South Africa's Third Transition
Democracy, Constitutionalism, Rationalisation

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Introduction

South Africa stands at the threshold of a new administrative transition that seeks to restructure the relationship between politics and bureaucracy by advancing the rationalisation and professionalisation of the public service. In November 2025, South Africa's parliament, including the National Assembly and the National Council of Provinces (NCOP), approved legislation that will remove routine administrative functions, most notably the power to appoint civil servants and to direct operational decision-making within government departments, from the authority of elected officials. With only presidential assent outstanding, this reform signals a decisive attempt to reorganise the state's internal machinery.

The moment has been likened to the United States' Pendleton Act: a reform intended to curtail patronage-based practices and insulate the administration from partisan manipulation. In South Africa's political lexicon, the measure is framed as a response to state capture - an effort to foreclose practices that hollowed out state institutions, and to establish firmer foundations for a capable, development-oriented public administration.

Unlike the well-studied transitions of 1994[1] and 1996[2], however, this emergent shift has attracted limited scholarly or public attention. This silence is striking. The redesign of South Africa's administrative architecture has implications that extend beyond national boundaries, speaking directly to long-standing debates about postcolonial state-building on the African continent. Moreover, South Africa's attempt to renegotiate the boundary between politics and administration offers important insights for wider global discussions on democratic renewal and the reconstruction of public institutions in contexts marked by corruption, institutional decay, and declining public trust.

The Crisis of Democratic Government

Ezra Klein and Derek Thompson start their influential book, *Abundance*, with a paradox. Democratic party governments in the US, which are more likely to believe in the role of public institutions in mitigating or even solving public problems like climate warming,

[1] South Africa's first democratic elections.
[2] The adoption of the Constitution of the Republic of South Africa.
[3] Klein, E. and Thompson, D. (2025) Abundance. New York: Avid Reader Press. On the 'pathologies' of the left, see the introduction.

unemployment, or housing shortages, are often terrible at government.[3] The reason, they suggest, is that Democrats are preoccupied with process- legal checks, consultation and inclusiveness – which add layer after layer of 'veto points' and make Democratic administrations ineffective.[4] This is a particularly American perspective on the limits of government, but it does raise a broader phenomenon. 'Progressive' and 'left leaning' governments are often poor at government.

For the last 30 years, South Africa has had a government that more closely resembles a Democratic administration than a Republican one, if only because the African National Congress (ANC) has been committed to public ownership and state intervention in the economy. By American standards, the ANC would be regarded as 'progressive' or even 'socialist'. The party is sceptical of the private sector and of markets. Except for a short period in the 1990s, however, ANC administrations, whether in national, provincial or local government, have been poor at government.

At Tembisa Hospital, a provincial medical facility in the country's largest city, Johannesburg, millions of dollars were looted by fraudsters linked to the provincial ANC and even to President Ramaphosa's administration.[5] As a result, the hospital sometimes could not feed its patients, and at least one patient starved to death, while others were kept in conditions described as "substandard" by the Health Ombud.[6] The money that was looted was spent on Lamborghini sports cars and gaudy mansions. Many believe that the lion's share went into ANC party coffers. This is not as unbelievable as it sounds. During Zuma's presidency, some of the money looted from state owned enterprises went to finance the political campaigns of select politicians.

This is not the first time, furthermore, that the Gauteng provincial administration has seen patients under its care starve to death. Between October 2015 and June 2016, the Gauteng Department of Health moved over 1 700 mentally ill patients from registered mental health facilities into the care of non-governmental organisations that did not have the experience, the resources or the know-how to look after them. One hundred and forty-four of them died, many of starvation. A further 1 400 were found by an inquiry by the Health Ombud to have been exposed to torture, trauma and severe violations of their human rights.[7]

[4] Klein, E. and Thompson, D. (2025) Abundance. New York: Avid Reader Press, p. 76.
[5] Wicks, J. (2025) The Shadow State: Why Babita Deokaran Had to Die. Cape Town: Tafelberg.
[6] Office of the Health Ombud (2021) Report into the circumstances surrounding the care and death of Mr. Shonisani Lethole at Tembisa Tertiary Hospital. Pretoria: Office of the Health Ombud.
[7] Office of the Health Ombud (2017) Report into the circumstances surrounding the deaths of mentally ill patients transferred from Life Esidimeni to community-based facilities, Gauteng Province. Pretoria: Office of the Health Ombud.

