transpires too, that at both national and provincial spheres in South Africa the legislator is entitled to force the executive authority to resign by virtue of adopting a motion of no confidence in the President and premier. Accordingly, and considering the overlap in membership between legislative and executive authority at the various spheres of authority, it can be concluded that South Africa has a Parliamentary democracy, rather than a Presidential democracy.

2.3.2.2 Government as a function

According to Finer (1974:65) “government is institutionalised politics”. The government comprises institutions that are responsible for collective decision making on behalf of society. In a narrower sense government refers to the top political sphere in such institution - that is to say, Presidents, prime ministers and ministers. By contrast, government as the function of governance or government administration refers to the process of collective decision-making, a task in which the government does not necessarily assume a leading role or any role at all. As regards international relations, for example, no world government sets itself the goal of solving problems, but numerous issues are resolved by way of negotiation. It is therefore a case of governance without government.

A distinction must be made between government and governance. Governance refers to the function, action, process or qualities of government. It does not refer to government structures such as a cabinet or a municipal council, but to the policies made and the efficacy with which they are implemented. A constant theme in this dissertation is that government gives rise to governance, at least in consolidated democracies. This means that collective decisions are no longer made by a single leader (for example, the President) or by a single group (say the cabinet). Instead policy is formulated after consultation with and among a variety of concerned interest groups. Policies are often adjusted in the process of being implemented: those who carry out and implement policy participate in governance, if not also in the action of governing. Governance - the task of managing complex societies - it entails the co-ordination of a variety of institutions in the public and private sector. Government is only one actor, and not necessarily the most prominent one, in governance. The phenomenon of governance is not only common to developed countries.

Many international agencies have already asserted that effective governance is indispensable for development. In an influential report the World Bank (1997:1) contended that “the State is central to economic and social

development, not as a direct provider for growth, but as a partner, catalyst and facilitator”.

It is precisely the area of international relations that offer the best examples of governance. The reason for this is simple: there is no world government or institution that takes enforceable decisions for the world as a whole. Yet many aspects of global relations are regulated by agreements. The Internet is an example: a massive network of linked computers that are beyond the control of any one government or person. But standards that regulate the linking of computers and information fed into the Internet have been adopted; we can therefore refer to the governance of cyberspace, but not to the government of it (Loader 1997:87).

International institutions have been established to formulate rules for different areas of interest: the World Trade Organisation, for example, focuses on the dismantling of trade barriers. Such organisations are not governments, however; they have limited powers, specifically with respect to enforceability, and they have no police force to enforce compliance with their wishes. The emerging pattern in international and possibly also national politics is one of rules without regulators, government with government, in a word: governance (Rosenau, 1992:3-6).

According to Van Niekerk, Van der Waldt and Jonker (2001:65-66) numerous characteristics can be identified that contribute towards achieving a system of good governance in all spheres of government in South Africa. These include, amongst others:

- *Openness and transparency:* This refers specifically to community involvement and consultation as to the manner in which the people will be governed.
- *Adherence to the principles contained in the Bill of Rights:* This specifically refers to the principles contained in Chapter 2 of the Constitution of 1996.

- *Deliberation and consultation:* The foundations of a democracy are based on the ability of politically elected office-bearers to deliberate and consult with the electorate on the issues that affect their daily lives. The need exists to continuously review the manner in which government executes its activities in the best interest of the communities it serves. Deliberation and consultation can assist in ensuring that the true needs, wants, and desires of the people are identified and correctly prioritised.
- *Capacity to act and deliver:* It is imperative that the structures of government are established to ensure that it will be able to deliver services in terms of the expectations of the people. Its capacity to act will depend on the structures created to ensure that such delivery takes place. There is a need, therefore, to ensure that all government structures are geared towards achieving the efficient and effective rendering of public services.
- *Efficiency and effectiveness:* Limited resources dictate that government needs to identify, as accurately as possible, the needs of people and deliver services in an efficient and effective manner in relation to the numerous needs that exist. Continuous review of the manner in which government renders its services is necessary to ensure efficiency and effectiveness.
- *Answerability and accountability:* There is definite need to ensure that answerability and accountability structures are created in terms of the constitution. These will ensure that communities are able to call upon their elected representatives to answer and account for the manner in which they perform their duties.
- *Co-operative government:* Chapter 3 of the Constitution of 1996 states that the national, provincial, and local spheres of government are distinctive, interdependent, and interrelated. Co-operative government ensures that duplication is avoided and that co-ordination between the various spheres of government takes place to ensure the optimal use of resources.

- *Distribution of State authority and autonomy:* The devolution of power and authority to the lowest spheres of government in ensuring the execution of activities and implementation of policies is essential. It is for this reason that each sphere of government should be in position to pass legislation that will best serve the interests of communities it represents. In turn, the various organs of public society have an obligation to identify problems common to the community and to mobilise the community around these issues.
- *Respond constructively to the resolution of these problems as well as engaging the government and business through various forms of action:* Communities need to be capacitated to embark on a process of supportive participation in achieving the common objective of promoting the quality of life of the citizens.
- *Influence the manner in which politicians address their basic needs:* This can be achieved through interest groups, pressure groups, non-governmental organisations, and community-based organisations.
- *Monitor government activities in ensuring continuous answerability and accountability:* Numerous independent statutory institutions have been created in terms of Chapter 9 of the Constitution of 1996 to assist in ensuring answerability and accountability.

2.3.3 Executive institutions in non-democratic systems

Executive institutions can be distinguished as either democratic or non-democratic systems. In non-democratic systems there is little or no constitutional restraint on government action since political decisions are centralised and all institutions are subject to the decisions made by a single party or a small elite (Roskin, et al. 1988:65). Their institutions are also overshadowed by self-determined or party determined leadership (Roskin, et al. 1988:65).

In most non-democratic political systems, particularly those of the totalitarian variety, the composition and functioning of political institutions are ordered

constitutionally (Macridis in Bekker, 1994:90). The same institutions as those in democratic political systems are usually found in non-democratic political systems. Usually the existence of a constitution and concomitant political institutions is where the resemblance begins and ends. Because non-democratic political systems are highly centralised, all institutions are subject to the decisions of a relatively small political elite. The existence of a legislative and judicial authority is therefore a reality. The functions of these institutions are restricted, however, to what is allowed by the ruling elite (executive authority). The difference between the democratic and non-democratic political systems does not reside in the existence of corresponding institutions, but in the functions and the powers of these institutions (Bekker, 1994:90).

Usually the legislative authority's influence is limited to the approval of decisions taken by the ruling elite and by the judiciary to legitimise the objectives of the ruling elite by enforcing obedience and subservience. Sometimes limited autonomy is accorded to the judiciary to protect certain legislation and rights. According to Macridis (in Bekker, 1994:91) the semblance of democracy in these institutions and processes is totally overshadowed by the centralised and undemocratic functioning of these institutions.

2.3.4 Executive institutions in democratic political systems

The only feature democratic executive institutions have in common with non-democratic executive institutions is that they are both ordered constitutionally. Democratic executive institutions have detailed constitutional restraints with the constitution limiting the power of executive institutions (Roskin, et al. 1988:65).

Despite superficial similarities, the nature and functioning of executive institutions in democratic political systems differ drastically from those in non-democratic political systems. The differences are particularly noticeable in the

application of two basic principles of democracy, namely that of constitutionalism and that of the division of powers (*trias politica* doctrine).

2.4 Public administration-related concepts that influence control over the public service

This section aims to classify the terms Public Administration, administration, public service and the public sector. Hence, it is necessary to provide the reader with the required comprehension of these concepts because they can easily cause major confusion. The meaning of these terms is often relative since they may have different meanings or nuances for people in different parts of the world.

2.4.1 Public Administration

Public Administration (with an uppercase P and A) refers to the subject discipline in which the phenomenon of public administration is studied (Theunissen in Venter, 2001:118). The phenomenon of public administration involves the process whereby all the state institutions are organised, managed, administered and controlled (Theunissen in Venter, 1998:115). It concerns itself with the nature and practice of government and the public sector (the functioning of the state institutions). Public Administration also entails the management and administration of, and interaction between public institutions and other role players and stakeholders as well as the associated dynamic processes such as staffing, structuring, financing, the controlling of the public sector policy formulation and implementation (Theunissen in Venter, 2001:119). All state interventions are then attributed to the activities of the state public administration under the political control and leadership of the present day government (Theunissen in Venter, 1998:115).

2.4.2 Administration

Administration for the purposes of this dissertation quite simply subsists in the collective activities of the State, with authoritative institutions orientated towards the achievement of public objectives. This explanation serves to give substance to the prevailing conception of the State and its political objectives, and as a result to promote the mental and physical welfare of the population at large. The administration derives its function and authority from the executive function of government, and all administrative activities of the State are subject to the political office of the minister as member of both the executive and the legislative authority.

2.4.3 The public sector

The concept public sector refers to the general assets and public administrative systems of the state and has a wider meaning than the term “public service” (Theunissen in Venter, 2001:118). According to (Theunissen in Venter, 2001:118) the public sector consists of the following components:

- The public service.
- The National Botanical Institute.
- Personnel who are employed by parastatal institutions such as scientific councils, performing arts councils, cultural institutions attached to the Department of Arts and Culture and the institute of Science and Technology.
- Persons employed by public corporations such as ESKOM, Denel, Transnet, SABC, SA Post Office Ltd and Telkom SA Ltd.

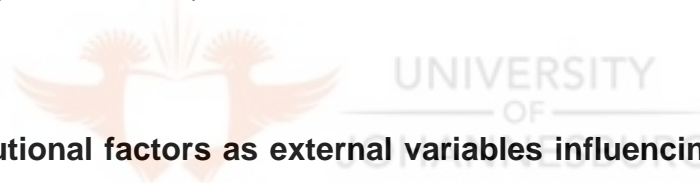
2.4.4 The public service

The term public service is primarily utilised to denote the civil component of the state’s management and public administrative system, often referred to as the “bureaucracy” (Theunissen in Venter, 2001:116). In South Africa the

public service consists of all persons employed by the government departments and the nine provincial administrations under the Public Service Act of 1994, who are remunerated by the Treasury for their services (Theunissen in Venter, 1998:112). In essence, the public service is the component of the public sector that falls under the control of the Public Service Commission and the National Revenue Fund, namely the state departments and provisional departments (Cameron and Stone, 1995:1).

2.4.5 Structure

The hierarchical pattern of authority, responsibility, and accountability relationships designed to provide co-ordination of the work of the organisation and the vertical arrangements of jobs in that organisation, is commonly understood to mean the structure by which government executes its activities (Fox and Meyer, 1995:124).



2.5. Institutional factors as external variables influencing control over the public service

There are numerous factors that affect the political and administrative systems. Public administration, and more specifically the public service, must come to terms with, accept or resist these influences. Together the political and administrative systems form a highly complex system that does not exist for the sole purpose of delivering services.

Although the public sector is influenced by a variety of factors, these influences are not passively absorbed. The public service makes adjustments under pressure of certain influences, but it may also offer resistance against influence. Service delivery by the public service affects the personal life of every citizen in one way or another, as shown in the preface to this dissertation already.

There are institutional factors and structures that act as external variables influencing control over the public service and they will be discussed in the subsequent section. The public service can either positively or actively absorb these factors. In most instances, particularly where corruption exists, the public service may resist the influence of these institutional factors.

These institutions enforce transparency, responsibility and accountability in the public service as well as to the electorate. The minister as head of a government department and his or her chief executive officer, as well as the relations between them, will be discussed in the following chapters. The place in the hierarchic chain where the minister and his or her top official relate to each other is the interface where politics and administration interact. The influence exerted by politics on the administration causes politicisation of administration, while the influence of administration on politics causes bureaucratisation of politics (cf. Viljoen 1987:14).

2.5.1 Institutions that oversee control

There are a number of institutions that influence control over the public service. These institutions are sometimes regarded as institutions of oversight or “watchdogs” and they are independent institutions. The concept of oversight in this context is concerned with an implicitly proactive “watchdog” role played by the elected legislative assembly and independent institutions over the activities and functions of the executive and administrative arms of government (Besdzik and Senay, 1999:2).

2.5.2 The Constitution of 1996

As noted before, a Constitution determines the manner in which a country is governed. Metaphorically speaking a constitution forms part of the machinery in the reality of politics that is designed to achieve the orderly functioning of a society. It limits the exercise of political power and institutes rules to protect the rights of citizens and control the authority of authorities (Venter, 1998: 2-3). A constitution is a statute according to which the form of a state, the form

of government and the form of authority of a country are determined. Such a statute is naturally based on the prevailing political ideology of the country. In South Africa the highest authority vests in the constitution and the legislative authority is subordinate to it.

Without a constitution there would have been no state institutions in South Africa with which to govern the country. The original 1909-Constitution, as well as later constitutions of South Africa determined both the structuring and the nature of service delivery by the public service. The Constitution of 1996 made fundamental changes that have become clearly visible in both constitutional and socio-economic terms.

Besides the devolution of power that brought administration closer to politics, the coming into effect of the Constitution of 1996 also helped to bring these two components of government closer together. The procedure followed by Parliamentary committees in considering draft bills or other matters and in obtaining factual information from high-ranking state officials and other specialists, has had the result that the bureaucracy is more than ever involved in the legislative process.

According to Chapter 1 Section 2 of the Constitution of 1996, the Constitution is the supreme law of the Republic; laws passed inconsistent with the Constitution are deemed invalid and the obligations imposed by the Constitution must be fulfilled. The Constitution of 1996 made significant changes such as stating clearly the formal relationships amongst the spheres of government and the organs of state (Thornhill in Kuye, et al. 2002:35).

2.5.3 Parliament

According to Mavanyisi (2003:58) constitutionally Parliament has wide powers. It is the legislative institution in and for South Africa. The influence of Parliament arises from its authority to pass laws that can influence the bureaucracy - a good case in point is the way in which the civil service is handled in the new constitution. In this dissertation the proceedings of

Parliament are merely mentioned where the context requires an explanation. As indicated in chapter three a tendency that is becoming noticeable throughout the world is the “relinquishment” of power by Parliaments.

2.5.4 Cabinet

The primary task of the cabinet is to govern the country and make decisions on government policy (Van der Waldt and du Toit, 1998:154). This body consists of members of the Parliament who are usually ministers appointed by the President to direct and supervise the administrative state departments (Cloete, 1998:63). According Mavanyisi (2003:59) both the function of policy determination, which is the purpose of government, and the implementation of policy form part of the political process. The strongest political party acquires the right to govern because it appoints the cabinet. The strongest political party also has majority support in Parliament, which has the result that the cabinet overrules Parliament as the actual governing body.

The cabinet as the seat of government therefore has the right to make use of both Parliament and the public service to implement policy determined by the cabinet. The cabinet cannot be involved with detailed decision-making and does not have the time to pay attention to the finer detail of government. Consequently, individual ministers are expected to take all decisions of minor political significance.

It is a principle of democracy that voters elect representatives to make laws on their behalf in the legislative institution. Theoretically the legislative authority should therefore control the executive authority, but in practice it usually works the other way round. The cabinet not only has decisive influence over the national assembly, but also over the public service. It is important to remember that the cabinet builds its policy goals into draft bills, which are then enacted into law by Parliament on the grounds of the cabinet’s influence over the national assembly.

Changes of government naturally result in the operationalisation of new ideologies that are decisive for the functioning of the public service. They influence both the structure of the public service and its functioning. The influence of the cabinet on the public service can be monitored continuously to best advantage in the creation or abolition of departments, or the reassignment of functions among departments. These changes are merely the result of executive decisions and not of decisions of Parliament.

The cabinet has not only decisive influence over the National Assembly (NA) but also the public service. The cabinet can be dismissed and reshuffled by the President and this ensures that effective political control takes place.

2.5.5 President

The President of South Africa influences the public service in two regards, firstly the influence deriving from his/her post or office and secondly, through the influence derived from his personality (Mavanyisi, 2003:60). In terms of section 83 of the Constitution of 1996, the President is the head of state and the head of the national executive (Craythone, 1997:33). In terms of the provisions of section 86(1) of the Constitution of 1996, the President is elected at the first sitting after the election of the NA or whenever necessary to fill a vacancy. Craythone (1997:33) cites that the President exercises executive authority together with other members of the cabinet by:

- developing and implementing national legislation;
- co-ordinating the functions of state departments and administrations;
- performing and initiating legislation; and
- performing any other executive function provided for in the constitution or in national legislation.

In terms of section 84 of the Constitution of 1996, the President could exercise the following powers and functions:

- To assent to signing Bills (where the signature of the President on any document is confirmed by the seal of the Republic).
- To refer a Bill passed by Parliament back to Parliament for further consideration in the event of procedural shortcoming.
- To refer constitutional disputes between parties to the Constitutional Court for resolution.
- To confer honours.
- To appoint, accredit, receive and recognise ambassadors, diplomatic representatives and other diplomatic officers, consuls and consular officers.
- To appoint commissions of enquiry.
- To make such appointments as authorised by the constitution.
- To negotiate and sign international agreements to proclaim returns/plebiscites in terms of the constitution or act of Parliament.
- To pardon or reprove offenders and to remit fines, penalties or forfeitures (Van der Waldt and du Toit, 2002:54).

In terms section 89 (1) 5 of the Constitution of 1996, the President can be removed by a two third majority vote of the NA only upon a serious violation of the constitution or a law; and misconduct or inability to perform the functions of the office (Van der Waldt and Du Toit, 1999:222). In normal cases, the President can serve as a critical link between interest groups and the public service, and interest and pressure groups regularly confer with the President regarding matters that have been handled by the public service (Mavanyisi, 2003:60).

2.5.6 Auditor-General

The principal functions and the responsibilities of the Auditor-General of South Africa are set out in section 188 of the Constitution of 1996. The Auditor-General must audit and report on the accounts, financial statements and financial management as set out in section 188 of the Constitution of 1996 and they include:

- all national and provincial state departments and administrations;
- all municipalities; and
- any other institution or accounting entity by national or provincial legislation to be audited by the Auditor-General.

In addition to the duties stated above and subject to any legislation, the Auditor-General may audit and report on accounts, financial statements and the financial management of:

- any institution funded from the national revenue fund or provincial revenue fund or by a municipality; or
- any institution that is authorised in terms of any law to receive money for a public purpose.

The Auditor-General must submit audit reports to any legislature that has a direct interest in the audit and to any other authority prescribed by national legislation. All reports must be made public. The Auditor-General has the additional powers and functions prescribed by national legislation. Section 189 of the Constitution of 1996 prescribes that the Auditor-General must be appointed for a fixed, non-renewable term between five and ten years. To ensure his/her independence, the Auditor-General is appointed by Parliament and hence his/her official term is fixed and non-renewable (Du Toit, et al. 1998:148). The Auditor-General is answerable only to Parliament and his /her auditing functions involve reports, which must close the annual financial cycle (Du Toit, et al. 1998:161).

Inspection of records relating to the misappropriation of funds normally takes place after corruption or waste has transpired which causes a restriction in the effectiveness of the Auditor-General. However, this does not limit the Auditor-General from seizing all documents, statements, accounts and other relevant information for auditing and control of funds (Mavanyisi, 2003:61). In South Africa, the Auditor-General also implements checks for corruption by

investigating public servants who are benefiting from state tenders. This investigation is a continuation from the Public Service Commission report that pointed to senior managers that have declared their business interests in the Eastern Cape (*Sunday Times*, 28/05/06). The Auditor-General report progressed with the investigation and found that more than 50 000 public servants failed to disclose directorships as required by the Public Service Regulation (*Sunday Times*, 28/05/06).

2.5.7 Minister of Finance

The Minister of Finance has an important role, and is traditionally the one who together with his/her department effectively hold the purse strings (Theunissen in Venter, 1998:130). The minister is also a member of the cabinet with other ministers who are also political heads of their government departments. These colleagues will try to influence the Minister of Finance to put the interests of their departments first, and hence it is imperative for the minister to be capable of saying “no” (Theunissen in Venter, 1998:130). The Minister of Finance can achieve his/her tasks with the strong support from the President (Theunissen in Venter, 1998: 130).

Theunissen in Venter (1998:130) elucidates the fact that it is the responsibility of the Minister of Finance to receive the budget requests from each state department and to strike a satisfactory balance between the competing interests of various departments. This is achieved with the assistance of role players in the Department of Finance, the State Expenditure, the Financial and Fiscal Commission, the South African Revenue Service (SARS), the Budget Council and the South African Reserve Bank (Theunissen in Venter, 1998:130).

2.5.8 Treasury (Departments of State Expenditure and Finance)

The Treasury is involved with the full budget cycle of the State’s yearly financial management, which determines the distribution of public funds (Mavanyisi, 2003:62). The Treasury together with departments of Finance and

State Expenditure, the Receiver of Revenue, the Financial and Fiscal Commission, the Budget Council and the South African Reserve Bank are responsible for the gathering of each department's budget requests and for the receipt, safekeeping, allocation and disbursement of public funds (Mavanyisi, 2003: 62). In a nutshell, the Treasury does not report on the activities of the Auditor- General but reports to the Auditor-General on how the state's finances are being controlled (Mavanyisi, 2003:62).

2.5.9 Financial and Fiscal Commission

The Financial and Fiscal Commission is established to advise to national, provincial and local government on financial and fiscal information relevant to their functioning (Hattingh, 1998:174). Cameron and Stone (1995:65) indicated that the Commission advises all the spheres of government on the following:

- Financial and fiscal policies;
- Revenue sharing;
- Taxes and levies that provincial governments intend to levy;
- Borrowing such as loans; and
- Criteria used for the allocation of financial and fiscal resources.

On the one hand, the fiscal aspect is concerned with raising revenue through taxation and deciding on the sphere and pattern of expenditure. On the other hand, the financial administration of the Commission is associated with the spectrum of government financial policy related to the fiscal policy, accounting, tax administration, monetary policy and employee retirement funds (Cameron and Stone, 1995:68). In essence, the Fiscal and Financial Commission is established in terms of Chapter 13 section 220 of the Constitution of 1996. According to Chapter 13 section 220 the Commission serves the following purposes:

- It must make recommendations to all relevant legislative bodies and any other authorities determined by national legislation regarding the financial and fiscal requirements of all the spheres of government; and
- It is an independent body and is subject only to the constitution and the law and must be impartial.

2. 5.10 Commission on the Remuneration of Representatives

Craythone (1997:63) states that the objectives of this commission are to make recommendations regarding the remuneration, allowances and other benefits, including pension and medical aid benefits of representatives (and includes any elected local government body or municipality). Chapter 13 section 219 of the Constitution of 1996 establishes a framework for determining the following:

- The salaries, allowances and benefits of members of the NA, permanent delegates to the National Council of Provinces (NCOP), members of the cabinet, deputy ministers, traditional leaders, and members of any councils of traditional leaders; and
- The upper limit of salaries, allowances and benefits of, amongst others, members of municipal councils in different categories.

The framework for establishing structures of remuneration can thus be obtainable by means of an independent commission to make recommendations regarding such salaries, allowances and benefits (Craythone, 1997:63).

2. 5.11 Public Service Commission

This commission is responsible to Parliament with regard to the exercising and performance of its powers and functions (Van der Waldt and Du Toit, 2002:157). In terms of section 196 of the Constitution of 1996, the Public

Service Commission is mandated to make recommendations, to provide directions and to conduct enquiries regarding:

- The organisation and administration of state departments;
- The conditions of service of members of the public service and matters related thereto;
- To provide direction to personnel matters in the public service, recruitments, transfers, promotions, dismissals and other career incidents of members of the public service as well as matters regarding the employment of personnel; and
- The compilation of a code of conduct applicable to members of the public service.

Notably, this commission is, in a manner, a monitoring mechanism for the public service to ensure that service delivery occurs.

2.5.12 Public Protector



The Public Protector is authorised to investigate state affairs or conduct in the public administration that may be improper (excluding court decisions), report on these matters and take corrective measures. Anyone can lodge complaints with the Public Protector. The public has access to the reports of the Public Protector, unless extraordinary circumstances as determined in national legislation require that a report be treated as confidential. Other powers and functions can be arranged in terms of national legislation (Rautenbach and Malherbe, 1998:58).

The Public Protector, or Ombudsman, as this institution is known internationally, is a highly respected functionary who functions independently of the government or any political party, and who is appointed by Parliament in terms of the constitution and who receives complaints from aggrieved persons against government institutions or who acts on own initiative and has authority to:

- launch an investigation;
- recommend corrective action; and
- issue reports.

Under section 182 (1) of the Constitution of 1996 the Public Protector has the following power:

- to investigate any conduct in state affairs or in the public administration in any sphere of government, that is alleged or suspected to be improper or to result in any impropriety or prejudice;
- to report on that conduct ; and
- to take appropriate remedial action.

The Public Protector also has the following additional powers and functions:

- The Public Protector may not investigate court decisions;
- The Public Protector must be accessible to all persons and communities; and
- Any report issued by the Public Protector must be open to the public unless in exceptional circumstances, to be determined in terms of national legislation which requires that a report be kept confidential.

The word “jurisdiction” refers to the legal authority of a person or institution to act (Mavanyisi, 2003:67). The Public Protector is empowered to investigate on his/her own initiative on receipt of a complaint in terms of section 182(1) of the Constitution of 1996. Van der Waldt and du Toit (2002:151) noted that the Public Protector can investigate alleged matters such as the following:

- Maladministration in connection with affairs of government at any sphere;

- Abuse or unjustifiable exercise of power or unfair capricious, impolite or other improper conduct or undue delay by a person performing a public function (such as a public manager);
- Improper or dishonest action, omission or corruption with respect to public money;
- Unlawful or improper enrichment, or receipt of any improper advantage, by a person as a result of an act or omission in the public administration or in connection with the affairs of government at any sphere or of a person performing a public function; and
- Acts or omissions by a person in the employment of government at any sphere, or a person performing a public function, which results in unlawful or improper prejudice to any other person.

As noted before, the Public Protector is not empowered to investigate court decisions as this might overlap and present confusion with the judiciary. Van der Waldt and Du Toit (2002:151) further stated that the office of the Public Protector is a mechanism to resolve any dispute or rectify any act or omission by:

- Mediation, conciliation or negotiation; and
- Advising where necessary, any complaint regarding appropriate solutions to a matter.

The public has a right to lodge complaints to the Public Protector. In return, the Public Protector can handle all matters in an informal or confidential manner. It is also the duty of the Public Protector to submit annual reports to Parliament (Van der Waldt and Du Toit, 2002:151). The Public Protector should be regarded as the last resort for complaints of improper prejudice by authorities (Mavanyisi, 2003:68). This is because the complainant first has to obtain a final reaction from the relevant institution before the Public Protector is consulted (Mavanyisi, 2003:68). Consequently, the public service should not view the Public Protector as a threat to their existence. This office should rather be regarded as an ally in the fight for a transparent and honest

government, and also providing public servants with a channel through which they could report irregularities (Cameron and Stone, 1995:15).

2.5.13 Human Rights Commission

The functions of this commission are to promote respect for human rights, the culture of human rights, the development, protection and upholding of human rights, and to monitor the maintenance of human rights in the Republic and to determine the status of human rights. State institutions report annually to this commission on what they have done to give effect to the manifesto with respect to housing, health care, nutrition, water, social security, education and the environment (Rautenbach and Malherbe, 1998:59) and Section 184 of the Constitution of 1996.

The Human Rights Commission also has powers, as regulated by national legislation, necessary to perform its functions, including the power:

- To investigate and report on the observance of human rights;
- To take steps to secure appropriate redress where human rights have been violated;
- To carry out research; and
- To educate.

The fundamental task of the South African Human Rights Commission is to promote the observance of human rights as enshrined in the Bill of Rights. All South Africans need to be informed of their human rights and those rights must be protected. The commission seeks to build a culture of human rights through public awareness and training programmes, special projects, inquiries, hearings, and legal interventions. The chief executive officer (CEO) and the commission are assisted by officers in five departments and these include:

- Legal services;
- Education, training and information;

- Research and documentation;
- Media and public relations; and
- Finance and administration.

2.5.14 Code of conduct for the public service

The code of conduct for the public service mainly focuses on three relationships that affect the public servants. These are the relationships between the public officials and the legislative, the executive authorities and the public and among the public officials themselves (Mavanyisi, 2003: 71). The relationship between the public officials and the legislative and executive authority relates to the public servants being able to act within the provisions of the constitution.

A public servant must be able to implement the policy of the day to the best of his/her ability (Mavanyisi, 2003:71). The Public Service Act of 1994 states that the South African Public Service must serve all members of the public in an unbiased and impartial manner and promote the ideal of respect for dignity, rights and welfare of the public (Cameron and Stone, 1995:71). The code of conduct for the Public Service is crucial in that it sets guidelines on the conduct of the public service in the execution of its duties.

2.5.15 Central guidance institutions

The organisation of state and government departments and institutions vary considerably in relation to and in accordance with the structure and the organisation of the government and the system of government.

Executive institutions of government are dominant and under the control of the political leadership. The stability of a regime is at most times dependent on the loyalty and competence of the public and military bureaucracies, giving these groups a professional orientation towards governance. The roles of the national government and the executive are also to define “the powers and

responsibilities they and other institutions and actors within their territory can legitimately possess", to capacitate and regulate governmental institutions and to execute (Pierre, 2000:26).

In recent years, government institutions and departments have become highly influential in the policy and decision-making processes of the executive sphere of governance. Policy programs are likely to be articulated at the highest spheres of government. Information, financial resources and at times military force will be available and used to achieve what is desired. The giving and receiving of executive direction engages chief executive entourages to perform the ultimate task. There is a persistent tension between the exercise of authoritative command by those that are formally entitled to do so and the actual need for some sort of bargaining system and scheme with those that are only titular subordinates. (See chapter four).

