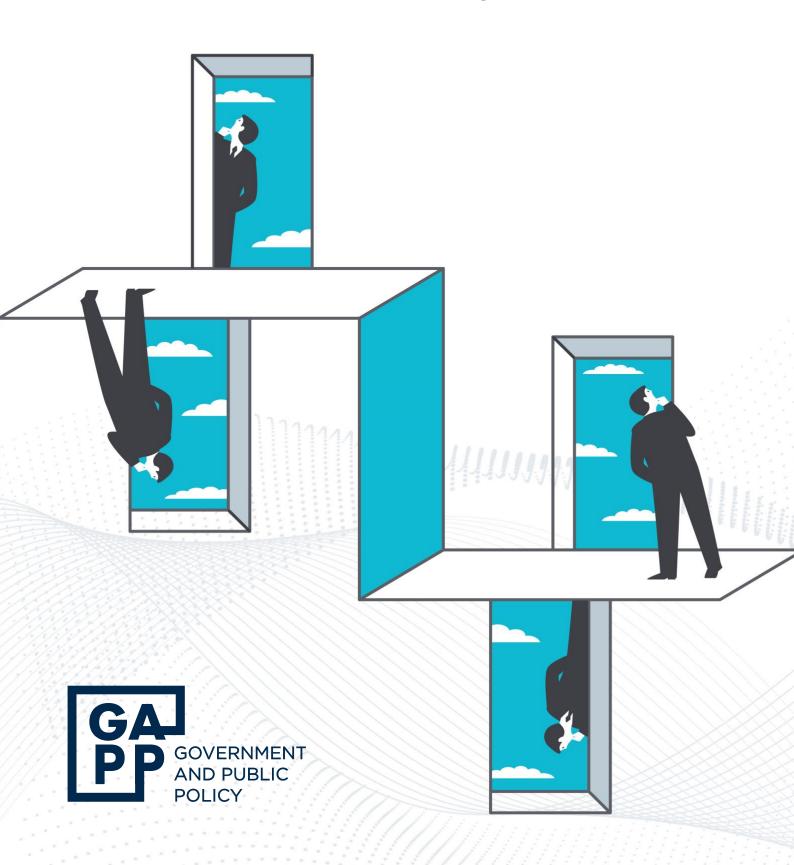
The Paradox of Reform:

A response to the Ramaphosa government's proposal for professionalising the public service.

Rafael Leite and Ivor Chipkin



Summary

This report analyses the National Implementation Framework towards the Professionalisation of the Public Service presented in 2020 by the ANC-led Ramaphosa administration. The report is based on the civil service reform literature, discussing the advances that this document represents in the South African context. It argues that the Framework is a valuable contribution to the debate on state modernisation in South Africa for its support of boundary-setting between politics and administration as a determinant of good government. It also argues that while the government's proposal includes a welcome emphasis on the positive effects of merit systems on state capacity building, the Framework has important limitations that make it an inadequate instrument for guiding a consistent reform process. The main limitations identified relate to (i) the lack of clarity on the scope of the proposal (whether it is seen as a policy guidance document or an implementation-oriented work plan), (ii) the lack of a robust diagnosis and clear expected outcomes, and (iii) the absence of international references that can provide important insights on South Africa's reform challenges. It concludes with proposals to foster the debate on the professionalisation of the public service in South Africa by bringing it closer to the academic literature and international practice in civil service reform, suggesting a model of incremental reform focusing on the strengthening of (i) managerial capacities through the introduction of a senior civil service system and (ii) administrative capacities through the introduction of new institutions for the strategic management of personnel.

Keywords: State Reform; Civil Service Reform; Public Service Reform; People Management in the Public Sector; Public Management in South Africa; State Modernisation in South Africa; Cadre Deployment.

Acronyms

ANC African National Congress

DPME Department of Planning, Monitoring and Evaluation

DPSA Department of Public Service and Administration

ENA École Nationale d'Administration

HR Human Resources

NSG National School of Government

PSC Public Service Commission

SIGMA Support for Improvement in Governance and Management

UK United Kingdom

UNDP United Nations Development Programme

Introduction

The systematic "repurposing" of government departments and companies has been scrutinised by civil society and oversight bodies in South Africa since at least 2016. Evidence suggests that the government led by former President Jacob Zuma consistently appointed professionals responsible for senior management functions in South Africa's public service to cement political and economic bargains between leaders of the African National Congress (ANC) and crony businessmen. These corruption allegations became the target of a judicial commission of enquiry, established in 2018, whose investigations exposed the consistent use of a constitutional tool (the discretionary appointment of public officials) to benefit the political plans of the ruling party - a phenomenon that has come to be referred to as "State Capture" by academics, politicians and civil society organisations (Chipkin, 2016).

The use of public office as a tool to implement party-political agendas is not unique to South Africa. In fact, defining the boundaries between politics and administration is a challenge in democratic countries around the world (particularly those with lower institutional capacity), as there are no universal solutions for balancing, on the one hand, the autonomy of public administrations, and on the other, their obligation to implement the policy agenda of the elected government of the day (Christensen & Opstrup, 2018; Chudnovsky, 2017). That is, public servants must use their professional discretion while subject to the ruling party. In South Africa this tension has been heavily skewed in favour of the latter. The high degree of political domination and control exercised by the ANC has led to the de facto centralisation in the hands of party functionaries of decisions about the filling of key public posts, a phenomenon known as Cadre Deployment (Twala, 2014). In this process, the appointment of public officials is too frequently defined in terms of party-political imperatives to the detriment of autonomy and merit.

The explicit link between State Capture and Cadre Deployment exposed the fragility of the South African civil service, making evident the need to introduce reforms to limit the political use of public office. The emergence of a new ANC faction at the centre of the government, represented by the replacement of Jacob Zuma by Cyril Ramaphosa, has contributed to the rise of a favourable environment for the introduction of reforms, as the representatives of the current administration seek to differentiate themselves from the previous one. In this context, in December 2020, the Minister of Public Service and Administration, Mr Senzo Mchunu, announced that the government's public service reform proposal, the document analysed in this report, was open for consultation.