These might be extreme incidences, though not rare ones. The 2022/23 local government audit report of South Africa's Auditor-General (AG), Tsakani Maluleke, notes:

> (A)ll too often, infrastructure delivery projects are delayed, are costing more than planned or the work done is of poor quality. There are also delays in newly built infrastructure being put to use. Once again, we report on existing infrastructure that is deteriorating because it is not properly maintained.[8]

In the 2023/24 report, Maluleke notes that "little has changed", local government is still in a "dire state"[9]. She did not single out ANC administrations in particular, though most commentators understood her remarks this way. President Ramaphosa was notably less diplomatic than the AG in his assessment of ANC performance. On 15 September 2025, he told ANC municipal councillors: "Those municipalities that do best are not ANC-controlled municipalities. They are often DA-controlled municipalities. We need to ask ourselves what it is that they are doing that is better than what we are doing."[10]

The DA is the Democratic Alliance, the ANC's traditional opposition, which now serves with the ANC nationally in a coalition government, along with other smaller parties. In the wake of the judicial inquiry into state capture in South Africa, known colloquially as the Zondo Commission (after the judge that presided over it), Ramaphosa admitted that "today, the ANC and its leaders stand accused of corruption. The ANC may not stand alone in the dock, but it does stand as Accused No. 1. This is the stark reality that we must now confront."[11]

What is to be done?

If Klein and Thompson identify 'vetocracy' as the source of weakness in US administrations, in South Africa the problem is frequently put down to corruption and criminality. This perspective resonates with a rich seam of research in African and postcolonial studies.

Two tendencies are especially apparent in current academic writing. In the first place,

[8] Auditor-General of South Africa (2024) Consolidated general report on the local government audit outcomes 2022–23. Pretoria: AGSA, p.16.
[9] Auditor-General of South Africa (AGSA). 2025. Consolidated general report on local government audit outcomes 2023–24. Pretoria: AGSA, p.6 and p.40.
[10] Mzangwe, L (2025) 'DA governs the best-run municipalities, Ramaphosa tells ANC councillors', Mail & Guardian, 15 September.
[11] Ramaphosa, C. (2020) 'The ANC is "accused number one" for corruption', News24, 23 August. Available at: https://www.news24.com/opinions/columnists/cyrilramaphosa/cyril-ramaphosa-the-anc-is-accused-number-one-for-corruption-20200823 (Accessed: 01 December 2025).
[12] Bayart, J.F. (2009) The Politics of the Belly: Power, Hunger and the Public. Cambridge: Polity Press.
[13] Mbembe, A. (2001) On the Postcolony. Berkeley: University of California Press.

the weakness of African states is put down to the embeddedness of African elites in patrimonial networks at the expense of governance and administration.[12] Postcolonial elites have been described as 'zombies', creatures who lack their own will, and, in their vulgar excess, parody real power and sovereignty.[13] Ironically, the hollowing out of state institutions that follows is sometimes given respectability by a second tendency. Postcolonial literature regards contemporary institutions with deep suspicion, as sediments of colonial epistemologies and practices that need to be transcended, transformed, interrupted or overthrown. Walter Mignolo famously argued in 2007, for example, that decoloniality requires delinking from Western/colonial institutional logics, not reforming them, but subverting them through disobedience.[14] This argument has been widely taken up. It resonates with and gives contemporary force to an older Leninist idea. Revolutionary movements must smash the existing state machinery, not simply capture it.

In an outstanding new essay by Andries du Toit and Andrew Charman, the authors are critical of such scholarship for conceiving of postcolonial statecraft in Manichean terms, "as a confrontation between despotism (imposed 'from above' by colonial authorities via the captured puppets of indirect rule) and democracy (conceived of as a subjectivity forged 'from below' in class struggle conducted in the space of civil society)." They argue that

> Aside from the refusal to engage with the pragmatic imperatives of constituting the South African state under the conditions given by history, [postcolonialism] casts contemporary governance arrangements as betrayals of democratic principle or residues of premodern despotism, leaving little analytical space for understanding how actual practices of rule are negotiated.[15]

On the one hand, institutions are entities not to run or administer or manage or rule, but to subvert, interrupt or transform. On the other hand, institutions and administrations are reduced to the expression of extraneous logics (colonial/whiteness) or interests (class), rather than conceived as entities with their own power dynamics and cultures. In this way, postcolonial scholarship obscures the administrative side of the state.