2.5.15.1 Human resources management (HRM)

The organisation's human resources management function is that function of the management process, which specialises in the management of people in the organisation. Human resources management is a specialised task that includes and involves the following aspects: "determining and formulating policy, advising, rendering a service and controlling personnel affairs". For human resources provisioning to be effective, cognisance must be taken of the elements that constitute each position. Recruitment as an element of human resources provisioning involves searching for and obtaining a pool of qualified job candidates so that the organisation can select the most appropriate person to fill its job needs (Marx in Auriacombe, 2007:16).

There is no single pattern of recruitment for governments in developing countries. The processes that follow the recruitment phase are the selection process that evaluates individuals and settles for the most suitable candidate in relation to the job description, before the next step, placement, and finally incorporation (Marx in Auriacombe, 2007:14).

Other elements of the human resources management and activities are training and development, performance appraisal and total quality management, remuneration and benefits for employees, job analysis, job evaluation, job design and redesign as well as administration.

In the public sector, individual institutions and departments have minimal freedom to choose and design their own personnel systems; they operate within public service laws. Human resource managers need to maintain and monitor data that will, when necessary, demonstrate that their activities are having an effect or outcome that is important to the government's employees and to the general public (Coe and Reese in Auriacombe 2007:15). The public service has a vast capacity of influencing policy making through ministerial advisory boards. Given the imposing list of formal powers that are granted to the executive sphere of government by a country's constitution, political executives lack the skills necessary to manage large public organisations.

The foremost thing that the political institution must seek to recover from a potentially dominant public service is effective control over the public budget. "The principal objective of Presidential offices and staff should be to aid Presidents to perform central, non delegable tasks, including those involved in their expanded policy making roles" (Coe and Reese in Auriacombe 2007:16). Depending on the constitutional rights and obligations of the President of the state, they often have the authority to appoint a number of top officials that work at the executive branch; teams that will aid the President to accomplish his ideals. The political ideology followed by the Government as well as the system of government will delimit the political constraints that may affect appointments. Other factors such as a "balance of geography, ideology, race, ethnicity, gender, and other demographic characteristics" can affect the choice of executives that the President will choose to appoint (Edwards and Wayne in Auriacombe, 1999:304).

2.5.15.2 The President's Co-ordinating Council

The President's Coordinating Council (PCC) was formed in October 1999 and consists of the President as chairperson, the deputy President, the nine provincial premiers and the minister and deputy minister of the department for Provincial and Local Government (DPLG). It provides the opportunity for the Presidency to emphasize the strategic leadership role it attached to the premiers and their significance in the system of cooperative government, together with their respective Provincial Executive Councils.

The PCC is also promoting cooperation between the national executive authority and the provincial executive authority on national development priorities and provincial development programs, and other matters of a high-sphere policy nature, common to both spheres of government.

Other responsibilities of the PCC include:

- Enhancing the ability of the provincial executive councils to make an impact on the elaboration of national policies;
- Strengthening the capacity of provincial government to implement government policies and programmes;
- Improving cooperation between the national and provincial spheres of government with regard to the strengthening of local government;
- Improving cooperation with regard to fiscal issues; and
- Ensuring that there are coordinated programmes of implementation and the necessary structures with regard to such issues such as rural development, urban renewal, safety and security (Terms of reference of the PCC, October 1999).

The PCC boosts the constitutional principal of cooperative governance by providing direct interaction between the executive authorities of the national and provincial governmental spheres. The PCC therefore presents an opportunity of being a consultative forum to ensure coordinated and

integrated implementation of policies and programmes of government. It therefore plays a role in protecting against the fragmentation of governance (Democratic Governance – A Restructured Presidency at Work, 2000/2001:16-17).

2.5.15.3 Forum for South African Director-Generals (FOSAD)

Forum for South African Director-Generals (FOSAD) is a body of administrative (executive) heads of departments, with membership confined to national and provincial Director-Generals. Its chairperson is the Director-general in the Presidency. While the coordination and implementation of national policy is its foremost activity, the forum provides a regular opportunity for Director-Generals to share experiences around policy and implementation, exchange ideas and assist each other in the professional development and management of their departments. Formally, it also has a role in intergovernmental relations that includes fostering a dynamic interface between the political structures and the administration at the national and provincial spheres, improving horizontal and vertical coordination of national policies, and sharing information on best practices in public management.

The wide-ranging role of FOSAD – specially its reference to support and to facilitate the promotion of cooperative governance – makes it an important instrument to promote political control through coordinating policy and ensuring that the “vision of the government of the day” – as well as of the future – is achieved (Levy in Auriacombe 2007:16).

2.5.15.4 Cabinet and Director-Generals clusters

In order to give effect to the objective of integrated governance, the programmes of government’s thirty-nine state departments are grouped in cluster committees dealing with similar sectoral challenges.

The ministers who constitute the six cabinet clusters provide oversight of the clustered activities. These clusters comprise of:

- a social sector cluster;
- an economic sector cluster;
- an investment and employment cluster;
- an international relations, peace and security cluster;
- a justice, crime prevention and security cluster; and
- a governance and administration cluster (Overview of Government's Programme of Action, 2001/2002:8).

These clusters have reduced the fragmentation of governance in order to ensure that each hand knows what the other is doing.

Clustered ministers are well placed to ensure, in conjunction with their colleagues, that coordinated action is taken towards speedy and thorough policy implementation. Corresponding clusters of director-generals who work closely with the Policy Coordination and Advisory Services (PCAS) in the Presidency in turn support these clusters. The Director-Generals (DG) clusters ensure that the deployment of departmental resources align with the agendas being set by the cabinet clusters.

The deliberations of the cabinet clusters are thus kept well informed and able to take coordinated administrative action, while the deliberations of the DG clusters are kept accountable to cabinet through the relevant cabinet committees. Enhanced coordination among Director-Generals is important and FOSAD has therefore assumed an important role in this regard (Democratic Governance – a restructured Presidency at work 2000/2001:15).

2.6 Summary

This chapter clarified the first study objective posed in chapter one. It provided a description and an explanation of the variables influencing the meanings, foundations and processes of political control over the public service. The aim of this chapter was to provide a conceptual and institutional overview of the state related concepts, phenomena, institutions, structures and processes that

influence control over the public service, in order to establish a clear and meaningful basis for its interpretation and utilisation for the following chapters in the dissertation. In order to eliminate confusion regarding various state-related concepts and institutions, the following aspects were dealt with: the definition and characteristics of a state, the functions of the state in public administration, the concepts and role of the constitution and constitutionalism of a state, the separation of powers, government hierarchy or spheres of government, the system of checks and balances, as well as the concepts associated with the political organisation of the state authority.

The government - and public administration related concepts, institutions and variables that influence political control over the public service that were dealt with in this chapter includes the executive authority, government, executive institutions in non-democratic systems, executive institutions in democratic political systems, public administration, administration, the public sector, the public service as well as the concept structure.

The chapter also explained the institutional factors that play a role as external variables influencing control over the public service. These institutions included institutions that oversee control, the Constitution of 1996, the Parliament, the Cabinet, the President, the Auditor-General, the Minister of Finance, the Treasury, the Financial and Fiscal Commission, the Commission on the Remuneration of Representatives, the Public Service Commission, the Human Rights Commission and finally the central guidance institutions.

Although one finds a multitude of different states in the international arena, there are still important criteria that a state must meet to be identified as a sovereign state. Furthermore, ideological, social, and economic development led to the development of different forms of state and government. These forms of state and government led to the development of government institutions and the allocation of power to these institutions. Through the separation of powers, democratic states ensure that all political powers are not concentrated in one being or institution. The distribution of power to different spheres of government depends on the form of government of a

particular state. State powers, the system and form of government, as well as the type of constitution determine the way a state is governed.

Due to the size of the state and the magnitude and diversity of functions that need to be performed, the constitution makes provision for the establishment of three spheres of government to serve national, provincial and local interests. Each sphere has clearly defined powers, functions, and authority in terms of its legislative and executive components, in line with the principles of the separation of powers.

The judiciary is independent from all other spheres of government and is structured to ensure that the principles of a democracy are upheld and that the rights and freedom of individuals are maintained. The existence of independent statutory institutions that support constitutional democracy is also a key feature of the constitution. These institutions ensure among other things, that human rights are observed and create answerable and accountable structures to ensure that public resources are utilised efficiently and effectively. Their independence in the execution of their activities and their requirement to report directly to Parliament, is a clear indication of open and transparent manner in which they execute their functions.

In an attempt to contextualise the role of government and its structures the next chapter will focus on matters relating to the role of control, accountability and responsibility in the South African Public Service.

CHAPTER THREE

THE ROLE OF CONTROL, ACCOUNTABILITY AND RESPONSIBILITY IN THE PUBLIC SERVICE

3.1 Introduction

Political and policy problems have become more complex, as divided government has become a prominent feature in politics, as the role of interest and pressure groups has increased, as policy administration has become interconnected with the private sector, as the public service structures have simultaneously become more centralised and decentralised and as politics generally has become volatile and accountability has become elusive (Kettl, 2002:97). Furthermore, the highly politicised and centralised public service could present a shadow in accountability if there are not appropriate control and accountability mechanisms in place. It is imperative to study control measures in the public sector in order to establish whether the exercising of control still meets the needs of the contemporary complex policy milieu of the public sector. In addition, it is important to clarify the various concepts associated with the milieu of political control over the public service in which the public servants function.

In the first chapter it was stated as an objective of the study (see section 1.4.) that "**an overview through the application of a literature study of the variables influencing the meanings, foundations and processes of control, accountability and responsibility in terms of control over the public service in a democratic system of ministerial responsibility**", will be provided so as to determine the nature of the interaction of these concepts, mechanisms, processes, actors and variables on political control over the public service.

The research question "**what are the norms of ministerial accountability and how can ministerial accountability be effectively and efficiently be integrated and encouraged in the process of good governance?**" (see

section 1.3) is also posed in an attempt to provide answers to the above questions through the application of research.

In this chapter, attention will be devoted to the meaning and importance of control, furthermore, the classification of control into internal (formal and informal control) and external control (by the legislature, by cabinet, by the Minister of Finance, by the office of the Auditor-General, by the Public Protector as well as by the electorate) will be referred to, after which the most important normative requirements for control over the public service (deference to the supremacy of the constitution, promotion of efficiency, requirements of administrative law, respect for community values) will be discussed.

In this chapter the relevance of the phenomenon of accountability as an important aspect of political control and responsibility to the public, a requisite for good governance, and an aspect of public and administrative accountability, will also be elaborated on. What is meant by control as a function of management including the types of management control (control to promote responsibility, control to promote regularity, control to promote effectiveness, control to promote efficiency, control to promote economy) will also be discussed. This chapter also discusses ministerial responsibility as an independent variable influencing political control over the public service.

Finally, the chapter pays attention to the role of delegated responsibilities and focuses on the techniques of devolving power; forms of participation in terms of delegated responsibilities; recognised responsibilities in the determination of the work of the department and responsibilities in the relations with the public. The aspects discussed in this chapter will be discussed only to the extent to which they are of importance in influencing political control over the public service.

3.2 Meaning of control

Control can be defined as the power or authority to direct, order or restrain. It is also seen as a standard of comparison of the results of an experiment (Hornby in Mavanyisi, 1987:187). In the context of public administration, control is the process that ensures that actual activities correspond to planned activities and corrective action is taken where necessary (Van der Waldt and du Toit, 1999:5). Simply put, control in this context, refers to checking in order to ensure that the personnel functions are being performed effectively and efficiently, according to prescribed policy and work procedures (Cloete, 1998:225).

Different audiences can comprehend control differently. One audience may view control as an external force imposed on them against their will (Mavanyisi, 2003:133). Another audience may view it as a manner to censure their activities or actions. Nevertheless, there is a positive nuance to the term of control. The positive notion of the concept of control implies that control must be exercised in order to complete the joint actions needed to achieve a common goal. The exercise of control has one objective: to ensure that an account is provided in the public for everything that the authorities do or neglect to do in the performance of their functions (Cloete, 1998:265).

For the purposes of this dissertation two types of control can be identified, namely: internal control and external control (cf. Ströh, 1989:39).

3.3 Importance of control

Van der Waldt and du Toit (1999:201) cite important reasons for the implementation of effective external control and they are as follows:

- Control leads to standardised actions to increase efficiency;
- It prevents malpractices and waste;
- It encourages delegation, as subordinates to whom authority is delegated can be monitored better; and

- It leads to performance appraisal of all employees.

3.4 Classification of Control

Control in the public sector may be classified into two aspects, namely (Cloete, 1991:188):

- Internal control which is exercised by the executive functionaries themselves; and
- External control by which account must be rendered to the legislature which in turn reports to the voters (Ströh, 1989:39) on measurements of results and the progress of government programs, although the interest here is often largely centred around overall results and adherence to statutory authority (Dimock & Dimock, 1969:5).

3.4.1 Internal control

Internal control includes in most parts, the work of all political office-bearers who are in charge of executive institutions and public officials (in most cases, the public service) who are attached to public institutions (Cloete, 1998:266).

In this context, control implies the following:

- The demarcation of work environments, physical environments or other environments within which functionaries have to operate (Cloete, 1998: 135); and
- Pointing the way by means of exercising authority, by example and by leadership so that functionaries will individually and collectively pursue their respective goals (Cloete, 1998:135).

The exercise of authority for purposes of internal control requires that there should be a supervising accounting officer. The supervisor, for that matter should not only establish control mechanisms for the public service but should

also determine what approach must be followed in ensuring that personnel responsible for implementing policies comply with the control prescriptions.

The kind of internal controls are explained in the following paragraphs:

- (i) Formal control; and
- (ii) Informal control.

3.4.1.1 Formal control

Control is exercised in the institutional situation by the use of formal control mechanisms which ensure that all the actions of the functionaries are aimed at achieving the set objective (Cloete, 1991:189). Formal control mechanisms incorporate inspection and investigation, written reports, internal auditing, cost accounting, cost comparisons, cost analysis and statistical returns. These formal control mechanisms act as aids for exercising control and will be outlined in the following sections of this chapter.

(a) Inspection and investigation

Inspection and investigation operate as internal formal control measures. The advantage of these measures is that they take place in the actual environment with results that readily establish whether any action taken did serve a useful purpose (Cloete, 1988:268).

There are however loopholes with inspection and investigation measures. One of the loopholes is that the idea of total control seldom exists because the people responsible for inspection have a large number of subordinates to inspect and investigate (Thornhill and Hanekom, 1995:240).

According to Cloete (1998:268) other pitfalls of the inspection and investigation measures involve the following:

- Inspection and investigation often results in negative fault-finding analysis because it occurs after the deed has been done;
- The methods are often taken by inspectors who are not properly trained for this specialised work; and
- These methods often culminate in reports that are of little use for purposes of exercising control.

Despite these disadvantages, inspection and investigation measures are only effective if particular needs are met (Thornhill and Hanekom, 1995:241). Mavanyisi (2003:136) further points out that for regular purposes public functionaries would be formally required to ensure how:

- accounting officials comply with procedures on collection, custody and spending of monies;
- stores controls are implemented in relation to purchases, records and issues and when stocks should be supplemented;
- vehicles are used for authorised trips, servicing, logbooks, operations and purchases and auction; and
- progress is being made on ongoing capital projects as well as the evaluation of these projects.

(b) Written reports

Written reports are crucial control measures and are perhaps one of the most well known internal control measures. To illustrate an example, the Director-general has to report to the political office-bearer (the minister as the political head of a department) who has to report to the legislative authority. Written reports are beneficial because they provide tangible documentary evidence of whatever takes place. Whatever is inspected and investigated depends largely on these written reports.

Reporting encourages political office-bearers and public officials to carry out their functions carefully and precisely (Cloete, 1998:267). In many instances it

does transpire that political office-bearers and public officials report information that will please their superiors (Cloete, 1998:267). This does not imply that this internal control measure is not effective or cannot be used effectively.

(c) Internal auditing

Internal auditing is an effective mechanism in that it helps to ensure at all times that money is being effectively accounted for and that financial transactions are conducted in a regular manner (Ströh, 1989:60). Internal auditing normally crops up after transactions have occurred and it is usually concerned only with the legal correctness of transactions, which can create serious shortcomings (Cloete, 1998:268). Internal auditing involves three different types of auditing systems, which are accounting audits, appropriation audits and performance auditing.

(i) Accounting audits

Accounting audits involve the inspection of financial records in order to determine where funds have been recorded correctly and whether all revenue has been noted and accounted for (Thornhill and Hanekom, 1995:65).

(ii) Appropriation audits

Appropriation audits ensure that budget appropriations are used with a purpose and that expenditure and revenue are recorded in the correct financial year (Thornhill and Hanekom, 1995:65).

(iii) Performance auditing

Thornhill and Hanekom (1995:65) elucidates that performance auditing is based on examining the economy, efficiency and effectiveness in order to verify whether the public has received value for the money spent.

The intention of performance auditing is to minimize the costs of government departments and to make them as efficient as possible for their services (Hanekom in Hanekom and Thornhill, 1995:65).

Kotze, in Mavanyisi (2003:137) identifies the following advantages of internal auditing:

- It can be of value to the accounting officer when, as a part of his accounting function, he/she accounts for the income and expenditure transactions of his/her department;
- If any irregularities are suspected such as fraud or theft, the internal auditing section can conduct an investigation without delay;
- In financial matters, the internal auditor serves as a link between the accounting officer and other heads of directorates;
- Internal audits promote financial responsibility in that measures can be taken to prevent or trace irregularities without activities being affected too much; and
- Daily internal audit investigations have a wholesome effect on the work of officials in that they are cautious about avoiding irregular action of any kind.

Therefore, internal auditing as a control measure will be successful only if it is used as an integrated part of a feedback and control mechanism in order to allow progressive control to be exercised (Thornhill and Hanekom, 1995:237). Hence, Cloete (1991:191) stresses that people are nevertheless, beginning to realise that an audit should indicate whether the authorities are getting good value for the money they spend, in other words, performance auditing must be undertaken.

(d) Cost accounting, cost comparisons and cost analysis

Cost accounting, comparisons and analysis serve as formal control measures and have a positive correlation with efficiency in that they lead to the

measurements of accomplishments for the benefit of all who seek to produce goods and services (Dimock & Dimock, in Mavanyisi 2003:138).

Further, these mechanisms are valuable aids for the rationalisation and compilation of the budget and therefore, control is exercised before the programme of work is approved and implemented (Cloete, 1991:191). In the public service where various goods and services are often procured and in varying quantities, cost accounting, cost comparisons and cost analysis are particularly relevant in achieving efficiency sense of using available resources sparingly or ensuring that stores and equipment are purchased economically (Mavanyisi, 2003:138-139).

(e) Statistical returns

Simply put, statistical returns can measure productivity. This can be achieved by figures reflecting costs together with other statistical returns, provide objective criteria for purposes of assessing results and for compiling work programmes which involve the allocation of personnel and resources (Cloete, 1998:269).

3.4.1.2 Informal control

Informal control relies on the value preferences, which are manifested in informal, voluntary association patterns, and on conscience to perform duties in an institution. Informal control should therefore aim at achieving best results by inspiring or motivating each public functionary to adhere to the guidelines of public administration in order to take responsibility for their actions (Cloete, 1998:270).

If self-control and self-discipline can be instilled in every public functionary, each can be his/her own supervisor (Cloete, 1998:70). Further, with reference to control over the public service, informal control would be exercised through the oversight of financial supervisors in their respective units at all the spheres in the hierarchy over their subordinates, their continued, supervision, the

example they set, and the leadership they provide to their subordinates (Cloete, 1991:189).

Control is exercised in institutional situations by use of formal and informal control measures which are determined by the influence that public functionaries (be they official or political office-bearers) exercise over each other (Cloete, 1998:266).

3.4.2 External control

External control focuses on the implementation of prescriptions by a control authority and its purpose is to call departments to account concerning the application of these prescriptions (Ströh, 1989:40, Mavanyisi, 2003:139-140).

As indicated, external control has the purpose of getting functionaries accountable for their stewardship in public office to the legislature and for that matter, the electorate. Accountability therefore forms the bedrock of external control. Public accountability is an essential norm in public administration because the public, as well as the elected representatives need the assurance that public services are under control and are being carried out within the framework of services laid down by the legislature (Thornhill and Hanekom, 1998:184). By accountability is meant a personal obligation, liability or answerability of an official or employee to give his superior a desired report of the quantity and quality of actions and decisions in the performance of responsibilities specifically delegated (Banki, 1987:176).

In the process of exercising control and accountability through the Committee on Public Accounts, it is ensured among other things, to determine whether the heads of the departments as accounting officers and their accredited representatives did spend public funds as authorised and for the purposes for which they were allocated. Determining these is important as the accounting officer is charged with the responsibility of accounting for all state moneys received and payments made by his/her department.

In order to ensure efficient control of money and to provide a judicious account to the legislature and for that matter the voters, the accounting officers of the departments, like all accounting officers, has to ensure that the following control mechanisms do exist and are judiciously implemented by his subordinates (Thornhill and, 1998:190):

- ensuring that sufficient legislative authority exists for the expenditure of money entrusted to his care;
- report fully to the Treasury and the Auditor-General of the Republic of South Africa on any loss or misappropriation of public moneys and property;
- replying honestly and diligently to all questions raised on the financial affairs of the department by the Auditor-General; and
- providing estimates when its required and framing them as accurately as possible.

Significant to discuss for the purposes of this dissertation are the main institutions which serve as external control mechanisms over the public service. These include legislative control, control by cabinet, control by the Minister of Finance, audit control through the office of the Auditor-General, and control by the electorate.

3.4.2.1 Legislative control over the public service

Legislative control is essential as a form of political control over the public service. Legislative control over the public service involves both the cabinet and the public service. The purpose of the legislature is to assist the structures of government to maintain and check a certain degree of accountability and responsibility (Mavanyisi, 2003:142).

Meehan et al. in Auriacombe (1996:143) further indicate that the legislature shares informal control over the administration with the cabinet. However, the executive has to deal with the formal control functions of the state apparatus.

Parliamentary control is in most instances sporadic and uneven; various mechanisms are established in order to keep the government and its public service within the prescribed limits. These mechanisms include select committees, public hearings, committees of investigation, and independent government institutions (Mavanyisi, 2003:142).

Parliamentary control over government and the bureaucracy is furthered through the application of auditing mechanisms and an examination of the manner in which public funds have been disbursed (Meehan, et al. in Auriacombe, 1996:194). Control over appropriation is a significant weapon, and the need to justify expenditure and policies before the legislative assembly is an important limitation to and control over the administrative action. Fiscal control can be abused if there are not enough mechanisms to deal with a particular matter, for example, where government can succumb to the pressure of unions and other pressure groups.

If provision were not made for such instances and approved by Parliament, the executive authority could not embark on any course of action without the approval of the legislature. It is the duty of the Auditor-General to provide Parliament with the audit account of the financial expenditure of the previous year so as to enable the legislative assembly to take decisions on concrete information (Mavanyisi, 2003:146).

The activities of select or stand committees are only one aspect of Parliament's traditional role of control over the cabinet. Controlling the cabinet means indirect control over the civil service. Government and the public service can be controlled by the influence of public hearings conducted by various select committees or commissions. Currently, both on the central government and provincial spheres, public hearings are conducted in such a way that the majority of the civil society structures are given access to the legislative process. Business, labour, religious organisations and other institutions of civil society are given an opportunity to make their voices heard.

Truman (in Auriacombe, 1996:78) views public hearings as means of control and also as means of transmitting and sharing information, both technical and political. According to Smith (in Auriacombe, 1996:45) the work of the legislative assembly is organised around the contact between the Parliament and the civil society; public hearings committees afford, directly or indirectly, a form of legislative control over the administration. Besides public hearings conducted by various committees of Parliament, the legislative assembly also has its question time, which is another legislative method of calling ministers to account on the activities of the bureaucracy (Auriacombe, 1996:56).

Truman (in Auriacombe, 1996:89) equates public hearings with a safety valve that reduces conflict between the legislative assembly and the electorate and also assists in the facilitation of many legislative products, since everyone would have been afforded an opportunity to state his/her case.

Most committee work includes a certain degree of investigation or inquiry. La Palombara (1974:302) states that specialised legislative committee systems are one way in which Parliament could keep control over the bureaucracy.

Committees of investigation may serve various purposes, such as to make available the information needed by Parliament to perform its task, and perhaps to create public awareness of a particular interpretation of the matter to be investigated (Meehan in Mavanyisi, 2003:195). Truman (in Auriacombe, 1996:38) further indicates that committees of investigation may be used to inquire into the administrative institutions of government. This will have an impact on the control of the bureaucracy.

Legislative control is also exercised through questions addressed to ministers, amendment or rejection of government bills (including the budget and votes of no confidence that compel ministers to resign) (Gildenhuys and Knipe, 2000:180).

3.4.2.2 Control by cabinet

The cabinet is collectively responsible to Parliament, particularly for the acts of its members, but the minister is individually accountable for the activities in his or her department. Collective responsibility and individual responsibility by cabinet ministers is crucial for political control. As a result of this individual and yet collective responsibility to the legislature, the premier, through policies initiated by the cabinet, controls financing by performing general cabinet control functions (Bradley, 1985:262) namely:

- Determination of policy;
- Co-ordination of actions of the departments either at cabinet meetings or through cabinet committees; and
- Ensuring financial control through the application of normative requirements of public administration.

Consequently, collective and individual responsibility ensures that the cabinet performs general cabinet control functions. Therefore, it is the duty of cabinet ministers also to declare their business interests to Parliament.

3.4.2.3 Control by the Minister of Finance

The Minister of Finance exercises control in numerous ways for a detail analysis of his/her control functions. The control functions of Minister of Finance are exercised by the Department of Finance and its divisions and sections namely, the Inland Revenue, the Inspectorate and more intensively, the Treasury. The control functions of the Treasury may be briefly outlined as following (Marais, 1989:50-51):

- preparation and form of the budget must be submitted;
- guidance to accounting officers on systems of bookkeeping and accounting to be followed;

- restriction of expenditure on a given service or suspension of a service; and
- authority functions relating to virtually all expenditures.

Committees of Parliament are developed for subject matter like education, finance and so on. These committees also help control Parliament. These committees are inclusive of standing committees and the select committees. Standing committees are permanent committees that deal with particular subject matter such as education, health and finance (Gildenhuis and Knipe, 2000:259). Select committees deal with specific aspects of the government administration and make recommendations on particular aspects and are established by the legislature (Gildenhuis and Knipe, 2000:259). Committees have the authority to scrutinise government administration and oversee executive powers, which also make them an instrument of control over the public service.

3.4.2.4 Audit controls and the Office of the Auditor-General

Auditing is one of the commonly known means for determining the degree to which executive actions meet expectations (Thornhill and Hanekom, 1995:236). This can be done through analysis of information or evidence designed to render independent, informed and professional reports with supporting documentation. Audit control ensures that there is control over the public management of funds. Control over the appropriation of funds and the need to justify the expenditure and the policies before the legislative assembly is a significant limitation to control administrative action (Mavanyisi, 2003: 146). The report of the Auditor-General, which forms the fundamental basis of inquiries by the Legislative Assembly Committee on Public Accounts, comes into play in this instance. It is this report that should be examined to assess audit-impact as an external control mechanism.

According to the *Sunday Times* (23/04/06) and *Sunday Times* (30/04/06) audit control, where conducted by the Public Service Commission to investigate the National Prosecution Authority (NPA), revealed that certain senior members of the NPA were found to be tender rigging. This indicates that the Auditor-General can work with independent institutions to implement political control over public service and call elected officials to account for their misappropriation of funds or any irregularities in state funds.

3.4.2.5 Public Protector

It may happen that public officials employ various methods and tactics to cover up unethical conduct. By establishing an office of an ombudsman or Public Protector, members of the public are able to seek proper redress where they feel aggrieved by bureaucrats. The Public Protector acts as the private citizen's watchdog over and against executive institutions (Ranney, 1975:439). According to Botes, Brynard, Fourie and Roux (1992:365) public officials tend to use administrative red tape to hide inefficiency or to practice maladministration. The establishment of the Public Protector can be the proper body dealing with such tendencies.

According to the Constitution of 1996, the Public Protector has the power to investigate any conduct in state affairs or in the public administration in any sphere of government.

The Public Protector, like the Auditor-General, is required to report to the legislative assembly at least once a year. The Public Protector is an efficient control mechanism in as far as eradication of competition is concerned or abuse of power by public officials.

3.4.2.6 Control by the electorate

Voters are influential in the exertion of control over the public service. This is because the voter control mechanisms may take the form of submission of petitions, voting, organised marches and referenda, particularly, if an issue

affects them directly. Voters can influence the fate of political parties and their political office-bearers pressure and have more political control and voice in democratic states because elections are thought to be free and fair, public meetings are usually allowed and official marches are permitted. In democratic countries, the private individual has more opportunity to shape public policy, since as a voter, he/she can, in the aggregate, critically influence the activities and careers of politicians (Dror in Auriacombe 1996:67).

3.5 Normative requirements for control over the public service

The actions of the administrators should always be “good”, “right” and “positive” (Hanekom, 1987:151). In other words, those who practise public administration are obliged to respect specific guidelines that govern their conduct when carrying out their functions (Cloete, 1991:151). These guidelines should be in conjunction with the principles of good governance such as transparency, responsibility, accountability and administrative accountability. These guidelines will be dealt with in the subsequent sections of this chapter.

3.5.1 Deference to the supremacy of the constitution

It has been stated in the previous chapter that the constitution is the supreme law of the land. It is also noted that every political office-bearer and every public official should, when carrying out his/her duties, bear in mind that the legislature has been granted authority over his/her sphere of work. The constitution accordingly exercises its supremacy and authority over administrative activities by utilising various means such as determining the activities to be undertaken, determining the bodies responsible for the executive functions, determining the personnel to be appointed, determining the rules and procedures and determining the amounts of money to be spent. Therefore, the constitution can be viewed as a road map of the governing and control of various administrative and political institutions.