The National Implementation Framework towards the Professionalisation of the Public Service

The Ministry of Public Service and Administration commissioned the National School of Government (NSG) to develop a National Implementation Framework towards the Professionalisation of the Public Service, which was to be a policy document detailing the South African government's proposals to improve the country's public administration through modernisation of people management practices. The document which resulted is organised into four parts. The first part is a reflection on what professionalisation of the public service means and formulates a conceptual definition of the term with the intention of organising the debate around the proposed national implementation policy. The second part seeks to prove that professionalisation of the civil service is a constitutional imperative, since it is a strategy for the development of the administrative capacities required to fulfil the rights set forth in the Constitution and the government objectives defined in documents such as the National Development Plan that propound medium and long-term political agendas.

The third part undertakes a comparative analysis of how the public service functions in different developing countries (notably Brazil, Russia, India, China, Botswana and Rwanda), emphasising practices for filling senior public management positions and how the institutions responsible for formulating and implementing human resources (HR) management policies work. Finally, the document describes the government's proposals to improve the quality of the South African public service. There are five main pillars of intervention, designed to improve people management in the public sector, with emphasis on (i) reviewing recruitment and selection mechanisms, (ii) introducing induction practices, (iii) improving performance management tools, (iv) improving training policies, and (v) reviewing talent management practices in the public service.

The public consultation received contributions from over 150 organisations, including universities, professional representative bodies and research centres, and over 700 individuals participated in meetings organised to debate the draft. In June 2021, the Ministry of Public Service and Administration announced the creation of a Task Force composed of experts and representatives of civil society to contribute to the work of the National School of Government in systematising the contributions received, as well as suggesting adjustments to the government's proposals and detailing an implementation schedule. The government expects to conclude the activities of the Task Force, and the finalising and approval of the proposals by the Cabinet, by the end of October 2021.

The objective of this report is to analyse the content of the draft National Framework on the Professionalisation of the Public Service in light of the academic debate on and international practice of civil service reform. It is argued that the draft formulated by the NSG should be praised as an important step to improve the debate on state modernization in South Africa, but which in its current formulation can be understood as a device dedicated to convincing political elites associated with the ANC that providing the South African public service with greater autonomy is not an affront to their influence, but a strategy to ensure the execution of constitutional mandates through the strengthening of state capacities. However, this rhetorical effort comes at the expense of the depth and range of the diagnosis itself, and restricts the options available for reform. In short, the framework document provides only a partial analysis of the problems in the South African public service and does not adequately consider the international experience.

Organising the debate on the meaning of civil service reform: South Africa is not an island

The government's description of the reform proposal – a framework document on professionalising the Public Service - is revealing in many ways and helps to explain some of the main problems with its approach. Put simply, the framework presented describes a set of conscious proposals for change. In this regard it resembles a 'reform' agenda, reforms being seen as sets of policy proposals implemented with the aim of achieving significant improvements in the functioning of public policies (Melchor, 2008). This definition also brings out the limits of the framework document as a reform proposal, however, because it does not follow through with: (i) an tangible set of intervention proposals, (ii) a well-defined implementation horizon, and iii) a description of what a reformed and qualitatively superior public service would look like.

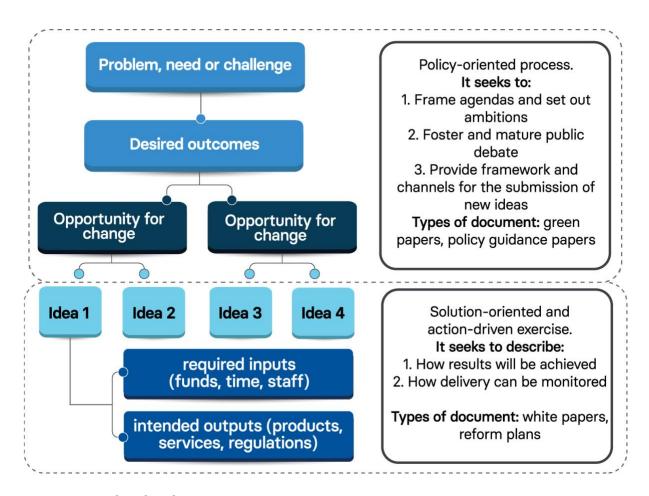
Instead, the NSG's proposal is an exercise in policy guidance, prepared with the objective of announcing the government's official position and stimulating discussion on the subject, as well as collecting feedback from various sectors of society. It is a framework that points "in the direction" of professionalising the public service without well-defined intervention proposals, implementation deadlines or accurate descriptions of the results that it seeks to achieve. These features reveal the importance of this document as a performative exercise rather than as an essentially practical tool to guide the work of formulating and implementing the changes required to improve the management of human capital in government agencies. This is not a minor semantic observation; it helps us to understand the limits of the framework document as a reform plan.

The case being made here is that despite the government's proposal being a valuable initial effort to bring civil service reform to the center of the political agenda, the document in its current version confuses two moments in the reform design process: the identification of the problem and the outcomes to be achieved, which is a policy-driven process, and the definition of the solutions and the actions to be taken, a managerial process.

The first process is more political in the sense that it is normative, involving the definition of which state model one aspires to build and what parameters should be adopted to do so.

The second process is more pragmatic in nature, to the extent that it is restricted by administrative constraints and requires value for money analyses.

It is clear that these processes intersect, but the type of approach required to conduct each of them is of a different nature. **These ideas have been organised in the following diagram:**



Source: personal authorship.

The document resembles a green paper in that it appears to have been formulated as the basis of a participatory consultation process. Although it allows for the identification of some of the government's main ideas, because it lacks a robust diagnosis and an accurate description of the outcomes to be achieved, it restricts the ability of third parties to make meaningful contributions based on relevant lessons identified by the literature in countries that share similar challenges or seek to achieve the same results.