[14] Mignolo, W. D. (2007) 'Delinking: The rhetoric of modernity, the logic of coloniality and the grammar of decoloniality', Cultural Studies, 21(2–3), pp. 449–514. doi:10.1080/09502380601162647.
[15] Du Toit, A. and Charman, A. (2025) Urban settlements on traditional authority land: four case studies. Working Paper 3. New South Institute, Johannesburg.
[16] See World Bank (2023) Ghana: Public Sector Reform for Results Project – Implementation Completion and Results Report. Washington, D.C.: World Bank. Government of Rwanda (2021) Public Service Modernisation Strategy 2021–2025. Kigali: Ministry of Public Service and Labour. Available at: https://mifotra.gov.rw (Accessed: 01 December 2025).

Institutional Reform

The failure to take the administrative aspects of the state seriously is what has bedevilled state performance in South Africa in the post-Apartheid period. This has been true until recently across the African continent. Now there are important reforms under way in Rwanda, Zambia, Ghana and Nigeria.[16]

When the ANC came to power in 1994 it inherited various public administrations that it did not trust to implement its policies. In South Africa, excluding the Bantustans, the leadership of the civil service was made up almost entirely of white men who had spent their careers implementing Apartheid policies. The new government could not remove them, however. One of the terms of the negotiated settlement in the 1990s was that existing civil servants would keep their jobs and their pensions. In addition, by the end of the Apartheid period, the country had been carved up into a maze of racially based administrations, self-governing territories and nominally independent states.

The Transkei, Bophuthatswana, Venda and Ciskei, while not recognised by any state apart from South Africa, nonetheless functioned as more or less independent entities. They had their own police, military and civilian administrations. Bophuthatswana, for example, had a public service of 65 000 people in 26 departments.[17] The first Minister of Public Service and Administration, Zola Skweyiya, was concerned that the civil service was not only resistant to instruction from ANC ministers, but that it was a potential source of insurrection.[18]

In this context, the ANC sought direct party-political control of the civil service. It did this by granting to executive authorities (the President, cabinet ministers at the national level and members of the executive council at provincial level) powers over two key administrative functions: recruitment and human resource management, and operational decisions. These powers were instantiated in legislation, the Public Service Act of 1994, which states:

> An executive authority has all those powers and duties necessary for- (a) the internal organisation of the department concerned, including its organisational

[17] Author Reference, Journal of Public Administration, Vol.47(1), pp. 102-112.
[18] Staff Reporter (1995) 'The Zola who doesn't run', Mail & Guardian, 15 December. Available at: https://mg.co.za/article/1995-12-15-the-zola-who-doesnt-run/ (Accessed: 01 December 2025).
[19] South African Government (1994) Public Service Act 103 of 1994. Pretoria: Government Printer. See section 3.

> structure and establishment, the transfer of functions within that department, human resources planning, the creation and abolition of posts and provision for the employment of persons additional to the fixed establishment; and (b) the recruitment, appointment, performance management, transfer, dismissal and other career incidents of employees of that department […].[19]

Executive authorities were given the discretion to sign these powers over to senior officials like the department's director general and/or heads of departments. They also had the discretion not to do so, or to withdraw such powers if they had been delegated. The consequences of this muddling of political and administrative powers quickly became manifest. Effectively, senior officials could not do their jobs unless their ministers let them. Frequently, this created what South Africa's national development plan called, euphemistically, 'tension' in the political-administrative interface. The reality was more serious. Ministers interfered in the running of departments, and/or blocked their officials from doing their jobs. Alternatively, they appointed pliant officials who would act as their proxies.

The results were predictable. Directors general and heads of departments resigned, creating constant flux and instability in departments. Between 1998 and 2002 the Public Service Commission found, for example, that 62% of managers had changed jobs within the public service, though this later stabilised at the very high rate of 32%.[20] In 1998, the Presidency conducted a review of the situation. It found that departments were struggling to implement government policy and attributed this weakness, in part, to the poor delineation between political and administrative roles.[21] These warnings, however, went unheeded. Indeed, the situation deteriorated.