3.5.2 Promotion of efficiency

As already noted before, efficiency in the public service is defined as the means to achieve of objectives by using the minimum resources (Ströh, 1989:46). Efficiency in government service accordingly denotes the ways in which functions and activities are carried out; the manner of putting it into effect in relation to factors such as cost effectiveness and the optimal use of manpower and skills (Rowland in Auriacombe 1996:78). According to Kotze (in Ströh, 1989:47) the achievement of efficiency can be seen as the cost effective and optimal use of resources in terms of the specific quantity of goods and services of a specific quality at the lowest possible cost. In other words efficiency refers to the economical use of money and other means of production to achieve the desired results (Ströh, 1989:47).

3.5.3 Requirements of administrative law

The principle of the requirement of administrative law is a necessity for the public service and for government bodies and persons in authority to be accountable for their actions because it establishes specific fixed rules for certain conduct. According to Hattingh (1988:62) these requirements include the following:

- Action must be authorised: that is, all actions are subject to the necessary official approval;
- All actions must be within the law and performed strictly in accordance with the relevant legal requirements;
- All procedures required by law must be complied with respect of any specific action;
- Judicial errors of interpretation should be avoided at all costs;
- Should any official have authority to utilise his discretion, such discretion may not be exercised for improper purposes or due to irrelevant considerations in any manner, which is unfair or unjust;

- Actions may be performed or decisions taken only after due consideration of sufficient relevant factors or satisfactory evidence; and
- The actions of officials shall at all times comply with the requirements of reasonableness, integrity and unimpeachably.

3.5.4 Respect of community values

Values provide standards and norms for daily living on what is desirable or undesirable in order to ensure that people who uphold these values know that whatever they do and say will be acceptable in the eyes of their fellow people (Hattingh, 1988:44). Values are therefore a manifestation of the importance the individual ascribes to specific activities, experiences, phenomena or events and which provide him/her with guidelines for his/her behaviour, and which can therefore be changed (Hanekom, 1988:10). These values/guidelines, for example, may determine how the voter exercises his/her option on election day, by voting for the candidate of his/her choice (Hattingh, 1988:44), or, as pointed out by Hanekom, (1988:44), values may form part of the accumulated and conventional wisdom of a people or group, which may be expressed in an established habitual attitude toward the allocation of resources.

Governing may become a complicated issue when policy makers have to tackle ethical norms such as respect for community values. This is because community values are of particular importance in politics, which represents the interaction, whereby values are authoritatively assigned to the community (Easton in Hattingh, 1988:44). A choice of values naturally comes into play when an official has to distinguish between desirable and undesirable in terms of community values. In exercising this choice, public officials who identify a problem in an existing situation must seriously consider whether an envisaged change, while satisfying one value, may prove detrimental to other values upheld by the community. Respect for, community values as norm has a strong influence in factors that are used to prioritise capital projects.

Hence, the respect of community values is significant in the process of governance of a country.

3.6 The phenomenon of “accountability”

The concept of ‘accountability’ itself requires a brief analysis. ‘Accountability’ is most simply elucidated by reference to the broader concept of ‘responsibility’. In literature, these two terms are commonly linked together, sometimes as virtually interchangeable synonyms (see Emy and Hughes, 1991:350; Corbett, 1992:19) and sometimes, more accurately (see Uhr, 1993: 3-5) as closely related but distinct terms. Responsibility has a number of connotations, including freedom to act, liability for praise or blame, and proper behaviour on the part of the person responsible. It may also, but need not, imply a relationship between two persons (or groups) where one has entrusted the other with the performance of certain duties or ‘responsibilities’.

In such cases, the person (or group) responsible for performance may be said to be person (or group) for whom the duty is performed. Such relationships, where one person is responsible to another, are found in all organisational hierarchies, not only in government departments, but also in private businesses and corporations, schools, hospitals, armies, churches and so on. This aspect of relational responsibility, the responsibility of one person to another, is also referred to as accountability. In the words of Thynne and Goldring (in Auriacombe, 1996:88): “officials are responsible within the system to some institution or to some person or persons for the discharge of the responsibilities which they have been allocated. This means that they act in the context of a relationship with an institution or person which or who is in position to enforce their responsibility by calling them to account for what they (and/or their subordinates) have or have not done. Thus, this...sense of responsibility requires that officials be accountable for the performance of their official tasks and therefore be subject to an institution’s or person’s oversight, direction or request that they provide information on their action or justify it before a review authority.”

Thus, accountability and relational responsibility are rebated as part to whole. Accountability refers to one aspect, the calling to account and acceptance of oversight, of one type of responsibility, where there is a relational responsibility to someone else.

Some scholars prefer to see accountability as distinct from, and contrasted with, responsibility. For instance, Uhr (1993: 3-5), while identifying accountability with its root meaning of being called to account, confines responsibility to the free exercise of discretion. In this sense, the responsibility of public officials, their freedom to act, tends to be curbed by the requirements of accountability, their obligation to report and be audited. However, this narrowing of the concept of responsibility, especially in hierarchical contexts, to exclude the requirements of accountability seems somewhat paradoxical. Ordinary usage appears to accord more with the broader meaning given in the above quotation by Thynne and Goldring. At any rate, the difference, it should be noted, is over the scope of responsibility rather than the meaning of accountability itself.

Like relational responsibility, accountability involves a relationship of authority and therefore, normally, a relationship of inequality between two parties. Those who are accountable are in some sense subordinate to those who oversee their activities and to whom they must give account. Accountability is thus a common feature of asymmetric authority relationships, such as that of supervised and supervisor, agent and principal, representative and those represented. People of equal status, such as professional colleagues or partners, may be accountable to one another but only as part of a mutual authority relationship in which each accepts the authority of other over certain matters. Thus accountability refers to one aspect, the calling to account and acceptance of oversight. Accountability can be defined as answerability, that is, having a duty to explain one's conduct and being subject to monitoring and control by a higher authority (Heywood, 1997:375). In this sense, accountability can only function in a context of constitutionalism and the respect of rules particularly the rule of law (Heywood, 1997:375).

Accountability also has an array of processes and mechanisms, which serve to control the exercise of arbitrary power. Accountability can be secured, even enhanced by ensuring transparency in the reporting of operations, access to information complaint and redress procedures over abuse with independent mechanisms; legislative procedures; institutions organised and staffed to scrutinize and investigate executive and administrative behaviour and by legitimate mandates for independent audit, inspection and review agencies (Aucoin and Heintzman, 2000:260-261). The typology of accountability is useful as it forms the core bases of ensuring political control. This typology is illustrated in Table 1.



TABLE1: A typology of accountability

Political accountability	Accountability to elected representatives. In systems with ministerial responsibility (for example the 'Westminster model'). Accountability to the minister has an influence on the public servant's work. But there are other accountable relationships with politicians too, for example, public managers may have to appear before Parliamentary committees to answer questions.
Legal accountability	Accountability to the courts. Depending on the system of law, this may mean accountability to specialised administrative courts and/or accountability to the general court system.
Bureaucratic accountability	Accountability to codes and norms within the bureaucratic context. For example, adherence to the code of conduct for the public service.
Professional accountability	Accountability to the standards laid down by professional bodies. For example, doctors, nurses and teachers have various kinds of codes of conduct relating to their professions with a professional oversight body that considers alleged breaches of these rules.

(Adapted from Behn 2001: 59, Table 4.1)

In short, responsibility and accountability are principles of good governance, particularly in the appraisal of representative democracy. Good governance can be viewed as the manner in which to improve and reform the functioning of democratic institutions including the 'deepening of democracy and exploring more active and creative roles for non-state actors (Weiss, 2000:50). "Accountability is founded on expectations" (Pollitt, 2003:91). This quote by Pollitt may, for example mean that the state of good governance can also be characterised by the role of leaders and leadership skills to herald high standards of accountability. In this instance the leadership role in state departments can create expectations.

3.6.1 Public Accountability

Since the inception of constitutional democracies in the free world, the debate has continued on the degree of freedom the public service should enjoy from public control, public participation and public scrutiny (Auriacombe, 1996:98).

After World War II, the question of accountability became even more pronounced because governments became engaged in so many activities (Auriacombe, 1996:97). Hanekom and Thornhill (1983:184) identified public accountability as one of the prominent characteristics of the 20th century public administration and pointed out that the public and elected representatives need assurance "...that the public service is under control and carried out within the framework of the policies laid down by the Parliament." In the past, accountability mainly had a monetary connotation and "...was in fact mainly concerned with finance" (Hanekom, et al.1983: 185).

The involvement of government in a great number of activities that increased public services resulted in the term accountability referring to more than only monetary dealings and thus used: "...in a much wider sense and consists mainly in a statutory obligation to provide Parliament with any available information to enable it to determine how executive actions have progressed" (Hanekom, et al. 1938:185).

Cloete (1981:21-22) listed and explained measures, which can be applied to uphold public accountability. These measures are the legislative, judicial institutions, organisational arrangements and work procedures. Because the constitution enjoys supreme power, it will set the objectives to be pursued by the executive institution. Legislators in a democracy are elected representatives and if objectives set by them are contrary to the values of the electorate, the representatives, can be replaced at the ballot box. Judicial institutions can be used to enforce public accountability because courts hear cases in public and judgements usually receive wide publicity.

Organisational arrangements and proper work division promote accountability because officials will always have a superior to give account to. Sound procedures are needed because the public service is usually large and necessitates orderly and correct action. Most executive institutions therefore compile own directives and procedural instructions based on legislation, which sets particular objectives.

3.6.2 Administrative accountability

Administrative accountability "...refers to devising control mechanisms to keep the bureaucracy under surveillance and check" (Khan, 1983:683), and is clearly linked with external control mechanisms. Other than in the case of a private undertaking where control is solely an internal matter, control in the public sector is an external one (Cloete, 1977:308). This implies that although internal control mechanisms must be provided for, accountability in the form of external control measures are essential to the public sector. Cloete (1977:309) pointed out that the control measures have to be directed at the future and not applied *ex post facto*.

The activities of the public sector should always be undertaken in public. This implies that every activity and every transaction of the public service must be accountable (Cloete, 1977:69). Appleby explains the nature of administrative work in the public sector as "...the way it is subject to public scrutiny and outcry" (in Cloete, 1977:69). He continues by stating that: "An administrator coming into government is struck at once, and continually thereafter, by the press and public interest in every detail of his/her life, personality and conduct" (Cloete, 1977: 69-70). Appleby rightly stated that every activity and action by a public employee "...has to be thought about in terms of possible public agitation, investigation, or judgement" (Cloete, 1977:70).

It should also be pointed out that the task of the public official is difficult in the sense that he/she has to account to a complex society and that total satisfaction from society can hardly be achieved. Another aspect complicating accountability is that "... the hierarchy allows the 'buck' to be passed"

(Robbins, 1980:232) and where groups or committee decisions are taken "...it is difficult to identify who is accountable. The result, therefore, is that responsibility is clouded by the effort of individuals to protect themselves against the risk of being held accountable for faulty decisions" (Robbins, 1980:232).

Administrative accountability is aimed at public servants and top ranking administrators (Director-Generals). Public servants who are responsible to ministers, ombudsmen, public audit officers and the public and whose aims are to monitor and regulate quality and efficiency, the enforcement of statutory provisions and the fair distribution and allocation of public budgets and expenditure.

In government departments, public servants are responsible to their higher-level administrative officers, as well as to their ministers. They are also externally responsible to bodies such as Parliamentary commissioners, public audit officers, ombudsmen or other particular administrative agencies or boards. These institutions have been set up to make inquiries and obtain information and finally to make regulations or judgements. Although their judgments may sometimes lack sufficient legal sanction, they may cause departmental embarrassment and, to a limited extent, governmental changes in policy and decisions (Zarei, 2001:40).

3.7 Control as a function of management

All activities of the public sector must be directed at realising policy objectives and this necessitates proper and stringent controls over such activities and in this regard public managers are playing an essential role in control. The aim of control in the public sector is to make it possible for members of the community to determine what action has been taken to promote and protect their interests. Control in the public sector is therefore aimed at ensuring public accountability for utilising financial resources. The voting public should be able to establish whether the purposes for which the available resources have been used have contributed to government objectives.

Control may also be seen as a management task, which is aimed at ensuring that stated objectives are pursued and realised. In essence, it means that public managers will compare results with predetermined standards and will issue directives for remedial measures to ensure that the anticipated results are achieved (Mavanyisi, 2003:159). Control in this regard may be used to determine whether objectives have been realised by checking whether the available resources have been used as prudently as possible, whether officials have identified alternative solutions and whether such solutions were considered in order to perform operations effectively.

Public managers should be aware that control might have a positive or a negative effect on government activities. Control is positive when it is seen as means for assessing whether anticipated results have been achieved. In a negative sense, control may be regarded as an external means of forcing officials into certain actions. Control should be used, not “as a set of dictatorial devices to manage employees, but as an approach that helps those responsible for implementation of a plan to stay on the right track” (Dimock and Dimock, 1956:229). Moreover, control should be regarded “as consisting not of checking the individual action of every public employee, but of steps through which account is rendered for actions or in actions to determine whether Parliament’s directives are adhered to” (Hanekom & Thornhill, 1993:144). The problem for manager’s control is differentiating which features must be controlled and which should not be controlled (Stewart and Ranson, 1994:67). It is the responsibility of the public managers to be aware of the existence of these aspects to effectively perform their duties.

3.7.1 Types of management control

Public managers perform the function of control at various stages in development of public institution activities. Control may be exercised before the activities take place, while they are taking place or after they have been completed.

- Control prior to execution is future-orientated because it allows for the elimination of activities that may create discrepancies. Successful control prior to execution is the particular responsibility of top management and may be carried out by means of changes of policy, procedures and methods. An example of a control measure prior to execution of activities is where top management insists on more stringent criteria for personnel selection (Ströh, 1989:40).
- Control during execution takes place while the work is being performed and is the particular responsibility of middle and junior management. This type of control monitors the performance of subordinate workers and always requires immediate remedies. Public managers may use personal observation, for example, to determine whether subordinate workers are following the stated policies, procedures and methods and to identify any departures (Ströh, 1989:40).
- Control after execution takes place once public activities have been completed, and in some types of work this may be the only control possible. For example, departures from the budget are often rectified only once such activities are subjected to the control institutions such as Parliament, Treasury, and the Office of the Auditor-General (Ströh, 1989:40).

Public managers should guard against arbitrary control. They are expected to be skilled so that the control they exercise will ensure that clearly identified objectives are realised. Some of these objectives are considered such as:

3.7.1.1 Control to promote responsibility

- Control aimed at promoting responsibility takes place mostly at operational level where officials are held responsible for specific activities. It is essential that public managers ensure that subordinate officials fulfil their responsibilities and make those decisions for which they have the authority. Officials at operational level sometimes tend to

avoid responsibility, leaving management to carry the burden (Ströh, 1989:40).

Public managers can exercise control to eliminate this practice by guiding their subordinates to make decisions independently and to assume responsibility. To achieve this, public managers may emphasise participative management, delegate tasks with more responsibility to officials, and encourage officials to develop the self-confidence to assume more responsibility (see Ströh, 1989:44).

3.7.1.2 Control to promote regularity

To pass the test of accountability, regularity in government activities is essential. Regularity in this sense means combating and eliminating irregular expenditure, dishonest actions, poor bookkeeping practices, unauthorised spending and any transactions that are contrary to the will and wishes of the executive political functionaries. Control may be used to promote regularity by ensuring that financial transactions are accurately recorded and that financial statements are a true reflection of all accounting activities. An effective internal system of control will contribute significantly to preventing theft of money and supplies. Consistent compliance with directives for collecting, safeguarding and spending public moneys will allow public managers to account to a higher authority for their management of public funds (see Ströh, 1989:45).

Control aimed solely at promoting regularity may have a negative effect because it will focus the attention on irregularities. Excessive emphasis on abiding by the rules to promote regularity and regulations may stifle and attempts at reform, rationalisation and improvement of work methods and procedures. Merely abiding by the rules and regulations is not enough to ensure effective public administration. Although it is necessary to check that expenditure has been recorded accurately, that the necessary authorisation for such expenditure has been recorded accurately, that the necessary authorisation for such expenditure was obtained, and that there is adequate

documentary proof that goods have been delivered and received, investigations into irregularities cannot ensure that the actions that were taken will offer maximum benefit to the community. Therefore, control to promote regularity is not enough to ensure public accountability. To succeed in realising government objectives, control also needs to promote effectiveness; efficiency and economy (see Ströh, 1989:45).

3.7.1.3 Control to promote effectiveness

Effectiveness is a significant indicator for measuring the extent to which the objectives the government have been met as well as the quality of the services provided. According to Mavanyisi (2003:163), control to promote effectiveness includes:

- effectiveness is directed at the standards of service;
- the extent to which needs of the community are being met is a crucial requirement for effectiveness, for example, basic needs such as housing, education and so forth; and
- there need to be clearly defined objectives that can serve as a measure of the effectiveness of service and the degree to which needs are met.

Effectiveness is therefore essential to determine whether the service of an acceptable standard (quality) is being provided, to determine the extent to which community needs are being met, and to determine the extent to which stated objectives are being realised (see Ströh, 1989:46).

3.7.1.3 Control to promote efficiency

Efficiency relates to realising an objective with the minimum resources. Efficiency means that a certain quantity of goods and services of a particular quality have been supplied at the least possible cost. Efficiency therefore always refers to judicious expenditure and prudent use of the means of production in order to achieve the desired outcome.

The public sector has been characterised by accusations of waste, maladministration and inefficiency (Hopwood in McKeivitt and Lawton, 1994:148). The ideal of efficiency remains at the core of most democratic governments. Public managers should therefore note that activities, in terms of input and output, may be carried out efficiently and yet not be effective because they have not satisfied the particular community's needs. Similarly, services that have been provided and that meet the needs may be effective, but resources may have been spent so recklessly that there is little evidence of efficiency.

Control to ensure efficiency is of utmost importance because community needs are unlimited and such needs have to be met by means of limited resources. To be able to account to the community, it is essential to exercise control to ensure that resources are being used prudently.

To evaluate efficiency, it is essential to set certain standards against which performance may be measured. In this regard, public managers may use work-study divisions to good advantage for advice on how to increase efficiency in the provision of services. Advice on improving work methods and procedures, and on optimising utilisation of personnel, will enable public managers to increase efficiency through improved service or reduced costs, or both (see Ströh, 1989:47).

3.7.1.5 Control to promote the economy

Economy is aimed at ensuring that money is spent in accordance with approved prescriptions, and that such expenditure will be appropriate and useful. Control is therefore necessary to ensure that available resources are used in the interest of the public institution and the community and are not wasted on uneconomical goods and services.

In view of rapid technological advances, control to ensure economy has become even more important. Public institutions will need to ensure, for instance, when purchasing technological aids such as microcomputers that the purpose for which they are being purchased, their use and the functions that they will in fact contribute to improved services.

3.8 Ministerial accountability

“The more accountable the government officials are for their actions, the more their influence can be identified, if not actually controlled” (Auriacombe and Mavanyisi, 2003:79). Ministers have to account for their conduct and the functions of the departments, which they head. Section 12 of the Constitution of 1996 enacts the conventions pertaining to ministerial and cabinet accountability to Parliament. Ministerial accountability is set in the Westminster tradition (doctrine) and is based on individual and collective political accountability. According to Venter (2001:68) collective political accountability in the British constitutional law signifies that the cabinet acts as a unit when reporting to the Crown and Parliament. This signifies that the cabinet faces Parliament with one united voice, that is, stand or fall together (Venter, 2001:68).

Individual ministerial accountability can be perceived as a curtain that can veil the public service from political or social scrutiny. For instance, in Britain the ministers alone are accountable and are responsible for the performance and administration of their departments (Venter, 2003:10).

In South Africa, the minister is also responsible for the actions of his/her department and the public service since he/ she is the head of a department (Venter, 2003:10). This system is at its extreme in Britain because the ‘buck stops’ with the minister and the minister should sacrifice his/her portfolio by way of resignation (Venter, 2003:11). Practically this does not occur on a daily basis because this depends on the political circumstances at the time.

These political circumstances range from the positions and standing of the minister in the Parliamentary party, the amount of pressure exerted by the media and various outside interests, wider policy objectives of the cabinet and the Prime Minister and the attitudes of the “backbencher” members of Parliament (MPs) to determine a minister’s survival (Venter, 2003: 11). A minister can be forced to resign if there is clear evidence of some personal or immoral conduct or policy differences with the Prime Minister and cabinet colleagues (Venter, 2003:12). In many cases a minister enjoys the strong network of support from the cabinet. In the US, influence of the public service is more acknowledged than in Britain. For instance, in the US it is more likely that the public service will be brought before congressional committees than the British public servants who are likely to be questioned by a committee of the Lower House (Auriacombe and Mavanyisi, 2003:79).

Venter (2003:12) elucidates five different kinds of ministerial accountability. These are summarised as follows:

- *Redirectory responsibility*: is the first point of accountability, which requires the minister to redirect questions from the MPs to the appropriate quasi-governmental organisation for which the minister is accountable to Parliament. Redirection involves mostly written reports requiring information or explanation to members of Parliament who can insist on an answer.
- *Informatory responsibility*: pertains to the obligation of the minister to inform Parliament of the operations of his/her department and/or the executive agencies in her/his portfolio. This includes the duty to provide information to Parliament to the fullest extent. The minister may not knowingly mislead Parliament by telling lies: such action inevitably leads to resignation or dismissal.
- *Explanatory responsibility*: the minister has to explain and defend governmental departmental policy to Parliament. The claim of the ‘public interest’ can restrict this duty. There is no duty on the minister to defend a public servant who is negligent or who willingly made a

mistake, or who has taken action of which the minister disapproves, has knowledge of such action and would not have approved of such an action. Public servants who make errors while acting in good faith are defended.

- *Amendatory responsibility*: the minister takes Parliament into his/her confidence, admits that things have gone wrong in a relevant department and promises to correct those mistakes. The minister can defend action taken in good faith and if mistakes are admitted. Neglect and criminal behaviour by public servants is condemned and the necessary amends promised. Public servants may be disciplined if they are found guilty of gross misconduct.
- *Resignator–sacrificial responsibility*: This form of responsibility is dramatic and in most cases is the sought after method by the political opposition as well as the media. The minister cannot just resign but can and should resign on the following accounts: a) personal fault (political errors), b) personal fault (private indiscretion), c) departmental fault and; d) strong disagreement with the ruling party and the Prime Minister.

Venter (2003:13-14), Besdziek and Senay (1999:8) provide an explanation to these accounts

a) *Personal fault (political errors)*: a minister resigns if his/her own policies in the department turn to be outrageously inept or corrupt or if the minister made personal misjudgements;

b) *Personal fault (private indiscretion)*: if the minister's personal life (sexual relations, finances) are a disgrace and an embarrassment to the ruling party/cabinet. If a minister causes an acute political embarrassment to the ruling party either by making unguarded utterances of political conduct, he/she must also resign. If the minister told deliberate lies to Parliament or the public in the discharge of his/her explanatory or informatory responsibility to Parliament resignation follows;

c) *Departmental fault*: a minister resigns on account of a serious departmental fault in which he/she was involved or of which he/she had known, or reasonably should have known. However, this seldom occurs in practice; and

d) *Strong disagreement with the ruling party and Prime Minister*: if a minister openly disagrees with the government of the day, cabinet and/or policy he/she must resign.

3.9 Delegated responsibilities

It has been found that the bureaucratic model generates certain tendencies that have an adverse effect on its functioning. Firstly, the concentration of authority on which it is founded creates a centripetal movement which removes all scope for initiative at the base of the pyramid, overloads the top, and leads to bottlenecks in the decision-making process (Hill, 1972:180). To overcome this, most countries have begun a process of devolving power and responsibility. Secondly, the depersonalisation which results from too great a control of their activities creates feelings of frustration on the part of executive officials, and this is not conducive to productivity. Prompted not only by a wish to achieve greater efficiency but also by the influence of social ideas, public authorities have therefore introduced techniques allowing public servants to participate in the determination of their tasks (Strauss, 1961:85).

3.9.1 Techniques of devolving power

It seems that, beneath the traditional hierarchical structure of ministries, authority is being increasingly delegated both formally and informally, and it seems as if there is a certain degree of redistribution of power towards the lower spheres.

Delegation of power or of the authority to sign has been practised for a long time. It corrects (or hides) the faults of a system which restricts the seat of authority to the centre. It is obvious that a minister cannot prepare, take, or

even sign all the measures for which, officially, he/she is responsible. He/she has to leave routine problems or matters of secondary importance to his/her subordinates so that he/she can devote himself to the elaboration and implementation of general policy. If his/her power to take decisions is to be effectively exercised it must be devolved. Management theoreticians have laid emphasis on how necessary it is to be able to transform the power to take decisions into the power to guide and have highlighted the new role of managers, which is “less and less to know how to do things and more and more to know how to get things done”. This type of delegation, that is to say delegation accompanied by indications on the general line to be followed in the use of the delegated power, is essential if the minister is to be able to carry out the tasks which have to be reserved for him; because of this, instances of such delegation are at present increasing.

Such delegation is often formal, that is to say, set out in a written public document stating on whom the powers have been conferred and the extent of those powers. The result is that power is officially transferred to a lower level. The main purpose of this may be to relieve the minister's workload, as for example in France in the case of delegation of the power to sign (Auriacombe, 1996:213). The minister remains in a position to monitor the use of the authority he/she has transferred, and if he/she considers that the holder of the authority is misusing it he/she can give him precise instructions or revoke the order delegating the authority. However, this procedure is also used to rearrange the distribution of authority. In Sweden, for example, the traditional autonomy of central administrative bodies vis-a-vis the government has been further increased by the delegation of the power to take decisions in various sectors. The administrative bodies deal with the matters assigned to them entirely under their own responsibility, and have to answer to public opinion for their conduct. In West Germany, a reform was introduced in the Bundesland of Hamburg in 1972 which is seen as reflecting the general development in concepts of internal organisation. Under this reform the rules applying to the signing of documents were reversed. Until that time, only the heads of departments had had the authority to sign documents, and thus to take decisions; now, this power has been transferred to the specialists in the

fields concerned, save in quite exceptional situations. Other measures of the same nature all constitute steps towards a realignment of the position of the superior organs in relation to the subordinate public servants. Hierarchical authority is becoming less of a system for the issuing of instructions and more a means of monitoring and co-ordinating (cf. Auriacombe, 1996:120; Strauss, 1961:85; Aberbach, et al. 1981:87 and Rowat, 1981:203).

Other instances of delegation are more informal, based on a tacit understanding between the minister and his/her immediate subordinates. In the normal running of a department a good number of decisions are delegated to lower spheres; moreover, a good number are taken at those spheres in the first place, and the minister never hears of them. An enquiry conducted in the Netherlands revealed that ministers only intervened personally in about half the matters involving the policy of their department (Aberbach, et al. 1981:89). The other half, together with less important matters, never rose any higher than the inner workings of the department. It was also found that most of the files with which the ministers did deal had in fact been submitted by their public servants, who had prepared more or less explicit criteria for the handling of the matter. In particular, attention was paid to the possible political repercussion of a problem, its financial implications, its innovativeness, and the need to reconcile the interests of different departments (Aberbach, et al. 1981:90).

Even if precise enquiries have not been conducted in other countries it is manifestly clear that a similar system operates there, too. One may ask whether the common law authority officially conferred on ministers for the conduct of public affairs has not in fact become the authority to assign power. Senior public servants observe the ritual of pretending to the outside world that they have been “empowered by the minister” to take a decision when in fact they are in most cases acting on their own initiative. It has been observed that they are used to anticipating their minister's views, and this ensures that their decisions can be ratified as those of the organisation (see chapter four).

However, these decisions will not have been taken at the level laid down by the legal rules, and the picture which resulted from these rules now has to be corrected. The power to take decisions is spreading out around and below the minister, and the summit of the traditional pyramid is being eroded (see chapter four).

There is another factor which favours the devolution of power. It is becoming increasingly clear that the higher spheres of administration are not in the best position to resolve the individual problems which arise throughout the country; because they often only have access to general information and they adopt a generalising method which does not take sufficient account of specific local conditions. Centralisation is one of the main handicaps faced by the administrative system in the fulfilment of its duty. Those who have to take decisions are not familiar with the questions they have to take decisions on, while those who are most familiar with them are the people on the spot who for that very reason are not in the position to take decisions. There is thus a contradiction between the two meanings of the work 'competent': those who are legally qualified to act are not always the most suitable people to do so (Auriacombe 1996:89).

This awareness of administrative shortcomings has led several countries to initiate moves towards the devolution of certain duties on to the local representatives of central power. Measures of this nature are not always part of a general plan, and they often only have limited importance. The weight of tradition and the strong reluctance of ministerial departments to have their prerogatives taken away work against such measures, and the contrast between the proclaimed wish to decentralise and the meagre achievements in this direction has often been commented upon. The progress of this trend in France, and the reforms to which it has given rise, should however be noted. In France, for example, a series of texts issued from 1968 onwards and covering most ministries has devolved certain powers of decision on to prefects and the heads of external departments; while the decrees of 13th November 1970 concerning public investment transferred to prefects authority over regional, departmental and communal expenditure which until then had

been exercised by the department. The seat of power has thus moved closer to the public and to the theatre of operations (cf. Auriacombe 1996:126).

3.9.2 Forms of participation

The search for greater efficiency, which has led to the devolution of certain tasks, is also at the root of moves to allow public servants more participation in the determination of these tasks. The downward movement of power is being accompanied by a parallel ascent towards its centre, in which public servants are playing an increasingly important part in preparing and taking decisions which are the responsibility of a higher level (see chapter four).

