BEYOND POLITICAL DISCRETION:

REFORMING SOUTH AFRICA'S SENIOR CIVIL SERVICE

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Abstract

This paper critically investigates the reform of South Africa's Senior Civil Service (SCS) within the unique socio-political context of the country's evolving public service sector. It explores the essential yet often overlooked need for reform in the senior civil service as part of a broader agenda for public service professionalisation. Guided by the question: "In what ways can senior civil service reform contribute to broader public service professionalisation in South Africa, given its unique historical and current context?", the study delves into the interplay between South Africa's distinct historical legacy and its contemporary challenges in public service management.

The paper critiques the current focus on legal and infra-legal regulations in government reform proposals, advocating for a more comprehensive approach informed by international experiences. It underscores the importance of understanding South Africa's specific political and administrative landscape in shaping effective SCS reforms. The study argues that successful reform requires more than just new regulations; it calls for a holistic strategy that draws lessons from global practices.

In light of its findings, the paper endorses an evolutionary approach to SCS reform in South Africa. This approach emphasises the necessity of balancing political discretion with managerial competence, recognising the critical role of practical experimentation, strategic policy learning, and the development of informal institutions in conjunction with formal ones. Such a balanced approach is posited as a pathway for South Africa to achieve a more professional public service, thereby enhancing governance quality and contributing to societal wellbeing.

This study not only contributes to the academic discourse on civil service reform but also provides actionable insights for policymakers. It presents a nuanced analysis of potential reform pathways, blending domestic considerations with international perspectives, and offering pragmatic recommendations for the advancement of South Africa's public administration.

INTRODUCTION

The democratic transition and the necessity to surpass apartheid's legacy in South Africa gave rise to a highly discretionary administrative model. This model, informed by both the aim to mirror the government workforce's demographic profile with that of the South African populace and the desire for political control by placing trusted individuals in key positions, endowed the ruling government with extensive jurisdiction over civil servant selection and promotion across all public service levels. In the context of the 'sunset clauses' of the political transition, where the ANC did not trust the incumbent officials, such political discretion was viewed as crucial for overcoming the inherent hostility of the system and ensuring the successful implementation of the ANC's progressive agenda. Consequently, a bureaucracy with limited autonomy from the political sphere emerged (Chipkin, 2011a, 2022).

However, the degree to which the incumbent government can dictate personnel policy outcomes is profoundly connected to its level of patronage. South Africa's approach to state-building, by not setting clear boundaries on political and administrative office, has over time neglected empirical studies indicating the advantages of an independent bureaucracy in enhancing government performance (Oliveira et al, 2023), fostering economic growth (Evans & Rauch, 1999), aiding poverty alleviation (Henderson, Hulme, Jalilian & Phillips, 2007), and mitigating corruption (Dahlstrom, Lapuente & Teorell, 2012).

In nations characterised by patronage, those wielding political authority possess the latitude to dictate the trajectory of public officials throughout the government hierarchy, rather than just at the apex where democratic oversight might be justified (Kopecky et al., 2016). Efforts to reform the civil service in such states often pivot towards introducing merit-based systems for hiring and promotion, ensuring consistent salary structures free from political meddling, and protecting employees from politically-driven firings (Dahlstrom, Lapuente & Teorell, 2012).

While patronage reforms remain pivotal for the bureaucratic development in developing nations (Grindle, 2012), it's essential to recognise that the demarcation between patrimonial and non-patrimonial states isn't categorical but gradational. Patronage, as an inherent characteristic of public administration, exists ubiquitously, even in nations like the Scandinavian ones, celebrated for their integrity (Christensen et al., 2014).

Patronage-based appointments are a double-edged sword. On one hand, they enable political figureheads to fill roles with loyalists. On the other, they offer avenues to induct skilled professionals into government roles who may otherwise avoid a lifelong public service career due to factors like subpar remuneration (Panizza et al., 2019). While often dismissed as a mere party-political tool, patronage can, at times, be the key to harnessing the needed expertise and might even enhance accountability (Toral, 2021) and performance (Krause, Lewis & Douglas, 2006).

There's a prevailing consensus that patronage reform is vital, yet uncertainties abound regarding its practical execution, largely due to the contextual nuances of how patronage manifests and influences government outcomes. Although there's strong evidence advocating for civil service reform, and the understanding of its promotion is evolving, practical guidance on its implementation remains scarce. This shortfall is attributed to the intricate nature of the issue, diverging goals, and the practitioners' reticence in sharing their insights (Repucci, 2012). Recent findings emphasise that legal reforms are insufficient to promote merit in civil service systems (Schuster, 2017; Gajduschek & Staronova, 2021) and highlight the importance of political backing and informal institutions' crucial roles in realising merit-based practice. However, few academics and practitioners have devised practical tools for context analysis or to facilitate merit system implementation in civil service (Nunberg et al., 2010). Moreover, the outcomes of civil service reforms implemented in recent years are highly contextual (Avis, 2015) and tend to be both intended and unintended, negative and positive at the same time.

In light of this, various countries have adopted a policy of attracting, selecting, and developing a limited pool of top managers within the civil service to expedite their reform processes. This approach is seen as a pathway to uphold merit and efficiency principles throughout civil service, despite political resistance due to the change in dynamics surrounding patronage at senior civil service roles. This reform is narrow but significant, focusing primarily on altering a select group of civil servants' personnel practices who are at the civil service apex but are still accountable to elected politicians. Furthermore, it incurs lower fiscal costs compared to overall civil service reform (Cortázar et al, 2014: p 86).

The push to professionalise senior civil service roles aims to enhance their autonomy and capabilities. This not only addresses the challenge of executives lacking independence and adequate skills, but also ensures alignment with the current government's objectives. Furthermore, it acts as a safeguard against the discontinuity of policies, especially in an environment marked by ever-changing leadership and inconsistent departmental priorities (Cortázar et al, 2014: p 77).

The emphasis on specifically professionalising an elite executive tier is a modern addition to public sector management. This approach was pioneered by the United States with the inception of its Senior Executive Service cadre in 1979. Following this, an overwhelming majority of OECD member nations – over 75% – have since instituted a distinctly separate senior civil service. However, the structures for overseeing this elite tier differ across nations, reflecting diverse administrative norms and constitutional frameworks (Lafuente, Manning & Watkins, 2012).

Nowadays, OECD and non-OECD countries have employed similar strategies to hasten their civil services' transformation, making this an international trend acknowledged by multilateral organisations (Gerson, 2020). In an uncertain scenario concerning new people management trends in the public sector, professionalising senior civil servants to drive reform and modernisation processes in the state has been recognised in developed (Portugal, South Korea, Estonia), emerging (Chile, Peru, Kazakhstan), and even less developed countries, such as Côte d'Ivoire.

In contrast to these trends, this paper aims to explore the following research question: "In what ways can SCS reform contribute to broader public service professionalisation in South Africa, given its unique historical and current context?". It also considers lessons learned from international experiences and their potential relevance for South Africa. It argues that the current debate on public service reform in South Africa lacks sufficient attention to the much-needed reform of the senior civil service, a key dimension of public service reform. Further, it contends that the government's current proposals place excessive emphasis on the enactment of new legal or infra-legal regulations. A careful review of international experiences could provide South Africa with valuable insights into successful reform initiatives.

THE EVOLUTION OF THE CIVIL SERVICE IN SOUTH AFRICA

Central to the functioning of any government lies the civil service, a complex network of civil servants and governing rules that dictate their interactions. This institution is foundational to a government's operation and forms its backbone. Therefore, the tasks of defining the roles of civil servants and organising their work are essential for all governments.

Beyond its structural and administrative nature, the civil service plays an instrumental role in shaping and reflecting a nation's democratic ethos. While often seen as a purely bureaucratic mechanism, its evolution offers insights into deeper shifts within the political character of regimes. This evolution underscores a movement from a more basic, intertwined system where the political and administrative roles are less distinguished to a more mature form of governance where these roles are distinct, leading to more efficient and less corrupt administrations. This intricate dance between the administrative function of the civil service and the political ideals of democracy serves as a testament to the civil service's pivotal role not just as an administrative entity, but as a barometer of democratic maturity (Chipkin, 2021).

In the context of this article, the term "civil service" is not confined to the organisational structure of public administration. Instead, it is conceived as a comprehensive set of regulations that govern the management of human resources in service of the government. These regulations, operationalised through procedures like selection, performance evaluations, promotions, and dismissals, serve as practical translations of principles for state administration. However, the arrangement and application of these regulations in the civil service can differ amongst governments, within a government, and across time, responding to evolving ideas and theories on democracy and government administration.

To further elaborate, consider the framework on models of political-bureaucratic relations that have emerged in various nations, by Desandi and

Esteve (2017: p 232). Two crucial dimensions, separation and autonomy, shape these models. Separation relates to how distinct the spheres of politicians and bureaucrats are in practice. In certain systems, roles between these two groups are sharply defined, echoing a more democratic setup where civil servants act as neutral implementers of the elected officials' mandates. In others, responsibilities and roles may overlap, leading to a more ambiguous division of labour.