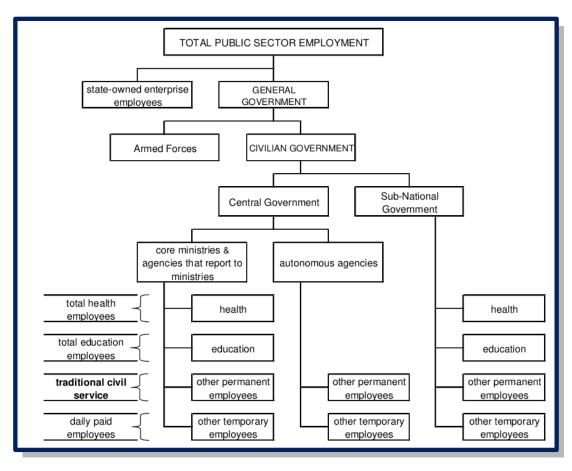
Another major consequence of the inadequate structure of the government's proposal is that it engages with only a partial body of academic debate and practical experimentation regarding the professionalisation of human resource management in the public sector. This is indeed a challenge as it is a field of expertise that over the years has been associated with different terminologies, such as civil service reform, public service reform, public administration reform, administrative reform, public employment reform, and even with more generic terms such as institutional development, organisational development and capacity building. While in some cases terminological changes have indeed represented changes in conceptualisation and scope, in many cases it is "old wine in new bottles". It is precisely because of the existence of this terminological challenge that the government should have made a greater effort to catch up comprehensively with academic production.

Fortunately, since the 1990s a number of international organisations have begun to embrace the term "civil service reform" to refer to HR management policy transformations in the public sector, including for example the World Bank (Nunberg & Nellis, 1995), the Inter-American Development Bank (Longo, 2002), the OECD and the European Union (especially through joint initiatives such as SIGMA - Support for Improvement in Governance and Management; and WeBER - Western Balkan Civil Society Empowerment for a Reformed Public Administration) and the United Nations Development Programme (UNDP), which since 2013 has co-led civil service reform efforts in Central Asia through the Astana Civil Service Hub (ASCH), among others.

Since then, the term "civil service reform" has been increasingly used by academics, think tanks, international organisations, specialised consultancies and development agencies to describe and analyse interventions undertaken by governments in various parts of the world so as to make public administrations more effective and capable through the improvement of human capital (Rao, 2013; Evans, 2008; Echebarría, 2013). In other words, the strategy of the South African government of organising the debate around the "professionalisation of the public service" distances the country from international experiences of enormous relevance, not only in cases extensively studied and critically evaluated in the literature, such as those in Western Europe and the United States, but above all in contexts that present valuable lessons for South Africa. These include the introduction of reforms in contexts of low institutional capacity in Latin American countries and the construction of civil services in the context of democratic transitions in Eastern Europe.

The consequences of the lack of terminological and conceptual clarity can be identified almost throughout the government's document. We proceed to analyse two: the frequent mention of the organisation of human resources in the health sector in reference to the professionalisation of other occupations in the public sector and the recurrent use of the literature on the construction of developmental states to illuminate the debate on the construction of state capabilities. Obviously, the references used by the government can be useful - but the fact is that both cases stand out more for what they omit than for what they contribute to the debate on Civil Service reform in South Africa.

As for the references to the health sector, though there is no universal definition of the civil service (Evans, 2008; Horton, 2011; Demmke, 2005), the literature points out that the term generally refers to a specific group of professionals who make up the public service (usually a more generic term, used to cover a broader universe of government workers). Data from 2001 indicate that only in 14 of the 34 OECD countries are health sector workers defined as included in the civil service (Adomonis, 2008; Cardona, 2001). Even in countries where health workers are considered civil servants, such as in France, there is an explicit differentiation between these professionals and public service workers engaged in back office functions. The World Bank definition of civil service also excludes health sector workers, as illustrated in the following:



Source: Administration and Civil Service Assessment Tool (Manning, 2000).

This is a fundamental difference insofar as the functions exercised by health professionals and the other administrative functions differ greatly. The provision of health services is not a sovereign function (Charbit & Michalun, 2009; Nunes & Castro, 2010) nor a core responsibility of the state (Cardona, 2002; 2008). The employees who provide public health services are not engaged in the administration of the state, but rather with the provision of a service that, although considered a public good in most countries of the world, is very often also provided by the private sector, either through for-profit companies or by social and philanthropic organisations. This is why health professionals are able to sell their competencies in the labour market more easily than other public professionals whose main or sole employer are state institutions.

The competition for talents is a common feature of health systems around the world, even those like the British that are almost completely publicly funded, where providers (public, private, and philanthropic) of health services compete among themselves to obtain government contracts. Another specific feature of the health sector workforce is its ability to exercise the same functions across different jurisdictions (within countries and between countries), which guarantees its greater deployability while generating specific challenges in terms of training, selection, retention, and talent development. This characteristic of the labour market leads to the widespread adoption of flexible contracts in hiring health workers, since it allows public agencies greater agility in defining working conditions that will attract and retain these professionals in their ranks.

The use of such contracts is not restricted to the health sector, and the duality of public employment schemes between "strategic functions" (the civil service) and "direct service provision" (usually contracts similar to those used in the private sector) is a widespread phenomenon present in several countries. **A few examples follow:**

Country	Contractual modalities established by the State with public employees	
	Management functions performed at the centre of government and sovereignty functions	Execution and delivery of non-exclusive (or competitive) public services
United Kingdom	Civil Servants (Civil Service) and Crown- regulated appointments	Public Servants and Contractual employment (local governments and health services)
Germany	Beamte (leadership roles; policy work)	Angestellte (technicals; white-collar) and Arbeiter (blue-collar)
France	Grands corps de l'État, agents publics titulaires or fonctionnaires (incumbent bureaucrats)	Agents non titulaires or agents contractuels (service providers)
Portugal	Funcionários públicos (appointment regime; public employment law)	Trabalhador em funções públicas (contractual regime; labour law contracts)

Source: personal authorship.

It turns out that public employees under flexible contracting arrangements are not always included in the definition of civil service - which is why public health workforce management settings are rarely included in comparative studies of civil service reform and modernisation. In fact, the departments responsible for implementing cooperation projects related to health workforce management in international organizations such as the World Bank and the OECD are completely different from the departments responsible for the civil service reform agenda. After all, even though the health workforce is a fraction of total public employment, it is an area full of its own challenges, which in the international arena and in academia are addressed by specific bodies, such as the World Health Organization (and its numerous agencies and initiatives, like the Global Health Workforce Alliance/GHWA) and Schools of Public Health.