There are two main reasons for this trend. The first is technical. The rational preparation of a decision required practical experience and knowledge which the heads of department, obliged as they are to consider overall concepts, often do not possess. In large organisations, both public and private, decisions are less and less the work of a single person and more and more the fruits of work carried out by a team, each of whose members contributes the information which he/she alone, by virtue of his/her particular place in the pattern of duties, is in a position to know (cf. Hall 1992:26).

The second reason is a psycho-sociological one. Studies of human relations in organisations have shown that the authoritarian style found in the traditional hierarchical model made subordinate public servants passive, even totally disinterested in their tasks. It is thus a utilitarian as well as a humanitarian concern which has led to the introduction of new methods of organisation intended to increase the "satisfaction level" of public servants (McGregor in Hall, 1992:49).

With a form of management that is no longer based exclusively on authority but on negotiation of the contribution expected from each person, it is possible, in Likert's words, to obtain: "feelings of identification with the organisation and its aims and a strong feeling of being involved in the achievement of those aims" (in Hall, 1992:230).

According to management experts, acceptance of the triptych 'satisfaction-productivity-efficiency' within the organisation is leading to a move away from the classical line of command towards a model resting more on co-operation (Hall, 1992:241).

The application of this new model is institutionalised to a greater or lesser degree. It often takes the form of regular informal meetings at different spheres of the administration between heads of departments and their colleagues at which the problems, tasks and decisions facing the department are discussed. It may go further and take the form of official participation by public servants in executive bodies. This is the case in Sweden, for example, where staff representatives nominated by trades unions sit on the executive board and the decision-making bodies of the administration. They are entitled to be present at any discussions on matters concerning that administration and to express their views (Aberbach et al. 1981:58).

Other techniques are designed to help public servants understand and accept the specific content of their tasks and the way in which they must contribute to the achievement of the common aim. Regular discussions between the parties concerned and the heads of departments have been instituted for this purpose. In Great Britain the annual procedure of the Job Appraisal Review (JAR) instituted in 1972, is used to discuss the results of work done and the aims for the future. It is meant "to give the person concerned a clear opportunity to comment on the work he/she has done, to accept fresh tasks, and to discuss how he/she can best be helped to complete them successfully" (Aberbach 1981:189). A similar idea lies behind the system known as "management by objectives" (MBO). This consists of formulating the activity of the department in terms of desired objectives. These objectives are established by consultation between the head of a section and his/her hierarchical superiors, and in order to achieve these objectives this head will then be delegated full power and accorded the necessary means. The idea behind this system is to allow the public servants as much freedom as possible in the determination of their tasks.

These tasks are no longer imposed from above, but agreed to by those concerned, who at the same time become fully responsible for carrying them out (Hall 1992:246).

Experiments along these lines have been in operation in France for some years, but they have come up against the legal and political traditions of centralism, which are still very strong and encountered opposition from trades unions, so much so that their future is in doubt (Auriacombe 1996:167). The system seems to be more advanced in Great Britain where, in accordance with the recommendations of the Fulton Report, it has been introduced in about ten departments especially at the intermediate and lower spheres and seems to be particularly developed in the Department of Health and Social Security (cf. Aberbach 1981:89 and Auriacombe 1996:178)).

In these various ways public servants are enabled to put forward their views on what is possible with the available means and what is desirable in the light of the needs of which they are aware. As a result of being consulted, either semi-officially or more formally, they are able to participate, if not in the determination of general policy then at least in the determination of intermediate objectives. Such consultation illustrates a gradual movement towards a more open organisational model where the full co-operation of public servants is no longer obtained by authoritarian means but by attempts at active participation (cf. Auriacombe 1996:147).

This enhancement of the role of public servants and the different processes aimed at moving power lower down the system represent a voluntary relinquishing of power on the part of the executive organs and a deliberate call on the lower spheres to take decisions. In addition to the responsibilities intentionally delegated in this way, however, there are a number of responsibilities inherent in the performance of public office, the necessity of which is now increasingly being recognised.

It is known that in France and Great Britain, for example, ninety per cent of the laws that are passed are put forward by the government, but it is also no secret that plans are drawn up in administrative offices and that, except when major problems are involved, ministers often do no more than ratify (Auriacombe 1996:208).

3.9.3 Recognised responsibilities in the determination of work of the department

The degree of initiative accorded to public servants in the field obviously depends on their position in the hierarchy. At the implemental level, instructions have traditionally been as detailed and specific as almost to predetermine the actions of the public servants. These people are too remote from the spheres where political decisions are taken to be able to influence their content, and their activities are often so strongly regulated as to form and content that personal initiative is almost precluded. These regulations' are regarded metaphorically as the laws of the Medes and Persians, and it would be difficult to find any department that would be willing to take action on the basis of a file from which a document required by instructions given at a higher level proves to be missing.

Such a code of behaviour is not completely universal. In Sweden and Finland, for instance, higher level officials are not allowed to predetermine the content or form of decisions to be taken by their subordinates. It is the responsibility of the subordinates to apply rules to each individual case; they do so in a manner that shows some analogy to that of a judge in applying the law (Aberbach 1981:233).

Even in centralised systems, public officials who enjoy any considerable degree of independence in performing their duties, e.g. magistrates on the bench or teachers for as far as the pedagogic part of their work is concerned, are not subjected to precise dicta as regards their duties.

The duties of public servants at the implemental level cannot be fully prescribed (see chapter four). It is not possible to regulate all details of an activity in advance, and people have to be left a certain amount of discretion in evaluating particular aspects of the work or in adapting specific regulations. A minimum degree of autonomy is always necessary in judging the most suitable way in which to apply an article of law or a policy directive. Those who design and decide on a project would undoubtedly fail to achieve their objectives if guidelines were laid down in such detail as to refuse even the slightest degree of discretion to those who have to implement the project. Such factors are now given increasing consideration and there is a clear trend towards greater flexibility when determining the competences of the implementers than is possible under the *circulaire* systems, i.e. prescriptions laid down at the highest level. In France, for instance, instructions have been issued which determine the general orientation along which responsibilities have to be carried out, but which leave a fair amount of discretion to public servants in the treatment of individual cases. Their activities thus take place within a prescribed framework, but within that framework are not subject to precise control (Auriacombe 1996:155).

At intermediate spheres, there is considerably more scope for personal initiative. The general principles of policy have been established, but they still have to be translated into precise instructions to more junior staff. Hold-ups can occur in this process, and heads of sections exert an indisputable influence on the attainment of objectives by the way in which they plan the detailed application of a measure. It depends very largely on them whether a law is fully and totally implemented, or only brought into effect incompletely, or after a long delay. The resistance encountered at this level is often due to the absence of sufficient resources for the achievement of the objective, but may also reveal fundamental disagreement. For one reason or another it is not rare for the political will to become lost in the passages of the administrative labyrinth.

Moreover, the influence of middle-level public servants is not limited to that of causing delays. It is also their duty to add essential supplements to laws, that is to say to construe them for the public servants who will have to put them into effect, and to take the required additional measures, procedural or fundamental, necessary for their implementation. By completing the work of the legislator in this way, they are able to modify its sense and its scope. The personal touch which they add through their explanatory memoranda affects the way in which this work is understood and carried through. While power to organise the application of a law should not lead to its being challenged, it does still leave a wide margin for personal action.

At the highest spheres, public servants are essentially autonomous. They are in close and regular contact with the minister. They work both at the planning and the implementation stage, and play a decisive role in the formation of policy. This role, which was for a long time concealed or ignored as not being in keeping with the ideology of the representative system, is now fully recognised. Its scope is emphasised not only in every specialised study but in even the most elementary handbooks on political or administrative science. Indeed, ideas and facts have changed so rapidly that we seem to have moved directly from the sacred myth of ministerial omnipotence to the strong fear of technocratic domination. Public servants are well versed in the affairs of their department while ministers are often not professionals. Their influence on general ideas and on the solutions to particular problems will grow as technical considerations become more important, and the advent of an era of “scientific” management is working their favour. Furthermore, public servants are permanent, whereas ministers come and go, and are thus not well equipped to draw up long-term programmes themselves. It is therefore the permanent committees which undertake this task, and forecasting and planning are today considered as the very essence of administrative activity. Those responsible adhere to their programme and often succeed in getting them accepted by the minister of the day (see chapter four).

At the highest level, the control of senior public servants over the content of decisions is equally great. Their position as experts once again enables them to influence the minister's decisions, since by emphasising one of the options put to him or by offering only one choice with no alternative they can ensure that their advice carries considerable weight. Another technique, used in particular when a project concerns several departments (but not only then) is to settle as many points as possible within the administration so that the minister is only left to decide on residual problems or on matters where agreement could not be reached. Once a decision has been taken, moreover, its exact terms and its real outcome will once more depend on senior public administrators, since it is they who will have to draw up the circulars necessary for its implementation. This is a further example of the power to interpret and fill out laws which we have already described when discussing middle-level public servants, but in this case the power is on a much greater scale, since it is exercised over a wider area and on matters of a much more general nature.

It would be an exaggeration to conclude that "it is the public servants who govern the country", but one cannot deny that they form part of the political leadership. As long as this participation does not develop into control of the process, it is considered to be normal and even desirable. Surveys conducted in the Netherlands amongst members of Parliament, public servants and the public have revealed general agreement that public servants have and should continue to have a great deal of influence in the conduct of public affairs. Their share of personal responsibility within the government department is thus recognised and legitimised. However, this responsibility also exists, albeit to a lesser extent, with regard to the outside world, that is to say in their relations with the public (cf. Aberbach 1981:9).

3.9.4 Relations with the public

In every country, relations between public servants and the public are subject to a sort of ethical code (see section 2.5.1.4) which reflects and personalises the rules governing the activities of the public services. To the outside world,

the public servant is indeed the embodiment of the service. This code is sometimes contained in a specific text, but it is more often based on a collection of varied principles laid down by the law, tradition and legal practice. "Batho Pele" in the South African public service; "Natural Justice" in the British system; general principles of law defined by the administrative judge in France; general principles of good administration applied in the Netherlands (Aberbach et al. 1981:74). These rules, all inspired by the same basic general ideas, set out a number of obligations often formulated in the same terms. In this way, public servants are obliged to observe strict probity and practise the courtesy required in social relations. Their duty is to serve the community, that is to say the citizens, and this prohibits them from adopting domineering or condescending attitudes, in theory if not always in practice. They must, of course, perform their tasks with the required diligence, but they must above all respect general legality and the equality of those they administer.

The respect of legality does not only mean complying with laws and regulations but also serving the public interest. This indeed is the ultimate aim of all administrative action. In West Germany, this principle has been expressly set out in Article 35 of the law governing the structure of the public services. This stated: "In performing his/her duty, (the public servant) must take account of the general interest" (in Aberbach et al. 1981:86). Naturally, the public servant must not divert the powers at his/her disposal from that ultimate aim. He/she may, however, feel that the policy as laid down at a higher level or the instructions issued at that level go against this interest - and he/she may be right. A conflict may then arise between his/her professional conscience and the duty he/she is under to obey orders. It is generally agreed that the second consideration must take precedence, for both political and administrative reasons.

On the one hand, the general outlines of the government's programme have, after all, been presented to the citizens or to their elected representatives and approved by them. They are therefore just as binding on public servants as on the nation as a whole. According to the principles of the representative system, those in government translate the popular will into action, and since the public administrators are subject to this same will, they are also obliged to implement

the choices and the decisions in which it is expressed. On the other hand, administrative centralisation is based on the idea that problems can be seen from a more scientific, more general, and more objective way the nearer one is to the top. If the power to command is situated there, it is because truth is supposed to reside there, and hierarchical superiors are everywhere considered to be better judges than their subordinates of the interests with which their department has been entrusted. Conflicts concerning legitimacy should therefore be resolved either by submission or by resignation. Although the former solution is by far the more frequent, there are examples of the second, and the press sometimes picks up stories of resignations or changes in posting motivated by persistent disagreement on policy (cf. Auriacombe 2007:7).

In practice, however, there are other ways out of such problems besides these extreme solutions, and public servants increasingly feel that they are entitled to defend their own concept of the public interest. Moreover, public opinion does not always criticise them for this (cf. Auriacombe 2007:9).

At higher spheres, they are in a position to discuss and to modify a policy as it is being worked out. Their role as ministerial advisers not only enables them, but places a moral responsibility on them to convince the minister that he/she might be wrong, to point out to him those elements of his/her policy which may be unreasonable or harmful, and to put forward alternatives. The success of this administrative diplomacy depends both on the personalities of those involved in it and the nature of the issues at stake. But it seems that it plays a considerable role in the adjustment of final aims in every system (see chapter four).

At lower spheres, where policies are actually put into effect, action is more mechanical, the duty to obey is stricter, and the feeling of actually participating in the implementation of a policy is less distinct. The duties of the average counter clerk are in general purely automatic, and his/her position at the bottom of the hierarchy gives him as an individual neither the opportunity nor the power to challenge the pursuance of an objective.

On a collective level, however, demands are now being heard for the right to criticise and even to assess the policy imposed on the public services. Public servants, generally acting through their trade union organisations, are beginning to voice their objections to government instructions and express their own views on what the tasks and the resources of their department should be. They are doing this both in their capacity as public servants and their capacity as citizens. Unions protest about the priority in the allocation of manpower resources which the government constantly give to different departments for example, road safety and a reduction in the crime rate can be important concerns.

The reconciliations which governments bring about between different social forces may conflict with the individual interests of the groups making up the clientele; the principle that all citizens are equal obliges public servants to perform their duties absolutely impartially. Discrimination on personal or racial grounds is punishable by law everywhere, but the rule that the department must be neutral has a more general application and forbids any distinction between members of the public that is not justifiable on legal grounds. Moreover, the attitude of public servants is usually impersonal and guided by objectivity. Instances of favouritism as a result of personal pressure are relatively rare, firstly because public servants must answer to their superiors for the decisions they take, secondly because personal contacts are infrequent - the administrative citadel is traditionally guarded by the ramparts of anonymity - and thirdly because within the jurisdiction of any one department there are always differing interests which eventually balance one another out.

On a collective basis, however, groups are formed amongst those people for whom a department bears responsibility. These may be homogeneous groups, like the farmer's union, or groups representing the different parties involved in a particular area. The Department of Education, for example, deals with organisations of teachers, pupils, parents and even the publishers of schoolbooks. Such contacts are welcomed both by these organisations and by the administration.

The former see in them, the opportunity to express their demands and influence decisions. The latter hopes to obtain information on real needs, to assess how decisions under consideration would be received and to explore the possibilities of a negotiated agreement which will stand a better chance of being accepted by the parties concerned. These contacts sometimes semi-official, informal meetings are convened to examine this or that problem or discuss a particular reform, and the officials (generally senior public servants) who are responsible for them enjoy a wide margin of freedom in deciding who should take part, when they should be held and what strategy should be adopted.

There are also procedures for official contact, however, particularly in areas of contractual or co-ordinated administration, and these are rapidly becoming more commonplace in every country. A number of consultative committees, or committees of 'experts', meet on a regular basis and their work, often aided by the feeling of belonging to the same socio-professional caste shared by executives in the public and private sectors, exerts an undoubted influence on the decision-making process. Ties of solidarity grow up as a result of all these points of contact, and public servants often assimilate the views of the people with whom they deal and attempt to have them accepted in higher places. To do so, they have to persuade the minister, who as a member of the cabinet is entitled to argue on behalf of his/her department's clients, but also has to take account of the other sectors of national policy. They may also come up against other departments with rival interests - for example, development departments wishing to authorise the establishment of new industrial areas often find themselves in conflict with ministries of the environment. They will also have to convince those adversaries, the representatives of the Department of Finance. Thus, the external conflicts which are avoided by means of consultations are replaced by internal rivalry and friction.

However, these consultative relationships with different groups - attempts at persuasion and taking up of demands - strengthen the position of public servants vis-à-vis the top decision-making bodies.

The public servants can influence the selection of options by virtue not only of the technical rationality for which they stand, but also of the aspirations of the parties for whom they act as spokesmen.

3.10 Summary

In order to provide background for the following chapters, this chapter has reviewed a range of concepts, core practice fields and institutions in which political control over the public service is situated. Attention was given to the meaning, importance and classification of control in order to establish a framework upon which political control can be based. Bearing in mind the complex public activities of the present day, it may be observed that mechanisms need to be in place to determine not only whether the public service management conditions are adhered to, but also whether the expected results have been achieved.

Political office-bearers and public servants now operate in an environment that is markedly different from that of the past. Two of the most important factors contributing to this change are the financial constraints under which modern government operates and the changing expectations that the public and politicians have of the public service. Value for money has become a primary concern. In addition, the machinery of public administration and good governance have become more complex, leading to an increased recognition of the importance of (and necessity of putting in place) adequate accountability mechanisms. Accountability and responsibility are closely related and may be regarded as two dimensions of the same relationship.

This chapter has also shown that there are various facets of control and accountability. For instance, the classification, normative requirements and types of control indicates that control and accountability are both comprehensive and demanding processes. Furthermore, through experience, institutions with fixed techniques for control and supervision have been developed through the classification of control into internal (formal and informal control) and external control (by the legislature, by cabinet, by the

Minister of Finance, by the office of the Auditor-General, by the Public Protector as well as by the electorate).

Although accountability and financial accounting are frequently equated, financial accounting is just one dimension of the control framework within which a public servant operates. Senior public servants can be held accountable in a variety of ways. There are at least two constituencies to which they may be accountable: to the internal administrative system and to the Parliamentary system, affected directly through ministers and the Public Expenditure committees and indirectly through the Office of the Auditor-General.

In trying to ensure that public servants are held accountable for their administrative decisions, the Auditor-General and the Public Protector act at a number of spheres. At one level accountability for individual decisions is achieved by the examination and investigation of individual complaints and the provision of redress, where it is justified. Examination of complaints of the public can lead to the identification of systemic defects in procedures, approach or even attitudes and at this level valuable feedback can be given to the legislature. External control mechanisms are not a substitute for proper values and informal or other internal control mechanisms. There is a continuing need for standards to be set from the top down and for proper internal and external control systems.

The exercising of control is only one of the functions that high ranking public officials must carry out in order to obtain the joint action required to achieve a common goal. Only if effective control measures are introduced will it be possible to ensure that the most advantageous results are achieved through the most economical, effective and efficient utilisation of all the resources.

It is clear from this chapter that the essence of accountability is that it is an obligation to those who entrusted those responsibilities of good governance. It is the process of ensuring that public service activities and, in particular, the exercise of decision-making powers, whether discretionary or other wise, are

carried out not only in a proper legal manner, but in a manner consistent with fairness and good managerial practices.

It is also clear that politicians and public servants should be accountable for their actions to their constituencies and their superiors, respectively and more broadly, to the public. Accountability should focus both on compliance with rules and ethical principles, and on achievement of results. Accountability mechanisms can be established to be used internally in an institution or government-wide, or can be provided by civil society. Mechanisms promoting accountability can be designed to provide for adequate controls while allowing for appropriately flexible management.

The most striking feature of present day public sector reforms is the promotion of accountable and responsible management, the underlying principle of which is the delegation to managers of the responsibility for specific resources and the accountability for their use in the pursuit of designated objectives. This implies a framework of objectives and an organisational structure of accountable units to which managers can relate their responsibilities, together with an information system for monitoring and facilitating their management types of control.

South Africans are concerned about integrity in government and they have the right to expect the highest ethical conduct of public officials. Public administration ought to operate within democratic prescriptions and values that impact upon the execution of public sector activities, and on the implementation of measures that promote accountability. In other words, when a government claims to accept the prescriptions of democracy, then it has to accept that the very same prescriptions also apply to the way in which policies are implemented. Public officials act within a political environment and must also behave in a manner that is consistent with democratic and other values. Furthermore, the enormity of dealing with unethical, illegal and corrupt practices and promoting accountability and informal control cannot be underestimated. Governments need resources, impartiality and public support to be successful and to function properly.

Control is a prescriptive intervention aimed at, among others, correcting wrongs and addressing unacceptable behaviour. Political control over the public service is an attempt to create a stable environment, a prerequisite for policy implementation and monitoring.

These measures of delegation and of devolution mean that the field of action accorded to public servants at intermediate spheres has increased quite considerably. Metaphorically “the ministerial kingdom contains a certain number of relatively autonomous provinces and the governors of these provinces have certain powers and responsibilities of their own, which they can even defend against the encroachments of their superiors”. Their actions must, of course, comply with the general policy laid down at the top and interpreted by the authorities whose area of responsibility includes that which they themselves have been given. In theory, however, no-one can replace them in the exercise of their authority and the obligation imposed upon them in this respect is less one of obedience in the strict sense of the word, than one of complying with the overall guidelines.

This enhancement of the role of public servants and the different processes aimed at moving power lower down the system represent a voluntary relinquishing of power on the part of the executive organs and a deliberate call on the lower spheres to take decisions. In addition to the responsibilities intentionally delegated in this way, however, there are a number of responsibilities inherent in the performance of public office, the necessity of which is now increasingly being recognised.

The 'legislative-centrist' doctrine according to which decisions are or should always be taken by organs originating (even if only indirectly) from universal suffrage has had its day, and the era when administrators had their hands tightly tied has disappeared - if indeed it ever really existed. Administrators remain subordinate to national representatives and to the minister appointed by them, but they play an extremely active part in the drafting and the implementation of a department's policy. In contrast to governments, which come and go, they represent a stable element ensuring continuity in the

management of public affairs. Ministers are often not specialists, and so administrators represent the technical rationality on which options must be based. Their role is no longer simply to implement decisions, but to prepare them, and indeed to take initiatives. They have to respond to the requirements of the social environment, because they are often in the best position to be aware of them. Furthermore, their influence is increasing in line with the strengthening of the position of governments in relation to Parliaments. As noted in the chapter, in France and Great Britain, for example, ninety per cent of the laws that are passed are put forward by the government, but it is also no secret that plans are drawn up in administrative offices and that, except when major problems are involved, ministers often do no more than ratify. Changes in this field are taking place at two spheres. No-one now believes that the government is the “executive” arm expressing the will of Parliament. It is similarly no longer possible to regard public servants as simply putting into the effect the will of ministers. They are assigned tasks and responsibilities of their own, both in determining the work of the department and in maintaining their relations with those they administer.

The role of senior public servants is often summed up as one of preparing decisions. One can accept this definition if one adds that their role is not limited to that of compiling or even finalising files, but that they are also able to influence the fate as well as the content of a decision.

As for the first of these two points, their intervention can prompt decisions which would not otherwise have been taken. Public servants know the requirements of the environment and the means with which they can be met because they possess the necessary information, that is to say, all the data collected and discussed at the different spheres of administration. It comes more or less naturally to them to propose decisions and reforms to the ministers. However, their power can also be exerted in a negative way, in that by retaining information they can hide the real situation from their minister, and thus prevent him from taking any initiatives. It is common for information to be withheld in this way. Such action demonstrates the public servants' desire to strengthen their position and reflects the more or less overt hostility

felt by 'technicians' towards politicians. A good many ministers have complained of the hidden antagonism they have encountered within their departments. Plans are declared to be impractical for technical reasons known only to the initiated; negotiations on measures which require the assent of other ministries are conducted half-heartedly; instructions come up against a wall of inertia. There are many effective ways of preventing something from being done. While it may be true that senior public servants are behind many of the measures which are taken, they are also responsible for thwarting a good many others.

This chapter indicated that control, accountability and responsibility are comprehensive and demanding processes, yet nevertheless prerequisites for the joint action of political office-bearers and public officials to achieve common goals.



CHAPTER FOUR

POLITICAL CONTROL OVER THE PUBLIC SERVICE

4.1 Introduction

Selecting a method for researching the role of political control in terms of the actors, institutions and mechanisms established to serve as control institutions in public administration is beset with problems of a technical and interpretative nature, and to facilitate understanding of these difficulties, some background is required on the nature of political control in a political and administrative system. This is achieved by explaining and integrating the theoretical foundations as well as the variables influencing them in the previous chapters that underpin the establishment, development and functioning of political control in the state system.

The public service holds a certain power, which can be to the detriment of representative democracy and accountability if it is not controlled. This chapter attempts to fulfil the study objective to provide **“a description and an explanation of the variables influencing the interaction of political control over the public service through an application of a literature study of the role, processes and phenomena relating to the interaction of political control over the public service”** (see section 1.4) through providing answers for the research questions identified in chapter one: **“what is the difference between the elected and the appointed official?”**, **“what is the ideological grounding of political control over the civil service and how can this interaction be strengthened and made more fluid through democratic good governance and public administration?”**, **“what determines the nature of the civil service and how can a clear and meaningful basis for interpretation and utilisation by both political as well as administrative aims and functions be established with regard to the role of political control?”**, **“how can the power of ministers leak to bureaucrats (the administration)?”** and **“what is the nature of the**

interaction of how ministers exercise control over the civil service?” as well as “are public servants neutral?” (see section 1.3)

Therefore, this chapter aims to understand the context where and why political control over the public service is exercised in terms of the difference between the roles of the elected and appointed officials as well as the public; the relationship between government and the public service; the minister’s style in a democratic system; the role of politics in the nexus between politics and the bureaucracy as well as the role of ministers in a democratic system.

This chapter also attempts to place the influence of politics on the bureaucracy in the context of political control over the public service in order to determine political variables that could influence effective political control as a means to encourage Parliamentary accountability.

The chapter sets out to consider which variables influence the sources of public service power as well as the power in terms of discretionary authority in the process of implementing political decisions. The chapter provides some international comparisons of factors regarding the influence of public service power and includes a brief overview of the relations between ministers and high-ranking officials in South Africa.

This chapter also explores the complexity of neutrality in the public service; the political role of the public service and the balance in relations between ministers and high ranking officials. Furthermore, the chapter attempts to answer the question “Why can minister’s power leak to public servants”? Attention is also paid to minister’s ways of exercising control over the public service; international examples of the scope of political appointments and/or making use of political advisers as well as other means of exercising control over the public service.

Finally, within the context of the preceding institutional and theoretical background, this chapter will provide greater clarity on the position and

conduct of the public servant within the context of the hierarchical position of the public servant in relation to political control. This is a complex phenomenon that has been applied in diverse functional areas of governments and administrations. The chapter sets off to provide a background and rationale for the hierarchical position of the public servant in relation to political control. The chapter also sets out to explain the concept and application of functional dependence, the means of functional dependence, the justification of functional dependence as well as some personal initiatives regarding political control over the public service.

4.2 Elected and appointed officials

Political office-bearers and subordinate public servants must keep the basic reason for the existence of the public sector in mind at all times in the performance of their routine duties. It is easy for one to confuse the titles and positions of elected and appointed officials. For the purpose of clarity, one must differentiate between the two terms. As indicated, people in the public sector work for, but are not part of, government. The difference between elected office-bearers (political) and appointed officials (apolitical) is important in this regard.

The individual official must remember that by performing his or her daily routine he/she not only satisfies his or her social needs, but is in the employ of a political legislative institution that has to pursue certain objectives in accordance with an electoral mandate and is under an obligation to furnish Parliament with information so that the progress of executive actions can be determined (Auriacombe, 1999:144).

4.2.1 Elected political office-bearers

Elected office-bearers are nominated for their positions by means of the democratic election process (Theunissen in Venter, 1998:133). Regardless of whether they have been elected directly or indirectly elected to office, they are

political beings with political agendas (Theunissen in Venter, 1998: 133). Their positions are dependent on the support of the electorate, particularly in democratic states and they can also be discharged from office by virtue of elections. Members of the cabinet in Parliamentary systems are usually elected political office-bearers who are provided with ministerial portfolios to carry out certain government functions such as education, safety and security or defence (Theunissen in Venter, 1998:134).

These portfolios usually correspond with the names of state departments and therefore have such designations as Minister of Education, Minister of Safety and Security and so forth. Consequently, the instrument used by the President and the cabinet is to implement the political mandate they receive from the electorate in the public administration machinery specifically the public service (Theunissen in Venter, 1998:133). Elected political office-bearers are those officials who are vested with legal authority to participate in policy-making.

4.2.2 Appointed officials

Appointed officials are not elected, but are appointed functionaries (bureaucrats) who are responsible in a professional capacity for the daily functioning of government (Theunissen in Venter, 1998:133). They are tasked with upholding the Constitution and act as agents for the implementation of government policies regardless of their own personal political convictions (Theunissen in Venter, 1998:133). Their term of office is permanent and is not subject to the votes of the electorate, as their political masters (elected office-bearers). This makes them able to retain their portfolios irrespective of the changes in government and they must loyally serve the new government. Director-Generals (DGs) are permanent, politically appointed and serve a five year term of office. Public officials must therefore carry out their responsibilities, regardless of their personal political views or values. The public official is a public servant who has to respect the wishes of the voters as expressed and formulated by the government of the day. A public servant has the right and responsibility to refuse to carry out an instruction that is illegal or unconstitutional (Theunissen in Venter, 1998:135).

Government departments experience staff turnovers when a new government is inaugurated. What can change is the nature and procedure of departments' performance of their line or primary functions (i.e. the main task which is the essential reason for their existence). Changes or adjustments in such functions will be made in accordance with the new political approach propagated by the new government. As noted in the previous chapter (see section 3.5) the normative guidelines applied to appoint officials are important in the sense that these guidelines are applicable to the ethical behaviour and values to which public officials have to conform. These include honesty and probity, thoroughness, impartiality, integrity, legitimacy and obedience to the administrative law in all actions taken by the public servants (Theunissen in Venter, 1998:135). These guidelines are significant for the public servants (appointed officials) in order for them to act professionally and carry out their mandate on behalf of the government.

In practice, the execution of public policies (normally in the form of legislation) is dependent upon the advice of public officials regarding the implementation of those policies. They work in conjunction with political office-bearers and are thus associates striving to achieve the same goal. It is thus a prerequisite that they should trust one another. For public servants politics is a *sine qua non*. They not only administer in a political milieu, but they also influence politics by their advice and actions.

Public officials, especially leading officials, could be perceived in terms of their policy functions as policy innovators, policy advisers, policy formulators, policy implementers, policy monitors, policy analysts and policy evaluators.

