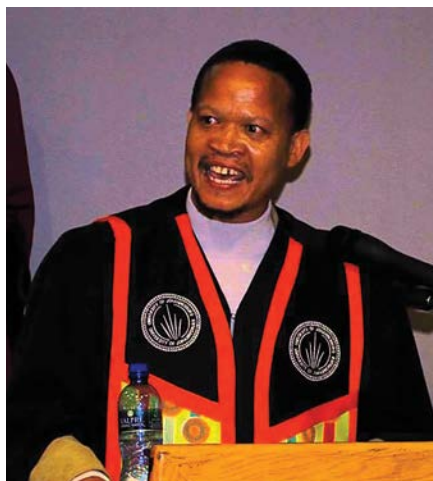# Effective state must first undo 'dirty history' of colonialism and apartheid

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The author argues that a functioning state is the product of the efficiency and social effectiveness of its administration. South Africa, unfortunately, is afflicted by numerous administrative ills. In this article he puts forward the view that the best way to address the inevitable contradictions of capitalism is through a powerful and effective public service.

When state performance is weak and accountability is required, politicians often obfuscate the truth to extricate themselves from sticky situations. However, South African President Cyril Ramaphosa, speaking at the Kgalema Motlanthe Foundation's Inclusive Growth Conference on 15 June 2018, did not beat about the bush when he said, "governance is collapsing".[1] His concession is a rarity, especially in an era where "objective facts are less influential in shaping public opinion than appeals to emotion and personal belief".[2] It takes courage for a president to be this candid in admitting to the governance challenges of the state he leads.

His statement followed the release of damning data about the state of governance in the country, which shows that only 7% of the municipalities in South Africa are fully discharging their constitutional mandate.[3] The Auditor-General, Kimi Makwetu, confirmed this. Only 8% of the municipalities received a clean audit in the 2016-2017 financial year– a decline of 3% from the previous year.[4] In 2018, hot on the heels of the Auditor-General's report were parliamentary briefings of the Department of Public Service and Administration (DPSA) and the Public Service Commission (PSC) which all painted a gloomier picture of the state of the public service.[5]

Added to this are the surging number of state-owned enterprises (SOEs) that have gained notoriety as conduits for patronage.[6] The Zondo Commission into State Capture has been revealing the extent of this. Advocate Terry Motau's findings in his forensic report, "The Great Bank Heist", have also revealed a litany of malfeasance involving municipalities colluding with the executives of the VBS Mutual Bank to siphon municipal finances intended for service delivery.[7] This was perpetrated under the guise of making an investment. All of these are worrying trends.

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IS SOUTH AFRICA AT THE TIPPING POINT?

An important determinant of a functioning state is the efficiency and the social effectiveness of its administration. Unfortunately South Africa is afflicted by numerous administrative ills. As the British political scientist, Andrew Heywood, explains, "Political systems can operate without constitutions, assemblies, judiciaries, and even parties, but cannot survive without an executive branch to formulate government policy and ensure that it is implemented".[8]

The administration of the state is key. This means a political system could be either optimised or vitiated by the way in which public affairs are managed. Politics decide a system of government while the administration of the state institutionalises how these objectives are realised. In a democracy, this is about enhancing the quality of citizens' lives. It is because of this that the economist, Alfred Marshall, said, "The state is the most precious of human possessions".[9] He was making the point that, as Micklethwait and Wooldridge put it, "the best way to solve the central paradox of capitalism – the existence of poverty among plenty – was to improve the quality of the state".[10]

The administration of the state in South Africa is fraught with the oddities and aberrations that weaken its capacity to deliver fully on the mandate of the constitutional democracy. Much is said lamenting the appalling state of governance, largely ascribing this to abrogation from the virtue of the public service. The popular grimace of disquiet in the country is manifest in the dearth of ethical leadership, rampant corruption and looting of state resources. All these are advanced as the reasons for the deteriorating quality of managing public affairs. However, aren't these manifestations of a problem rather than the cause?

In other words, do the discussions about the state of governance really untangle the Gordian knot? These questions are asked to set the context for yet another troubling question: Why is the post-apartheid state susceptible to the greediness of those who want to profit from it? Is it possible that the answer to this lies in the system of organising the post-apartheid state, which has an ideological posture that is inherently selfish? Chinese philosopher Meng Ke, known sometimes as Mencius, explained how the greed of those who are in charge of state affairs could turn pernicious. In giving counsel to one of the rulers of his time, Mencius said:

> Why must Your Majesty use the word profit? All I am concerned with are the good and the right. If Your Majesty says, "How can I profit my state?" your officials will say: "How can I profit my family?" and officers and common people will say: "How can I profit myself?" Once the superiors and inferiors are competing for profit, the state will be in danger.[11]

The prescience of these words lies in the contemporary reality where the state is increasingly becoming a cash cow for the unscrupulous elites. The post-apartheid state was consummated at the altar of neoliberalism – a system of organising society in which the markets are left unbridled and their principles thrust into various aspects of managing the affairs of the state. The mantra is that government should be run like a business. Corporatisation and privatisation of the public service are the praxis of this. Many in society do business with, and profit from, the state.