Autonomy, on the other hand, addresses the freedom with which bureaucrats execute their designated functions without political interference. High bureaucratic autonomy often translates to more general, broad-scope mandates from political leaders, giving the civil service latitude to determine the specifics. This autonomy has been seen as a cornerstone of effective governance, which fosters innovation, risk-taking, and adaptability within the bureaucratic system (Fukuyama, 2013: 359, cited by Desandi & Esteve, 2017). For instance, the transformative growth witnessed in East Asian nations like South Korea and Singapore was underpinned by a highly autonomous bureaucracy. Conversely, where bureaucratic autonomy is stifled, governance can falter, becoming less effective or even predatory.

Building on this concept of autonomy and its interplay with political influence, we can delineate at least four archetypal civil service structures. These are based on the interrelationship between politicians and bureaucrats: i) intrusive, typified by nations like India and Ghana, where bureaucratic autonomy is limited, but a clear demarcation exists between political and bureaucratic entities; ii) collusive, evident in countries such as Mexico and Zimbabwe, characterised by minimal autonomy and a blurred division between political and bureaucratic spheres; iii) integrated, as observed in the US and the UK, where both autonomy and clear separation between political and bureaucratic realms coexist; and iv) collaborative, akin to systems in China and Singapore, where bureaucracy enjoys high autonomy but functions closely with the political sphere.

While these archetypes offer valuable insights, it is imperative to remember that the actual dynamics between politicians and bureaucrats can be intricate and not strictly confined to these categories. These relationships are fluid, moulded by diverse political, economic, and administrative influences. They can also vary within different tiers of a nation's governance. As such, any analysis of civil service must acknowledge its deep-rooted connection with political tenets, going beyond mere administrative functions.

Despite their vital role, the civil service's internal organisation and its way of working, the rules of the civil service game, to borrow a metaphor from institutional economics, usually go unnoticed by the general public, reducing them to a subject of interest primarily for public management specialists, civil servants, and lawyers. However, citizens maintain high expectations regarding the functioning of the government, demanding transparency, and accountability from the civil service. Societal expectations also reflect principles like meritocracy and non-discrimination as essential aspects of government operation. The expansion of priorities and the reshaping of citizens' perspectives on government action have led to the emergence of additional aspirations, such as the pursuit of efficiency and a commitment to diversity.

Governments worldwide face increasing pressure to modernise their public administrations, aligning them more closely with societal goals and citizens' priorities as expressed through democratic avenues like elections. For South Africa, the dawn of democracy in the 1990s also marked a transformative phase for its civil service, symbolising a move away from the management practices reminiscent of the apartheid era (Chipkin, 2011b). Yet, as Chipkin and Meny-Gilbert (2012: p 111) have pointed out, while there were shifts, continuities from the apartheid period have persisted. One notable area was the failure to fully rationalise the public service, particularly in establishing a clear demarcation between political and administrative roles. Thus, to fully grasp the intricacies of the National Party government's civil service management, it's imperative to view it against the backdrop of the regime's evolving landscape, acknowledging both its transformative strides and the areas where legacy practices remained entrenched.
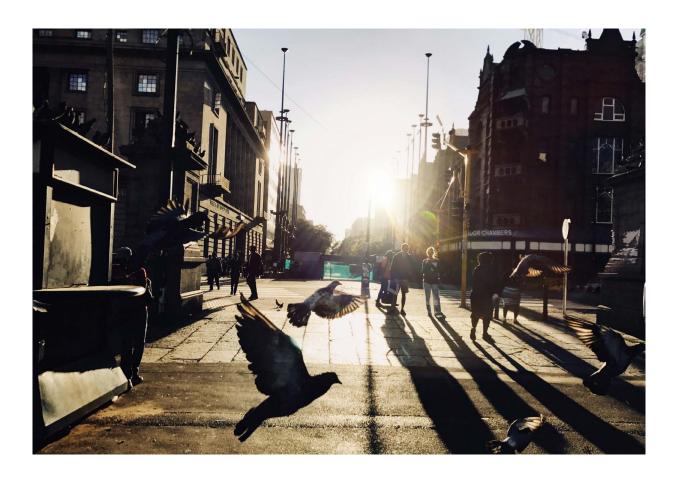
The apartheid bureaucracy initially lacked a merit-based system and was largely populated by white males. However, it was still structured on bureaucratic lines (Chipkin & Lipietz, 2011, p. 11).

A significant shift took place with the introduction of the National Security Management System (NSMS) in 1972, providing the executive with vast authority in formulating personnel policies (Marais, 1998, p. 52). This resulted in a patrimonial politicisation within the South African civil service that was absent during the early apartheid years (Charney, 1991, p. 16), undermining bureaucratic hierarchies by placing intelligence operatives within the top tiers of the administration. (Chipkin & Lipietz, 2011, p. 11). This politicisation formed the basis for the civil service inherited by the African National Congress (ANC) during the democratic transition. It emphasised political discretion in personnel policies, coinciding with ambitious transformation plans requiring a broad competency government to alter the administration's structure.

Considering this historical context, it is crucial to define and elaborate on the terminology used in this research. 'Professionalism' means not just having special knowledge and skills, but also following a code of conduct and serving the public. But this is different from 'technical competence.' Technical competence is about having the right abilities, like passing exams, doing well in job reviews, or having expertise in areas like economics or engineering. It also means being able to work independently, even when there's political pressure.

In terms of the civil service, "professionalisation" indicates the enhancement of these qualities within its ranks, driving the capacity for efficient, effective, and equitable public service delivery. It's entirely plausible for an individual to be both technically competent and politically loyal. In fact, this combination would be ideal. The challenge lies in maintaining a balance between these two factors, considering the scarcity of individuals possessing both characteristics, and the potential conflict between these traits during decision-making processes.

Although there isn't a consistent policy for appointing senior civil servants in South Africa, it does not indicate that the criteria for appointments are exclusively patronage-based or politicised. Executive authorities have a vested interest in equipping their agencies with talented professionals in order to implement their political agendas effectively. Therefore, considerations of merit typically form part of the decision-making process for politicians. They usually adopt strategies to influence the composition of the civil service, taking into account both political loyalty to promote the administration's responsiveness, and professionalism, or administrative experience, to ensure organisational competence (Moe, 1985).

In South Africa, however, a departure from this standard is noticeable. The emphasis on merit-based considerations often becomes secondary to patronage and elements of criminality (Chipkin & Vidojévic, 2022, p. 245). This deviation has contributed to concerns that some pivotal institutions are nearing dysfunction due to inadequate oversight (Naidoo, 2023). Beyond just patronage, the integration of ineffective administrative practices has played a role. Such practices disturb leadership dynamics, leading to inconsistent outcomes in public organisations (Chipkin & Vidojévic, 2022, p. 249).

One possible explanation for this divergence lies in South Africa's dominant party political landscape. Given the ANC's significant stranglehold on electoral outcomes, there may have been less urgency to prioritise competent policy delivery. There have been exceptions, though. Notable successes, like that of the National Treasury (Pearson, Pillay & Chipkin, 2016) have blossomed in domains where the bolstering of institutional capability resonated with the broader electoral goals.

Geddes (1994: p 94) postulates that when one party disproportionately reaps the rewards of patronage, the motivation to implement civil service reforms dwindles. Such a party can manipulate the civil service for electoral benefits. However,

in a more balanced political landscape, with multiple parties holding comparative legislative influence, there's a greater inclination towards reforms. The rationale? Little is lost in ending patronage when it's an equal game for all, and there's electoral merit in championing reform. Yet, Geddes (1994, p. 95) also posits that even in a single-party dominated environment, civil service reform isn't off the table. It might be pursued if public exasperation with bureaucratic inefficiencies and corruption reached a tipping point, wherein politicians gauge more electoral risk from opposing reform than from curtailing patronage perks.

At the heart of the matter is the extent to which the ANC's political dominance explains the stagnation of public service reform in South Africa. As public dissatisfaction with service delivery escalates and emerging political coalitions threaten the ANC's long-standing dominance, one must consider the deeper obstacles to effective reform. The reasons go beyond immediate politics. They include not only the basic institutional framework established by the 1994 constitution and subsequent key legislation, but also the historical inertia of entrenched administrative practices accumulated over thirty years of democratic rule. Therefore, a historical examination of the evolution of South Africa's senior civil service is important to contextualise the current situation and anticipate pathways for meaningful reform.