4.2.3 Special political advisors

Cabinet ministers can appoint special political advisors. There are of two types:

- expert advisers (usually a minority) who give a briefing with which a minister may check or challenge official advice.

- general advisers, recruited mainly as political aides-de-camp such as the French ministerial *cabinets* (see section 4.11).

Advisory appointments end when the minister leaves office. What can advisers do that public servants cannot do?

- They can handle relations with the party in the country, write briefs on departmental policies for government backbenchers and deal with constituency parties.
- Unlike public servants, they can advise from a party perspective, they can say, “Look, this will be the impact on the party, and this is how it will affect marginal constituencies”.
- Often they also act as an unofficial channel between their minister and the press.
- Many help the minister with public appearances, contributing to the briefing for Parliamentary questions and drafting speeches.
- Within departments they comment on papers going to the minister; advise him on the political (rather than administrative) dimension of policies, and feed in new ideas. They can help the minister to establish a balance between the administrative requirements of the department and the thinking of the party and the manifesto.

Special advisers are accepted as an institution but that, as (Sam Agere, 1980:25) has put it, “Everything depends on the personality, expertise, strength and integrity of the special adviser and developing a healthy, honest, professional relationship with permanent officials and ministers”.

But ministers can still find the civil service's impartiality incomprehensible, if not frustrating. The system is actually based on the need for two conflicting cultures to find a *modus vivendi*. Public servants probably find this easier than ministers find it because public servants spend their careers dealing with a succession of career politicians, whereas a minister will be lucky to spend as many as ten years of his or her life in office. Even so, officials can

probably never fully understand the commitment and obsession of ministers to their party. For their part, politicians, who are carried into politics by a combination of political idealism and sheer relish in the game of politics, can find it difficult to understand how any group of intelligent people, working on high policy in a highly political atmosphere, can find satisfaction in such a self-effacing role (cf. Auriacombe, 1996:48).

4.2.4 Public

The administrative process must not only be seen as comprising two components, the officials and the political office-bearers. A crucial third component, namely the public must also be taken into account.

In one or another way, officials participate in the formulation of policy for the future; they formulate proposals for legislation, which is an important function in the process of policy determination, even policy determination of the kind that can be sanctioned on a legislative sphere. Administrative and legislative change both emanate from the population at large, from reactions to conditions as they develop, reactions to the content of legislation, to what it is administered and how it is administered. Reactions from the population are communicated directly to the legislative institution and are launched through the executive institution, and both streams are essential for the end product.

According to Appleby (1949:7-8) the legislative is better equipped by the two streams coming from the population than it would be by the direct population-to-legislature stream on its own. By channelling one of the streams the executive branch participates in policy determination (Appleby, 1949:7-8). By this means public administration becomes the meld of policy determination and management that happens at spheres other than those determined by legislative, juridical and popular election policy (Appleby, 1949:25). The following quotation illustrates the role of the public: "But coordination between government and administration does not begin and end with the cooperation between the political office-bearer and the high-ranking official. Good government and efficient administration require more than stating objectives

that are designed to realise the desired future in terms of policy. The other party to government and administration, namely the community, must be involved in this process. A passive community without a sense of purpose that accepts the government and administration to which they are subjected with resignation regardless of how good or otherwise it might be, will ultimately cause the government to moulder away with their inane behaviour. A well-informed and participative community is a typifying characteristic of a developed democratic state. When there is properly coordinated interaction between government, administration and the public at large, democracy can only flourish and, therefore, the functions of government and administration can come into their own” (Vorster, 1977:7) (own translation).

4.3 Relationship between government and the public service

The relationship between the elected-office-bearers (political) and appointed officials (neutral) is important (Venter and Theunissen, 2006:93). Under the Constitution, ministers (political office-bearers) are appointed to administer and head government departments, so they have a constitutional task amongst other functions such as;

- The political office-bearer as a party politician or party leader;
- The political office-bearer as an administrator; and
- The political office-bearer as a participant in government.

4.3.1 Political office-bearer as a party politician or party leader

The political office bearer as a party politician or party leader depends on him or her winning a seat in Parliament. Although this function is outside the ambit of the administration, functionaries should act in sympathy with this cause. For the privilege of participating in an election under the banner of a particular political party the politician voluntarily submits to the party policy and accepts the discipline maintained by the caucus (Viljoen, 1987:91). A Canadian minister, McKeough, expressed the following view in this regard: “The cynic

would say that it is obviously the ability to survive politically that determines the extent of services rendered by a government. I do not say that I would stoop, as the cynics claim, to any end to guarantee re-election but I do point out to you that, in many decisions, the desire for re-election is of course an important factor“(McKeough in Viljoen, 1987:91).

Furthermore, politics command greater prestige and interest than the administration. The decorum that creates atmosphere for the political scene is colourful and stimulating, while the mere vestige of decorum that is visible of the administration usually creates an impression of uniformly grey drabness. Besides, political office-bearers certainly do not share the appointed official's perception of the administration and its administrative role. In the final analysis the minister remains a politician. His/her decisions are invariably taken with a view to the possible political consequences (Auriacombe, 1999:208).

4.3.2 Political office-bearer as a participant in government

Politicians that are elected representatives of the voters are also cabinet members who are co-responsible to Parliament. These political representatives have functions that include government; final decision making (policy determination); conflict resolution; enforcement of authority and asserting power (Mavanyisi, 2003:174). The government function is in fact pivotal to furthering the general welfare of the nation (Viljoen, 1987:92).

Interwoven with the above-mentioned two functions a minister has, in virtue of his or her office a multitude of ceremonial, *ad hoc*, diplomatic and benefit public appearances to take care of (Viljoen, 1987:92).

4.3.3 Political office-bearer as administrator

If administrative functions are taken as a yardstick it seems indisputable that the political office-bearer is involved with these functions to varying degrees, ranging from the specific legal commissions such as appointing or promoting personnel in the public service, to the way in which, for example, control is

exercised by means of submissions and memoranda. The extent and depth to which ministers become involved with administration vary from one person to another and even from time to time. In contrast to a decade or so ago, the public not only seem to judge a minister according to his or her leadership, but also expect the person to be demonstrably conversant with administrative matters (Viljoen, 1987:92-93).

An analysis of the functions of a political office-bearer reveals that it is an enormous task that makes stringent demands on physical and psychic resources. Viljoen (1987:93) noted that this has the following implications for the appointed official:

- A result of the sheer diversity of the minister's functions he/she can only spend a limited amount of time on any one of them;
- The minister should spend the bulk of his or her time on the functions of government; and
- Where party-political leadership and representation are concerned the official should not directly assist the political office-bearer.

The highest-ranking official has a duty and a responsibility to assist the political office-bearer as a partner-albeit a "junior" partner in the performance of the government and administrative functions. In the government functions he/she acts in an advisory capacity while in the administrative function he/she acts as the political office-bearer's trustee.

4.3.4 Political office-bearer as a policy-maker

As primary policy-maker it is the responsibility of the political office-bearer to provide the officials in his or her department(s) with a guideline to follow - which means that he/she is the master and the public official is an instrument (a secondary policy-maker) utilised in the public policy. Once the guidelines have been laid down the political office-bearer must accept responsibility for them.

A political office-bearer is not necessarily impartial. He/she has to promote the interests of his or her political party; with the result that his or her actions could be influenced by what is of importance to his or her career and to the political party to which he/she belongs - in other words, what is politically best for him or her and his or her party. He/she therefore, as primary policy-maker, has to see to it that the policies in his or her department(s) should be in harmony with government policy, and that the officials should not substitute their own policy alternatives for the cabinet's policy decisions.

4.4 Minister's style in a democratic system

Heady (in Auriacombe, 1996:88) describes five different types of ministerial styles:

- *Executive or interventionist ministers*, who involve themselves in every aspect of the day-to-day management and administration of their departments;
- *Policy initiators*, who deal with initiatives pertaining to macro-aspects of policy making, while their functionaries have to handle micro-aspects of the political process in an entirely reactive manner;
- *Policy selectors*, to whom the functionary makes active proposals while the minister then acts reactively by merely approving macro-policy decisions, where after the implementation of the relevant decisions is again left to functionaries, which amounts to an inverted relationship of roles;
- *Ambassadorial or public relations ministers*, who play a primarily public relations role of defending and selling their department's policies; and
- *Minimalist ministers*, maintain the lowest possible profile to avoid making controversial decisions.

They leave almost all decisions and actions to the functionaries but they also do not accept responsibility for any action taken by state departments.

A minister's individual work style differs from (diligent, energetic or lazy), personal characteristics (any minor psychological aberration, (e.g. an authoritarian, paranoid or well-balanced personality) and personal preferences also determine his or her role in a government department (Self, 1977:142).

All the above work styles influence and are influenced by the abilities or preferences of the person concerned to delegate authority to others or to keep it to him or herself. Often, too, the ministerial styles correlate with the degree of the person's expertise in the activity or field to which he/she is responsible. Ministers who are knowledgeable about or experts in their respective fields frequently tend to be 'hands on', while politicians who are not particularly familiar with the activities of their respective state departments often decide to leave a good deal of discretion to their departmental officials and mainly focus their attention on other political activities (Greenwood and Wilson quoted by Cloete in Thornhill and Hanekom, 1995:29-30).

An executive minister who is a workaholic and does not delegate duties to functionaries is the nightmare of any public servant (Cloete in Thornhill and Hanekom, 1995:30). This is because such persons interfere with the daily management of the government department to an inordinate extent, whereas the responsibility for such management is usually borne by the high-ranking administrative officials of the government department concerned, irrespective of where the statutory responsibility is placed (Cloete in Thornhill and Hanekom, 1995:30).

Ambassadorial ministers are every public servant's fondest dream because they leave much of the discretion regarding policy and implementation to their functionaries. They are usually not interested in the finer detail or minutiae of the policymaking and implementation process and tend to often unconditionally accept proposals by their senior-ranking officials (Cloete in Thornhill and Hanekom, 1995:30).

Minimalist ministers find it difficult to make decisions of any kind and this can yield both positive and negative consequences for departmental activities (Cloete in Thornhill and Hanekom, 1995:30). It may enhance the status of high-ranking officials in the government department, which means they become influential policy makers or counsellors or it may result in delays in policy making and action, and even in stagnation because no decisions are taken when they are required and because the government department does not have the support required for action initiated by functionaries (Cloete in Thornhill and Hanekom, 1995:30).

The relationship between ministers and high-ranking officials in a government department largely depends on who has the strongest or the weakest personality (Heady, 1974:63). A “strong” high-ranking official coupled with a “weak” minister can exert a considerable influence on policy determination and implementation in his or her government department because the minister may feel uncertain and therefore allow the functionaries to take the initiative, particularly if the minister is not sufficiently familiar with the portfolio assigned to him or her. On the other hand a “weak” high-ranking functionary operating in tandem with a “strong”, well-informed minister will have no influence on the policy of the government department in question because “strong” ministerial personalities also tend to be “hands-on” ministers (Self, 1977:142).

Other important political factors that influence the minister’s role directly or indirectly in this regard are the following:

- the ideologies of the government of the day or of the minister concerned, which can seriously inhibit the degree of discretion of a policymaker as regards micro-policy determination and implementation;
- the prevailing political climate; and
- the personal or political relationship between the minister concerned, his or her cabinet (government) and the head of government who appointed him or her (Cloete in Thornhill and Hanekom, 1995:29).

In summary as regards the administrative style, it seems that the political office-bearers have few traits in common. Background, the degree of party loyalty, interest, personality and personal values are factors that have a determining influence on a minister's interpretation of his or her administrative role. An external factor that should also be borne in mind is the power projected by the head of the department. A weak head of a department will force the minister to immerse him or herself ever deeper into the administrative affairs of the department. By contrast, in the case of a strong head of a department, the minister will tend to delegate administrative powers increasingly. Where the politics and administration complement each other it follows that the political office-bearer and the functionaries will also complement each other. Sound judgement is mainly expected of the former and expertise of the latter (Viljoen, 1976:176).

4.5 Role of politics in the nexus between politics and the bureaucracy

When one considers the relationship between politics and the bureaucracy one needs to be clear about the two domains. The phenomenon of politics refers to a number of things, for example, the common usage in terms of which party politics is usually meant, a specific kind of function such as that of the political office-bearer, in contrast to the administrative functions of an appointed official, in which it is said that the minister is practising politics while the public official administers, the political factor in decision making in the public sector-in the sense of political decisions as against administrative decisions.

When the above three meanings of politics are analysed it becomes clear how politics and administration are linked together. Politics in the sense of party politics actually runs completely separate from public administration. Party politics are carried on by voluntary associations that are private institutions with no formal ties with government institutions. Party politics can indeed play a role in public administration, but the matter has to be discussed as a separate issue, in other words, it must be discussed in the sense in which all

other interests (e.g. economic interests) and the appeals of associates that propagate them (e.g. churches, clubs, chambers of commerce and industry) influence public administration. Party politics are mainly conducted by propagating party views in discussions and writings, by persuading others to accept the views concerned, and by nominating candidates to stand for elections.

The second type of politics is what is actually practised by the politician who is elected to office, and it is determined by the political convictions he/she holds and has to graft into the public administration. Here it is actually a matter of exercising discretion with respect to a particular point of view (a value that can be called a principle) on which consensus has been reached by the ruling party. For example, the ruling party has decided (but the decision has not been sanctioned by law and only a policy statement has been issued by the political office-bearer) that smoking must be prohibited in all public places. Now an application is lodged for an exception and the executive political office-bearer has to exercise discretion and decide whether he/she will allow the exception or not.

The third kind of politics ties in closely with the second, although it need not be associated with the political convictions of specific parties. This kind of politics is found everywhere in the activities of the public sector (central, provincial and local government spheres) simply because they are government activities. For example, health legislation may authorise the minister to instruct a local authority to appoint a medical officer. If the minister considers such a case and exercises his or her discretion, he/she is engaging in politics. Further examples could be legislation on diplomatic privilege; any person whom the minister deems to be entitled to diplomatic immunity in accordance with the usage of diplomatic privilege, may be exempt from the civil and criminal jurisdiction of South African courts. If the minister exercises his or her discretion in such cases he/she would be engaging in politics. If a minister exercises his or her discretion and appoints someone with a criminal record as a diplomat because he/she is convinced that the offence concerned

is not so serious that the person can be offered a second chance, then the minister is engaging in politics (Auriacombe, 1996:190-191).

The distinction between politics and the actions of public administration can be explained further by determining from the viewpoint of public administration which matters fall under public administration and which do not. The following classification can be made of functions that have to be performed by politicians and cannot be entrusted to officials:

External functions (outside the bureaucracy)

- Public utterances about controversial matters on which no specific legal provisions exist;
- Participation as office-bearer (e.g. chairperson) during the proceedings of public meetings of political parties;
- Participation in public debated in assembly halls of legislative institutions (National Assembly, National Council of Provinces and Municipal Council); and
- Participation in personal capacity in proceedings of interest groups, such as chambers of commerce and trade unions.

Internal functions (within a government institution but still in the realm of practising politics)

- A surrogate without instructions from a political office-bearer to participate in the proceedings of political institutions; for example an official who participates in the proceedings of a legislative assembly;
- Substitute for a political office-bearer; for example an official charged with official duties of a minister;
- Participation in the activities of recognised political institutions; for example an official serving as member of a select committee of a legislative institution;
- Participation in political decisions - not in the sense of a reporter of

- Exercising discretion in political cases.

Public administration consists of a hierarchy of transactions. The execution of each of these transactions is preceded by a decision and is continued with a series of decisions. The transactions follow in hierarchical order based on importance of each transaction.

The importance of a transaction is determined by:

- the number of persons affected by the commencement and continuation of the transaction;
- the size of the amount of money (expenditure and/or income) involved in carrying out the transaction; and
- the “political sensitivity” of the transaction.

By noting the number of people affected, the amount of money involved and the political sensitivity of the matter concerned, transactions are then arranged hierarchically. The most important transactions are placed on the highest rung to await the decision of the political office-bearers (Auriacombe, 1999:192).

In the past the political sensitivity of public institutions’ transactions was not taken into account as much as it is today. In fact, the methods employed by public institutions in dealing with community life were not calculated to lend prominence to the sensitivity of transactions. Government institutions at central, provisional and local spheres rendered certain services in accordance with clear legal prescriptions and that was the end of the matter. The functions of the bureaucracy were clear, as well as those of politicians, namely that they had to win elections and then, by means of the legislative assemblies, make provision for legislation and funds for executive purposes (Auriacombe, 1999:192).

Today, matters are quite different. Besides determining policy, politicians must think of effective implementation of policy aimed at achieving essential goals. The politicians must devise programmes for the achievement of these objectives. As a result of this changed state of affairs, considerably more matters are becoming politically sensitive. Every transaction involved in implementing a programme is a momentous political matter these days.

The political sensitivity of the actions of public institutions has also increased over the past few years owing to the new lifestyles and notions - particularly political notions - that have taken root in the Western world as well as in Southern Africa. A case that could be cited here is the concern over the environment. Environmental pollution, however slight, can have serious political implications today.

4.6 Minister's role in a democratic system

The bureaucracy is a force to be reckoned with in government. Political office-bearers are in control of the bureaucracy, however, and it is therefore at their disposal. As indicated, they form the upper tier of command of the bureaucratic institution and can therefore use it to realise government objectives.

In South Africa the political office-bearer is held legally responsible to administer the government department assigned to him or her. In view of the many other functions performed by the person, namely representation, legislation and government, he/she delegates the bulk of the administrative functions to the administrative head of department. A minister usually confines him or herself to those administrative matters that may have a direct impact on the implementation of government policy (Viljoen, 1976:176).

Although the minister's actions can be superficially classified as administrative, these actions usually have a strong political flavour and are rooted in politics. Consequently it is hardly possible to speak of polarisation of

political and administrative actions with justification; according to Viljoen (1976:176) it is rather a matter of political-administrative osmosis.

In most Western democracies ministers usually bear the responsibility for their government departments. They are expected to formulate government policy for the portfolio entrusted to them, and for overseeing the implementation of such policy. With this in view they have to answer to the executive authority for their decisions and actions. Public officials in the upper tiers of state departments usually have to assist ministers in this process. They are mainly responsible, under the minister's supervision, for the implementation of such government policy with the aid of various teams of subordinate officials.

Cloete in Thornhill and Hanekom (1995:28) stated three main responsibilities of the minister in her/his department:

- to provide *political direction, leadership* and *motivation* to departmental officials and to the public on policy issues;
- to maintain overall *political control* and *management* of the departments and to execute various statutory functions and duties required by his or her office; and
- to claim political *responsibility* and *accountability* towards the legislature, executive and the public about his or her own department.

If the actions of the minister accord with legislation he/she is legally obliged to record this fact in a document signed by him or her in order to validate the actions concerned. Most of these documents are drawn up by the officials in the relevant government departments and are submitted only for the minister's approval. Depending on the person concerned, the minister's signature may be a mere formality, or he/she may choose to consider the matter more seriously before a decision is taken (Cloete in Thornhill and Hanekom, 1995:28).

In view of the heavy workloads that government departments often have to cope with, ministers are authorised to delegate certain decision-making functions or actions to a high-ranking official in the government department concerned. Such delegated powers can be revoked at any time at the minister's discretion. The delegated powers can considerably enhance the influence of functionaries on policy determination and implementation, and they also have a determining influence on the relationship between politicians and officials in the relevant government departments (Cloete in Thornhill and Hanekom, 1995:28).

4.7 Ministers and officials: conflict over policy

Regarding the question of conflicts over policy between ministers and their officials the general truth is that ministers' diaries are misleading when they implicitly suggest that ministers live in a state of conflict with their officials. Inevitably, such diaries concentrate on such dramatic incidents. So, for its own dramatic purposes, does the caricature "Yes, Minister". But while conflict is common enough, for most of the time ministers and officials work in harmony.

However, the central truth is that the public service is also governed by the creative tension between temporary ministers and permanent officials. The two serve different and complementary purposes in the political system, and consequently are locked in a relationship of mutual dependence. It is necessary to understand their respective roles.

Ministers, largely unversed in administration or departmental subject matter, are parachuted into large departments staffed by administratively experienced officials, and given ultimate command of and responsibility for a sizeable slice of public life. Their tenure of office is relatively short; typically they stay only for three to five years before a reshuffle or change of government moves them on.

As noted before, ministers' key functions are:

- policy innovation - to introduce new policies;
- policy management - taking the detailed decisions necessary to implement, say, a health service reorganisation or an overhaul of the school curriculum; and
- departmental administration - taking decisions on immigration cases, planning appeals, pay awards, and so on.

So, if the functions and skills required of ministers and officials are not so dissimilar, why does the picture of conflict between the two, caricatured in "Yes, Minister", carry a strong element of truth? Because the two serve different purposes. Ministers exist to change things. A minister is appointed to a department to provide strong policy leadership and to inject his or her party's outlook and values into departmental policies. The civil service, in contrast, is temperamentally conservative, with a small 'c'. Left to their own devices, public servants will concentrate on running the present state of affairs competently; a small reform here, and an improvement there. (Indeed, during a general election while the politicians are out campaigning, that is precisely how the country is governed).

Officials' conservatism is rooted in three aspects of their work: incrementalism, a preoccupation with feasibility, and different time-frames. First, most policy work is incremental rather than radical: over the years, practices are adjusted to meet new developments but not often radically reviewed - apart from anything else, because of time constraints. To this extent, official conservatism is institutional, one could almost say sub-conscious. Second, it is very much public servants' business to ensure that what ministers are proposing is feasible. The political philosophy behind an idea is not their concern, but it is their duty to ensure that translating that philosophy into practice does not produce an outcome that is unworkable, or will contradict some other government policy.

The civil service can and does develop its own ideas and make running with them. But here again, if the minister says no, officialdom is powerless. They may cajole the minister or lead with him, re-submit the papers and bombard him with ingenious explanations, but if he/she says no, they cannot pursue their own initiatives.

When overruled, officials make a virtuous parade of necessity by faithfully executing the minister's wishes – not as quickly or as keenly as they might have done had he/she taken their advice, but faithfully and efficiently all the same.

Some friction between ministers and officials is unavoidable and even desirable, because they are two different types of people who perform different functions. Ministers exist to stir things up; officials exist for the smooth administration of public business. Ministers are concerned with the public acceptability of policy, public servants with its administrative rationality.

In the end their relationship must be one of mutual dependence. Ministers are entirely dependent on their officials to amplify their programmes into administrative practice and to keep the machine running. Public servants, on the other hand, are utterly dependent on their minister for decisions on departmental business. The system is designed so that key decisions must go to ministers: that is why they are so often overworked. Appointments must be made, white papers approved, regulations promulgated, answers to Parliamentary questions agreed, letters signed, policy decisions approved. They are also totally dependent on him/her to fight their battles in cabinet and committees, in Parliament to win the battles for money, policy clearance and Parliamentary time without which they can achieve nothing. In other words, officials need a strong minister. An implicit bargain has to be struck, and the system only works if both ministers and officials make an effort to understand each other's motives and needs (see chapter five).

4.8 Influence of politics on the bureaucracy

In a democratic state the authority of politics is a basic guideline for public administration. Historically there are three main factors that gave rise to political authority (Viljoen, 1987:87).

- Political office-bearers are mainly charged with government functions while the administrative functions are entrusted to officials;
- Politicians are almost exclusively elected to office by popular vote while officials are appointed; and
- Political office-bearers are directly responsible to legislative authority and therefore to the electorate, while officials are directly responsible to the political office-bearer (Viljoen, 1987:87).

The absolute nature of governments is the main difference between government and other organised enterprises. Similarly, the main difference between the public bureaucracy and other bureaucracies lies in the political nature of public bureaucracy and other bureaucracies lies in the political nature of public administration. Policymaking in private business can take place in relative safety at various spheres because it is determined by demand and supply, competition, and an intra-organisational interplay of divergent interests. Policymaking can take place in relative safety at different spheres of the executive authority of government because the demand for any decision-making is always subject to political determinations and is formulated in political environment (Appleby, 1949:12).

Botes (in Viljoen, 1975:28) is of the same opinion: The public official practices administration in a political environment, but influences politics by his advice and actions. Management in the sense of business economics - with its negation of the political or government function can therefore hardly serve as a model for the public official to administer the country.” (own translation). Mulder (1977:99) emphasised the importance of these principles as follows: “No matter how indispensable an official may be to a minister, there are three

places to which the official cannot accompany the minister. These are the Parliamentary caucus of the minister's party; Parliament - although that is less relevant here; and the cabinet. In these bodies the minister has to fend for himself/herself." (own translation).

Although the legislative institutions are charged with supervision of the executive institutions' activities, it is doubtful whether this control function always comes into its own. Not only are the influence and power of certain political office-bearers limited (Cloete, 1977:195), but they have relinquished some of their powers (Cloete, 1977:196). In fact, so much action is taken on the advice of the legislative institutions that the question arises whether the legislative are actually still fully maintaining their authority (Cloete, 1977:10).

Nevertheless the necessity of political control remains. Strauss (1961:85) argued: "In broader terms, every important organisation is a nucleus of social power confronted by other powers; its aims and policy must be decided by political leadership and cannot be left with impunity to its administrative servants."

As indicated before, where government is indeed in charge of the national administration, all its actions remain subject to Parliamentary criticism. Under present conditions a strong government is much better than a weak government that has to be constantly looking over its shoulder at the voters. However, a strong government calls for strong Parliamentary criticism to prevent it from becoming fraxious, stubborn and reckless. Unfortunately it works the other way around, however; a strong government usually commands such large majorities in the national assembly that there is little chance of strong criticism. Under such conditions the contributions of the bureaucracy may be lost because cross-gained executive political office-bearers follow their own heads. Then the administration becomes so politicised that only the notions of the governing party, or even those of the executive political office-bearer alone, receive recognition.

It is certainly true that more than ever today the decisions of government institutions have to be based on scientific data and advice. A strong government that knows that it is not vulnerable to strong criticism should therefore go out of its way to gain the fullest detail and advice on which to base its decisions. Such data and advice are obtainable from two sources: select committees and other investigative bodies, and the bureaucracy that has to be strengthened for the purposes of investigation and advice. What must be guarded against, however, is that the cliché, “after obtaining the best possible it was decided” becomes a stock phrase in answering questions. This cliché and its ill-favoured companion that “it is not in the public interest to make this or that known” can easily be misused to protect some political office-bearer. The public, aided by the news media, usually know when these clichés are being misused, which gives both the government and officialdom a bad name. The services rendered by the political office-bearers and public officials are so vital these days that efforts to gloss over deficiencies by means of an ill-judged use of clichés should be avoided as far as possible. Such concealment of the real state of affairs is actually conducive to the dominance of party political considerations in the administration (Auriacombe, 2007:10).

As indicated before, the politicians' main function is to resolve conflicts in order to prevent disruption of stable peace in, and the progress of the community. Conflict resolution is an important function of every executive political office-bearer regardless of his or her official designation (minister, premier, member of the executive council, a municipal councillor). Although the resolution of conflict is naturally a political function, it must be borne in mind that executive action (after a political decision) aimed at conflict resolution must not be necessarily be left to the bureaucracy; in other words the political aim of resolving conflict must be accomplished by the public official. Public administration is therefore inseparable from the achievement of political aims. If public administration is conducted without due regard to the achievement of political goals (not party political objectives), it becomes a goal in itself and not a goal to serve the majority interest.

4.9 Sources of the public service power

The running and administration of government has become a challenging task due to the ever-changing demands made upon governments as well as the growing size of the centralized public service. As the public service has been playing a vital role in the political and administrative system for centuries it is difficult for rulers to control it (Auriacombe and Mavanyisi, 2003:73). The administrative model where public functionaries only executed the policy of the rulers, and which was largely centralised both in theory and in practice, functioned throughout the 19th century, but is nowadays tending to change (Blau and Meyer 1987:56). It was suited to the realities and the requirements of a period when state intervention was the exception rather than the rule, when the public services were therefore relatively thinly staffed, and when a minister really could control their activities. It also reflected the ideology of the Parliamentary system of government, according to which elected assemblies or the authorities they set up are the only bodies with the power to take decisions in the name of the nation, and where the administration must restrict itself to an auxiliary or subordinate role, which excludes any scope for initiative.

One of the sources of common power of the public service is its sheer size. Once the public service becomes large it is likely to be difficult to control and expensive to maintain. The size of the public service can also make it complex to control, as the public servants can be tempted to bend rules for the benefit of their friends and benefactors (Roskin, et al. 1988:319). Governments have tried to cut or decentralise powers of the public service. Besides the size of the public sector, other sources of bureaucratic power include the advantage the public service has over the ministers. This advantage manifests itself by the fact that the public service consists of permanent staff and the ministers are temporary staff, which causes ministers to require and depend on the administrative experience and specialist knowledge of the public service (Heywood, 2001:370).

Ministers need the expertise of the public service to run their departments efficiently and effectively during their term of office while the public service has the confidence of knowing that they can outlive an unsympathetic political official (Heywood, 2001:370).

4.10 Power of the public service to implement political decisions

The main source of public service power is discretionary authority. Discretionary powers involve the public service being given a certain amount of power either as structures or individuals. The public service can make decisions on behalf of political officials because minister responsibilities include increasing workloads which vary from government business such as cabinet committees, Parliamentary responsibilities, constituency work, foreign visits and attendance of ceremonial and public functions (Heywood, 2001:370). This restricts the role of political official bearers to the offering of strategic guidance. The work of policy and operational matters is left to appointed officials (Heywood, 2001:370). This results in the public service having a greater influence in political decision-making.