On the other hand, sovereign functions (such as public security, intelligence services, diplomacy, maintenance of the judicial and tax order) and state administrative functions are generally exercised at the centre of government, at ministries, not through bodies of decentralised administration, such as independent agencies and public corporations. This is done by professionals hired under more rigid contractual arrangements, with greater protection against politically motivated dismissals. The literature on civil service reform focuses especially on these professionals, who are responsible for providing direct advice to political leaders (ministers and their teams) on issues of public policy formulation, as well as often being responsible for the execution of these same policies, that is, the direct delivery of public services to citizens.

In other words, improving the performance of professionals responsible for *identifying*, *translating* and *implementing* policy agendas is the challenge that lies at the heart of the civil service reform agenda in numerous countries. The exercise of these activities demands the mastery of specific competencies, amongst which are the ability to:

- \rightarrow maintain a technical and professional attitude in highly politicised environments,
- → systematise and interpret scientific evidence to inform the formulation of public policies.

These are typical competencies for civil servants, strategic for the proper functioning of the state, which is why they should not be outsourced. Other managerial competencies, such as managing teams to deliver results, are also developed in non-state work environments, such as private organisations. In these cases, institutions responsible for the qualifications of civil servants can benefit from partnerships with civil society organisations.

Improving the performance of professionals responsible for identifying, translating and implementing policy agendas is the challenge that lies at the heart of the civil service reform

In drawing on the experience of the health sector to propose a model for professionalising the public service through partnerships with independent guilds (bodies responsible for regulating the exercise of certain professions in the labour market), the South African government's reform proposal is based on a framework that organizes only a fraction of the public service and is composed of employees who do not perform key functions at the centre of government - which in turn should be the centre of efforts to professionalise the civil service. It should also be noted that in many countries the guilds responsible for regulating professions do not consistently assess and develop skills, becoming in fact corporations interested in restricting access to the labour market to protect the income of their members (Kleiner & Park, 2010).

Thus, the South African government's approach:

- → disperses and wastes effort that should be focused on the upgrading of civil servants who perform functions at the centre of government
- → promotes the outsourcing of a strategic government function, HR management, to corporations whose real objectives do not necessarily involve improving the quality of public services but rather representing sectoral economic interests
- → distances the public debate in South Africa from relevant international experiences in countries that have developed different strategies to deal with HR modernisation challenges in the public sector.

As for the use of the literature on *developmental states*, it is notable that the objective of building such a state in South Africa is not restricted to the framework under discussion in this report. It is a reference present in different planning instruments, and the achievement of this objective is treated as a constitutional aspiration. In this sense, the framework argues that building a developmental state depends on statecraft capacities that can only be developed when a professional public service has been created. What the document seems to omit, however, is that the specialised literature highlights the importance of autonomous bureaucracies as a necessary condition for the development of industrial and economic capabilities in countries seen as 'developmental' since at least the 1990s.

Authors such as Linda Weiss (1994), Peter Evans and James Rauch (1995) argue that the existence of highly effective public institutions dedicated to industrial development with a great degree of autonomy was essential for the success of the economic model adopted by Asian countries (autonomy, in this case, understood as the combination of meritocratic recruitment with foreseeable career ladders). More recently, Mariana Mazzucato and Reiner Kattel (2018; 2021) have been engaged in bringing the literature on industrial policy closer to the extensive field of studies on the quality of government, arguing that the development literature needs to recognise that building dynamic capabilities in the public sector is indispensable for generating sustained economic growth, but that this is a task that requires building public institutions with strong autonomy to implement the policy agendas.

In addition, although half of the framework formulated by the NSG is dedicated to a theoretical discussion on the importance of professionalisation of the civil service for the construction of a *democratic* developmental state in South Africa, the literature that analyses the effects of bureaucratic autonomy on development in democratic countries also does not appear to have been fully consulted. To highlight some important studies, the contributions of Bersch (2015); Carpenter (2001); Dahlström, Lapuente & Teorell (2012); Grindle (2012); and Meyer-Sahling, Schuster & Mikkelsen (2018) are of particular relevance.

In "When Democracies Deliver," Bersch compares institutional reform strategies adopted by two emerging democracies, Brazil and Argentina, and determines that gradual implementation of reforms, as opposed to radical restructuring, leads to more effective and durable results, including in terms of professionalisation of the civil service. In his analysis of the foundations of bureaucratic autonomy in democratic regimes, Carpenter argues that autonomy is a product of the exercise of "politics of legitimacy" by bureaucrats, a game which in turn is associated with the capacity of civil service agencies to (i) differentiate themselves from the actors that control them (politicians), (ii) offer unique services efficiently, and (iii) establish organisational reputation in coalitions formed by diverse actors that support and value the independent operation of public offices.

Dahlström, Lapuente & Teorell consider that the separation of the incentive systems which regulate the professional ascension of politicians and bureaucrats is fundamental to diminishing corruption in democratic countries. According to the authors, meritocratic recruitment and promotion mechanisms for civil servants differentiate the chains of accountability of these professionals (which begin to depend on the appraisal of objective rules or peer review) from the elections that organise the career of politicians in a democracy. This differentiation of interests would make the establishment of schemes of corruption costly, by making them into more complex problems of collective action.

Grindle argues that patronage is a flexible mechanism that facilitates the achievement of leadership goals, and that throughout history it has been adopted by authoritarian governments as a way of concentrating power and by democratic governments as a tool to increase bureaucratic accountability in the context of expanding mass democracies. In her evaluation, the nature of patronage is precisely to align itself to the aims of those who control it in order to facilitate the achievement of their objectives, be they honourable or perverse. In this sense, the author points out, the structure and purpose of patronage systems decisively shape the functioning of the regimes that replace them in each country. In her words, the dynamics of patronage in each country will determine which civil service reform approach will be most successful, to the extent that there is a "primacy of politics in the construction, deconstruction, and reconstruction of appointment systems for public office".

Finally, based on data collected in an original survey administered to 23.000 civil servants in ten developing countries in Africa, Asia, Eastern Europe, and Latin America, Meyer-Sahling, Schuster & Mikkelsen (2018) assessed the effects of a series of civil service management practices - recruitment, promotion, compensation, and performance management - on attitudes and behaviours key to public sector effectiveness. The results indicated that the greater the influence of political or personal connections in determining the recruitment, promotion, and compensation of public servants, the lower the performance, job satisfaction and public service motivation, and the higher the corruption.