The Civil Service Under Apartheid

The election of the National Party in 1948 is usually regarded as the beginning of apartheid, the system of institutionalised racial segregation that was in place in South Africa until the early 1990s. Three main policy strategies underpinned the agenda of Afrikaner nationalism in this period (Luiz, 1998): (i) the imposition of new and severe racial discrimination rules aimed at ensuring white supremacy in the labour market, political system, education and all spheres of life in society; (ii) the introduction of a robust social welfare system to address white (mainly Afrikaans) poverty and most notably; (iii) the enlargement of the public service and parastatal sectors with the aim of providing employment opportunities for Afrikaners, including the adoption of affirmative policies to ensure the dominance of white Afrikaners (to the detriment of those of British descent) in high-ranking posts of government.

In the 20 years of National Party rule (between 1948 and 1968), the presence of Afrikaners at all levels of the civil service, state-owned enterprises and security forces doubled (Giliomee, 1979). Total employment in the central public administration went up from 219,736 in 1960 to 431, 932 in 1977, a workforce growth rate of 5.4 per cent per annum (Nattrass, 1981). Throughout this period, the size of the public sector share in the economy – and in the labour market – grew consistently, from 23.5 per cent of GDP in 1946 to 30.7 per cent in 1975 (Luiz, 1998).

Elsewhere in the West, the end of the Second World War was also followed by a process of steady growth in the role of the state in the economy, leading in several countries to the expansion and professionalisation of the public sector workforce. The National Party government, however, combined industrialising pretensions with its unique project of racial domination. This blended economic intervention with large-scale social engineering to construct a society where racial domination and segregation were omnipresent, upheld by state power. A paradox emerged within the South African state during this time: despite the expansion in the size and scope of the state, there wasn't a concurrent modernisation and professionalisation. Instead, as the state grew, its capacities and the skills of its personnel deteriorated. By the time Apartheid reached its peak in 1960, the state's responsibilities increasingly fell to a workforce that was less qualified and competent (Posel, 1999, p. 119).

This expansion on somewhat unprofessional foundations can be attributed to the National Party's efforts during apartheid to manipulate the ethnic composition of the government workforce in line with the state's official ideology of Afrikaner nationalism. Affirmative action policies were designed to favour white Afrikaners. These policies manifested in various ways, such as targeted recruitment of Afrikaners for prominent positions in public administration departments and state-owned enterprises. Another significant policy

was the prerequisite of bilingualism (in English and Afrikaans) for high-ranking positions in the public service — a requirement most English-speaking officials found challenging (Lester, 1995, p. 122). The policy's effect was evident when, in 1976, only seven of the top 146 positions in the entire public sector were occupied by individuals with English surnames (Posel, 1999, p. 105).

The decline in the skills base of the public service should not be understood as a result of Afrikaners being inherently less capable than their English-speaking counterparts. Rather, it was due to a shortage of adequately qualified Afrikaners for all available positions. The race-based regulation of the labour market meant that as formal employment expanded in high-value industries, white skilled workers moved in, attracted by higher wages. This movement left the public sector with a critical shortage of skilled workers. In 1968, the largest civil service union, the Public Sector Association (PSA), reported in its official journal a worrying possibility: the lack of qualified personnel in the public sector could lead to its disintegration (Posel, 1999, p. 106). By 1974, prestigious state enterprises, including the post office and the railways, couldn't fill 30 per cent of their highly skilled positions because of a shortage of qualified white workers in the labour market (Luiz, 1998).

The combined effects of a bloated public service at the bottom, in which less complex functions were performed by white Afrikaner workers who lacked the necessary skills, coupled with vacancies in the public service at the top, had a strong impact on government productivity. In this context, the erosion of the prestige of public service intensified, cementing the figure of the incompetent and lazy civil servant, who only held public functions due to his or her race (Posel, 1999, p. 108).

Throughout this period, the Public Service Commission (renamed the Commission for Administration) was, at least in theory, the entity responsible for ensuring autonomy and merit in human resources management at the service of the state. On paper, its function was to carry out centralised recruitment of professionals for the civil service, provide guidance on human capital development policy, manage and supervise channels for whistle blowing and complaints of harassment among civil servants. In reality, the Commission's decisions were never open to public scrutiny and the body never represented an obstacle for the National Party to manipulate employment conditions and impose its political leaning at all levels of the civil service (Posel, 1999, p. 115).

There were many reasons for the erosion of the apartheid state (1970-1994), such as the growing insolvency of the state with the loss of dynamism in economic growth, the increasing radicalisation of domestic opposition and international hostility towards the South African government. In addition to these factors, there was a consistent process of administrative decline due to distortions in the civil service and the diversion of state funds to the security sector - in 1978, defence accounted for 21% of the country's budget. It is in this context that in 1972 the South African government implemented the National Security Management System, which, in addition to intensifying the apparatus of political repression, secured for military and intelligence apparatchiks greater powers of intervention over the functioning of the civil service, politicising it in an accelerated manner (Marais, 1998, p.52; Selfe, 1987, p. 165).

In this context, a series of reforms were introduced. In the political arena, restrictions on black civic life and political participation slowly began to be lifted as a reaction to the growing domestic opposition and international boycott. In the economic arena, falling growth rates led to a gradual decrease in state intervention in the economy from the 1970s onwards (Luiz, 1998), which led to the removal of import restrictions and a policy of privatisation in the late 1980s (notably the privatisation of the state mining company, Iron and Steel Corporation, ISCOR).

In the administrative arena, there was a gradual reduction in the number of departments from 39 to 22 (Geldenhuys & Kotzé, 1983, p. 36), which, in turn, reduced the number of civil servants performing low-complexity tasks. Furthermore, with the aim of transforming the administrative culture of the public service by introducing a managerial orientation to government business, the figure of the "Director-General" was created – a "super-managerial" position at the top of the public administration, with salaries and benefits compatible with those offered by the private sector. Ostensibly, these changes were designed to attract high-quality talent to the upper echelons of public administration (Posel, 1999, p. 110).

Attempts to reform the apartheid state were a complete failure. In the administrative sphere, the proposed reform of the top administration did not address a structural problem in the functioning of the South African civil service: the extension of patronage held the National Party hostage to the Afrikaner bureaucracy, which became one of its most important electoral bases.

As a result, bureaucratic rationalisation became increasingly difficult and politically unfeasible: according to Lester (1995, p. 199), by the late 1970s one-third of white workers and two-thirds of Afrikaners were still employed by the state.

In any event, this situation presented a paradox in that the National Party's immediate interest in providing employment to its base clashed with the danger posed by a fragile and incompetent administration to the party's long-term survival. As a result, the government remained committed to finding ways to reconcile this paradox by devising a reform plan that could overcome it. It was in this context that the power to hire new directors-general from outside the civil service was introduced, as it enabled the government to replace senior civil servants who were perceived as hostile to the reform plans (Posel, 1999, p. 110). The political use of directors-general is evident in a survey cited by Miller (2005) in the 1980s, which found that 47 per cent of them claimed to have been appointed based on seniority, 40 per cent on the basis of political influence, and 14 per cent on a combination of seniority and political influence.

Another important feature of apartheid's development from the 1970s onwards is the granting of administrative autonomy, self-government and nominal independence to the bantustans - territories set aside by the government for blacks, with the ultimate aim of stripping them of their South African citizenship. Despite the fact that the bantustans were not recognised by any country in the world, they became political and administrative entities, directly or indirectly funded by the South African government. In 1993, there were approximately 500,000 public servants working in the various forms of existing bantustans in South Africa (Mokgoro, 19934, as cited in Humphries, 1994).

The creation of the bantustans had unforeseen consequences for the racial management of the public service in South Africa. They were established through both coercion and co-optation of the leadership of these political communities, which were granted varying degrees of administrative autonomy and transferred resources (the then Commission for Administration, in Pretoria, did not have jurisdiction over the organisation of the civil service in the bantustans in their various forms). In these areas, public functions were reserved for Africans, who were also given the power to organise their own public services, including the ability to determine salaries and fringe benefits. As a result, civil servants in some bantustans received

higher remuneration than their counterparts in South Africa by the late 1970s, according to Posel (1999, p. 113). This was a source of frustration for white civil servants and their unions, but they did not express open hostility towards the government due to the domestication of white labour by the National Party and the recognition that white civil servants already enjoyed protections against competition from cheap black labour.

The Transition to Democracy

Political détente and negotiations in the early 1990s brought about a new political system and a series of changes in the organisation of the South African state. The process culminated in the passing of the 1996 constitution, which provided for a parliamentary system of government and a state organised into three spheres of government: national, provincial and local. At present, the country consists of nine provinces and 257 municipalities, including eight metropolitan regions. The bantustans were abolished and incorporated into the Republic of South Africa, and the existing 11 civil services (including the autonomous bantustans and the nominally independent ones) were merged into a single national civil service (O'Malley, 2004). Parliament is bicameral and consists of a National Assembly, elected by direct vote, and a National Council of Provinces, whose delegates are elected by provincial legislatures. The transition process took place under an interim constitution, approved in 1993, which, in order to avoid administrative upheaval, guaranteed the positions of white civil servants through so-called "sunset clauses". This compromise was maintained until the new constitution came into force in 1999.