The public service implements policies that legislatures have enacted and it creates policies, which legislatures have avoided (Huber, et al. 2006:330). In this regard, the public service and advisers may decide to withhold information that they know will not create a favourable impression with the political leadership which has the final right to decision-making (Auriacombe and Mavanyisi, 2003:75). The public service is also viewed by expansionist agencies, which focus on increasing their size, staff financing and the scope of their activities (Auriacombe and Mavanyisi, 2003:75). The public service also has the power to define policy, even if political institutions attempt to break the monopoly of information by the public service.

The US makes use of counter bureaucracies like the Executive Office of the President. In Germany the strengthened prime minister's office (*Bundeskanzlersamt*) helps conduct research on behalf of the government (Peters, 1995:219). Counter bureaucracies act as an independent source of

information for political bearers especially when the public service aims to monopolise information.

4.11 Factors influencing the power of the public service

The influence of the public service varies from one country to another and these influences noteworthy for the purposes of this dissertation include administrative centralisation, ministerial instability, irreconcilability between ministerial posts and Parliamentary seats and personal staff of ministers.

- *Administrative centralisation* naturally strengthens the portfolios of the senior officials (Auriacombe and Mavanyisi, 2003:76). In France for example, civil servants can move to politics or leave the public service and return without losing any seniority or executive backing (Owen in Chandler, 2000:56).
- *Ministerial instability entails* a high work turnover in the Cabinet that strengthens the positions of public servants who remain in office. This is of benefit to the politicians who occupy their positions temporarily (Auriacombe and Mavanyisi, 2003:76).
- *Irreconcilability between ministerial posts and Parliamentary seats.* In the French and Dutch systems more public servants fill the posts of ministers because both countries forbid the same individual to occupy a post in Parliament and government (Auriacombe and Mavanyisi, 2003:76). In France many political leaders begin their professional careers as civil servants and proceed to politics.
- *Personal staff* involves the institutionalisation of so-called ministerial *cabinets*. In France and Belgium *cabinets* refer to advisers, whereas in South Africa cabinets refer to a group of ministers. These ministerial *cabinets* are designed to partly combat the influence of the departmental public service (Peters, 1995:238).

(a) British experience

State officials are typified in the British tradition of public administration as permanent, neutral and faceless individuals who faithfully carry out the political orders of their ministers, regardless of their personal political views and convictions (Green and Wilson quoted by Cloete in Thornhill and Hanekom, 1995:31). There seems to be consensus in the British literature that in some sense the minister bears sole responsibility for the performance of a state department, and that this is the principle on which the relationship between the elected representatives and their non-elected officials is based (Judge, 1993:136). The problem, however, is how this responsibility has to be met, a matter over which there is considerable dissension. Some writers reject this principle of individual responsibility as a myth without any practical meaning, while other accept it as the pivotal principle on which the British executive system is based (Judge, 1993:136).

Redcliffe-Maude described the British state officials as “*political chameleons*” who have to subordinate their personal preferences to those of their political masters (Maude quoted by Cloete in Thornhill and Hanekom, 1995:31). The traditional impartiality of British government officials is changing in the direction of a more politicised attitude (Green and Wilson quoted by Cloete in Thornhill and Hanekom, 1995:31).

The British public service has also been described as an extremely well-designed and effective braking mechanism because so-called impartial officials are past masters at derailing policy initiatives that are not to their taste (Cloete in Thornhill and Hanekom, 1995:164). It is increasingly accepted that the relationship between ministers and top officials “...takes on a close, highly personal quality, since these...individuals spend much of their time either together or complementing each other’s movements” (Self, 1977:164).

The main reason for this notion is that next to their task as policy implementers, leadership as well as policy advice and policy determination are increasingly regarded as important functions of top officials (Dogan,

1975:3-21). Thus, there must be the closest possible relationship between ministers and high-ranking officials (Self, 1977:165).

A high-ranking official in Britain is often a generalist public manager with "...a peculiar mixture of independence and compliance. It is his duty, 'to speak out and then shut up'. Under government rules he occupies the post of confidential policy advisor to his minister, and he should discharge this duty with outspokenness and integrity" (Self, 1977:165).

Cloete argues that this view inevitably leads to the following conclusion: that high-ranking officials have to identify themselves with government policy in order to carry it out effectively. If an official is not quite convinced of the correctness of a policy that he/she is expected to implement, then one can expect that such a person would invest less than his or her full cooperation, particularly in cases where he/she has to apply his or her personal judgement somehow. This logical observation explodes the myth that the bureaucracy is impartial (Cloete in Thornhill and Hanekom, 1995:31).

(b) European and American experience

The generalist but clearly distinguishable traditions of British officials and politicians are in direct contrast to French ministerial *cabinets*, which are an example of specialist career officials who are mostly close political comparisons of the minister.

Directors are in charge of the different directorates in a French state department - the director general as the single head of a department in South Africa has no counterpart in the French system) in the public service and members of cabinets regularly exchange role, with the result that the distinction between the political and administrative role virtually disappears (Suleiman, 1974:112). In 1975 Dogan noted that it is also generally accepted that top officials in other European states are becoming politicised (Dogan, 1975:3-31).

There is a similar tendency in the US. According to Self (1977:174) the “American government puts a premium upon the acquisition of certain skills which require rather rare gifts of character and also (preferably) substantial experience of the working of the system. The American system therefore produces neither a clear differentiation of politics and administration, nor a cohesive pair of political and administrative elite” (Self, 177:172-173). He further stated that, “Many career officials remain for long periods in specific agencies and become specialists in their respective fields. The system produces a mixture of expert knowledge, parochial attitudes and partisan activity” (Self, 1977:174).

As indicated, in the US many top posts are occupied by functionaries whose appointments are political, and of whom a considerable number are replaced when a new President takes office. Although Fessler (quoted by Cloete in Thornhill and Hanekom, 1995:32) concludes that the generalist background and short terms of office of some government employees limits the influence they could have had on policy, it is nevertheless common cause that state officials in top posts have to be politicised in order to implement policy as effectively as possible. Fessler’s observation is confirmed by the assumption that this tendency is even developing at federal state sphere, where the public service is supposed to be impartial.

(c) An overview of the relations between ministers and high-ranking officials in South Africa.

Politicians, academics, practitioners and the public at large will probably never agree about the relationship between political office-bearers and functionaries. The opinions of local writers who participate in this debate have changed in recent years.

Cloete (in Thornhill and Hanekom, 1995:27-38) noted that Nel (1974) supports the classical British school of thought, which propagates a public service that is expected to be completely neutral. All the other contributions take the opposite view, except that of Marais (1989), who is also in favour of the

classical approach. Other writers who participate in the debate accept the principle that high-ranking officials are fully involved with policy advice, and even with policy determination to different degrees and on different spheres, and that this is not necessarily a negative state of affairs. Viljoen analysed the interaction between government and administration functions in a contribution to this debate (Viljoen, 1987:86-100). It remains a moot point whether high-ranking officials should be overtly political appointments or whether they should still be permanent members of the public service.

As in other societies, no general pattern is discernible in ministerial roles in government departments. The ministerial role usually depends on the combination and permutation of driving forces in operation at a given time. It may be possible to identify all five kinds of ministers occurring in Heady's (1974:63-84) classification (see section 4.4) in the current and previous governments South Africa. Furthermore, the role of personality variables in policy determination has always been underestimated. Since the National Party was in power for 46 years most of the top political and administrative managers in the public service shared the Western, Protestant and male orientated outlook and value system of the minority they represented. Although this situation may have had advantages in the past, it would have caused problems for the country's future public service if the *status quo* had been maintained (Cloete in Thornhill and Hanekom, 1995:35-36). The top functionaries of the previous regime consisted of a combination of permanent traditional bureaucrats (deputy heads of departments and lower ranks in management) and, in the short term, more politically orientated heads of departments and special advisers appointed contractually for maximum periods of five years each.

Up to 1994 contractual officials were mainly appointed from the ranks of former permanent functionaries, while during the Botha regime a new type of specialist, namely technocrats from outside the traditional public service, became the order of the day in management circles of the public service (directors and higher) (Cloete in Thornhill and Hanekom, 1995:35-36).

All the authors on this subject, who have been mentioned so far, acknowledge the considerable contributions made by top officials in the previous regime to the process of policy determination (Cloete in Thornhill and Hanekom, 1995:36). Other officials showed more interest in the finer detail of their departmental administration. With the new government in power, however, roles are beginning to emerge that are designed to cope with the challenges of the new political system, particularly those aimed at overcoming the restrictions of the previous political systems. A case in point that has been already mentioned is the fact that most members of the political and administrative management structure shared the same minority base value system. This and other issues are currently being addressed by the new government's affirmative action programme in order to transform the public service (Cloete in Thornhill and Hanekom, 1995:36).

In Britain an intense debate has been conducted about this matter. A document known as the "Armstrong Memorandum" treated the relation's issue point by point. The document "...was not intended to break new ground. Instead, it restated a set of long-standing principles..." (as quoted in Viljoen, 1987:100). The memorandum provoked a severely critical response. What it amounts to in essence is that the thoughts expressed in the document are out of step with changed circumstances. One such critic, Joe Haines, expressed his disagreement as follows: "Sir Robert Armstrong's Note reads like a plea for the retention of the amateur captain in country cricket. It is romantic and unrealistic. It deals with a situation, which no longer exists. Cricket has become professionalised and the higher reaches of the public service, as Sir Robert well knows, have become politicised (quoted by Viljoen, 1987:100).

4.12 Public service and political neutrality

In theory the public service is supposed to be neutral to the decisions made by the government. In reality such a perception does not have merit. The official who has to carry out policy in practice is forced to use his discretion in the interpretation of policy. Moreover it is usually the official who is approached because of his or her expertise in advising political leaders on

complex technical matters. The highest-ranking officer will naturally influence political decision making from such a position. It should therefore be taken for granted that any public functionary who is given the task of collecting, analysing, presenting and evaluating factual information will use his or her own judgement with the necessary respect for the views of those in control of politics. If his or her decisions and advice then objectively correspond with those of the political leaders it means that the task has been well done and not that the functionary has become the instrument of the political party (Auriacombe, 1996:219).

4.13 Political role of the public service

In larger political systems it is particularly difficult to separate politics from administration (Kettl, 2002:89). Therefore, the politics and administration dichotomy has become a sensitive issue in political systems of government. Countries such as Britain have attempted to make the public service impartial and South Africa is no exception because the appointed public service is also politicised. The highly politicised public service is Weberian in nature (after Max Weber, a Sociologist) and is likely to follow the directions of its political superiors (Peters in Farazmand, 1997:234). The danger with over politicisation of the public service is that it is not neutral and tends to bend all the political decisions made by the government. An over politicised public service also poses a danger particularly to the Presidential regimes, which are more likely to have a retainer public service. The retainer public service consists of bureaucrats who are partisan and are recruited on the basis of their party loyalty and retained for an indefinite term (Khator in Farazmand, 1997: 77).

It has become clear from the above that the bureaucracy can have a substantial influence on the achievement of political objectives. This influence may be useful and advantageous at times, but many writers are more concerned with the negative consequences if the bureaucracy dominates politics.

Probably the greatest danger is that the principles of democracy may be undermined or even destroyed. "Owing to the complexity and extensiveness of activities undertaken by government institutions in the modern state there is a real danger that for lack of time and expertise, the legislators may allow the initiative for the determination of objectives to pass into the hands of the executive institutions. Then the citizens will be subjected to government by functionaries (which is one of the meanings of bureaucracy) and public responsibility will not be maintained" (Cloete, 1977:20) (own translation).

Similarly, Albrow noted that the objectivities of the modern public administration may not always be considered with democratic principles (Albrow, 1970:109). He was particularly concerned with reconcilability of the practices of the modern public administration with democratic values (Albrow, 1970:109).

The influence and power of parastatal institutions deserve special mention in this regard. "Because the relevant institutions are burdened with so many judicial and legislative (regulatory) responsibilities, they are sometimes referred to as the fourth institution of power (additional to the three of Montesquieu). This state of affairs indicates that the existence of these institutions is creating a serious control and accountability problem"(Cloete, 1977:187).

The decisions taken and the authority exercised by corporations are so momentous that they endanger the viability of the institutions of representative government (Jacob, 1966:119). Nevertheless it cannot be automatically assumed that bureaucratisation will inevitably undermine democracy or that bureaucracy is the natural and inevitable consequence of a democratic system. This system is not merely an outcome of too much democracy, as many people think. Bureaucrats can function equally well under an autocratic government where they are protected contemptuously by their masters and gain satisfaction exclusively from being a thorn in the flesh of the public (cf. Jacob, 1966:119).

Nevertheless, a bureaucracy may display certain undesirable traits. Strauss identified aloofness, moroseness, obsession with power, and suspicion as undesirable bureaucratic phenomena. He further stated that these changes in the purposes and structure of the bureaucracy mean that administrative functions assume a different character. First of all, bureaucratic failings flourish in the absence of independent external control. The distance between the bureaucrat and the rest of society manifests as arrogance, and mishandling of the public at large continues unhindered until it can be characterised as callous subordination of the interests of the public to the requirements of bureaucratic routine; moreover delays multiply as authority becomes increasingly centralised and local functionaries refuse to risk their official positions for the sake of public interest (Strauss, 1961:89).

Gaining power is the highest ambition of a state bureaucracy, and the highest objective of its policy is to retain and increase its own power. As a result of their experience the heads of the bureaucracy are hardboiled realists and practical businessmen of a specific type, technically specialised in their particular field, but short-sighted, hidebound and above all suspicious (Strauss, 1961:90).

The heads of a government bureaucracy are therefore specialists in the area of power politics who suffer from a chronic deficiency of reliable information about the shifting of the balance of power that is taking place outside the artificial world of their own machinery; they are captives of their own positions (Strauss, 1961:91).

Dvorin and Simmons (1972:25) lamented the excessive anonymity. Bureaucratic power is naturally anonymous power. Legislators, elected leaders and judges are known to the public. Some may be more visible than others, but they are all visible. A considerable proportion of the career bureaucrat's power derives from his or her anonymity, and on absolutism and unnecessary secrecy.

Another point of criticism against the bureaucracy is the tendency to absolutism, its reluctance to discuss or listen to different points of view, the illusion that the authority of the bureaucracy is final. Power that forms part of authority requires discretion in its application (Jacob, 1966:119).

According to Jacob (1966:119) the cult of secrecy also grows unabated. Some bureaucratic functionaries see themselves as members of an exclusive intellectual group, shut themselves up in an ivory tower, never allow anyone to see their precious documents because they are top secret, and carefully store these documents in a strong room every day. The public want to be informed of the “why” and “what” of an issue in an intelligible and accessible way (Jacob, 1966:119).

Besides being the political channel, the bureaucracy also becomes an important interpreter of values, particularly to minority groups that have little or no political representation. The bureaucrats perform the function of representation in different ways. They are not restricted to the demands and conditions of constituencies as in the case of elected representatives, and are therefore free to represent interests that are not linked to Geographical boundaries. They have more specialised knowledge and can therefore develop greater appreciation for the needs of a variety interest, as well as appropriate means to meet these needs. For this reason the bureaucracy is capable of taking representative action on behalf of groups or interests that would otherwise not be represented (Jacob, 1966:201).

Mulder (1977:98) stated that: “the bureaucratic institution maintains close contact with the public on a daily basis through the service renders. By this means the institution is best equipped to observe the changed needs of the public, to interpret these and devise proposals for meeting these needs.” (own translation).

4.14 Balance in relations between ministers and high-ranking officials

Theories of politics and government are easily misinterpreted. A study of policy and policy determination sheds light on theories that are often indicative of various steps and stages in the process of policy determination. These steps are usually, but often not, followed in practice (Theunissen in Venter, 1998:132).

On one occasion after another one finds that policy is made in informal environments (e.g. during lunch) without any real scientific argumentation or foundation. For example, people may discuss an issue and then propose a solution to a need or problem that has to be addressed. Someone may request to “formulate a proposal and submit it to the next management meeting.” What started as a suggestion during an informal gathering now becomes a formal proposal to be submitted to a meeting. If the proposal is accepted at such a meeting, then the suggestion is formalised by translating it into departmental policy. After this a reasoned approach may, or may not, be adopted to refine and implement policy (Theunissen in Venter, 1998:133). The opposite is also true of course – public officials may adopt a reasoned approach in developing a policy proposal (this may take months), only to find that the minister rejects it because he/she does not like the person who initiated the proposal. This is unprofessional, of course, but the fact remains that it is possible and actually happens in practice. This is the result of the dynamic nature of government, which includes all the interactions that exist between people, regardless of whether they are politicians or public officials. It is important not to underestimate the power and influence of formal and informal relations in the work environment, because this may considerably influence the overall effectiveness of government and the welfare of the public at large (Theunissen in Venter, 1998:133).

The clear dichotomy between political office-bearers and appointed officials that is so often expressed in theory tends to be vague in practice. For example, public officials often write the minister’s or deputy minister’s

speeches. This is naturally an activity with political implications because most speeches made by politicians are political, even if the topic is technical. Furnishing technical information for a ministerial speech is a professional function of the public official. The moment that the same person also writes the speech, however, this action becomes political. It is clear, therefore, that public officials function in a political environment in which they must strive to maintain a neutral, professional attitude (Theunissen in Venter, 1998:136).

The role of appointed officials in the formulation, making and implementing of government policy is vital. Government often puts forward mere guidelines. However, the public administration and its public officials are jointly responsible for drawing up viable plans and refining, structuring and applying policy. In practice, government policy is often embodied in a so-called green paper about a particular issue, which is merely a discussion document that precedes the white paper or final draft. The white paper embodies the proposed legislation following the publication of a green paper (after contributions made by role players and stakeholders). The white paper passes through various phases in Parliament and is discussed and refined by various Parliamentary committees before becoming an act of Parliament and therefore a law of the state (Theunissen in Venter, 1998:136).

Furthermore, many public functionaries identify policy issues and needs that should receive attention. These issues are brought to the minister's attention by submitting proposals. Public functionaries are therefore not only involved in the implementation of policy, but also play an important part in its formulation.

4.14.1 Relationship between the minister and the director-general

The so-called chief executive officer of every state department in South Africa is the director-general, who is directly responsible to the minister in his or her capacity as the political head of the department. The director-general is also the chief accounting officer for the finances of the department. Although it is a professional appointment and the incumbent has to be politically neutral

where the performance of his or her duties is concerned, this is certainly not always the case.

If the personal working relationship between the minister and the director-general is unsatisfactory, the latter may be forced to relinquish his or her office (at considerable cost to the state) to make way for a political appointment in a position that is theoretically accessible to any person who qualifies for it on merit (and not on the strength of political support) (Theunissen in Venter, 1998:135-136).

In practice, a professional working relationship develops between most ministers and Director-Generals. The minister, a political appointment, often has to rely on the technical and management expertise of the director-general of a department specifically with respect to operational decisions and requirements of the line functions in the department concerned (Theunissen in Venter, 1998:136).

The minister and the director-general of a department are therefore dependent on each other for ensuring that successful functioning of the department and for implementing government policy to good purpose. The minister has to provide the political guidelines and must endeavour to secure his or her department's share of the national budget, while the director-general is responsible for the operationalisation and implementation of government policy with the funds at his or her disposal and for which he/she is responsible (Theunissen in Venter, 1998:136).

The balance in relations between ministers and high-ranking officials particularly Director-Generals's is possible with teamwork. Politicians are mainly responsible for providing legitimacy and political direction and supervision while the support of the public service is needed on the process of policy determination and implementation because of their experience and expertise (Mavanyisi, 2003:185).

Thus the relationship between politicians and high-ranking officials relies on the nature of political and administrative systems as well as the personalities involved (Cloete in Thornhill and Hanekom, 1995:37).

4.14.2 Advice to politicians

There is a distinct difference between the approach of executive political office-bearers and that of appointed officials. Exactly what the difference is can only be established by closer investigation. Gladden was probably close to the mark in stating the difference as follows: “Ministers, after all, are usually amateurs in their fields, while their permanent functionaries are professionals with years of expertise to draw upon. Ministers tend to be men skilled in the art of swaying opinions, ‘expressive’ minds; civil servants tend to be men skilled in the art of analysing problems, ‘analytical’ minds; and two kinds of minds rarely co-exist in the same person” (Gladden in Viljoen, 1987:94).

The highest-ranking official normally has a fourfold task (Viljoen, 1987:94) where policymaking is concerned.

He/she formulates and implements policy. This part of his or her function relates to formulating policy, which is usually dictated from above, as well as the execution of policy where the official is also a formulator of policy – mainly administrative policy – for the organisational unity entrusted to him or her where there are quite a number of intermediate steps that are equally important. Foremost among these is the interpretation of policy and its conversion into workable departmental action programmes.

The official is a policy initiator. This entails the identification of needs that are brought to the attention of higher authority, usually the political office-bearer. He/she is also a policy adviser to the political office-bearer. Functionaries in the top structure reach that sphere precisely on the strength of their administrative expertise. They have a virtually exclusive store of knowledge that was built up over a number of years and is indispensable for the formulation of good policy.

A British minister in the Labour government that came to power in 1966 admitted in this regard:” Ministers may bring with them broad ideas of how future policy should develop. But in transformation of policy goals into realistic plans, in the execution of those plans and still more, in the policy responses to new and unexpected developments. Ministers are largely if not wholly dependent on their official advisors” (Smith in Viljoen, 1987:94).

Advice on policy is not a simple matter. The following problem areas can be distinguished:

Facts as opposed to values. There is a school of thought in Public Administration that adopts the position that the ideal task allocation in policy formulation is one whereby functionaries are responsible for facts and ministers for values. The assumption is that the public official is not merely a registrar of facts, for example, a high-ranking official not only has to be a specialist in a particular functional area, but also needs a well-developed sense of orientation where political considerations are concerned (cf. Auriacombe, 1999:201).

The ethics of advice. The administrative branch of government has important powers. Auriacombe (1999:202) even proposes an extension of Montesquieu’s legislative, executive and juridical authority by instituting a fourth branch, administrative authority. The greatest danger in this regard is the misuse of power in the handling of cardinal information.

The “minority view” in policy advice. It is not unusual that reports of commissions of enquiry contain a majority as well as a minority report. It also happens on occasion that the government accepts minority recommendations. However, cabinet memoranda and ministerial submissions invariably reflect the “majority viewpoint”. A pronouncement made by a former Prime Minister of Britain (in Viljoen: 1987:96) showed that this is a source of concern: “What happens today is that the thing comes right up to the Minister of Defence, there are violent arguments between particular chiefs of staffs or service chiefs, and civil servants; or scientific advisors; in the end a decision is taken,

the minority defeated and left bleeding somewhere in the gutters of the Ministry of Defence, and the consolidated defence view is then put to the Cabinet Defence Committee. The Prime Minister is then more or less supposed to rubber stamp it..." (Viljoen, 1987:96).

4.14.3 Influencing decision-making

Decision making is an important political activity, so the question is whether the bureaucracy can influence political decision-making. According to Strauss (1961:82-83) this is certainly the case. Strauss (1961:82-83) observed that this situation inevitably generates tension between politicians and functionaries. "The specialists may already have a low opinion of politicians in positions of power, and it will not be improved by the self-righteous criticism they have to endure from that quarter. They would have to be exceptionally kind-hearted not to see this dependency as an unwelcome hindrance to the efficient performance of their duties since they feel that they are best qualified to assess the situation. In most settled institutions the influence of political leadership wanes over time while that of functionaries grows. This is change in the balance of power is most pronounced in the strictly administrative sphere where the professional bureaucracy usually have their way and reject interference from outside, on condition that certain minimum standards of efficiency can be maintained".

The above process will not necessarily stop there, however, because the precise distinction between "administration" as the sphere of the bureaucracy and "policy" as the sphere of politicians is becoming increasingly difficult to maintain in practice. The reason for this is that policy cannot be formulated without elaborate preparatory work done by top functionaries and their personnel.

The political leadership can retain the right to final decision-making, but it has to choose between alternatives that are usually provided by experts. This choice is therefore often more of a formality than a reality, because the facts are selective in such a way that they can only provide one answer to the

questions put to the advisers. In practice, functionaries do not restrict themselves to preparation of the material, but also give advice on conclusions that can be drawn from the material. By preparing policy decisions and giving expert advice on it, top functionaries exercise a strong and often irresistible influence over the political leadership. Once policy decisions have been taken, the heads of the administration have considerable flexibility in implementing the decisions because it is impossible to determine the implementation strategies in advance, except in the broadest sense.

The main implementers must be allowed to choose the right moment to introduce the policy decided on, to concentrate on ways and means that take account of the prevailing circumstances, and to grant extensions to others for whom the circumstances are less favourable (which in practice sometimes means that the policy concerned will never be carried out). Such functions have a strong political flavour, although they form a justifiable part of the administrative sphere, and the line of distinction between policy makers and implementers is usually vague for the latter: it is the cumulative force of administrative actions that lies at the heart of a modern state. The motivation for such actions naturally remains of the greatest importance (Strauss, 1961:82-83).

Jacob (1966:11) shared this view. The reason why the bureaucracy is so important, is that it occupies a significant leadership in the process of policy determination. This new role is assumed so conspicuously that it has given rise to the descriptive term "administrative state" (Auriacombe, 1996:219). As public policy finds its way through the ramifications of the bureaucracy it gains structure and is redefined before being implemented. Every agency, bureau and section stakes its claim in the process. The role of the executive authority that is being deployed in contemporary technological societies endows the leadership with extraordinary powers, just as sub-bureaucracies leave their mark on policy that is being carried out (Dvorin and Simmons, 1972:11).

Jacob (1966:281) saw a great danger in this tendency and expressed himself strongly against it. "Bureaucratic rule is an evil which, once established is almost ineradicable: It distorts the play of social forces by suppressing its enemies and stimulating its sycophants. Either way it makes gradual reform difficult or even impossible and invites violent revolution as a rule at a high cost of human lives and material resources".

4.14.4 Training the public service

As indicated in the previous sections, it is the duty and responsibility of the highest-ranking official to assist the minister in the performance of the government and administrative functions. It is therefore clear that functionaries have to be much more than balanced laypersons. They must be able to handle matters, propose decisions, act with care, have a sense of certainty about the future, and be able to take decisions and face the consequence of implementing such decisions. They must be trained to analyse political situations with insight and skill, and to present issues to politicians so that they can understand the political implications and take decisions accordingly. Functionaries must be sensitive to the political implications of their work so that they can warn politicians if administrative procedures could worsen rather than alleviate conflict situations (Auriacombe, 1996: 232).

The highest-ranking official must also act as mediator. As the chief executive officer of a government department he/she must therefore be able to coordinate the various sections of the department; act as arbiter where necessary; reconcile the views of officialdom with those of political institutions; and reduce the gap between the specific interests of pressure groups and public interest (not always expressed by the functionaries).

4.15 Why can minister's power leak to public servants?

Why is there a danger of power leaking from ministers to public servants? The answer lies in the following characteristics of the public service: its expertise;

its permanence; its inveterate habits and its control over implementation and special interests.

4.15.1 Expertise

The public service has the expertise; knowledge and experience to develop concrete policies in areas of specialisation which make the elected officials to some extent depend on their advice (Raadschelders, 2003:305). This can make the bureaucracy to decide what information should be offered and what should be withheld.

4.15.2 Permanence

The power of the public servants is also vested in their permanency in office as compared to their political incumbents and political executive (Raadschelders, 2003:317). This makes them more experienced in their field than their counterparts. Furthermore, when a vacuum occurs (in terms of political crisis or weak leadership) they are likely to survive it (Auriacombe and Mavanyisi, 2003:77). Further, when a vacuum occurs at the top end of the hierarchy, power tends to go to the permanent bureaucracy. Then, if the politicians will not or cannot govern, whether as a result of a political crisis or simply weak leadership, the public service can, want to and must govern in their stead.

4.15.3 Inveterate (fixed) habits

There are inveterate habits that can be difficult for ministers to overcome, penetrate or understand. These habits include forged links between the public service and other departments and interest groups with whom they share ties of tradition, informal agreement and personal relationships (Auriacombe and Mavanyisi, 2003:77).

4.15.4 Control over implementation

The public service has power to control implementation because politics rely upon the public service for proper operational implementation (Raadschelders, 2003:317). The public service can bend policy to favour their personal concerns, which is inevitable since they require discretionary powers in order to implement policies effectively (Auriacombe and Mavanyisi, 2003:77).

4.15.5 Special interests

Top-sphere public servants in particular are often represented as persons who want to maximise their department's budgets. This is regarded as equivalent to an entrepreneur's goal of maximising profits (Mavanyisi, 2003:189). Ministers do not necessarily share these special interests when they are part of a conservative administration that wishes to curtail government spending (Mavanyisi, 2003:189).

4.16 Ministers' ways of exercising control over the public service

The political supreme body voted for by the electorate must provide an account of its actions and the actions of its appointed officials to the electorate (Hattingh, 1998:169). According to Hattingh (1998:169) it is for this reason for that control is necessary. The public service can be controlled either formally or informally. Informal control measures can be either internal or external in nature. The main formal control measure over the public service in liberal democracies is the political executive authority under the leadership of the President, prime minister or premier (Auriacombe and Mavanyisi, 2003:78).

TABLE 2: Modes of control over the public service

FORMAL	INFORMAL
Political guidance by ministers	<u>EXTERNAL</u>
	Critical scrutiny by mass-media
Critical scrutiny by national assembly	Public opinion
Critical scrutiny by the judiciary	Critical scrutiny by interest groups
Ombudsmen	
Performance standards	INTERNAL
Ministerial control	Professional standards
	Anticipated reactions
	Peer pressure
	Conscience
	Competition among departments

(Auriacombe and Mavanyisi 2003:78)

Liberal democracies have developed a range to counteract public service power (Auriacombe and Mavanyisi, 2003:78). The effectiveness of political control is influenced by three other factors namely: political appointments, norms of minister's accountability and responsibility and making use of ministerial advisers.