In 2007, the ANC had its 52nd elective conference in the city of Polokwane. It became clear that there were deep divisions and strong antagonisms in the party. Thabo Mbeki was removed as President of the ANC and Jacob Zuma was elected in his stead. Zuma canvassed as a candidate representing the interests of the unions, the Communist Party and leftist tendencies in the ANC more generally. In 2009, the ANC won the national election, and Zuma became president of the country. It did not take long for the internal conflict in the party to be transmuted into the public administration. It was no

[20] Naidoo, V (2007) 'Towards an assessment of racial redress in the public service', in K. Bentley and A. Habib (eds) Race, Redress and Citizenship in Contemporary South Africa. Cape Town: HSRC Press.
[21] Presidential Review Commission (1998) Report of the Presidential Review Commission on the Reform and Transformation of the Public Service in South Africa. Pretoria: Government Printer.
[22] Author Reference.

longer enough to be a loyal cadre of the ANC to be eligible for senior appointment. Depending on the place and time, one also had to be loyal to a particular faction. The public service was not only politicised, but it was also becoming factionalised.

During the period of state capture, political discretion in the appointment of senior officials enabled ministers, often acting under instruction from the president's associates, including the Gupta family, to deploy loyal apparatchiks into state administrations to serve criminal interests.[22] Boards of state-owned enterprises were populated with compliant figures who approved corrupt transactions, dubious procurement deals, and/or self-serving organisational changes.

Politicians, themselves frequently under suspicion of illegal conduct and corruption, influenced which cases were investigated by the police and which were not. On 6 July 2025, the most senior police officer in KwaZulu-Natal province held a press conference alleging political interference in police investigations by the Minister of Police, Senzo Mchunu. Since then, President Ramaphosa has also been accused of condoning the closure of a task team investigating political assassinations.

During the Zuma presidency, the National Prosecuting Authority was brought under political control. It still struggles today to prosecute senior political figures implicated in criminality. Taken together, these forms of executive interference in policing and prosecution have meant that politically sensitive cases are rarely investigated and, when they are, they are seldom pursued in court.

A Civil Service in Name Only

From the perspective of public administration theory, these conflicts are evidence that South Africa in the post-Apartheid period has failed to instantiate the distinction between political and administrative office. Institutionalising this difference, however, is at the heart of modern state-building.

"[A]dministration lies outside the proper sphere of politics", Woodrow Wilson wrote in his seminal essay on public administration in 1897.[23] "Administrative questions are not

[23] Wilson, W. (1887) 'The Study of Administration', Political Science Quarterly, 2(2), pp. 197–222.
[24] Lee, E.J. (2003) "Anti-Europa" – Die Geschichte der Rezeption des Konfuzianismus und der konfuzianischen Gesellschaft seit der frühen Aufklärung: Eine ideengeschichtliche Untersuchung unter besonderer Berücksichtigung der deutschen Entwicklung. Münster: LIT Verlag.

political questions. Although politics sets the tasks for administration, it should not be suffered to manipulate its offices." Wilson himself believed that he was urging American scholars and administrators to play catch-up with developments in Europe and especially in Germany.

As we now know, Germany was adapting to Chinese Confucian principles. Translations of Confucian texts had been in circulation in Europe since the seventeenth century, where they shaped philosophical thought. The German cameralists, the eighteenth-century theorists of administrative science, were especially influenced by these ideas.[24] They admired the Confucian emphasis on rational order, virtue, and merit in government, in which office is attained through learning and examination rather than birth or political patronage. These ideas were at the heart of European state-building efforts in the nineteenth and twentieth century. They were central to the reforms in the US after the passing of the Pendleton Act in 1883.

By these standards, South Africa has civil servants in name only. There is certainly a category of state employees designated as officials with the title of director general, head of department, director or deputy director. Yet they are either politicians by another name, that is, persons deployed into the state and carrying a party-political mandate, or they lack the formal powers to do their jobs. In other words, South Africa has only a simulacrum of a civil service.

I believe this analysis provides a more compelling explanation of South Africa's current malaise, than postcolonial theory. The hollowing out of state institutions is not so much because South Africa's political class is especially corrupt and venal by world standards. Nor does the explanation lie in the inherent colonial character of bureaucracy. Rather, the failure to properly distinguish between political and administrative office in South Africa has caused three related problems:

Firstly, civil servants have often been appointed on the basis of political loyalty rather than merit.

Secondly, state administrations are often left without skilled and experienced officials,

able to design effective strategies to move from plan to action and/or to manage tasks as they unfold.

Thirdly, conflict between ministers and senior officials over administrative powers has led to high turnover and high vacancy rates in vital positions in key departments.

Taken together, these problems mean that government departments in South Africa are frequently in a state of flux and instability.

It is difficult for a department to function programmatically under these circumstances. In the language of Max Weber, we might say that the challenge of governance in South Africa is an effect of the poor rationalisation of the state. This is why the unglamorously named Public Service Amendment Bill (PSAB) is so important.