The interim constitution re-established the Commission for Administration as the Public Service Commission (PSC), and gave it the same powers that it performed in theory under apartheid: the recruitment of civil servants; advice on human resource management policies; and oversight of the principles of merit in the public service. In other words, when the African National Congress (ANC) took power in 1994, the PSC had authority over the management of human resources. The new government, however, had other ideas about how to reform the public service. In the context of the White Paper on Transforming the Public Service (RSA, 1995) the powers of the PSC were transferred to the Ministry of Public Service and Administration in 1996 (Ncholo, 2000, p. 89). Meanwhile, the new constitution only assigned to the body the roles of research, monitoring and oversight of personnel policies.

At the same time, the Ministry of Public Service and Administration retained only the authority to issue general guidelines on the organisation of the public service. Executive responsibility over human resource management was decentralised to the Executive Authorities (EA), such as ministers of state, who in turn could delegate such functions to directors-general or other civil servants under their administration. These responsibilities included the recruitment and selection of staff, the design of rules for promotion, organisation and transfer of staff and performance management. The same degree of decentralisation was also extended to provincial administrations.

The choice to decentralise personnel policy was consistent with international trends of the New Public Management, which promoted the managerial autonomy of line agencies to improve public service delivery. In the case of South Africa, however, the decentralisation of human resource management did not empower senior civil servants, as observed in OECD countries, but politicians, who might or might not delegate their powers to civil servants (Cameron, 2010). The reason for this move was the ANC's deep mistrust of white bureaucrats who still held a disproportionately high number of positions in senior management (according to Humphries, 95% of senior civil servants in South Africa's central government were white in 1994). This was not without reason: a survey conducted by the Human Sciences Research Council in 1991 showed that the upper strata of the civil service showed strong support for the policies and management practices implemented during apartheid (DPSA, 2008).

The Public Service Act, approved in 1994, set out a series of tools for classifying civil servants, differentiating, for example, between officers with permanent contracts and employees with temporary contracts. Positions were classified into two divisions, A and B, and the filling of positions in division A had to be preceded by a formal recommendation from the PSC (which, as noted, was stripped of its powers years later), and positions in division B could be filled based on the decisions of each department (RSA, 1996). All positions were also classified into occupational categories or classes, according to the complexity of the functions performed. Non-managerial positions were organised at entry level up to assistant director level, the latter considered the highest class of non-managerial positions (O'Malley, 2004).

Managerial functions in departments are organised into five classes (from the lowest to the highest hierarchy): deputy director, director, chief director, deputy director deneral and director general, the latter being the highest-ranking civil servant in any department. Departments are organised into units, which in turn may be headed by a deputy director, a director or a chief director. In order to strengthen the managerial capacities of the public service, in 2001 the government organised the positions of the four upper levels of the administration into a Senior Management Service (SMS), inspired by the senior civil service systems introduced in countries such as the United States, Australia and New Zealand. The goal of the SMS is to improve the recruitment, training and development mechanisms for senior civil servants, and to create a pool of leaders with well-developed managerial skills who can be flexibly allocated to different departments in the civil service. Like the rest of the civil service, the SMS is managed in a decentralised fashion, unlike the experience of countries such as the USA, the Netherlands and the UK, where management of the Senior Civil Service is centralised under an agency dedicated to promoting leadership capabilities in government.

Public Service Management under ANC Governments

In the first years of democracy, the ANC-led process of restructuring the civil service faced challenges of great significance, the greatest of which was the incorporation of the civil services of the autonomous and nominally independent bantustans, a process that has left very visible, spatial and institutional marks on the functioning of contemporary South Africa. Broadly speaking, the bantustans were ruled by tribal elites subject to Pretoria's control, but the relationship of subjection was settled by bargaining: in exchange for providing legitimacy to the National Party's plan to strip blacks of their South African nationality, the tribal elites were able to bargain for resource transfers (by the end of the apartheid period, about 75% of the bantustan's funds were derived from direct payments originating from the central apartheid government, (RSA, 1993, p. 44) and administrative autonomy. It is from this position that some bantustan elites nurtured the creation of black middle classes under their leadership, especially formed by a growing class of bureaucrats (Siyongwana, 2009).

Notwithstanding, the functioning of political-administrative structures in all bantustans was not solely determined by relations of a tribal nature. In fact, the bantustans differed in their political and economic situations. While none were democratic or able to institute consistent development policies, the levels of political openness and administrative quality varied. For instance, Transkei had a relatively stable government and some social reforms, but also faced corruption (Siyongwana, 2009) and repression. Bophuthatswana was wealthy due to its platinum mines but suffered from inequality and violence. Ciskei was plagued by coups and conflict, while Venda was isolated and impoverished.

A pertinent source is Jeff Peires (1996), who, based on Transkei's experience, posits that the experiences of the bantustans were neither homogeneous nor monolithic. According to his analysis, Transkei cannot be simply understood as a state dependent on South Africa but as a complex and dynamic experiment in self-government. This is significant since it underscores that bantustan administrations cannot be reduced to tribal governance arrangements alone. The situation gave rise to a multifaceted mosaic, which at times even resulted in an embryonic process of bureaucratic rationalisation in some of these territories (Phillips & Chipkin, 2014; Meny-Gibert, 2021, p. 69).

This context posed a double challenge to the ANC, which, on the one hand, absorbed former bantustan elites into its ranks and on the other, was faced with the challenge of incorporating both the white civil servants inherited from the apartheid administration and the members of the Bantustan civil services into a new democratic civil service (Siyongwana, 2009, p. 298). This was a Herculean task, given that at the end of apartheid the country had 10 bantustans, whose administrations were organised into 151 departments and over 650,000 professionals, an enormous group of bureaucrats whose careers were built and regulated in highly clientelistic and patrimonial political environments, and who, during the transition negotiations held in the 1990s, also demanded, like the white civil servants, that their jobs and pension benefits be maintained (Phillips & Chipkin, 2014).

The implications of the incorporation of former Bantustan personnel into the civil service of democratic South Africa are evident. A study conducted by researchers at the University of Cape Town identified that the institutional heritage of the bantustans is one of the important drivers of the divergent educational outcomes of the Western Cape and Eastern Cape provinces (Levy, Cameron, Hoadley

& Naidoo, 2016). The former, which has higher educational outcomes, has not faced challenges related to incorporating bantustan structures into the provincial civil service, inheriting a hierarchical, unresponsive bureaucracy steeped in apartheid culture but organised along the lines of a traditional public administration. The second, in turn, is the product of the merger of two nominally independent bantustans that were home to more than two-thirds of the provincial population at the time, and whose civil services were organised along the lines of a personalist and openly patrimonial regime.

Given the magnitude of the challenges posed by the transition process, on assuming government in 1994 the ANC relied on all the available resources to mobilise and allocate party cadres and particularly prominent members of civil society aligned with the party's objectives across key government positions (Cameron, 2010). There is some consensus that under Nelson Mandela's presidency (1994-1999), the ANC was able to achieve relevant results, not only the formal integration of the bantustans into the new administration (a process which is also known as "fiscal consolidation"), but also by initiating the construction and institutional strengthening of fundamental institutions for the operation of the new democratic state, such as the South African Revenue Service and the National Treasury (Pearson, Pillay & Chipkin, 2016).

As early as 1997, the strategy of appointing cadres from outside the ANC but ideologically aligned to the party began to show signs of exhaustion. In that year, the party introduced its Cadre Policy and Deployment Strategy, which called for the predominance of party cadres in the civil service. This change influenced a new wave of appointments that were more overtly political than those of the previous period and, more importantly, without the balance of political criteria and the assessment of managerial skills that had existed in the previous period (Cameron, 2010).

The development of party control over the functioning of the civil service is organised around two important procedures: (i) the centralisation of decisions on the assignment of cadres to government by the ANC; and (ii) the fragile framework governing the recruitment and selection of senior civil servants. On the one hand, the ANC ensured that party decisions on appointments in public agencies, state-owned companies and parastatal entities were centralised in its Cadre Deployment Committee within the party leadership (Booysen, 2011, p. 373). On the other hand, the current regulations on the selection of directors-general state that they should be open (i.e., that

the positions and selection requirements should be disseminated nationally to professionals from within and outside the civil service), but that the assessment of candidates is a prerogative delegated to the executive authorities, which in turn must establish selection committees that include at least three ministers, whose recommendations must be endorsed by the cabinet (PSC/Public Service Commission of the Republic of South Africa, 2016).

Both procedures provide the ANC with significant leeway in determining the outcome of the selection of directors-general, who are only able to exercise any authority over the organisation of their departments, including the selection of managerial and non-managerial staff, by delegation from their respective ministers. This dynamic lies at the heart of the challenges at the "interface" between DGs and ministers. DGs lack direct recruitment powers over managerial and non-managerial staff, with that power remaining with the minister, who must delegate it to the DG before they can exercise it. As a result, while DGs are responsible for the operational aspects of departments, they do not have control over the most critical resource, namely staff.