4.17 The scope of political appointments

In Sweden, the public service is recognised by political appointees who have to resign when there is a change of government (Yates in Chandler, 2000:155). The Swiss public service is not permanent and it is reappointed every four years until retirement age (Gildenhuis and Knipe, 2000:173). The Swiss have made efforts to make its public service impartial as there is no system of class or administrative elites because the elite are thought to be an

obstacle between the people and administration (Gildenhuis and Knipe, 2000:173). The extent to which political appointments infiltrate the public service differs considerably from country to country. These political appointments are viewed as mechanisms to control the public service. In the US the President appoints approximately 3000 people as political appointees and a determined civil servant would find it difficult to access the cabinet because of this situation (Heywood, 1997:355). The US does this through a spoils system which is a method based on 'rotation of offices' and the allocation of vacant posts to supporters of the ruling party (Gildenhuis and Knipe, 2000:170).

South Africa also makes use of the spoils system to a certain extent because political loyalty plays a major role in the process of recruitment. This statement is supported by a recent report by the Public Service Commission, which revealed that political office-bearers are meddling with the recruitment process. They do so by deviating from the recommendation of the selection panel without stating reasons for such interference (*Sunday Times*, 28/05/06). In Britain, the public service is the central government bureaucracy which is appointed professionally and not on the basis of political appointments (Kingdom in Chandler, 2000: 21). This type of recruitment is based on merit similar to that used by the Japanese and the Swiss. As noted before, in South Africa senior public servants are politically appointed for a 3-5 year contract. South Africa has made efforts to transform the public service by making use of affirmative action. Affirmative action is used to address the imbalances and injustices created by the apartheid government and it is through this action that the government has ensured that the public service is more representative.

According to Venter and Theunissen (2006:83) in July 2005 the Minister of Public Service and Administration stated that the representativeness of the South African public service is as follows: Black = 74%, White = 13,3%, Coloured = 8,9%, and Asian = 3,7 %. In terms of gender, 49% of the public service was male and 51% was female. Most of the senior white public service was retired as a result of this transformation.

However, in 2004 provincial and local government were reported to have a 61% vacancy rate for senior management (Ruiters, 2005-2006:129). The appointment of the public service is very political because the ANC enjoys control over appointment and most municipal managers were under-qualified with 1.6 of 4 on the competency ranking (Ruiters, 2005-2006:130). After serving in the public service for a while the public servant in South Africa is mostly recruited by the private sector. The ANC has adopted the 'cooling off' period in which the public service 'prepare ground' for themselves to enter the private sector at the end of their term in high office (Ruiters, 2005-2006:130).

The following table demonstrates the racial composition of the public service in South Africa from 1993 and 2003. This table indicates how the affirmative 'restructuring' process has benefited the previously disadvantaged races.



TABLE 3: Racial composition of the public service, 1993 and 2003

	NATIONAL 1993	NON- INDEPENDENT HOMELANDS 1993	NATIONAL 2003	PROVINCES 2003
African	316 929 41.3%	241 335	195 238 62.8%	563 300 78.6%
Asian	30 453 3.97%		16 641 5.4%	21 493 30.0%
Coloured	124 711 16.25%		91 994 29.6%	65 152 9.1%
White	295 429 38.50%		73 319 23.6%	66 797 9.34%
TOTAL	767 521		310 907	716 742

Source: SAIRR 1994/95: 476 and Public Service Commission, 2004 in Southall, 2004, Table 3.

African and Coloured groups have been the principal beneficiaries of the public service transformation. The strategies adopted by affirmative action are spelt out in the Employment Equity Act of 1998 and the White Paper on the Public Service of 1995 (Southall, 2004:12).

In the Netherlands, like Britain, the appointment of the public service is based on openness and job orientation. Senior public servants are selected by ministers in consultation with the executive heads of the Senior Public Service (SPS), acting on behalf of the Minister for the Interior (Korsmit and Velders, 1997:3). In Japan, the public service (*cho*) is appointed based on talent, skill and accumulated policy expertise of its personnel (Hook, 2005:46).

The best and brightest are recruited from the top and limited universities in Japan, especially the University Of Tokyo Faculty Of Law (Hook, 2005:46). Unlike the public service in South Africa, Japan has a very competitive exam entry system into the public service. Japan's public service also makes use of human networks (*jinmyaku*), which range from the ruling politicians and big business, to isolate other actors from political influence (Hook, 2005:6). The public service in Japan is also characterised by cliques and factions (*gakubatsu*) formulated at a limited number of universities (Hook, 2005:46). Japan places retired officials on boards of companies or quasi-governmental special corporations. This creates a close link between the public service and the private sector and as a result skills are passed on by retired officials in the private sector to the public sector.

Germany has a rather expensive manner of retiring the appointed public service. In Germany there are approximately 5 million civil servants, of which 32 per cent work for the central federal authorities, which reflect the high degree of political decentralisation (Timmins in Chandler, 2000:82). Germany's senior public service (*Beampte*) consists of senior civil servants who possess law degrees and this is similar to the public service in Japan (Peters, 1995:95). State officials who are sensitive to the governing party are appointed in "sensitive positions" and may be moved into less sensitive parts or moved into very comfortable retirement on full pay. This normally occurs when an incoming minister disagrees with their point of view (Timmins in Chandler, 2000:83).

There are three types of civil servants in India. Firstly the India Public Service that is responsible for the administration of the union and state government; secondly is the Central Public Service that is responsible for administration of the union government only and thirdly is the State Public Service that is responsible for the higher services of state government. All three Indian services include the Indian Administrative Service (IAS), the Indian Police Service (IPS) and the Indian Forest Service (Krishnan and Somanathan, 2005:258).

The IAS and the Indian Foreign Service (IFS) are the most prestigious, as they are judged by preferences of examination candidates and general public perceptions (Krishnan and Somanathan, 2005:258).

IAS is a 'mandarin' type public service comparable very broadly to the examination-recruited by higher services in Britain, France and Japan. There is stiff competition in exams and these candidates are referred to as 'regular recruits' or 'direct recruits' (Krishnan and Somanathan, 2005:258).

In theory the public service in India is recruited according to the following prescriptions:

- Impartiality and neutrality (as elsewhere) is recruited;
- Integrity in terms of being corruption free; and
- Adequate capacity and knowledge (Krishnan and Somanathan, 2005:256).

Political interference occurs at all spheres of government in India. Krishnan and Somanathan (2005:30) metaphorically state that the Indian IAS is divided into three categories: The 'wives' which are attached to one party; the 'nuns' which remain unattached to any party; and the 'prostitutes' which attach themselves to whichever party is in power and switch when there is a change in government. Unfortunately the share of the third group is high.

In India the representative public service applies through affirmative action and the Indian government hires members of castes and tribes previously discriminated against (Peters, 1995:92). The problem with this type of selection is that there is a danger of selecting an incompetent public service. In a nutshell, the government tried forcefully to de-politicise activities of the state public service by curtailing the policy responsibilities and ended up politicising and reducing their officials to mere implementers of policy (Du Gay, 2000:125).

4.18 Political advisers as a counterbalance to the public service

Political advisers can be used as a formal control mechanism to counterbalance the public service (Heywood, 1997:356). Ministers are provided with advisory staff to advise them and the President on numerous issues of the government. Political advisers may exercise control over the administrative personnel but, as political scandals in the US revealed in the 1970's and the 1980's, exercising control over these advisers proves to be a problem (Auriacombe and Mavanyisi, 2003:80). Advisers are dependent on their political masters and as a result they are predisposed to present matters through rose-coloured spectacles rather than presenting the blatant truth (Auriacombe and Mavanyisi, 2003:80).

Countries such as France have good advisory systems. As noted before, *cabinets* in France refer to personal teams of advisers of about 15 to 20 people who form the minister's personal advisory staff and are under his or her control (Heywood, 1997:356).

4.19 Other means of exercising control over the public service

Professional ethics such as honesty and diligence are required of the public service and can be viewed as means of submission to political control (Auriacombe and Mavanyisi, 2003:81). Controlling the public service can be achieved by instituting formal performance standards, for instance by specifying a time limit within which letters from the public must be answered (Auriacombe and Mavanyisi, 2003:81). This type of approach is adopted in Britain with the Citizens Charter. According to Hague and Harrop (2004:228) the Charter is rather harmless in itself, but the mere thought of earning a tarnished reputation by being labelled "substandard" is probably enough to inspire most departments to render a better service.

In the US, the Congress makes use of the legislative veto to control the public service by vetoing a particular decision within a thirty to ninety day period (Social Studies Help, 2005:4). The courts however are regularly used to

appeal bureaucratic decisions and courts such as the Supreme Court may declare legislative veto's unconstitutional (Social Studies Help, 2005:4). The public service can be unrepresentative in the sense that men in the public service can exclude women to maintain patriarchal power (Martin, 1990:6). Public servants should be representative with the inclusion of women and the disabled. The public service should also display exceptional professionalism by adhering to the wishes of the public and obeying their political masters (Auriacombe and Mavanyisi, 2003:81). Another formal control measure is by cutting the public service. Nonetheless, this measure is hard to carry in practice because cutting the bureaucracy equals to cutting programs in which the favourite citizen gets the axe (Roskin, et al. 1988: 323). This can add to the problem, as public officials may find themselves operating on reduced budgets and manpower, unable to carry out their legislated mandates (Roskin, et al. 1988: 323).

Decentralising the public service can to some extent control the public servants by bringing decision-making closer to the local sphere (Roskin, et al. 1988: 323). However, this can increase corruption and inefficiency because the public service is not watched at the local and provincial spheres (Roskin, et al. 1988:323). In short, decentralisation does not suggest reducing the number of civil servants, but placing them at different spheres of government (Roskin, et al. 1988:323). Roskin, et al. (1988:324) and Heywood (2001:373) mention that politicisation, as the formal control mechanism can also prove quite effective in controlling the public service. This measure involves a politically appointed public service. In the US, 3000 top posts are filled by political appointees and fewer than 200 of these appointments are likely to be made personally by the incoming President. The others are made by senior executive officers subject to Presidential approval (Heywood, 2001:373). In Germany, the *Berufsverbot* (the denial of access to a profession system) permits incoming ministers and governments to discard unwanted officials by retiring them on full pay. In turn they appoint sympathetic officials (Heywood, 2001:373). Retiring the public service is expensive and this makes the German method ineffective especially in less developed countries.

Although this measure can ensure high spheres of loyalty and commitment from the public service it creates temporary appointments over the public service (Heywood, 1997:355). This is because governments are elected over a certain period and once the new government comes into place, the ideology or manner of governing changes.

Civil servants who were appointed by a previous government on political grounds or ideological sympathies are likely to be dismissed, especially if they do not share the sentiment of the present government. This means that their knowledge and experience can be distorted, as in the US where changes in the administration brought major breach on the continuity of government (Heywood, 1997:356).

Political accountability can make state civil servants accountable by providing some form of political control. The public service can be accountable to the political executive, the assemblies, the judiciary or the public (Heywood, 2001:371). The political executive plays a significant role in this regard because of its overall responsibility for government administration and its close working relationship with the public service (Heywood, 2001:371).

In liberal democracies, like Britain, political control depends on the minister who is the political head of the public service and is answerable to Parliament (Venter, 2003:10). According to (Heywood, 2001:372) ministerial accountability is hampered by:

- The expertise, size and complexity of the modern public service;
- Ministers who have been unwilling to sacrifice their political careers by resigning as result of blinders made by officials (or themselves) and publicity; and
- Assemblies lacking the expertise and political will to subject either minister or civil servants to effective scrutiny.

The Public Protector or Ombudsman can be used as a public watchdog to control the public service. The system of ombudsmen is Sweden's contribution to the art of good governance (Roskin et al. 1988:323). This system is emulated in New Zealand, some European states and in South Africa under section 182-183 of the Constitution of 1996. The Ombudsman offers means through which individual demands can be redressed. The Ombudsman rarely operates within the force of law and generally lacks a direct means of enforcing its decisions (Heywood, 2001:372).

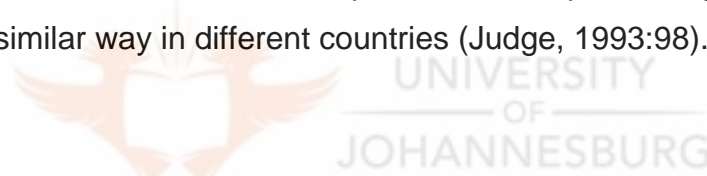
Other ways of controlling the public service involve informal control measures. Mass media and public opinion particularly organised by pressure and interests groups can serve as public protectors within the system (Auriacombe and Mavanyisi, 2003:82). The media can control the public service by regular television programmes, which explore public scandals and bureaucratic incompetence (Auriacombe and Mavanyisi, 2003:82). One form of external control in Parliamentary systems like Britain, South Africa, Canada and Australia, expects ministers to report on the department's activities (Mavanyisi, 2003:196).

In South Africa and Britain question time is accommodated in the Parliamentary schedule on Wednesdays. Other informal control mechanisms include competition among departments where state departments with powers of expenditure have to compete with each other for higher budgets in their various departments (Mavanyisi, 2003:196). This also depends on the Department of Finance to provide deserving departments with large budgets. Liberal democracies rely on internalised professional norms for which conscience can play a role in controlling the public service (Mavanyisi, 2003:196). According to Auriacombe and Mavanyisi (2003:83) if too much political pressure is exacted on the public service they may complain to trade unions if they belong to one, or they may leak stories to the media if they dare, or they may submit a complaint to an official.

4.20 Functional dependence

The public servant is in a position of functional dependence in as much as he/she is a cog in the organisation to which he/she belongs. This organisation is generally one entity, usually conforms to a pyramid model, and is governed by a chain of command which branches out as it descends from the top - generally the minister - to the base, consisting of executive officials (Weber, 1957:90).

This chain, which is naturally more restrictive than the lower one goes in the hierarchical ladder and has a double purpose. It must ensure in a general way that the department operates smoothly, but it must also ensure that the objectives assigned to the departments by those with political power are achieved. It is in this chain that the functional dependence of the subordinate public servants is manifested. This dependence is expressed, guaranteed and justified in a similar way in different countries (Judge, 1993:98).



4.20.1 Expression of functional dependence

The dependence of the public servants is established by the principle of hierarchical subordination. Each one must obey the orders, both general and particular, which he/she receives from his or her superiors, and he/she must comply with the instructions governing the execution of his or her duty. These have usually been promulgated at ministerial sphere. If he/she does not fulfil his or her duty to obey, he/she runs the risk of invoking disciplinary measures.

This duty is universally recognised and formulated in astonishingly similar terms in different countries. In France, the successive statutes regulating the public services have always laid it down as one of the fundamental obligations of a public servant, and Article 9 of the Ordinance of 4th February 1959, which is still present, states that public servants are responsible for carrying out the tasks assigned to them, and that they may suffer disciplinary action if they ignore an instruction. The law strictly applies these stipulations: it considers,

according to a constant formula, that they “are bound to comply with the orders they receive from their superiors” (Aberbach, et al. 1981:82). In the terms of the Weberian hierarchical model, furthermore, these superiors are in turn responsible to their superiors for the authority, which has been conferred on them and the execution of orders they have given. Except at the extremities of the pyramid, therefore, each sphere is both controlled and controlling.

In the Federal Republic of Germany, Article 37 of the law governing the public services states the same principle. “Every public servant is obliged to comply with the orders and instructions of his or her superiors” (Aberbach, et al. 1981:90). The same is found in Greece, the Netherlands, Austria, Finland and Great Britain where the manual handed to new public servants expresses it in these terms: “You must implement the decisions of your minister and those of your superiors acting in his or her name” (Aberbach, et al. 178-196). Even in Sweden, where the principle is one of very wide freedom of action, it is admitted that public servants are, at least to a certain extent, obliged to obey the orders of their immediate superiors (Aberbach, et al. 1981:203).

Limits are set on this duty when the order given would be contrary to the law, but these limits are generally defined in a restrictive manner. In France, for example, the Council of State has ruled that a public servant may only be relieved of his or her duty to obey if the order is not only illegal but is also such that it would “seriously compromise the operation of the public service (Rowat, 1981:50). The same is true in the Federal Republic of Germany and in Greece, where even if a public servant considers an order to be illegal he/she is obliged to carry it out, having first, if he/she wishes, expressed his or her reservations to the person giving the order or to his or her immediate superior (Rowat, 1981:98). In Austria, moreover, the only situation in which a public servant may legitimately decline to carry out formal instructions is if these instructions could lead to criminal prosecution (Vartola in Rowat, 1981:98).

In any hierarchical system, superiors, because they carry out their duties with reference to more general and more complex data than that available to their

subordinates, are supposed to be better judges both of the interests of the department and of what constitutes legal action. Whenever there is room for doubt, public servants must presume that the orders they are given conform both to the law and to the interest of the department. If it were otherwise, the functioning of the service would be compromised and, indeed, the structure would be reversed, with the subordinate official becoming the superior authority because in the last resort it would be up to him to decide whether or not to perform the tasks laid down (Auriacombe, 1996:78).

Thus the chain of command, which maintains the vertical structure of traditional administration, is officially recognised everywhere. It also seems to be generally respected. While the superior organs (for example the cabinet) may from time to time have occasion to censure errors or negligence in the execution of the orders they have issued, the dominant impression is that it is only in exceptional circumstances that they encounter attitudes or acts deliberately contrary to these orders. Many factors concur to ensure functional dependence.

4.20.1 Means of functional dependence

There are two main reasons why hierarchical subordination is respected. One is psychological: a sort of consensus has been established in the organisational and administrative literature on the principle of Weberian functional dependence. The second is institutional: all the administrative systems have equipped the hierarchical superiors with the legal means to ensure that their instructions are carried out.

4.20.1.1 Psychological motivations

Psychological motivations can be attributed to the fact that a hierarchical organisation has existed for centuries. Anyone applying for a position in the public service knows that he/she is entering a structure, based on a subordinating chain of duties, that these duties diminish in number and extent as one moves further from the seat of power, and that these duties are carried

out under the supervision of the higher spheres. For the public servants at the middle and lower spheres, power is quite naturally embodied in the hierarchy, and is passed down through it. The policy which it is their responsibility to implement - a policy of which they are often only partially aware - is incorporated in the instructions issued at the sphere above, and legality is respected when these instructions are scrupulously applied. The interpretation, which these instructions give, becomes the official doctrine of the department. The regulations are what the minister says they are, and they are to be implemented in the way the minister says they should be. This submission to hierarchical power is not only due to an objective or acquired awareness of its legitimacy. It is also due to the fact that the employee's material and psychological situation within the department depends to a large extent on how his or her behaviour is appreciated, on assessments that may be made of his or her work, and in general on the relationship he/she has with his or her superiors. Too definite an assertion of freedom could only damage his or her position. When given precise orders, a public servant is hardly in a position to question them, even if he/she considers them to be debatable. Insubordination on his or her part could have adverse effects on his or her career prospects and the duty to obey, placed as it is in a general context of functional dependence, will generally override any other consideration.

Finally, account should be taken of a certain spirit of caution as a result of which public servants tend to draw back from personal initiatives and so avoid responsibility for action taken. This form of "passing the buck" or of defending oneself, brought to light by the sociological school, can be seen in the way in which public servants themselves deliberately limit the scope of their duties, and thus leave to the sphere above the task of carrying out these duties (cf. Auriacombe, 1996:98). In order not to become personally vulnerable as a result of the way in which a particular matter has been settled, public servants will often prefer to wait or even call for appropriate instructions. The so-called 'umbrella' technique is a very positive feature of administration (Derouche in Auriacombe, 1996:48), especially when new or embarrassing problems have to be solved.

It was practice for a public servant who does not wish to assume responsibility for a decision to ask for instructions from the superior authority (Simon, 1958:49).

These different motivations work together to ensure not only passive compliance on the part of public servants but also in some ways active compliance. Not only is it rare for superiors to encounter open opposition; their staff often acts in anticipation of them, proceeding on the basis of their superior's presumed will or intention. In the absence of explicit instructions on a particular question, they will attempt to deduce what those instructions would have been if they had been given, and act accordingly,

Hierarchical subordination is certainly a well-entrenched value in the traditional administrative society. There is every chance that public servants will remain docile towards established governmental authority. Furthermore, the very existence of this authority, quite apart from any action it may take, profoundly influences the behaviour of all those subject to it.

4.20.1.2 Legal processes

Functional dependence is at the same time maintained in a positive way by law, which provides various means of ensuring that the action taken by public servants remains along the lines laid down at the top. One of these means is exercised a priori: the power to issue instructions. This permits the superior authorities to dictate both their subordinates' conduct and the measures they take. This power belongs to the authorities as of right, and providing illegal action is not ordered, it is unconditional.

It is an integral part of the authority, and to exercise it is not only a prerogative, but almost a duty. It is found in different forms, the simplest form being that of orders concerning specific matters. This is the most current form, too, except perhaps in Sweden where, in theory at least, no organ, not even a governmental organ, has the power to predetermine the performance of a duty (cf. Bekke, et al. 1996).

However, interviewees have noted frequent semi-official contacts between ministers and organs responsible for implementing government policy. Similarly, one comes across more or less detailed and precise instructions on the types of cases to be dealt with and the implementation of recently introduced measures. A similar procedure is that of the 'standard enactment' by means of which it is possible to supervise the execution of subordinate duties more closely and in greater detail. This has become an increasingly common practice in recent years, particularly in France. An officer or group of officials who are empowered to issue legally binding orders - such as Prefects within their Departments - are sent a standard document, which they only need to sign. Ministers use this procedure when they consider it necessary that precise and uniform measures should be taken throughout the country, as, for example, in the case of road traffic and health regulations (Stevens, 1996:126).

However, the most common way in which this power to issue instructions is exercised is still through circulars/memoranda. One is tempted to conclude that this is a universal administrative institution. These instructions pose a certain number of problems into which it would be interesting to conduct a close, comparative study. In particular there is the problem of their legal nature, that of their force vis-à-vis the official rules distributing authority (they amount in effect to an almost total removal of such authority), and that of their effect on the possible responsibility of public servants. Who should be held responsible for applying the provisions of an improper circular: the person who applied it or the one who issued it?

Other means of supervision are exercised a *posteriori*. Firstly, there is the power to take disciplinary action against individual public servants: this power expresses and consecrates the relationship of hierarchical subordination. One of its main purposes is to punish violations of the internal code of the department, that is to say, to ensure (and here the terminology is revealing) order and discipline within the public services.

Secondly, there is the power to invalidate or correct acts which do not comply either with the general policy imposed on the department or with precise instructions issued at the sphere above. This amounts both to discipline and to a substitute for the power to issue instructions. It is generally agreed that ultimately the minister has the right to decide on all matters coming within the scope of his or her department, and in France the law considers that the re-examination of an act at the demand of a member of the public affected by it is not only a right but also a legal obligation (Auriacombe, 1996). By refusing to rule on such an appeal the minister would be neglecting his or her own duty. Since the power of hierarchical supervision is 'only such as to give essential guarantees to all the interests concerned' it not only binds those under supervision but also the topmost supervisor. However, this power is not exercised in the same way in the different countries (Strauss, 1961:78), and here again it would be interesting to compare the conditions in which it is used, its range, and its effectiveness. Can it be exercised spontaneously, thus clearly increasing the opportunities for re-assuming delegated authority, or only at the request of an affected member of the public, as in Sweden (cf. Bekke, et al. 1996)? Can the exercise of this power lead to the censure of an act for inappropriateness or solely for illegality, as is the case in Greece (Bekke, et al. 1996)? The purpose of this limitation is to give greater effect to the measures aimed at devolving authority. Generally speaking, the power to re-direct the acts of public servants or to bring their actions back into line with official policy presupposes the existence of channels of communication. These may include regular reports of activity, special reports compiled following the introduction of new regulations and the reports of bodies of technical or administrative inspectors evaluating overall achievements or detailed operation. How these channels are created and are they always effective?

Comparative studies of this nature would throw greater light on the extent and on the manner of functional dependence in the different countries. It seems, however, that differences in this field are not fundamental. While certain methods may differ from one system to another, the general structure of these

systems hardly varies at all, and the philosophy on which they are based is very similar (Bekke, et al. 1996:90).

4.20.2 Justification of functional dependence

Functional dependence is explained and justified in differing ways. In a subdivided administrative mechanism there is a practical need to specify and organise tasks at different spheres in the light of the desired aims. There is also, however, the logic of the Constitutional division of powers and in particular the principle of ministerial responsibility.

4.20.3.1 Administrative necessity

The primary necessity for whom is to translate laws and policy into operational instructions for the benefit of those public servants who will be called upon to implement them. The law, which normally restricts itself to setting out general aims and principles, remains an abstraction for executive officials until it has been converted into concrete, exact terms: authorisations are to be given in certain cases on the production of certain documentary evidence; credits to be granted or taxes to be collected according to certain procedures and certain established criteria. These “operational instructions” are essential if public servants are to know exactly to what situations laws are to be applied to. The contribution which is expected of them in the achievement of a particular objective must be explained to them in terms of prescribed, authorised and forbidden actions. It has often been observed that the language which is intelligible to the middle-or lower-rung public servant is not that of the law but that of the circular on its application or the specific order, what one might call the inside of the law or policy (Bergeron in Auriacombe, 1996:89). It is the task of the higher spheres to translate and to communicate laws in this way, and provide departments with operational guidelines (Albrow, 1970:84).

It is also justified by the need to ensure that the departments act efficiently, effectively and coherently. Given the number and variety of tasks to be performed and the number and variety of public servants responsible for these

tasks, there is a need for direction from the higher spheres to guarantee that everyone collaborates in an effective and orderly way in the achievement of the aims of the particular undertaking (Jackson and Jackson, 1997:280). Seen in such a light, this power fulfils three prime functions: a motivating force, when it is necessary to initiate action or to redirect the activities of the department as the result of a new regulation; a unifying function aimed at ensuring that laws or government policy are applied uniformly throughout the country: and finally a co-ordinating function, which is necessary if different activities are to be kept in line with one another, especially if several different government departments are involved. It seems that the usefulness of the power to command in all these fields is not seriously challenged. A number of authors - and a number of public administrators - repeatedly refer to Weber's model of bureaucratic organisation to emphasise the importance of a hierarchy of powers and spheres of authority, in public organisations as much as in private ones. They associate themselves, if not in every consequence, then at least in the general principle, with the assertion that with this model it would be possible to attain the highest sphere of efficiency; it could surpass all other systems in exactitude, in stability and in rationality (Weber, 1957:229 and Dvorin and Simmons, 1972:40). For this reason, it has remained much in evidence (Albrow, 1970:84).

4.20.3.2 The political principles

Functional subordination is not only justified on grounds of administrative practicality, however. There are also political, even constitutional considerations. The minister, the supreme head of his or her department, is at the same time a member of the government team and of the Parliament. He/she is thus at the focal point where policy meets the work of the administration, and it is his or her task to take the decisions - and above all to see that his or her subordinates take the decisions - by means of which the government's programme will be transformed into reality (Hill, 1972:197). His or her power to take initiatives and to guide the administration and the implications of this power for public servants, are expressly set out in the manual given to new public servants in Great Britain.

This states: "Legally, you serve the Queen. In practice this means that you serve the minister responsible for your department, who exercises his or her authority as a member of Her Majesty's Government" (in Hill, 1972:198). Thus to obey the minister, as the representative of the Parliamentary or Presidential majority, established by universal suffrage, is in the final analysis to comply with the national will. Not only is it impossible for public servants legitimately to disregard this; the principle of the primacy of political power obliges them to implement decisions and to contribute fully to the realisation of the government's aims without being able to alter either the sense or the scope (Dvorin and Simmons 1972:40).

It is corollary of this that the minister, as head of his or her administration, is personally responsible for its performance, not only to his or her colleagues but also to Parliament. The system of representative democracy implies the existence of a politically responsible authority, which can take the blame for shortcomings or mistakes in public administration. The days when ministers found themselves obliged to resign as the result of the action of a distant subordinate are now gone, but ministers still symbolise and personify the administration with which they have been entrusted, and they alone can be made to answer before Parliament for its actions. This system has recently been re-affirmed in West Germany by the commission for the reform of the regulations governing the public services. According to the commission, the principal justification for demanding obedience from public servants is that such obedience "constitutes the sine qua non of ministerial responsibility and Parliamentary control" (Hill 1972:76).

4.20.3.3 Personal initiatives

In modern states it is not possible to regulate everything from the top. Complete centralisation of the power to decide, is no longer practical or even desirable. Two benefits have had to give way to the force of reality, to the volume and complexity of public affairs. These are the belief that a minister can be in real control of all subordinate authority, and the belief that the political authorities alone have the power to define major options.

At all spheres public servants now find that they are allowed greater latitude in their actions, and the influence of those in the higher positions on the conduct of public affairs is indisputable. The progressive extension of their role is illustrated by two parallel movements: a voluntary and considered redistribution of duties within the administrative institution as such plays in the exercise of power. Thus, responsibilities are not only delegated with a view to greater efficiency; responsibilities are also recognised in view of the nature of the institution's role.

4.21 Summary

This chapter aimed to understand the context of where and why political control over the public service is exercised in terms of the difference between the roles of the elected officials, the appointed officials as well as the public; the relationship between government and the public service; the minister's style in a democratic system; the role of politics in the nexus between politics and the bureaucracy as well as the role of ministers in a democratic system. This chapter also attempted to place the influence of politics on the bureaucracy in the context of political control over the public service in order to imagine how it could influence political control as a means to encourage Parliamentary accountability.

The chapter considered the variables, which influence the sources of public service power as well as the power in terms of discretionary authority in the process of implementing political decisions. The chapter provided some international comparisons of factors regarding the influence of public service power and includes a brief overview of the relations between ministers and high-ranking officials in South Africa.

This chapter also explored the complexity of neutrality in the public service; the political role of the public service and the balance in relations between ministers and high-ranking officials. Furthermore, the chapter attempted to answer the question "Why can ministers power leak to public servants?"