A Third Transition

In 1990, former President FW de Klerk unbanned the ANC, other liberation movements and a number of political parties. It marked the beginning of South Africa's transition from Apartheid. In 1994 the country became a parliamentary democracy, hosting its first inclusive, democratic election. In 1996, South Africa became a constitutional state. The country is now on the cusp of a third transition.

As noted above, the NCOP has voted to approve the PSAB, which is well on its way to becoming law. The bill restructures the relationship between the political executive and the bureaucracy by removing ministers' powers over departmental human resources and routine operations, except for the appointment of directors general. These functions are reassigned to senior officials, who will exercise authority over appointments and day-to-day management. The amendments thus confine the role of the political executive to setting policy and overseeing its implementation, while assigning primary responsibility for executing policy decisions to officials. The amendment goes far, that is, in enshrining the creation of a relatively autonomous public administration in South Africa in law.

[25] Author Reference.

It is not a silver bullet, however. It does not resolve how officials should be appointed. Moreover, many are critical of a law that is seen to consolidate the hold of ANC apparatchiks in government administrations, at the very moment that the ANC is in chronic electoral decline. In May 2024, the party suffered its worst ever electoral result, losing its majority in parliament, forcing it to govern in a coalition with the former opposition, the DA, and other small parties. In 2026, there will be municipal elections, and current polls suggest that the ANC is heading for dramatic defeats in metropolitan areas. In other words, this is a time when other parties have realistic chances of becoming a government or, at least, of entering government in a coalition. Like the ANC in 1994, they are reluctant to inherit personnel they do not trust to implement their policies. There is thus potentially a danger that in the current era of political flux and of coalition governments, opposition parties will be tempted to repoliticise the civil service rather than go through with rationalisation.

The ANC is generally supportive of the bill, indicating, perhaps, that the party realises that its time in power is coming to an end. Maybe party leaders are reluctant for another party to enjoy the kind of control over the public administration that the ANC has had for the last thirty years.

If the bill passes into law, it will have immediate effects in departments, recalibrating power relations between politicians and officials. Senior public servants will have the powers they need to do their work. This does not mean that they will start doing their jobs well. Many officials, as we have seen, are political appointees. Many, moreover, are reaching retirement age and are focusing on preserving their pensions: that is, not getting fired or demoted.[25]

What it will do, however, is change the incentive structure in government. As performance in government more and more becomes an electoral issue for political parties, politicians are increasingly under pressure to be seen to provide services. This, in turn, requires that public administrations function better than they do now. Politicians will be scrutinised for the quality of care in public hospitals, the quality of teaching in public schools and for the degree to which citizens are safe in their neighbourhoods and homes. Without the power to intervene directly in public

administrations, the political class as a collective will be incentivised to expedite further reforms to improve the merit and virtue of civil servants.

There are already (modest) plans to introduce a public entrance exam for prospective public service officials, to train officials through a national school of government and to link promotions to measurable proof that candidates have the requisite capabilities. In other words, the legislation could incentivise systemic, rather than ad hoc, changes across the government system. If this happens, South Africa's bureaucratic transition will be under way.

Making Democracies Ready To Govern

The systemic reform underway in South Africa, what I have called a 'third transition', represents an effort to rationalise and professionalise its public administration, offering important insights into global democratic governance. The PSAB will reduce political interference in administrative functions, hopefully also constraining Tammany Hall-like practices and state capture. It does this by focusing on an essential flaw in the current government system, the failure to instantiate the necessary distinction between political and administrative office.

These developments offer a useful comparative frame for debates about state capacity elsewhere. In the first place, they represent an (epistemological) break with left and right populism. On the left, they do not follow postcolonial and Marxist approaches in seeking to disrupt or smash ostensibly colonial, bureaucratic 'logics'. They also do not seek out a 'dark state' ostensibly populated by hostile individuals. Rather, and more usefully, South Africa's reforms take their cue from public administration concerns about the boundaries between the political and the administrative.

Secondly, they offer an answer to the question posed by Klein and Thompson, different to theirs, but with the same focus on democratic or progressive governments. Democratic administrations outside the US are often poor at government, not because they are obsessed with process, or staffed by especially corrupt and malevolent elites. They are poor at government because in spaces that have come through complex

political transitions (from Apartheid, from military dictatorship, from socialism), democrats often (re)politicise administrations rather than invest in their autonomy and their professionalisation. In short, South Africa's third transition offers lessons for all democrats ready to govern.