During the Jacob Zuma administration (2009-2018), the politicisation of the civil service escalated to a new level, with a focus on appointments based solely on patronage and the use of public offices as bargaining chips in party disputes. This was a part of the complex process of state capture that developed and reached its peak during this period. It is evident that patronage was employed as a tool of party control during this era, which may account for the stabilisation and reduction of protests in South Africa between 2013 and 2017 (Chipkin, Vidojevic, Rau & Saksenberg, 2022).

With the end of the Zuma era and the recognition of the damaging effects of state capture on the institutional capacity of the public service, discourses in favour of creating more professional processes for the recruitment, selection and development of senior public service staff have grown both inside and outside government. In 2022, the government announced its intention to implement a recommendation contained in the National Development Plan (published in 2011) to create a new position in the government responsible for the administrative leadership of the civil service, to be filled by a professional cadre responsible for guiding and overseeing the recruitment and career

management of directors general, thereby balancing the political-administrative interface within the government in favour of administrative autonomy.

In response to this, in October 2022, the cabinet approved the National Framework Towards the Professionalisation of the Public Sector (NSG, 2022), a document containing ideas and proposals to enhance the functioning of public administration in South Africa, developed by the National School of Government (NSG). Among multiple recommendations, the plan calls for "Stabilising the Political-Administrative Interface", and for this purpose suggests the creation of the role of Head of Public Administration (HOPA) who would assume significant responsibilities in appointing and managing the career incidents of heads of department. The document also emphasises that the Director-General in The Presidency should be designated as the HOPA.

The Senior Management Service (SMS) in South Africa

In 2001, the South African government established the Senior Management Service (SMS) as part of a broader effort to strengthen the management capacity of the public service. Inspired by similar senior management services established around the world as part of New Public Management reform practices (Chipkin, 2016), the South African model aimed to improve the recruitment, training and development mechanisms for senior civil servants, with the ultimate goal of creating a mobile and flexible pool of managers with well-developed management skills capable of improving service delivery throughout South Africa.

The SMS involved managers at the four highest levels of the civil service, who worked on a three-year, renewable, performance-based contract aligned to their organisation's objectives and government's strategic priorities (Cameron, 2010). The SMS Competency Framework was developed to professionalise senior managers and ensure that they had the necessary competencies for effective leadership. The aim of the framework was to enhance the SMS's leadership capability and provide an appropriate competency development scheme. Competency assessments were to be used to organise the selection of individuals for the SMS and to identify competency gaps among existing SMS members.

However, the SMS has faced several challenges in its implementation. The appointment of members of the SMS has largely depended on political considerations, thereby undermining the system's ability to provide effective mechanisms for the recruitment, retention (DPSA, 2006) and performance management (Penceliah, 2012) of its members. As the president is the appointing authority for the members of the SMS (ECA, 2010), which is delegated to the ministers responsible for organising and supervising the recruitment process, there is no independent authority responsible for maintaining a degree of relative autonomy in the functioning of the system. As such, the SMS system should now be understood as a combination of a highly political and contractual system for managing senior civil servants.

Despite the existence of formal qualifications for the appointment of new professionals to the SMS, the system suffers from a significant disconnect between its competency framework and the selections made in practice, due to the lack of autonomy of the selection committees to conduct assessments in a professional manner. Unlike the senior civil service systems in countries such as the USA, the Netherlands and the UK, where key responsibilities for managing the system are centralised in a dedicated agency (such as recruitment, development or performance evaluation), in South Africa none of its dimensions are managed by a single agency or in a coordinated fashion, making it difficult to develop institutional capacity to manage senior cadres within government.

Moreover, concerns have been raised about the effectiveness of the SMS, given its rapid expansion from an initial target of 3,000 members to more than 10,000 members in 2016[1]. This growth raises questions about the system's ability to function adequately (Chipkin, 2016), as similar systems around the world tend to be much more compact (7,000 in the US[2], 1,200 in Chile[3], 1,100 in the Netherlands[4], to name a few).

[1] Parliamentary Monitoring Group. (2016, May 10). Public Service Commission & DPSA on Senior Management Service. Retrieved March 7, 2023, from https://pmg.org.za/committee-meeting/22211/

[2] U.S. Office of Personnel Management. (n.d.). Senior Executive Service: Facts & Figures. Retrieved March 7, 2023, from https://www.opm.gov/policy-data-oversight/senior-executive-service/facts-figures/#url=Overview

[3] Servicio Civil de Chile. (n.d.). Datos Abiertos. Retrieved March 7, 2023, from https://datosabiertos.serviciocivil.cl/

[4] Algemene Bestuursdienst. (s.d.). Organisatie. Algemene Bestuursdienst. Retrieved March 7, 2023, from https://www.algemenebestuursdienst.nl/organisatie/algemene-bestuursdienst

THE CHALLENGE OF PROFESSIONALISING THE CIVIL SERVICE

The civil service in democratic South Africa is inspired by the structure and functioning of the British civil service, but the conditions of the transition process produced a trend towards a strong politicisation of public administration, initially motivated by the ANC's mistrust of the civil servants inherited from apartheid, which were later increasingly influenced by political disputes within the party. The decision to transform the PSC into a monitoring body, without executive functions or sanctioning capacity, and to decentralise competencies over personnel policy, led to an increase in administrative discretion at all levels of government, despite the existence of some attempts to professionalise the performance of civil servants who exercise managerial activities (such as the creation of the SMS).

However, there has been little effort to develop a comprehensive and integrated strategy to professionalise senior management in South Africa. The Directors-General (DGs) are critical in this respect, as they serve as the primary arena for interaction between policy and administration within the government. While South Africa has chosen a model in which administrative responsibilities are delegated to DGs without providing them with the autonomy and flexibility to implement the policy, the global trend is to guide the work of senior civil servants so that they can organise their work around delivering pre-agreed outcomes, while also respecting the political direction provided by the government's agenda.

The result of this process is a civil service management model that is not subject to checks and balances of almost any nature, unlike the British system, where political discretion is limited by the action of an independent commission with broad authority to guide and sanction human resource management practices, or unlike the one that prevails in countries like France. In the French model, selections are also carried out in a decentralised manner, but they are restricted to a very precise set of rules and procedures, whose non-compliance leads to the annulment of public competitions by administrative judges (Czech Republic, Ministry of the Interior, Civil Service Section, 2020).

The literature on the benefits of professionalisation of the civil service for government effectiveness is abundant. If the evidence is diverse and plentiful, what is the reason why the professionalisation of the civil service in South Africa is not thriving?

While in the transition to democracy, the ANC's politicisation of the civil service responded to the imperative of replacing white bureaucrats, given the new political elite's lack of trust in public servants, over the years politicisation came to respond to power contests within the party. The result is that today any attempt to depoliticise the upper echelons of public management would conflict with the interests of career advancement of civil servants, who have dedicated more and more energy to nurturing relationships with the political world, given their centrality in defining HR policies, to the detriment of the achievement of policy results.

In this context, in any given scenario, even if the ANC is replaced by another party or coalition, incentives for the professionalisation of the civil service would remain low, to the extent that any incoming government would have a high degree of distrust of the bureaucracy, on the understanding that the bureaucrats it inherits owe their career advancement to members of the retiring government. A new government would only have incentives to trust the bureaucracy if it is confident that the retreating government was unable to determine, unchallenged, the outcomes of personnel policies. This is a scenario quite similar to that found in Eastern European countries (Meyer-Sahling, 2006), where distrust of the bureaucracy created incentives for the recurrent replacement of civil servants at each change of government, locking the countries into a highly politicised model of civil service governance.

The situation in South Africa is particularly delicate, as the politicisation of the civil service is both centralised and highly institutionalised within the ruling party's Cadre Deployment Committee. This poses a challenge to reform efforts aimed at separating administrative and political offices, which also requires addressing politicians' control over personnel policy outcomes. Some studies suggest that overcoming this challenge may be easier when the principals (i.e., politicians) are divided, such as in multi-stakeholder bargaining systems, including multi-party coalitions, or when the party controlling the executive does not have control over the legislature (Ash, Morelli & Vannoni, 2022; Ruhil & Camões, 2003; Lapuente & Nistotskaya, 2009; Schuster, 2016).

According to these studies in democracies, as the number of political stakeholders involved in defining personnel policy outcomes increases, civil servants are more likely to establish an autonomous and depoliticised personnel system. Therefore, the ANC's high coordination capacity, as demonstrated by its internal organisation of cadre deployment policy, and its majority rule in government, reduce the incentives that political fragmentation can provide for the depoliticisation of the civil service in South Africa. But, if we were to hypothesise a shift in the political landscape making it receptive to reform, what might be the essential components of such a reform agenda?