Attention is also paid to minister's ways of exercising control over the public service; international examples of the scope of political appointments and/or making use of political advisers as well as other means of exercising control over the public service.

Finally, within the context of the preceding institutional and theoretical background, this chapter provided greater clarity on the position and conduct of the public servant within the context of the hierarchical position of the public servant in relation to political control. This is a complex phenomenon that has been applied in diverse functional areas of government and administrations. The chapter set off to provide a background and rationale for the hierarchical position of the public servant in relation to political control. The chapter also explained the concept and application of functional dependence, the means of functional dependence, and the justification of functional dependence and this was followed by some personal initiatives in terms of political control over the public service.

Since there can be no responsibility without authority, the minister must or should have absolute control over everything that happens within his or her administration. If he/she is to answer for the action of his or her staff, he/she must be able to be in command of it. He/she is responsible for determining the general direction of his or her department's work, but he/she is also entitled to take the final decision, either on his or her own initiative or in response to a request, on all matters within that department's competence. Formally, moreover, most administrative measures are introduced, and most contracts signed, by him or her or in his or her name, and administrative ritual demands that official correspondence should usually refer more or less explicitly to the minister's authorisation or the minister's will.

Public servants are no more than components in a mechanism and arid the central pivot of this mechanism is ministerial responsibility. The logic of the system implies that they are not fully-fledged participants in the administrative reality, but simply docile executive instruments acting at the behest of superior authorities. Even their own actions are not really theirs, since the minister

assumes responsibility for them. The way in which their authority is exercised can be wholly predetermined or corrected retrospectively, and even when they are using the power they have been personally given by the law, they are still subject to instructions and supervision from higher authorities, whose decisions they must respect. Legally, and above all politically, they are “non-persons”.

This chapter explained why this administrative model, largely centralised both in theory and in practice, which functioned throughout the 19th century, is nowadays tending to change. It was suited to the realities and the requirements of a period when state intervention was the exception rather than the rule, when the public services were therefore relatively thinly staffed, and when a minister really could control their activities. It also reflected the ideology of the Parliamentary system of government, according to which elected assemblies or the authorities they set up are the only bodies with the power to take decisions in the name of the nation, and where the administration must restrict itself to an auxiliary or subordinate role, which excludes any scope for initiative.

It has had to give way, to some extent at least, in the face of the increasing number of tasks now assigned to public authorities. It is no longer possible for a minister to be aware of the thousands of decisions his or her staff have to take every day, nor can he/she really be the instigator of these decisions. If the principle of ministerial responsibility remains, it is only as a very general concept, as an anchor point for political control. Ministers can still be called to account for overall administration and for the decisions, which they personally have taken or approved, but they no longer automatically assume responsibility for all the acts of their subordinates, because they are no longer able to control them effectively.

This is particularly noticeable in Great Britain. The range of their responsibility has thus progressively narrowed, while the scope of the public servants' personal responsibility has correspondingly widened. It seems to be agreed today that public servants can be directly blamed by public opinion for their

mistakes and their faults. Once they could hide anonymously behind the screen of ministerial responsibility, but now their duties and their responsibilities are becoming increasingly personalised.

Moreover, the number and the technical nature of the problems facing an administration have led to a progressive shift of power, first from Parliament to government, then from government to the state departments. The increase in administrative power is a universal phenomenon today. Public servants are no longer just asked to implement decisions faithfully, but also to co-operate in the establishment of options and the determining of objectives, and even to be the active promoters of social change. This transformation of their role has had an effect on their position. While the hierarchical framework and the principle of functional dependence remain, the importance of the public servant's own initiative and responsibility, previously limited to a small amount of residual power, is now growing.



CHAPTER FIVE

SYNTHESIS, CONCLUSIONS AND PROPOSALS

5.1 Introduction

The central problem of this research is to highlight the question of whether the public service should be subject to political control and how such control should be exercised. The phenomenon of political control over the public service in South Africa cannot be quantified as an integral part of public administration and an essential ingredient of representative democracy. This is all the more essential in South Africa's case, as research and sources regarding political control over the public service (state bureaucracy) in South Africa are relatively rare comparing to sources regarding the accountability dimension of control.

The objective of this dissertation was mainly to explore, describe and analyse the role of the institutions, mechanisms and processes of political control over the public service including perspectives in terms of the functional dependence of public servants in relation to these institutions, mechanisms and processes. Selecting a method for researching the role of political control in terms of the actors, institutions and mechanisms established to serve as control institutions in public administration is beset with problems of a technical and interpretative nature, and to facilitate understanding of these difficulties, some comparative literature background was required regarding the nature of political control in political and administrative systems in other countries. It was also a purpose of this study to establish the nature of political control over the public service and the practical actions that could be taken at an institutional level to promote the balance of political control, political principles and the functional dependence of public servants in the state bureaucracy.

In this last chapter of the dissertation the study objectives, appropriate conclusions and proposals are addressed, based on the theoretical foundations that underpin the establishment, development and functioning of political control in the state system in order to determine the role of political control over the public service as well as the practical actions that could be taken at an institutional level to promote the balance of political control, political principles and the functional dependence of public servants in the public service.

The main research problem that was addressed by this dissertation was, therefore: **What is the nature of political control over the civil service and what practical actions could be taken at an institutional level to promote the balance of political control, political principles and functional dependence over the management of public assets, policies and service delivery?**

As noted in chapter one (see section 1.3), in order to guide the research, the grounded theory researcher starts with the raising of generative questions which are not intended to be either static or confining. The following questions formed the core of the research problem as discussed in chapter one (see section 1.3):

- What is the nature of the interaction between the variables of political control and democratic accountability over the administrative system, political principles and functional dependence?
- What is the difference between the elected and the appointed official?
- What is the ideological grounding of political control over the civil service and how can this interaction be strengthened and made more fluid through democratic good governance and public administration?
- What determines the nature of the civil service and how can a clear and meaningful basis for interpretation and utilisation by both political as well

as administrative aims and functions be established with regard to the role of political control?

- How can the power of ministers leak to bureaucrats (the administration)?
- What is the nature of the interaction of how ministers exercise control over the civil service?
- Are public servants neutral?
- What are the norms of ministerial accountability and how can ministerial accountability be effectively and efficiently be integrated and encouraged in the process of good governance?

To facilitate the research, to identify the core theoretical concepts (see section 1.6) and to investigate the problems identified in this study, the focus was subdivided into four research objectives (see section 1.4), which were analysed in the first four chapters of the dissertation:

- To provide a description and an explanation of the variables influencing the meanings, foundations and processes of political control over the public service through the application of a literature study in terms of a conceptual and institutional overview of the state related concepts, phenomena, institutions, structures and processes that influence control over the public service.
- To provide an overview through the application of a literature study of the variables influencing the meanings, foundations and processes of control, accountability and responsibility in terms of control over the public service in a democratic system of ministerial responsibility.
- To provide a description and an explanation of the variables influencing the interaction of political control over the public service through an application of a literature study of the role, processes and phenomena relating to the interaction of political control over the public service.
- To integrate the determinants of the hierarchical position of public servants in relation to political control over the public service through the application of observations in terms of the facts obtained through the literature studies

of the previous objectives as well as a validation of these facts through the application of information obtained during interviews.

The next section presents a synthesis of the study, taking into account the key findings, as well as the conclusions which are reflected in terms of the research objectives set out above, which provided useful answers for the research questions posed in this study as well as more insight and inputs into future research, in order to reduce the gap in the literature.

This dissertation is an attempt to make a contribution, in general, to the understanding of the role of the institutions, mechanisms and processes of political control over the public service including perspectives in terms of the functional dependence of public servants in relation to these institutions, mechanisms and processes, and is completed in the trust that the findings recorded here and the proposals made will be useful for future research.

5.2 Synthesis and findings of the research objectives

Information was gathered through both primary and secondary sources of data that would address all the research objectives, individually and/or collectively. The research objectives constituted a literature analysis and evaluation of the theoretical foundation, the information and the findings resulting from the study of primary and secondary sources undertaken to provide a basis for the evaluation of the phenomenon of political control over the public service. To ensure that this study is also seen as an appraisal of a process and not only as a description based on the information culminating from the various objectives set out in the previous chapters, new insights will also be provided in this chapter to substantiate the findings made in the previous chapters, in order to draw conclusions and make proposals on the role of the institutions, mechanisms and processes of political control over the public service.

5.2.1 A description and an explanation of the variables influencing the meanings, foundations and processes of political control over the public service through the application of a literature study in terms of a conceptual and institutional overview of the state related concepts, phenomena, institutions, structures and processes that influence control over the public service.

This objective of **chapter two** was to clarify the first study objective posed in chapter one. In **chapter two** consideration was given to various central concepts and core practice fields and institutions in which political control over the public service is situated. The aim of this chapter was to provide a conceptual clarification and institutional overview concepts, phenomena, institutions, structures and processes related to the State, government and governance that influence control over the public service, in order to establish a clear and meaningful basis for its interpretation and utilisation for the following research objectives of the dissertation. In order to eliminate confusion regarding various state-related concepts and institutions, the starting point of this chapter was to deal with the following aspects: the definition and characteristics of a state, the functions of the state in public administration, the concepts and role of the constitution and constitutionalism of a state, the separation of powers, government hierarchy or spheres of government, the system of checks and balances, as well as the concepts associated with the political organisation of the state authority.

The government- and public administration related concepts, institutions and variables that influence political control over the public service that were also dealt with in **chapter two** included the executive authority, government, executive institutions in non-democratic systems, executive institutions in democratic political systems, public administration, administration, the public sector, the public service as well as the concept structure.

Chapter two also explained the institutional factors that play a role as external variables influencing control over the public service. These institutions included institutions that oversee control, the Constitution of 1996,

the Parliament, the Cabinet, the President, the Auditor-General, the Minister of Finance, the Treasury, the Financial and Fiscal Commission, the Commission on the Remuneration of Representatives, the Public Service Commission, the Human Rights Commission and finally the central guidance institutions.

There are numerous factors that affect the political and administrative systems. Public administration, and more specifically the public service, must come to terms with, accept or resist these influences. Together the political and administrative systems form a highly complex system that does not exist for the sole purpose of delivering services.

It is found that although one finds a multitude of different states in the international arena, there are still important criteria that a state must meet to be identified as a sovereign state. Furthermore, ideological, social, and economic development led to the development of different forms of state and government. These forms of state and government led to the development of government institutions and the allocation of power to these institutions. Through the separation of powers, democratic states ensure that all political powers are not concentrated in one being or institution. The distribution of power to different spheres of government depends on the form of government of a particular state. State powers, the system and form of government, as well as the type of constitution determine the way a state is governed.

It is also a finding of this chapter that due to the size of the state and the magnitude and diversity of functions that need to be performed, the Constitution makes provision for the establishment of three spheres of government to serve national, provincial and local interests. Each sphere has clearly defined powers, functions, and authority in terms of its legislative and executive components, in line with the principles of the separation of powers.

The judiciary is independent from all other spheres of government and is structured to ensure that the principles of a democracy are upheld and that the rights and freedom of individuals are maintained.

The existence of independent statutory institutions that support constitutional democracy is also a key feature of the Constitution. These institutions ensure among other things, that human rights are observed and create answerable and accountable structures to ensure that public resources are utilised efficiently and effectively. Their independence in the execution of their activities and their requirement to report directly to Parliament, is a clear indication of open and transparent manner in which they execute their functions.

It stands to reason that none of the concepts that relate to the State and influence public administration can be applied in an absolute sense in a single chapter because the field of study of politics and administration is extensive and also because theories, processes and institutions in politics and public administration are constantly interacting. This chapter attempted to form a gradual and comprehensive background of the milieu in which the role of political control over the public service is situated. In an attempt to contextualise the oversight role of government and its structures the next objective focused on matters relating to the role of control, accountability and responsibility in the public service.

5.2.2 An overview through the application of a literature study of the variables influencing the meanings, foundations and processes of control, accountability and responsibility in terms of control over the public service in a democratic system of ministerial responsibility.

Chapter three has reviewed a range of concepts, core practice fields and institutions in which political control over the public service is situated. Attention was given to the meaning, importance and classification of control in order to establish a framework upon which political control can be based. Bearing in mind the complex public activities of the present day, it may be observed that mechanisms need to be in place to determine not only whether the public service management conditions are adhered to, but also whether the expected results have been achieved.

It was found that political office-bearers and public servants now operate in an environment that is markedly different from that of the past. Two of the most important factors contributing to this change are the financial constraints under which modern government operates and the changing expectations that the public and politicians have of the public service. Value for money has become a primary concern. In addition, the machinery of public administration and good governance have become more complex, leading to an increased recognition of the importance of (and necessity of putting in place) adequate accountability mechanisms. Accountability and responsibility are closely related and may be regarded as two dimensions of the same relationship.

This chapter has also shown that there are various facets of control and accountability. For instance, the classification, normative requirements and types of control indicate that control and accountability are both comprehensive and demanding processes. Furthermore, through experience, institutions with fixed techniques for control and supervision have been developed through the classification of control into internal (formal and informal control) and external control (by the legislature, by the Cabinet, by the Minister of Finance, by the office of the Auditor-General, by the Public Protector as well as by the electorate).

Although accountability and financial accounting are frequently equated, financial accounting is just one dimension of the control framework within which a public servant operates. Senior public servants can be held accountable in a variety of ways. There are at least two constituencies to which they may be accountable: to the internal administrative system and to the Parliamentary system, affected directly through ministers and the Public Expenditure committees and indirectly through the Office of the Auditor-General.

In trying to ensure that public servants are held accountable for their administrative decisions, the Auditor-General and the Public Protector act at a number of spheres. At one level accountability for individual decisions is

achieved by the examination and investigation of individual complaints and the provision of redress, where it is justified. Examination of complaints of the public can lead to the identification of systemic defects in procedures, approach or even attitudes and at this level valuable feedback can be given to the legislature. External control mechanisms are not a substitute for proper values and informal or other internal control mechanisms. There is a continuing need for standards to be set from the top down and for proper internal and external control systems.

The exercising of control is only one of the functions that high ranking public officials must carry out in order to obtain the joint action required to achieve a common goal. Only if effective control measures are introduced will it be possible to ensure that the most advantageous results are achieved through the most economical, effective and efficient utilisation of all the resources.

It is clear from this chapter that the essence of accountability is that it is an obligation to those who entrusted those responsibilities of good governance. It is the process of ensuring that public service activities and, in particular, the exercise of decision-making powers, whether discretionary or other wise, are carried out not only in a proper legal manner, but in a manner consistent with fairness and good managerial practices.

It was also found that politicians and public servants should be accountable for their actions to their constituencies and their superiors, respectively and more broadly, to the public. Accountability should focus both on compliance with rules and ethical principles, and on achievement of results. Accountability mechanisms can be established to be used internally in an institution or government world wide, or can be provided by civil society. Mechanisms promoting accountability can be designed to provide for adequate controls while allowing for appropriately flexible management.

The most striking feature of present day public sector reforms is the promotion of accountable and responsible management, the underlying principle of which is the delegation to managers of the responsibility for specific resources

and the accountability for their use in the pursuit of designated objectives. This implies a framework of objectives and an organisational structure of accountable units to which managers can relate their responsibilities, together with an information system for monitoring and facilitating their management types of control.

South Africans are concerned about integrity in government and they have the right to expect the highest ethical conduct of public officials. Public administration ought to operate within democratic prescriptions and values that impact upon the execution of public sector activities, and on the implementation of measures that promote accountability. In other words, when a government claims to accept the prescriptions of democracy, then it has to accept that the very same prescriptions also apply to the way in which policies are implemented. Public officials act within a political environment and must also behave in a manner that is consistent with democratic and other values. Furthermore, the enormity of dealing with unethical, illegal and corrupt practices and promoting accountability and informal control cannot be underestimated. Governments need resources, impartiality and public support to be successful and to function properly. Control is a prescriptive intervention aimed at correcting wrongs and addressing unacceptable behaviour. Political control over the public service is an attempt to create a stable environment, a prerequisite for policy implementation and monitoring.

It was also found that the measures of delegation and of devolution meant that the field of action accorded to public servants at intermediate spheres has increased quite considerably. Metaphorically “the ministerial kingdom contains a certain number of relatively autonomous provinces and the governors of these provinces have certain powers and responsibilities of their own, which they can even defend against the encroachments of their superiors”. Their actions must, of course, comply with the general policy laid down at the top and interpreted by the authorities whose area of responsibility includes that which they themselves have been given.

In theory, however, no one can replace them in the exercise of their authority and the obligation imposed upon them in this respect is less one of obedience in the strict sense of the word, than one of complying with the overall guidelines.

This enhancement of the role of public servants and the different processes aimed at moving power lower down the system represent a voluntary relinquishing of power on the part of the executive organs and a deliberate call on the lower spheres to take decisions. In addition to the responsibilities intentionally delegated in this way, however, there are a number of responsibilities inherent in the performance of public office, the necessity of which is now increasingly being recognised.

It is also a finding of this chapter that the 'legislative-centrist' doctrine according to which decisions are or should always be taken by organs originating (even if only indirectly) from universal suffrage has had its day, and the era when administrators had their hands tightly tied has disappeared - if indeed it ever really existed. Administrators remain subordinate to national representatives and to the minister appointed by them, but they play an extremely active part in the drafting and the implementation of a department's policy. In contrast to governments, which come and go, they represent a stable element ensuring continuity in the management of public affairs. Ministers are often not specialists, and so administrators represent the technical rationality on which options must be based. Their role is no longer simply to implement decisions, but to prepare them, and indeed to take initiatives. They have to respond to the requirements of the social environment, because they are often in the best position to be aware of them. Furthermore, their influence is increasing in line with the strengthening of the position of governments in relation to Parliaments. As noted in the chapter, in France and Great Britain, for example, ninety per cent of the laws that are passed are put forward by the government, but it is also no secret that plans are drawn up in administrative offices and that, except when major problems are involved, ministers often do no more than ratify.

Changes in this field are taking place at two spheres. No one now believes that the government is the “executive” arm expressing the will of Parliament. It is similarly no longer possible to regard public servants as simply putting into the effect the will of ministers. They are assigned tasks and responsibilities of their own, both in determining the work of the department and in maintaining their relations with those they administer.

The role of senior public servants is often summed up as one of preparing decisions. One can accept this definition if one add that their role is not limited to that of compiling or even finalising files, but that they are also able to influence the fate as well as the content of a decision.

As for the first of these two points, their intervention can prompt decisions, which would not otherwise have been taken. Public servants know the requirements of the environment and the means with which they can be met because they possess the necessary information, that is to say, all the data collected and discussed at the different spheres of administration. It comes more or less naturally to them to propose decisions and reforms to the ministers. However, their power can also be exerted in a negative way, in that by retaining information they can hide the real situation from their minister, and thus prevent him from taking any initiatives. It is common for information to be withheld in this way. Such action demonstrates the public servants' desire to strengthen their position and reflects the more or less overt hostility felt by 'technicians' towards politicians. A good many ministers have complained of the hidden antagonism they have encountered within their departments. Plans are declared to be impractical for technical reasons known only to the initiated; negotiations on measures, which require the assent of other ministries, are conducted half-heartedly; instructions come up against a wall of inertia. There are many effective ways of preventing something from being done. While it may be true that senior public servants are behind many of the measures which are taken, they are also responsible for thwarting a good many others.

5.2.3 A description and an explanation of the variables influencing the interaction of political control over the public service through an application of a literature study of the role, processes and phenomena relating to the interaction of political control over the public service as well as an integration the determinants of the hierarchical position of public servants in relation to political control over the public service through the application of observations in terms of the facts obtained through the literature studies of the previous objectives as well as a validation of these facts through the application of information obtained during interviews.

Chapter four aimed to understand the context of where and why political control over the public service is exercised in terms of the difference between the roles of the elected officials, the appointed officials as well as the public; the relationship between government and the public service; the minister's style in a democratic system; the role of politics in the nexus between politics and the bureaucracy as well as the role of ministers in a democratic system.

This chapter also attempted to place the influence of politics on the bureaucracy in the context of political control over the public service in order to imagine how it could influence political control as a means to encourage Parliamentary accountability.

The chapter considered the variables which influence the sources of public service power as well as the power in terms of discretionary authority in the process of implementing political decisions. The chapter also provided some international comparisons of factors regarding the influence of public service power and includes a brief overview of the relations between ministers and high-ranking officials in South Africa. This chapter also explored the complexity of neutrality in the public service; the political role of the public service and the balance in relations between ministers and high-ranking

officials. Furthermore, the chapter attempted to answer the question “Why can ministers power leak to public servants? Attention was also paid to minister’s ways of exercising control over the public service; international examples of the scope of political appointments and/or making use of political advisers as well as other means of exercising control over the public service.

Finally, within the context of the preceding institutional and theoretical background, this chapter provided greater clarity on the position and conduct of the public servant within the context of the hierarchical position of the public servant in relation to political control. This is a complex phenomenon that has been applied in diverse functional areas of government and administrations. The chapter set off to provide a background and rationale for the hierarchical position of the public servant in relation to political control. The chapter also explained the concept and application of functional dependence, the means of functional dependence, and the justification of functional dependence. This was followed by some personal initiatives as well as certain recognised responsibilities in terms of political control over the public service.

It was found that since there can be no responsibility without authority; the minister must or should have absolute control over everything that happens within his/her administration. If he/she is to answer for the action of his/her staff, he/she must be able to be in command of it. He/she is responsible for determining the general direction of his/her department's work, but he/she is also entitled to take the final decision, either on his/her own initiative or in response to a request, on all matters within that department's competence. Formally, moreover, most administrative measures are introduced, and most contracts signed, by him/her or in his/her name, and administrative ritual demands that official correspondence should usually refer more or less explicitly to the minister's authorisation or the minister's will.

It was also found that public servants are no more than components in a mechanism and arid the central pivot of this mechanism is ministerial responsibility. The logic of the system implies that they are not fully-fledged participants in the administrative reality, but simply docile executive

instruments acting at the behest of superior authorities. Even their own actions are not really theirs, since the minister assumes responsibility for them. The way in which their authority is exercised can be wholly predetermined or corrected retrospectively, and even when they are using the power they have been personally given by the law, they are still subject to instructions and supervision from higher authorities, whose decisions they must respect. Legally, and above all politically, they are “non-persons”.

This chapter explained why this administrative model, largely centralised both in theory and in practice, which functioned throughout the 19th century, is nowadays tending to change. It was suited to the realities and the requirements of a period when state intervention was the exception rather than the rule, when the public services were therefore relatively thinly staffed, and when a minister really could control their activities. It also reflected the ideology of the Parliamentary system of government, according to which elected assemblies or the authorities they set up are the only bodies with the power to take decisions in the name of the nation, and where the administration must restrict itself to an auxiliary or subordinate role, which excludes any scope for initiative. It has had to give way, to some extent at least, in the face of the increasing number of tasks now assigned to public authorities. It is no longer possible for a minister to be aware of the thousands of decisions his/her staff have to take every day, nor can he/she really be the instigator of these decisions. If the principle of ministerial responsibility remains, it is only as a very general concept, as an anchor point for political control. Ministers can still be called to account for overall administration and for the decisions, which they personally have taken or approved, but they no longer automatically assume responsibility for all the acts of their subordinates, because they are no longer able to control them effectively.

It was noted in this chapter that this is particularly noticeable in Great Britain. The range of their responsibility has thus progressively narrowed, while the scope of the public servants' personal responsibility has correspondingly widened. It seems to be agreed today that public servants can be directly blamed by public opinion for their mistakes and their faults.

Once they could hide anonymously behind the screen of ministerial responsibility, but now their duties and their responsibilities are becoming increasingly personalised.

Moreover, the number and the technical nature of the problems facing an administration have led to a progressive shift of power, first from Parliament to government, then from government to the state departments. The increase in administrative power is a universal phenomenon today. Public servants are no longer just asked to implement decisions faithfully, but also to co-operate in the establishment of options and the determining of objectives, and even to be the active promoters of social change. This transformation of their role has had an effect on their position. While the hierarchical framework and the principle of functional dependence remain, the importance of the public servant's own initiative and responsibility, previously limited to a small amount of residual power, is now growing.

5.3 Concluding proposals

Nobody seriously doubts the problems of political neutrality of the public service: whatever criticisms ministers make of officials, political partiality is not one of them. The most telling proof of this is that officials are allowed to conduct private talks with the opposition in the run-up to a general election. These contacts consist of private conversations, beginning a year or more before the anticipated date of the election, between the Director-general of each department and the opposition spokesman 'shadowing' its business.

They are carried out in the interest of confidence, and it says much for the trust that ministers have in their officials' impartiality that they can maintain a relationship of trust with those same officials who are discussing with the Opposition the mechanisms needed in the event of a change of government.

The public service is not unique in its neutrality, although sometimes seems to think that it is. Other professions require the same apolitical impartiality; the judiciary, for one.

Senior local government officials work in an atmosphere every bit as political as public servants, and its senior officials have lines of responsibility to all the councillors serving on an authority, not just the majority group. The civil service may have a certain advantage in that the majority of its policy-making cadre come straight into the service from the higher ranks of the majority party, and so have this apolitical ethos instilled into them from an early age; but essentially the same ethos is to be seen in local government, where there is far more movement in and out of the profession.

But how sustainable is the insistence that public servants must be politically neutral? Is it possible? And is it tolerable from the point of view of ministers who themselves have a deep political commitment? The short answer is; it certainly is possible, because the system has successfully operated that way for decades. One particular cause of frustration for many years was the absence of any help for ministers to deal with the party dimension of their work. Public servants, quite properly, should help ministers with a speech for a party occasion, or allow the minister to use his/her official car to travel to a party event. Still less would they analyse for him/her the impact that a proposal might have on his/her party. To some extent, this has been eased by the appointment of special advisers to ministers.

Another problem apart from political neutrality problems is the potential friction that might arise between the minister and the Director-general. Given the organisational culture gap, and given the difference in outlook and objectives, there is bound to be disagreement and occasional friction between a minister and the Director-general. It does not appear to flare up into open conflict very often, but if it gets serious, the Director-general has to take remedial action, since he/she is responsible for ensuring that the department provides satisfactory support to the minister. No written guidelines exist, but anecdote and observation suggest that the following is true:

First, the best way of dealing with conflict is to prevent it from arising in the first place. In particular:

- Induction is important in establishing the respective roles of the higher public servants in the department and politicians. A clear understanding of roles is one way of avoiding misunderstandings and false expectations. When ministers first come to the department, it is important that they have explained to them the purpose and structure of the department, and the support that they can expect from it.
- The department must show itself receptive to ministers' plans and ideas. Bureaucracies sometimes adapt slowly. The Director-general must ensure that the staff gears themselves up to the new wishes of a new set of initiatives of the minister.
- The Director-general should have enough contact with ministers to keep up an intelligent dialogue with them and allow a bond of trust to develop. A formal weekly meeting to discuss the main business in hand with the department is helpful, but is usefully supplemented every few days by informal discussions on particular issues. It is important for senior officials and ministers to understand how each other's thinking is developing.
- At the same time the Director-general should not become the conduit through whom all business must pass. There is too much work, and he/she will become a bottleneck, obstructing business. He/she should let other senior officials develop their own links with ministers. This is more efficient, and gives greater job satisfaction. He/she should insist that they are kept informed of the most important issues. The limitations of the Director General's role should be tactfully made clear to the minister; they are managers of the department and its processes, not super-secretaries to whom ministers should turn as soon as they have a problem.

If, in spite of these efforts, friction arises, which the Director-general is wise to tackle head on by speaking frankly to the minister. Ignoring a poor relationship simply makes matters worse. Often the root of the problem may be poor communication: the Director-general has not fully grasped what the minister wants, or the minister misunderstands the limits of what his/her department can do – for example, there are limits of propriety to the kind of publicity that departments can arrange for ministers which they sometimes find irksome. The minister may be a difficult personality: demanding unreasonable or even a bit uninformed. In all of these cases the Director-General must candidly and tactfully speak to his/her minister to clarify the problem; as far as is proper and possible, accommodate his/her wishes; and, if the minister is making unreasonable demands, explain diplomatically what cannot be met.



5.4 Concluding remarks

This discussion of the position of public servants within the public service and in relation to the public has thrown light on problems which merit closer attention. It has also revealed a contradiction.

It is clearly insufficient to try to appreciate how the public service operates from day to day simply by analysing texts and making observations from the outside. If the way in which hierarchical constraints make themselves felt are to be assessed, and how the rights and duties of the public service are to be understood, and how aspects of change are viewed, a study should have to be conducted in which sociologists, organisational specialists and political scientists would all participate in collaboration with administrative and executive public servants.

Taking one element of the public servant's situation - responsibility - as a starting point, such a study would provide the answers to a series of questions concerning the role of the public services in the life of the nation, the bureaucratic model and the way in which it can hamper good public administration, and even the division of power between political and administrative authorities. What are the main sources and the frequency of conflicts within the hierarchy? In whose favour are they most often resolved and by what processes? To what extent do centralising traditions stand in the way of the proclaimed need to devolve authority? Is the present balance satisfactory, or should public servants be made more responsible in both senses of the word, that is, should they be given more autonomy in the performance of their duty but at the same time be made more fully answerable for the consequences of their actions?

It can be said of public servants that they are "not quite unchained". They are subject to political authority by the constitutional rules on the distribution of power, but this same political authority depends on them for the preparation and implementation of its programme. They must respect the concept of the public interest, defined at the ministerial level, but they are in a position to

modify this even when they are not involved in establishing what it is. They comprise the links in a hierarchical chain held in place by a number of cultural and structural factors, but the traditional aspect of this chain is tending to grow blurred and its restrictions are becoming less tight.

In all these paradoxes, it would seem that developments are moving in the direction of greater autonomy. The public servant has two faces. One, ancient and familiar, is that of a docile arm of the politico-administrative system. The other, less apparent but closer to present-day realities, is that of a protagonist and this seems to be the face of the future.