The theoretical insights and policy advice contained in these studies have much to contribute to the improvement of the civil service reform proposal launched by the South African government and currently under discussion. Bersch highlights the importance of developing expertise from experiential learning for the long-term effectiveness and continuity of reforms - which is why he advocates the introduction of incremental reforms. Carpenter points to the relevance of social coalitions engaged in forging and protecting civil service autonomy, whose bonds (symbolic, financial, cultural, etc.) may offer a counterweight to the pressure applied by the political system to control public institutions. In this sense, the willingness of the Ministry of Public Service and Administration to open up its reform proposal for social consultation is a step in the right direction, but other measures must be implemented to ensure that civil society organisations will be able to play an active role in monitoring and evaluating the proposed reform measures.

Dahlström et al argue that while the existence of meritocratic recruitment mechanisms reduces corruption, there is no evidence that other typical characteristics of closed public employment systems in continental European countries such as France and Germany, have the same effect. Grindle's observations lead to the conclusion that civil service reform in South Africa should start from a consistent analysis of the functioning of Cadre Deployment practices, giving rise to a new institutional design specifically tailored to balancing the contradictions between merit and

democratic governance peculiar to the country. Finally, the work of Meyer-Sahling et al demonstrates the centrality of civil service surveys in providing evidence for civil service reform - an instrument that could be adopted to carrying out an effective diagnosis of the South African civil service, thus allowing discussion on its professionalisation to be built on more solid foundations in government and the public sphere.

Between the Constitution and the Party: the delicate balance between merit systems and democratic governance

The organisation of the civil service in democratic countries faces a dilemma regarding the limits of administrative autonomy. On the one hand, the need to establish open selection processes and career ladders free from party and personal influences distances HR management functions from the political core of governments. However, the need to implement public policies that address government agendas requires alignment between the performance management of public servants and respect for democratically defined priorities - which requires some level of alignment between civil service agencies and the centre of government (Christensen & Opstrup, 2018).

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This is a dilemma without an easy solution, and different countries have developed their own institutional architectures (Chudnovsky, 2017) to deal with the tensions between the necessary existence of merit protection systems and the raison d'être of the civil service, which is to implement the agenda of elected governments within established constitutional boundaries. Balancing these irreconcilable objectives is a task that requires constant organisational and political refinement. When this does not happen one of two scenarios tends to unfold in states with low institutional capacity: 1) patronage and clientelism, caused by the weakness of merit protection systems within the civil service; or 2) bureaucratic insulation, caused by the weakness of accountability mechanisms for public servants.

In South Africa, the challenge of building an autonomous civil service is shaped by the specific characteristics of the transition to democracy in the country. The bureaucracy built by the Apartheid governments was partially maintained by the ANC-led governments, which took on the challenge of transforming it gradually. This strategy was adopted because of the political pacts, the so-called sunset clause, that gave rise to the transition and also because of the practical impossibility of radically reshaping the public sector workforce in a short time without disrupting the provision of basic public services. A relationship of distrust emerged in this context between the public service and ANC leaders, who were worried that that autonomy could be instrumentalised by factions of the civil service to resist the agendas of the new democratic regime (Franks, 2014).

As a result the Public Service Commission (PSC), the quasi-autonomous body responsible for formulating and overseeing the merit-protection system inherited from the previous regime, had its powers stripped away - many of them taken over directly by the political executive in government line departments or by the Department of Public Service and Administration (DPSA) (Chipkin, 2021). This was further complicated in 2010 with the establishment of the Department of Performance, Monitoring and Evaluation (DPME)1, which further eroded the PSC's jurisdiction.

More than 20 years after the transition, and in the face of recent, ongoing corruption scandals, poor government performance is increasingly being recognised in the ANC and in the Ramaphosa administration as an existential threat in the medium term. It is in this context that the need to provide the civil service with greater autonomy from the political system reappears in the public debate, due to its potential contribution to improving the effectiveness of the South African state and ensuring the introduction of higher ethical standards. However, the lack of conceptual clarity once again prevents this debate from being conducted in a consistent manner, to the extent that the reform proposals presented by the government refrain from making any diagnosis of the institutional structure of the civil service in the country.

The lack of conceptual clarity [about the meaning of reform] [...] Prevents this debate from being conducted in a consistent manner

 $^{1\ \}mathrm{DPME}$ was later merged with the Planning Commission to become the Department of Planning, Monitoring and Evaluation.

The issues are numerous and easily identifiable. The government proposal cites the existence of a cluster of institutions responsible for the modernisation of the public sector (the Governance, State Capacity and Institutional Development Cluster), consisting of the Ministry of Public Service and Administration, the DPSA and the NSG. It points out that, by decision of the Cabinet Office, the formulation of the Framework would be entrusted to the NSG, a public institution dedicated to training public servants.

The decision is surprising in view of the fact that:

- 1. outsourcing the responsibility for policy formulation from a ministry to an executive agency is an deviation in that the NSG will become responsible for defining its own ends and executing them, weakening the evaluation of its institutional performance by a third party
- 2. the Framework proposes measures whose application goes far beyond what is expected of a single purpose agency such as a school of government, considering that the training of civil servants is only one sub-system of people management
- 3. the government of South Africa has the PSC, a body that has demonstrated its capacity to produce in-depth studies on cross-cutting issues in people management in the public sector, several of them used as reference points by the NSG.

Furthermore, the Framework delegates the execution of a series of measures to different government institutions without a coherent rationale, while also not mentioning what role will be of entities that have a crucial role in the success of civil service reform, such as fiscal institutions, HR units in ministries and agencies (Velarde, Lafuente & Sanginés, 2014) and trade unions (Kearney, 2006). There is no doubt that the NSG could provide important input to the ongoing discussions, but this is an exercise that should be undertaken with much greater caution, as international experience points to the existence of a wide variety of organisational structures responsible for implementing HR management policies in the public sector beyond schools of government. To give two examples:

In the US, performance management is the responsibility of the Office for Personnel Management, which is a body attached to the executive branch. Its function is to align government strategy with the performance management of agencies and teams. Merit system protection against political influence, on the other hand, is the responsibility of an autonomous body, the U.S. Merit Systems Protection Board. Negotiation of employment conditions with public service unions is handled by the U.S. Federal Labor Relations Authority. Whistleblower protection is handled by the Office of Special Counsel. The promotion of a representative bureaucracy as well as protection against

race and gender discrimination in the public service is carried out by the U.S. Equal Employment Opportunity Commission. Each of these entities has been endowed with its own organisational design, providing them with varying degrees of flexibility and autonomy with respect to the centre of government. The purpose of such a pluralistic system is to ensure that each agency has an unambiguous mission and is properly structured to achieve it.