COMPONENTS OF A
REFORM AGENDA
FOR SOUTH AFRICA

The unfolding political narrative in South Africa indicates a tangible shift in the balance of power and practices of governance. The decline in the African National Congress' (ANC) dominance, evidenced by their performance in the 2021 municipal elections, combined with the rise of coalition governments, paints a scenario of a new epoch in South African politics. Within this milieu, there emerges a unique window for reforming the civil service.

Historically, the ANC's securing of less than 50% of the votes in any nationwide election is unprecedented, indicating a significant shift. This waning in support in key metros such as Tshwane, Johannesburg, Ekurhuleni, and eThekwini not only underscores the changing political sentiment but also hints at the emergence of coalition governments as a staple in South African governance. Fast forward to 2023, and these changes manifested in the form of a coalition between the ANC and the left-leaning Economic Freedom Fighters (EFF) in Johannesburg and Ekurhuleni. These evolving alliances, along with the looming possibility of an ANC/EFF national coalition, galvanised opposition figures like John Steenhuisen to advocate for a united front against a possible ANC/EFF coalition.

However, it's this very volatility that presents an opportunity. Should the ANC fail to secure a majority in the parliament for the first time since the nation's democratisation, the successor might utilise the prevailing civil service model for their patronage, thereby perpetuating the politically unequal patronage system. Yet, foreseeing such a change offers an avenue for the ANC to perhaps champion reforms that curtail the overarching patronage, aiming to either stymie opposition

coalitions from monopolising the benefits, or to entrench their associates within the civil service against potential future upheavals.

This backdrop provides fertile ground for transformative civil service reforms. Beyond merely altering the patronage system, there's a tangible opportunity to establish a meritocratic institutional framework resilient to political oscillations. Yet for reform to be genuinely effective, it's not just about seizing the momentary political instability. One must delve deeper into the policymaking intricacies, taking cues from models like the Garbage Can (Kingdon, 1995) approach.

The Garbage Can model postulates the confluence of problems, policies, and politics, described metaphorically as streams. Their alignment can catalyse change. On one hand, it is crucial to accentuate the detrimental impact of patronage on public service quality, amplifying the reform's urgency. On the other hand, the potential political realignment offers a collaborative canvas for like-minded parties to amalgamate their influences in furthering the cause of reform. At the same time, contextually relevant solutions must be sculpted to ensure that they squarely address the flagged issues.

Yet, as policy streams occasionally merge, they can lead to tumultuous whitewaters, marking moments ripe for paradigm shifts in policies. These streams, however, are navigated by underlying forces and deep-seated tendencies, with participants often being mere pawns to the overarching flow. Amidst this, specialised networks or policy communities become pivotal. Their alliances and advocacy can be instrumental in shaping the reform trajectory.

In light of the above, it is our contention that the dynamics within the changing South African political and governance environment offer unique opportunities for civil service reform. Specifically, we argue that:

I. Introducing a reform that's limited in scope and low in fiscal cost can quickly improve government efficiency and performance. Such a change can act as a catalyst, spurring the political system to gradually expand the reform, ultimately leading to more comprehensive civil service reforms.

II. Professionalising sections of the civil service can create ripple effects throughout the entire system. As new, more skilled officials enter, existing bureaucrats may be motivated to enhance their own expertise to maintain their standing and to compete for promotions and external job opportunities (Mikkelsen et al., 2022).

III. There is a notable lack of concrete reform proposals in South Africa's public policy landscape aimed at introducing a merit into the civil service. A detailed examination of the facets of reform implementation is needed. South African civil society must step up to fill this void. Currently, public discourse on the issue often overlooks critical analysis of the political economy of the reform and the challenges it poses for implementation.

We argue that the introduction of a targeted reform such as the reform of the senior civil service fits seamlessly into the South African context. We believe that such a strategically implemented reform can have a tangible, positive impact on public administration. This could be achieved without imposing heavy fiscal burdens, while building confidence in the benefits of professionalising the civil service. It could pave the way for scaling up reforms to other levels of the civil service, beyond the top echelons of public administration. In light of these arguments, the following chapter will elaborate on why senior civil service reform is the optimal way forward. We also present a proposal along these lines.

Senior Civil Service Systems: International experiences

The individualisation and flexibilisation of Human Resource Management (HRM) practices introduced by New Public Management has created a context of increasing fragmentation of the public service, affecting the government's ability to act consistently across different policy systems. In a context in which social challenges require the government to be able to coordinate the actions of different public agencies in order to respond to *wicked* problems, the establishment of instruments for horizontal improvement of administrative capacity has become a priority (Christensen, Lægreid & Lægreid, 2019). Within this scenario, the formulation of cross-cutting policies for leadership management in the public sector emerges as an instrument for promoting horizontal cooperation between different government departments and agencies, fostering more consistent action by different public institutions through a set of shared values and competencies among the leadership distributed throughout the civil service.

The positive effects of leadership competencies on public service performance are widely accepted by the academic community and international organisations. A literature review by Orazi, Turrini and Valotti (2013) highlighted that the topic of leadership has become an important area of debate in the field of public administration studies, pointing to the positive effects of leadership competencies on organisational performance. Similarly, a literature review by Cortázar, Fuenzalida and Lafuente (2016) identified evidence of the positive effects of the professionalisation of the managerial segment on the management of inputs, people, and processes in public organisations. In a study by Otero and Muñoz (2022), it was observed that when managers were selected based on merit within the Chilean public health system, there was a noteworthy improvement in outcomes. Specifically, hospitals adopting this merit-based approach witnessed an 8% decline in mortality rates when compared to institutions that persisted with the older, patronage-driven model.

Fernandez, Cho and Perry (2010) utilised administrative data and survey results to discover a substantial positive correlation between leadership abilities and organisational performance within the American civil service. Yet some research, such as that by Janke, Propper and Sadun (2019) has raised concerns about the beneficial impacts of strategies to attract and reward senior civil servants. They argue that these strategies might not be effective unless paired with structural reforms in human resource management practices, especially concerning the management of mid-level managers.

In each country, leadership management policies are shaped by specific institutional arrangements, reflecting the diversity of models adopted to address common challenges facing governments around the world. These include competition for talent with the private sector, the need to improve the quality of public services in a context of fiscal constraint, and the growing importance of citizens' experience

in interacting with the public service, among others. The variety of institutional arrangements reflects the interaction between different administrative traditions and reform movements that have influenced the design of leadership policies in several countries in recent years.

The classification of different models of leadership management begins with the different definitions of 'leader' in each country, which are influenced by the different definitions of 'civil servant' in each administrative tradition. Therefore, there is no universal definition of "civil servant" (Massey, 2011), or of the group of civil servants who exercise leadership functions, and these differences are also expressed in language (Horton, 2011). As a result, terms such as 'senior civil servants', 'high-ranking public servants', senior executives' and 'public leaders' can be used to refer to very different institutional phenomena.

In France, the term used to refer to both the human resources at the disposal of the public administration and the rules that organise their management is "*fonction publique*" (civil service) and the term includes all types of people in the service of civil functions of the state. The top of the French civil service is commonly referred to as the "*haute fonction publique*" (high civil service) made up of "*hauts fonctionnaires*" (high civil servants), who are by definition the civil servants attached to the most prestigious careers, or "*Grands Corps de l'État*" (or Great State Careers). In the United Kingdom, 'Public Service' is a generic term used to refer to all workers in the public sector, and civil service refers to a leaner group of workers directly linked to the central administration of the state (thus excluding professionals in the areas of health, education and public security contracted by the different levels of government in this country).

In any case, the United Kingdom was the first country to establish a human resources management system separated from the rest of the civil service to manage the civil servants at the top of the British state administration, the "Senior Civil Service". In this way, the term refers to an even leaner set of civil servants dedicated to conducting the strategic management of the administration. Members of the "*Grands Corps de l'État*" share the same employment conditions as other French civil servants, and the posts in the French senior civil service are restricted to members of these careers. In the UK, the senior

civil service is open to professionals from the private sector (subject to recruitment processes), and the professionals who occupy these posts are subject to a different system of human resources management rules than other civil servants.

The senior civil service has been a model for the development of analogous systems globally. For instance, since 1963, various state-level systems have been adopted in the US, starting with California's Career Executive Assignment. By 1987, five US states had implemented senior civil service systems (Sherwood & Breyer, 1987), which subsequently influenced national reform. This culminated in the Carter administration's establishment of the Senior Executive Service (SES) in 1979. Meanwhile, Australia, drawing from the US model, introduced a SES in Victoria in 1982, which led to a nationwide SES by 1984 (Renfrow, Hede & Lamond, 1998, p. 371).

Subsequent initiatives include the Netherlands' *Algemene Bestuursdienst* or Senior Public Service (1995), Chile's *Sistema de Alta Dirección Pública* (2003), South Korea's *Senior Civil Service* (2006), Portugal's *Cargos de Direção Superior* (2011), and Kazakhstan's *Corps A* (2013). However, it is essential to note that referencing solely to the British or American models can be limiting. Doing so might overlook unique leadership policies in other countries, such as Peru's *Cuerpo de Gerentes Públicos* (Corps of Public Managers) in 2008 and Indonesia's *Jabatan Pimpinan Tinggi* (Senior Civil Service, also known as JPT), established in 2014.