Post-apartheid South Africa is the function of the intersection of neoliberal prescriptions with the colonial edifice. This spawned an ill-fated system of managing public affairs. The core of the problem of governance in the administration of the state in South Africa lies here. However, in many instances, the causes of this are conflated with their manifestations. ➤➤

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To exemplify this let us ask a question about corruption: Is this administrative evil a *manifestation* of the failure of governance or a *cause* of it? And why is it becoming increasingly rampant in the administration of the state?

The answer lies in the system of managing public affairs, as argued earlier, which allows public services to be provided by the private providers through contractual arrangements that in many instances appear to facilitate the looting of public resources. Sometimes the looters are caught, prosecuted and jailed, but the system that spawned them continues to churn out many others. Therefore, the cause of the collapse of governance in South Africa is the function of this system.

NEOLIBERALISM AND FORMATION OF THE POST-APARTHEID STATE

The collapse of communism in Eastern Europe in the 1980s allowed neoliberalism to become an ideological arsenal peddled as a panacea by the international financial institutions and liberal scholarship.[12] This is summed up by Francis Fukuyama's now infamous proclamation decades ago that we had reached, "the end of history as such; that is, the end point of man's ideological evolution and the universalization of Western liberal democracy".[13]

His contention was that the market economy and a democratic political system are the only means to achieve sustained growth and development. These ideas shaped the incarnation of the post-apartheid state. The ANC took over running the state with zero experience. Despite having largely backed ideas associated with social democracy, it embraced a neoliberal approach to state formation. As Ben Turok explained, "The victory of the ANC should create a situation where monopoly capital would be challenged in the new South Africa and the socio-economic challenges of poverty and unemployment should be overcome through a major state intervention in the economy".[14]

In the early years of democracy, the focus of the ANC was on building a democratic state.[15] It appears as if the thinking was that democracy is the condition for development rather than its outcome.[16] It was only years later that the concept of a developmental state resurfaced, first at the ANC's 51st National Conference Resolutions in Stellenbosch in 2002 and again at its 52nd National Conference Resolutions in 2007 in Polokwane.[17]

The National Development Plan (NDP) embodies the concept of a developmental state, which the ANC situated within the efforts to consolidate South Africa's democracy. Of course, a developmental state is not a synonym of democracy. It is also not its antithesis. In other words, these two are not binary opposites, mutually exclusive of each other.[18] A state-led development approach was championed by many following the economic success stories of the East Asian Tigers – South Korea, Japan, Taiwan, Singapore and Hong Kong.[19] An important aspect of the developmental state as it pertains to managing public affairs is the imperative of building strong state capacity. This is achieved by creating an inexpensive, efficient and effective public service, staffed by the nation's brightest and best servants, who are innovative and capable of discharging public duties conscientiously. The public service must also be shielded from political manipulation.[20] All of these are imperative to enhancing the quality of the administration of the state. However, more than 20 years into democracy in South Africa, governance is collapsing. Where did the making of the post-apartheid state go wrong?

In an interview with *Service Delivery Review*, the former Chairperson of the Public Service Commission (PSC), Professor Stan Sangweni, made this observation: "The ANC had failed to develop in time a model of our own on how to run government. In other words, we ran into government in 1994 completely unprepared and as a result, we often got compromised into embracing the [colonial] apartheid governance model."[21] The ANC failed to deconstruct the colonial edifice of its administration.

ANTECEDENTS OF GOVERNANCE CHALLENGES

The legislation that provided the framework for the administration of the state, following the establishment of the Union of South Africa in 1910, was promulgated in 1912 as the Public Service and Pensions Act (Act 29 of 1912). Its comparison with those that came after it, as promulgated in different historical epochs of the evolution of South Africa (the Public Service Act 111 of 1984 and the Public Service Act 103 of 1994 respectively) indicate that these pieces of legislation followed the structure and content of the Public Service and Pensions Act of 1912. They did not bring much change to the philosophical orientation of the South African public service since its colonial foundation. The result is that the post-apartheid state is the function of the intersection of neoliberal prescriptions with this colonial edifice. This eroded the state's capacity to fulfil the historical mission of the liberation struggle – "uplifting

the quality of life of all South Africans, especially the poor, the majority of whom are African and female".[22]

Rooted in neoliberal concepts – which distort the notion of the public good – state reforms pursued to achieve transformation tinkered at the edge leaving the edifice of what is intended to be transformed intact. In the words of Kwame Nkrumah: "In reform fundamental principles are held constant and the details of their expression are modified."[23] Or alternatively, "reform is a tactic of … preservation".[24] In neoliberal frameworks, "the sovereignty of the people is replaced by that of the market, the public good is commodified,"[25] and "the welfare of the people [ceases] to be supreme."[26] State and the citizens assume a transactional relationship, with the latter characterised as customers.