In France, a diagnosis of the atrophy of the central HR unit, attached to the ministry responsible for managing the civil service, coupled with the hypertrophy of the École Nationale d'Administration (ENA) and other schools of government led the government to decide to overhaul the governance of the civil service in 2020. Among the measures announced this year is the closure of the ENA, which will be replaced by two new organisations: the Institute of Public Services and the Interministerial Directorate for the Senior Civil Service, both of which are being implemented. The former will bring together the current government schools in a less disaggregated training model, focused on the development of transversal competencies, to the detriment of the traditional French model of organising human resources into vertical careers. The latter will develop selection, evaluation and development tools and mechanisms specifically aimed at senior public management, working in partnership with government ministries and agencies.

Ideological myopia in the choice and evaluation of international benchmarks

The government's proposal dedicates a chapter to the description and evaluation of international experiences of civil service reform. However, the selection of cases is not supported by a clear justification of why each was chosen. The descriptions of the main cases (Brazil, China, India and Russia) are, unfortunately, not based on current research as undertaken by some of the leading scholars in the field of public administration. Moreover, it makes claims that lack empirical support, as when it assumes the existence in Brazil of a tendency for technocrats to occupy leading positions in the public administration (Pacheco, 2008; Bersch, Praça & Taylor, 2017). The document's main deficiency, however, is that it almost completely ignores the experiences of reform well documented by the Organisation for Economic Co-operation and Development (OECD), which surprisingly is cited only once in the text.

Thus, one may wonder whether the international examples in the text seem to have been selected on the basis that they are *not* Western, in the mistaken belief that Western instances are somehow not relevant in South Africa. For whatever reasons, ignoring the enormous accumulation of learning on civil service reform developed on the basis of studies by the OECD and other international organisations such as the European Union, the World Bank and international cooperation agencies such as the UNDP and regional development banks in Asia and Latin America is an oversight with serious repercussions for the quality of the public debate on the reform and modernisation of the state in South Africa.

Thus, one may wonder whether the international examples in the text seem to have been selected on the basis that they are not Western, in the mistaken belief that Western instances are somehow not relevant in South Africa.

This is unfortunate because the OECD experience speaks directly to one of the key proposals of the Framework document. The government's proposal for professionalising certain occupational categories of public servants rests, inter alia, on measures to create well-defined career ladders, as well as work level standards, to be enforced by *independent professional guilds*. Despite the specificity of the South African context, the challenges surrounding the structuring of public careers in South Africa bear many similarities to the debates underway in countries with civil service structures as different as France and the United Kingdom.

In France, the bureaucracy has historically been organised around careers (or cadres), which are understood as 1) groups of professionals linked to a particular public body, 2) governed by specific rules of recruitment and professional advancement, 3) guided by a common organisational culture, reinforced by particular selection and development practices, 4) dedicated to the exercise of well-defined functions and 5) organised into degrees of seniority, translated into levels of remuneration (Bezes & Jeannot; 2011). This is a well-defined model of human resources organisation with both advantages and disadvantages. On one hand, it contributes to the development of public professionals who are strongly identified with the mission of their agencies, as well as to the creation of well-defined criteria for selection and professional advancement, greatly reducing the chances for political capture by state agencies. On the other hand, the model hardens workforce management by making it difficult to mobilise human talent across government agencies, or to introduce development strategies based on competencies rather than on the organisational structure of government agencies. For this reason, since 2008 (at least) the French government has invested in the creation of a professionbased civil service ("fonction publique de métier"), under which civil servants would no longer be identified according to the body they are assigned to, but rather according to the functions they perform - facilitating more flexible workforce management (Silicani, 2008).

The reduction of the number of careers and the organisation of human resources around transversal professions is not an unprecedented strategy, and has been tried by the French government since at least the 1990s (Jeannot, 2005). According to official data, in 1990 there were around 1500 careers in the French public service, a number that has gradually decreased due to an ongoing trend of merging specific careers (based on organisational entities) into new generic careers (based on professions and competences). As a result, in 2008 the country had around 700 careers in central administration, a number that had been consolidated to 380 by 2012 (OECD, 2012). It is worth highlighting that French civil servants allocated to sub-national

governments and the public health sector have not been organised into specific careers since 1987, when the Galland Law instituted a new human resources management model based on professions and professional frameworks. Currently, the Territorial Civil Service has 54 professional cadres organised into 8 groupings (filières): Administrative, Regional Development, Cultural, Medico-Social, Police, Firefighters, Athletic and Technical. The Healthcare Service is organised into 6 groupings: Care, Rehabilitation, Medical Technical, Administrative, Technical/Works and Socio-educational.

In the United Kingdom, until the 1960s, the Civil Service was organised around 4 main "classes" of workers, with specific grading and remuneration structures, administered in a decentralised manner with the exception of payroll management, which was run by the Treasury Department, and selection processes, which were administered by the Civil Service Commission. This model underwent a profound transformation following the publication of the Fulton Report in 1968, during the Labour government of Harold Wilson. The report presented a broad diagnosis of the British civil service, suggesting the introduction of profound changes, including: (i) The abolition of the system of "classes", which functioned as French-type careers with their own logics of work organisation, and the adoption of a single grading grid with different levels of pay associated with different levels of competence and responsibility; (ii) Introduction of a US standard of job classification, in which the determination of the position of a post in the pay grade considers only the content of the functions performed by that post - and not its prestige (proximity to power) or seniority; and (iii) Fostering the attraction of more specialists to the government workforce (scientists, engineers, economists and other professionals with specialised knowledge) to the detriment of the generalist profile, until then dominant among civil service staff (Parry, 2011).