Similarly, when analysing leadership management policies in European Union countries, Kuperus (2008) identified limitations in the definition of Senior Civil Service developed by the OECD (2008) for comparative analysis of the models adopted in member countries. The OECD definition:

> *"A Senior Civil Service is a structured and recognised system of personnel for the higher non-political positions in government. It is a career civil service providing people to be competitively appointed to functions that cover policy advice, operational delivery or corporate service delivery. The service is centrally managed through appropriate institutions and procedures, in order to provide stability and professionalism of the core group of senior civil servants, but also allowing the necessary flexibility to match changes in the composition of Government by using appropriate due processes."*

The main limitations of this definition identified by Kuperus are as follows:

• Not all leadership policies are organised around structured personnel management systems, but rather around formal and informal practices that may or may not involve all human resource management subsystems (selection, development, performance evaluation, remuneration, etc.). Similarly, the degree of formal recognition of the system may vary from country to country, which in some cases hinders the emergence of a common understanding of the very scope of the policy.

• The idea of "higher non-political positions" is generic to the extent that it does not circumscribe the system to senior management functions – making it possible to interpret it in such a way as to include in leadership policies non-management activities.

• Leadership management policies are not always administered centrally, and in many cases governance models are organised around common rules implemented in a decentralised manner by different agencies.

Given these limitations, Kuperus (2008) formulated a new definition of senior civil service, which is broader and recognises that these systems can be organised according to different governance arrangements, but at the same time narrower by focusing only on senior management functions (i.e. deliberately excluding non-managerial activities). Here is the definition:

"Senior Civil Service (SCS) is a system of personnel for high and top level management positions in the national civil service, formally or informally recognised by an authority, or through a common understanding of the organisation of such a group. It is a framework of career-related development providing people to be competitively appointed to functions that cover policy advice, operational delivery or corporate service delivery."

In Kuperus' definition, the formal recognition of a senior civil service system occurs through the existence of a statute that legally recognises the existence of a group of civil servants with their own administrative characteristics and dedicated to the senior management of public organisations. On the other hand, the existence of such a statute does not always translate into the de facto existence of these distinctive administrative characteristics, which may be expressed through:

I. differentiated recruitment procedures (such as the adoption of strategies of proactive search for professionals);

II. specific selection and entry practices (such as interviews based on competencies and induction courses);

III. differentiated employment conditions (such as temporary contracts or the requirement of performance analyses as grounds for dismissal);

IV. the existence of differentiated support instruments for the occupants of management positions (such as a committee dedicated to deal with issues such as training and mobility of these professionals); or

V. the existence of specific incentive policies (in the form of remuneration or non-monetary benefits, such as flexible working hours, etc).

Due to the existence of varying degrees of formal and informal recognition of SCS in different countries, Kuperus set up a typology based on the following criteria: the formal recognition of the system; the existence of an organisation responsible for managing the system in a centralised manner; and the existence of distinctive administrative characteristics of the members of the system. The result is a typology of five models:

1. **Centralised SCS:** SCS is legally defined and regulated as a separate and special group of public servants, who are in turn managed by a single agency dedicated exclusively to fulfilling this function. This agency is responsible for administering the recruitment, management, remuneration, evaluation and promotion of the occupants of senior civil service positions. In this model, SCS members are governed by different employment conditions compared with other public servants.

2. **Formal SCS with distinctive features:** SCS is legally defined and regulated as a separate group of public servants, who enjoy distinctive administrative features, but lack a single agency that is exclusively dedicated to offering them support. In these cases, SCS members are managed either by the central personnel management units of governments (responsible for managing the civil service in general), or in a decentralised manner.

3. **Formal SCS without distinctive features:** SCS is legally defined and regulated as a separate group of civil servants, but its legal status is the only difference between SCS members and other civil servants. That is, in these cases SCS members do not enjoy distinctive administrative characteristics and also lack a dedicated agency to offer them support.

4. **Recognised SCS with distinctive features:** in this model, SCS does not enjoy legal recognition through regulation or law, but civil servants in senior management positions are considered a distinctive group in an informal manner, given their influence over the management of the civil service. Thus, despite not having formal recognition, a group of occupants of senior management positions may enjoy distinctive administrative characteristics, such as differentiated selection, development and remuneration mechanisms.

5. **Unrecognised SCS with no distinguishing features:** in a nutshell, this is the absence of any policies for leadership. In this model, the occupants of senior management positions enjoy no formal or informal recognition, and these positions are considered a normal part of the civil service, with the same employment conditions and benefits.

	SCS formally defined		SCS without formal definition
SCS with distinctive administrative features	**Type 1: centralised SCS (e.g. Estonia, Chile, United Kingdom and the Netherlands)**		**Type 4: Recognised SCS with distinctive features (e.g. Denmark, Germany, France and Spain)**
	Type 2: formal SCS with distinctive features (e.g. Italy, Portugal, Belgium and the SMS in South Africa⁵)		
SCS without distinctive administrative features	**Type 3: formal SCS without distinctive features (e.g. Argentina and Bulgaria)**		**Type 5: Absence of SCS (e.g. Croatia and Uruguay)**

[1] Given the lack of agencies responsible for the coordinated management of the SMS in South Africa, it is possible to classify it as a type 2 senior civil service system according to the Kuperus classification presented above. The reason for this is that it is a formally defined SES model which has distinct administrative characteristics in comparison with the rest of the civil service

The Kuperus typology is a valuable contribution to analysing senior civil services since it broadens the scope of comparative analyses by recognising a wider variety of systems. In addition to Kuperus's typology, many other variables can be used to classify SCS systems, such as the scope of the system (which functional seniority levels are included), the employment model (whether based on careers or positions), the degree of openness to professionals from outside the public sector, the level of stability (flexibility to dismiss occupants of positions), among other variables.

Kuperus's typology enables the classification of SCS systems according to their structural characteristics, and its adoption in studies commissioned by the European Union in 2008 and 2016 (Kuperus & Rode, 2016) made it possible to identify the institutional changes made by different countries during that period. Generally, a decrease in the number of countries with SCS without distinctive administrative characteristics (types 3 and 5) and an increase in the number of countries with formal SCS with distinctive characteristics (types 1 and 2) were observed. This is a surprising trend, given the political sensitivity of the topic. In all cases, the reform of the senior civil service tends to be politically sensitive, given that top management positions are fundamental in the articulation between political and administrative systems, coupled with the lack of consensus on the ideal model of policies for leadership management.

Factors such as path dependence and the characteristics of political systems, as well as the cultural and administrative traditions present in each country are fundamental to understanding reform movements and the transformations in the functioning of SCS in different contexts, as well as informing the design of more effective reform strategies. For this same reason, the use of the British experience as a reference should be made with caution, considering that the dynamics of the interaction between politics and administration that exist in the United Kingdom respond to a specific political culture and institutional incentives.

In this sense, recent literature has pointed to the failure of experiments in senior management reform which, in an attempt to completely depoliticise the management of the managerial ranks (a fundamental characteristic of the British model), give rise to leadership management

policies that, even though legally backed, do not in fact alter the functioning of the civil service.

In the Latin American context, Chudnovsky (2017) compares the cases of Peru and Chile, which instituted successful experiences of professionalising the managerial ranks by adapting international experiences to the particularities of their political and administrative systems with the Argentine experience, which in 2008, established a norm to oblige open and competitive selection processes for the occupation of senior management positions, but which was ignored by consecutive governments.

Analysing the experiences of three Eastern European countries, Gajduschek and Staronova (2021) present similar conclusions. In the cases of Hungary and Slovakia, the creation of senior civil service systems organised around formal institutions was not sufficient to promote the professionalisation of the leadership ranks. In contrast, the Estonian experience proved to be more effective.

The reason for this difference was the adoption of a gradual implementation strategy: for more than ten years the country invested in the development of informal institutions (such as the voluntary offer of training courses, the creation of networks, the elaboration of more sophisticated job descriptions, etc.) that "competed" with the existing formal institutions (the broad political discretion with regard to the appointment of high-level managers), which were converted into new formal institutions after the consolidation of a broad consensus around the need to institutionalise new leadership management practices.

Recent Proposals on Civil Service Reform in South Africa

In 2020, the South African Minister of Public Service and Administration (MPSA) tasked the National School of Government (NSG) with drafting a National Implementation Framework for the Professionalisation of the Public Service (NSG, 2022). This policy document aimed to modernise human resource management practices, advancing the nation's public administration. The content was scrutinised in a working paper by Leite and Chipkin in 2021 and published unchanged by the NSG in 2022.