Ironically, the customer-focused approach to managing public affairs is embodied in the *Batho Pele* principles, as promulgated in the *White Paper on Transforming Public Service* in 1997. The intention was to humanise the administration of the state. The adage *Batho Pele* – people first – represents a particular value orientation based on the African philosophy of humanism. The central concept used in the White Paper to express the 'people first' is that of a 'customer'. However, aren't these antinomies? To characterise citizens as customers is to strip them of their authority to hold government accountable. It distorts the essence of the public good. The objective of promoting the welfare of the citizens, and correcting the socio-economic injustice bequeathed by colonialism and the apartheid system of governance, is obscured by a reductionist approach to the administration of the state known as the new public management (NPM).

NEW PUBLIC MANAGEMENT

NPM emerged during the 1980s as a template for state reform along neoliberal lines. It remoulded the administration of the state according to private sector principles and practices, which saw the state becoming more *service ensurer* than *service provider,* with financial recovery [for the public services delivered] becoming … "a measure of performance".[27] This approach dominated the 1980s, but waned in the 1990s. South Africa embraced it anyway, and used it to frame the post-apartheid model for state administration.[28] The NPM approach became a staple diet in the education of students of government. They were taught that the performance of the state is the function of the economic value of efficiency, largely derived from corporatisation/privatisation practices and the reduction of public expenditure. Rather than 'social effectiveness' in which the wellbeing of the citizen is promoted, the key objective became to maximise output with minimum input costs. This approach spawned social inequality and stratification as the quality of the public services deteriorated. The hardest hit by this are the poor, who depend on the public service to survive. The business, political and bureaucratic elites, on the other hand, live lavishly.

In this way NPM "failed to fulfil its central promise of efficiency".[29] It sowed a culture of greediness characterised by fierce contestation among politicians, bureaucrats, private service providers or consultants about how to profit from the state. Comprised largely of a highly unionised workforce, the middle class who are largely in the public service use their bargaining power to get as much as possible in emoluments from the state, to maintain their status. At the lowest strata are the poor who, despite state largesse for some, linger in poverty. That 30.4 million people are living in poverty while the resources that are supposed to alleviate their plight are lost to those who largely do business with the state demonstrates the noxiousness of the market economy. NPM exposed the administration of the state to all sorts of administrative evils, which stoked societal conflict as manifest in citizen flare-ups dubbed service delivery protests. As I have argued elsewhere, "democracy in conditions characterised by inequities in socio-economic gains is not sustainable, particularly in South Africa with the history of many decades of systematic marginalization" of other races.[30]

CAN GOVERNANCE BE FIXED?

The Ramaphosa presidency gives hope. Already there is much afoot to enable the state to "do its work in the best way".[31] However, South Africa's governance challenge cannot simply be fixed by reorganising the structure of government through mechanisms such as reducing the size of the public service. It requires rethinking the ideological edifice that frames it, and a daring commitment to decolonise the administration of the state. To disentangle the hegemonic power relations, strong decolonised intellectual capital should be institutionalised to generate the ideas required to re-theorise the post-apartheid state. Of critical importance for consideration in the attempt to fix governance is Janet and Robert Denhardt's instruction that "government shouldn't be run like a business; it should be run like a democracy".[32] This gives meaning to governance beyond the economic reductionism of efficiency and effectiveness. Linked to this should be the concepts of the public good.

Iain McLean, a British professor of politics at Oxford University, offers this conception of the public good: "Any good that, if supplied to anybody, is necessarily supplied to everybody and from whose benefits it is impossible or impracticable to exclude anybody."[33] This is about dispensing social justice to secure public interest. Acting in the public interest means commitment to satisfy all aspects of human life, of which the measure of its impact is the state of happiness.[34] ➤➤

What do all these mean? The answer is simple. As a function of managing public affairs, governance requires new narratives based on "the humanist principles underlying African society,"[35] which transcend the neoliberal prescriptions and the colonial-apartheid entrapment, to give democracy a human face. Its theoretical foundation should be the public good, and the philosophical expression of this should be embedded in the concept of *Ubuntu*. The post-colonial theorist, Onyebuchi Eze, explains that this African philosophy of humanism is:

> a demand for creative intersubjective formation in which the 'other' becomes the mirror for [one's] subjectivity. [It] suggests that humanity is not embedded [in a] person as an individual, [but] is co-substantively bestowed upon the other … [It] is a quality we owe to each other. We create each other and need [each other] to sustain this otherness creation. And if [we] belong to each other, we participate in our creations.[36]

Ubuntu should be institutionalised as a value-system to guide state action. However, to achieve this, the insinuations of colonialism, apartheid and neoliberal prescriptions, which continue to sully the ethos of the public service, should be expunged. This should include, "undoing [their] dirty history".[37] The decolonisation of the state should achieve this.

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