Years after its publication, the proposals of the Fulton Report had still not been fully implemented (Stanley, 2021). The need to strengthen the recruitment of professionals with specific skills (project management and service delivery in particular) led in 2005 to a new review of the UK's public sector organisational model, in an attempt to strengthen the implementation functions in the public sector. In that year the Professional Skills for Government (PSG) programme was launched, which aimed to organise civil servants into three "professions" (Talbot, 2014) with well-defined selection and development strategies. The professions (also called "streams" or "career groupings") would consist of: 1) Operational Delivery), 2) Corporate Services Delivery (organised into functional groups such as finance, information technology, procurement and others) and 3) Policy Delivery. During the David Cameron administration, the system evolved into a model for classifying civil servants into 26 professional categories, in accordance with the skill development needs observed across the whole of government. In other words, in addition to the link with their agencies or departments, civil servants would also be organised into professions that indicate the type of expertise expected of each person.

In 2014 a new form of classification of civil servants by functions was also introduced. Twelve "functions" were established, structured on the basis of corporate services provided across government (such as auditing, communications, digital government, finances and budgetary management, human resources, procurement and supply chain, real estate and facilities management, among others). This new model has sought to create a lean core of Function Leaders with direct access to the centre of government - improving the provision of technical advice to the Head of the Civil Service. According to an evaluation conducted by the UK Parliament's Public Administration Committee in 2017, the model of horizontal integration of professions and functions has met with resistance in the Civil Service, which is used to an overcompartmentalised structure in which each ministry is responsible for its internal affairs and accountable to its own Ministers, and not to other government bodies. However, audits by the National Audit Office in 2017 and 2020 suggest a consolidation of the approach given its ability to provide the Cabinet with greater clarity on the standards of excellence expected from each type of civil servant and to introduce more transparent performance evaluation models.

The experiences of France and the UK, highlighted here, are just two examples of well-documented cases with useful lessons for the South African public service. They are not the only ones, however. Take for example the concern with modernising recruitment mechanisms, repeatedly highlighted in the NSG Framework. This is a priority on the reform agenda of numerous countries, which is why successful experiences of selection by competencies are frequently documented by the OECD, such as the use of tools like psychometric tests, dynamic certifications and interviews, widely adopted by leading HR management organisations, such as the European Personnel Selection Office (EPSO), an agency of the European Union (Kramer, 2011), or the Belgian federal government's selection agency, Selor (De Beeck & Hondeghem, 2010).

Without measurable objectives and detailed work plans no reform can be sustained

Repeatedly, the government framework recognises that the professionalisation of the public service is a complex endeavour, the success of which requires the introduction of a systemic approach capable of offering simultaneous solutions to different challenges associated with HR management. This assessment is correct. Civil service reform is a process that threatens mediocrity, well-established power networks and entrenched organisational cultures. It is a high political risk enterprise and requires much more than just adequate technical solutions. More importantly, it also requires clearly formulated implementation strategies capable of generating consistent political support, minimising risks and neutralising opposition. In this sense, a reform plan needs to be flexible enough to be refined according to reactions observed in the political arena, ensuring its continuity over time. Unfortunately, the framework developed by the NSG does not display such qualities.

As highlighted previously, the document lacks an effective diagnosis of what is wrong with people management in the South African public sector, devotes a considerable part of its efforts to a rhetorical effort apparently aimed at convincing the ranks of the governing party, and, more seriously, presents a set of generic intervention proposals, without deadlines or cost forecasts, assigned to different government agencies without a coherent rationale. Fundamental considerations were ignored, such as: (i) what legislation and which regulations should be drafted or amended to ensure the implementation of the intervention proposals, as well as the parameters that will be used to monitor their formulation, approval and implementation; (ii) the description of the reform implementation strategy, especially the treatment to be given to civil servants who already hold their positions and have their careers managed according to rules in effect at the time they entered the public administration; and (iii) a description of the institutional solutions that will have to be undertaken to ensure the implementation of the new standards for the recruitment, training, evaluation, remuneration and dismissal of civil servants.

These are essential elements of a reform agenda. It is almost impossible for independent institutions to evaluate government's proposals without them. It is urgent to find answers to the following questions: what will be the sequence of reforms? How many civil servants will be affected at each moment? What will be the speed of the implementation schedule? What will be the strategy adopted to ensure the continued support of the fiscal authorities for the reform process?

This is not an easy task, which is why reforms of this nature tend to achieve results when implemented in a gradual manner. While the nature of the problem requires a systemic approach, as identified well by the NSG, the implementation challenges require capabilities that hopefully can be developed over a period of years. This execution capacity, in turn, is strongly dependent on the adoption of specific strategies to strengthen people management within the public service, such as competence assessment and certification tools, whose widespread use requires the mastery of sophisticated technical skills that are not common in the public sector, where line HR units tend to take on operational functions confined to areas such as running the payroll and advising departmental units on legal issues (such as rules for issuing leave, bonuses, etc). The lack of installed capacity to do sophisticated analysis on personnel data, or a properly grounded approach to developing them, makes any intervention plan a rhetorical exercise.

Reform proposals and final considerations

This report analyses the National Implementation Framework towards the Professionalisation of the Public Service presented in 2020 by the ANC-led Ramaphosa administration. It is based on the civil service reform literature, discussing the advances that this document represents in the South African context, as well as highlighting its main limitations in relation to international experiences. It is argued that while the government's proposal includes a welcome focus on the positive effects of merit systems on state capacity building, it has important limitations that make it an inadequate instrument for guiding a consistent reform process. The main limitations identified relate to (i) the lack of clarity on the scope of the proposal (whether it is a policy guidance document or an implementation-oriented work plan), (ii) the lack of a robust diagnosis and and clear expected outcomes, and (iii) the absence of international references that provide important inputs to South Africa's reform challenges.

As for conclusions, on the basis of the analyses made in this report, some contributions to the reform agenda will be presented below in order to contribute to the debate. It is argued that civil service reform is both politically costly (it imposes immediate costs but long-term benefits) and technically difficult to implement (especially as the introduction of formal rules often fails to generate practical effects), which is why successful experiments adopt a gradual change approach that allows for the accumulation of learning through experimentation over time. In this sense, we propose that reform in South Africa should prioritise two factors that, in the medium and long term, have proven to be decisive for the professionalisation of the civil service: strengthening (i) of managerial capacities through the introduction of a senior civil service system and (ii) of administrative capacities through the introduction of new institutions for the strategic management of personnel.