[5] Given the lack of agencies responsible for the coordinated management of the SMS in South Africa, it is possible to classify it as a type 2 senior civil service system according to the Kuperus classification presented above. The reason for this is that it is a formally defined SES model which has distinct administrative characteristics in comparison with the rest of the civil service

The authors, however, critiqued the document's ambiguous scope, its inadequate diagnostic foundation, missing expected outcomes, and the absence of well-informed international references that could benefit South Africa's reform agenda. Furthermore, the framework appeared fragmented, delegating tasks to various government entities without clear logic. Significantly, it refrained from addressing the political influence in recruiting civil servants, or managing their careers. Instead, it proposed forming a qualified candidate pool for government leadership to select from while retaining political control over civil service regulations.

Between 2021 and 2023, three additional proposals surfaced in the South African public discourse:

1. Public Service Amendment Bill (RSA, 2023). This bill offers amendments to the Public Service Act of 1994, prioritising power redistribution within the civil service. By increasing autonomy for Heads of Department and potentially reducing the administrative power of Executive Authorities, it aims to enhance clarity in roles and definitions. The key proposals include:

    • Devolving administrative powers to Heads of Department.
    • Strengthening the Director-General in the Presidency's role.
    • Introducing recovery mechanisms for overpaid salaries.
    • Clarifying roles and definitions within the public service.

2. Public Administration Management Amendment Bill (RSA, 2021a). Targeting the Public Administration Management Act of 2014, this bill emphasises transparency, professional development, and operational integrity. Notable inclusions are:

    • Establish clear guidelines for public administration employees involved in government business.
    • Establish provisions that allow employees to have a say in their transfers and relocations.
    • Elevate the NSG to the status of a department and position it as a central hub for public administration training, with a mandate to assist provinces and municipalities.

• Broaden the scope of definitions for the disclosure of financial interests.
• Strengthen the role of the NSG as the primary institution for public administration training.

3. Public Administration Laws General Amendment Bill (RSA, 2021b). Introduced by the Official Opposition Shadow Minister for Public Administration, Dr Leon Amos Schreiber, this bill focused on curbing political influence in the civil service, fostering transparency and professionalism. However, it faced opposition and was ultimately dismissed. Despite its transformative potential, the bill faced political resistance and was eventually rebuffed by an ANC-dominated Portfolio Committee on Public Service and Administration at the parliament, officially over concerns of overlapping existing legislation.

Upon examining the Public Service Amendment Bill (RSA, 2023), its strategic approach is evident, as it seeks to:

I.   Devolve administrative powers to the Heads of Department (the DGs), empowering them to manage human resources in their departments.

II. Strengthen the role of the Director-General in the Presidency, positioning him/her as a central coordinator for DGs throughout the government, assuming the role of Head of Public Administration (HOPA).

These changes sharpen the distinction between political and administrative roles within the government. This initiative underscores DGs as a streamlined group of top-tier civil servants, with the DG in the Presidency being the paramount figure, orchestrating senior civil service management across all departments. This configuration offers clarity to the structure of the senior civil service within the South African public administration.

However, it is essential to acknowledge that the bill maintains politicians' ultimate control over administrative decisions. A gap in the bill is the lack of provisions to ensure the professional recruitment of DGs, which means that their appointments would continue to be done in a discretionary manner.

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6 Head of Department is the name given by the Bill to the Director-General (DG), the highest administrative position in South African public organisations.

The Public Service Amendment Bill (RSA, 2023) appears to be an interesting reform proposal as it attempts to introduce a new administrative dynamic within the civil service by introducing mechanisms that could potentially change the competences and the relationship between executive authorities (the politicians) and heads of departments (senior civil servants) without drastic institutional reforms. Although it outlines clearer distinctions between political and administrative tasks, the lack of a professional recruitment framework for the DGs definitely reduces the overall effectiveness of the proposed legislation.

A Roadmap to Senior Civil Service Excellence

Our proposal aims to strengthen administrative capacity in South Africa by piloting a proof-of-concept senior civil service system for a select group of director-general positions. This system should be based on three core principles:

1. Recruitment of selected DG positions should be supervised by an independent agency. Membership to this agency should involve bipartisan input. While the Public Service Commission could potentially serve this role, it would necessitate that its member recruitment model secures the endorsement of two-thirds of parliament, in contrast to the current majority approval from the Portfolio Committee on Public Service and Administration.

2. The aforementioned agency should generate a shortlist for available DG roles within this proof-of-concept. The president, or the delegated minister, should be mandated to choose from this list or initiate a fresh selection process if the candidates are deemed unsuitable.

3. The authority to dismiss DGs from this pilot remains with the president or the designated minister. Any such action should be accompanied by a documented rationale. While performance-based reasons are preferred, decisions can also pivot on the criteria of political confidence.

Our initiative strives to delineate between high-ranking political appointments and administrative functions, underscoring the significance of political trust in such nominations. We recommend three tiers of positions:

a) Political Authorities (or Executive Authorities): reserved for roles primarily tied to political tasks. Trust in political competence is pivotal for these appointments, e.g., ministers of state and their aides.

b) Senior Civil Servants (or Department Heads): comprising professionals tasked with helming organisations or departments that provide public services. These roles answer to the Political Authorities and encapsulate positions such as DGs.

c) Intermediate Administrative Positions: serving as a nexus between upper management and street-level staff within public entities. These roles, which emphasise the oversight of day-to-day operations and carry lesser political implications, should be occupied by career civil servants following rigorous selection procedures.

Our emphasis is on the second category, the Senior Civil Servants. We advocate for a structured, meritocratic appointment process. This entails: (i) outlining clear qualifications and skill sets; (ii) adopting an open and competitive hiring process, involving thorough evaluations such as background verifications, psychometric evaluations, and interviews; (iii) establishing performance contracts that detail objectives, quantifiable metrics, and possibly, performance-tied compensation; and (iv) crafting a governing body to monitor and uphold the execution of this framework.

We recognise that South Africa may face political challenges in implementing such a system. Nevertheless, our proposal offers a strategy for improving the capacity of the public administration to implement policies set by politicians. The primary objective is not to eliminate political influence, but to provide the political authorities with tools to recruit qualified professionals and establish mechanisms that build confidence in the reform process itself all across the political system.

CONCLUSION

Our analysis delves into the complexities of senior civil service (SCS) reform in South Africa, providing understanding of the transformative potential that such reforms can engender within the broader public service sector. Despite the evident deficiencies in the current strategies for selecting high-level managers, which are principally centred around political discretion with an inadequate focus on managerial competencies, our research reveals that a strategic and contextually appropriate SCS reform can indeed contribute significantly to the broader professionalisation of public service in South Africa.

In addressing the primary research question, "In what ways can senior civil service (SCS) reform contribute to broader public service professionalisation in South Africa?", our study posits that an evolutionary approach to SCS reform is paramount. This approach necessitates a keen understanding of South Africa's unique political environment and a concerted effort to strike a balance between political discretion and managerial competence. The need for such an approach is underlined by the current SCS system's heavy reliance on political discretion, which often overshadows managerial competencies. Strategic and contextually relevant reforms can significantly uplift the broader professionalisation of public service in South Africa, as demonstrated by our research.

Our findings indicate that reforming the SCS presents the government with invaluable opportunities for experiential learning. This learning is crucial in breaking down ambitious reforms into smaller, manageable segments, facilitating immediate successes that can catalyse further reforms. Such segmentation enhances leadership management, enabling the government to reinforce its ability to restructure the entire public administration. This approach underscores the importance of leaders as key agents in implementing diverse reforms within their agencies, emphasising an adaptive strategy that acknowledges and leverages the evolving political and administrative landscape (Schuster, 2017; Bunse & Fritz, 2012).

The drive towards professionalising the senior civil service in South Africa requires clear diagnostic assessments and a strong political will to implement policies effectively. Despite the apparent lack of these prerequisites, historical evidence suggests a growing momentum for such reform. Given the complex political context, our study advocates for an alternate approach focused on fostering endogenous pressure for reform within the public administration. This pressure can be generated through practical experimentation, accumulating experiential knowledge in senior management professionalisation, and demonstrating the benefits to potential beneficiaries. The establishment of new informal institutions within the civil service is pivotal in this regard. These institutions can act as catalysts for reform, promoting informal mechanisms for the recruitment, development, and evaluation of senior civil servants, which can be voluntarily adopted (Gajduschek & Staronova, 2021).

As these institutions provide evidence of their positive impact on policy implementation, they could stimulate policymakers to revise their beliefs and engage in policy learning. Such a shift towards professional public management would gradually move away from excessive political discretion towards a balanced strategy that incorporates managerial criteria, fosters experiential learning, and promotes continuous evolution.

In conclusion, our research underscores the importance of an evolutionary approach to SCS reform in South Africa, which acknowledges the unique political context and seeks to bridge the gap between political discretion and managerial competence. By placing an emphasis on practical experimentation, strategic policy learning, and the creation of informal institutions to complement the existing formal ones, South Africa can chart its unique path towards a more professional public service, enhancing governance effectiveness, and ultimately fostering societal wellbeing.

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