In making proposals on a way forward we take our cue from the unavoidable paradox of the civil service: It must be autonomous and sufficiently meritocratic to get the job done effectively and it must be appropriately accountable to the elected, ruling party so as not to become a law unto itself. That is, it must be distant from political power and simultaneously close to it. Since at least the 1980s South Africa has got this balance wrong. How do we get it right now?

The answer lies in distinguishing between the institutions that strengthen management capacities from the institutions that ensure civil service accountability.

The strengthening of managerial capacities proves to be a key lever for improving public organisations' internal management practices (Cortázar, Fuenzalida & Lafuente, 2016), integrity standards (Dahlström, Lapuente & Teorell, 2012) and the delivery of results (Perry & Miller, 1991), and international experience points to the existence of different successful approaches that, however, share a concern for balancing meritocratic recruitment of public executives and democratic accountability, adapting senior civil service systems to each country's political and institutional landscape. For this reason, the professionalisation of the managerial space in South Africa should start from the delimitation of the roles played by politics and administration, but recognise that political discretion in the definition of public executives is by no means necessarily negative - provided that its exercise is informed by a combination of political and managerial criteria.

But what are public executives? What is the managerial space they form? How is this space delimited by the existence of a senior civil service system? To answer these questions, we adopt the definition of public executives elaborated by Alessio (2017):

[...] "Individuals holding management positions at the first and second hierarchical levels of public organizations with management autonomy, for a fixed term, appointed by the political authority based on selection processes oriented towards assessing the technical and managerial competencies required for the performance of the respective function, who may or may not come from a bureaucratic cadre, and must work towards the execution and implementation of public policies, direct provision of services and delivery of public value to society, being accountable for the achievement of previously agreed results."

The management space is a set of rules and values specific and distinct from those that organise the functioning of the rest of the bureaucracy and the political system - for this reason we speak of a "system" of senior management. The South African government should institute specific policies aimed at selecting, developing, assessing, remunerating and removing public executives - as this specific type of civil servant requires greater flexibility and results orientation. The definition of the scope of this new system should be based on the mapping of managerial functions in public organisations responsible for providing a well-defined set of goods and services to society, and the implementation model should be incremental, with a broad time horizon for incorporating positions into the new policy.

The key point is that the definition of the positions that will be incorporated into the new system should be the result of broad political consensus and that in principle the number of these positions should be limited, considering that the implementation of the system will require the development of new capabilities that take some time to mature, as well as the need to allow the system to generate positive results as a way of gaining the confidence of the political system to ensure its consistent expansion in the future.

South Africa is already in a very favourable position in this regard. The creation in 2000 of the Senior Management Service provides an excellent opportunity for reform. Currently access to such positions is heavily politicised. We propose:

The introduction of a merit filter administered independently of departments for defining who is eligible for these positions through short-listing processes - but

that the removal of these professionals would remain the prerogative of political leaders, thus creating an incentive for the alignment of politics and administration in the occupation of senior managerial positions.

A senior management system requires the existence of **two complementary institutions:** one dedicated to ensuring the performance of public executives and providing them with the basic conditions for achieving results, and the other focused on protecting merit and providing oversight of the system to prevent its undue politicisation. The former should be dedicated to building a specific ethos for public executives, thus taking on the mission of building a distinct organisational culture based on the achievement of results by offering training, support networks and guidance. This entity should also be responsible for the execution of the selection processes of senior civil servants, which should be based on assessment of technical and managerial competencies, and not on traditional mechanisms of assessment of formal knowledge. The execution of these recruitment and selection processes could be conducted with the support of headhunting companies and civil society organizations. The second institution should be dedicated to protecting and evaluating the system - and our suggestion is that it be organized in the form of a council composed of experts in public and people management, chosen by political pacts between government and opposition.

Two complementary institutions [are needed]: one dedicated to ensuring the performance of public executives and providing them with the basic conditions for achieving results, and the other focused on protecting merit and providing oversight of the system to prevent its undue politicisation.

For this reason, we argue for the replacement of the current PSC by two new entities: A Civil Service Agency, linked to the Ministry of Public Service and Administration but empowered with administrative autonomy, and tasked with the dissemination of new strategic personnel management practices in government (a proposal that will be detailed below), and a Senior Civil Service Council without executive powers, but tasked with the protection of merit systems and armed with administrative sanctioning instruments.

We propose that the Civil Service Agency will assume functions currently exercised by the NSG, the PSC and the DPSA, becoming the leading body responsible for implementing all functions associated with the modernisation of HR management beyond the reform of the senior civil service. Its responsibility will be to set working standards for all government HR line units in ministries and public agencies, to monitor and sanction their compliance and, most importantly, to take responsibility for capacity building in human capital management.

Capacity building should take place, at first:

- i. by institutional assessment of the HR units, answering questions such as: What functions do they perform? How much time and what resources do they allocate to each kind of activity? How well do they perform these activities? What are the profiles of the personnel who lead them? Do they have adequate infrastructure for their operation? Do their staff members demonstrate a command of strategic competencies in HR management?
- ii. by conducting periodic civil service surveys to assess behaviours and attitudes of public servants, especially those dedicated to the delivery of HR services
- iii. by creating the role of People Development Officer, responsible for leading HR line units in ministries and agencies, to be appointed by the political leaders or senior civil servants of each entity from shortlists to be formulated by the Civil Service Agency on the basis of open, competitive and competency-based selection processes. The People Development Officers shall be remunerated in a uniform way throughout the government (the difference in salary costs covered by the Civil Service Agency) and they shall be technically dependent on the Civil Service Agency which may demand their dismissal in case of poor performance. These professionals shall be responsible for leading the implementation of new HR policies in the different ministries and government agencies.

In conclusion, it must be stressed that the recommendations above are the result of an exercise in priority setting and are not intended to present an exhaustive list of initiatives or reform proposals. On the contrary: they are suggestions that are far from addressing the topic in all its dimensions or indicating every possible path towards the professionalisation of the public service. Our goal, however, is to present ideas that may foster debate on civil service reform based on the professionalisation of senior public management and the creation of capabilities in strategic human resource management. The implementation of these proposals would require the resolution (or rather the negotiation) of tensions inherent in updating the balance between merit and democratic governance in South Africa, presenting specific implementation challenges that may be the subject of future reports.

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