

Chapter 4

Democratising the South African State: The Challenge of Democratic Accountability and Public Sector Reform

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Introduction

Public accountability constitutes the pivot of democratic governance and public administration. The centrality of democratic accountability is aptly captured in this quotation by James Madison in the *Federalist*:

If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself (cited in Schwella, 1991, p. 5).

Accountability is embedded in the system of liberal democracy, premised on the election of public representatives and the separation of the powers of the legislature, executive and the judiciary. Moreover, accountability is exercised through a complex system of institutional checks and balances which limit political authority. The sustainability of democracies can in part be tested against the strength of their institutions of accountability (Diamond, 1992; Weingast, 1997; Huntington, 1997). The history of liberal democracy has been one of setting limits on government. These limits are enshrined in constitutionalism and the upholding of a rule of law through an independent judiciary.

This chapter sets out to examine government accountability through the prism of institutions established to serve as a check on the executive, namely the legislature and “institutions supporting democracy”. The chapter also provides an insider exposition of the transformation of a central state agency, notably the Public Service Commission, during the first few years of transition to democracy in South Africa, and reflects on some theoretical perspectives on the exercise of democracy and power.

Accountability through the Legislature

In the South African system of parliamentary democracy, the legislature constitutes the supreme authority as the elected representatives of “the people”. In South Africa’s constitutional state, the legislature, executive and judiciary are subjected to the Constitutional Court as the final authority and arbiter on constitutional rights. The executive derives its authority from the legislature and is accountable to the legislature for its actions. As the law-making authority, the legislature assumes the role of final arbiter of government policy and has the task of balancing the diverse interests of the broader society. The effectiveness of the legislature to hold government accountable depends on the quality of the elected representatives in terms of professional expertise and direct accountability to constituencies. Both of these conditions have been compromised with the exodus of skilled professionals from Parliament and the party-list electoral system. The degree of democratic accountability in South Africa (and other modern states) is further compromised by three factors:

- the complexity of modern public administration which often requires technical expertise that is not available among the lay representatives in the legislature;
- the volume, complexity and time constraints in enacting legislation; and
- the fact that legislation originates in the executive and is seldom initiated by the legislature, thereby reducing the supremacy of the legislature.

Specialised committees, e.g. portfolio committees on public accounts and finance, the holding of open public hearings and proceedings of parliamentary committees, as well as the provision of research support, enhance the capacity of the legislature to scrutinise government accountability. However, the interests of governance and public scrutiny have to be balanced. In the first five years of democratic rule in South Africa, the portfolio committees tackled their responsibility of holding government accountable with great fervour. The newly elected representatives distrusted the old guard civil service as the initiators of legislation. Legislation was duly scrutinised, leading to considerable delays and constraining the ability of the new executive to enact their new policies. The tension in the majority party between the executive and legislature was eventually dissipated by

- the pressure of the parliamentary time schedule;
- appeals to comradely support;
- the departure of many talented professionals from Parliament;
- improved co-operation at policy level.

This set the stage for classic oppositional politics within the legislature, with the opposition spearheading the drive for public scrutiny and the majority party in the legislature “defending” the interests of the executive. Portfolio committee chairs thus also called the civil service to task, especially scrutinising their commitment to the goals of the majority party.

A recent study revealed that by and large the majority of parliamentarians feel that they do not add great value to this scrutiny (Alence, 1998). They feel that the executive has the most dominant role in policy making and law making. That there is however a robust opposition and scrutiny of government actions cannot be doubted. Overall the transparent functioning of portfolio committees and the dedication of a number of key parliamentary activists in committee work bode well in terms of public accountability.

Institutions of Accountability

The South African Constitution has enshrined an elaborate array of institutions supporting constitutional democracy, which serve as a check on political and administrative authority. These include the Public Protector, Auditor-General, Public Service Commission, Human Rights Commission, Commission for Gender Equality, Electoral Commission and Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. Moreover, the independence and impartiality of these institutions are enshrined with an injunction to be impartial and “perform their functions without fear, favour or prejudice”. Furthermore, “other organs of state must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions”, and “no person or organ of state may interfere with the functioning of these institutions” (RSA Constitution, 1996). A powerful set of protections, indeed quite necessary for South Africa, has emerged from a history of violation of human rights and the rule of law by a bandit state machine! However, the novelty of exercising political power produces major constraints in setting limits on government. Furthermore, the strength of the watchdog institutions and their ability to set limits on the arbitrary exercise of power are dependent on a number of factors:

- their location, standing and status within the system of governance;
- the standing of their champion/guardian/protector within government, i.e. minister or president;
- the unqualified support of the legislature in the exercise of their functions;
- their level of resourcing and ability to fulfil their constitutional mandates.

On this scoreboard, the Auditor-General has the best standing and resources to fulfil its functions, and has recourse to parliamentary rules when its authority is challenged. This was demonstrated on two occasions. In the first case the Minister for the Public Service and Administration challenged the sweeping statements made by the auditor-general that the

“public service was like the Titanic heading for an iceberg”. The minister challenged the Auditor-General on his silence on both apartheid mismanagement and the extent of reform initiatives, pointing out that the auditor-general had himself been a beneficiary of guaranteed job security by the new democratic government. In the second instance the Minister of Mineral and Energy Affairs challenged the auditor-general for allegedly covering up past secret transfers of funds in his department. Parliament sanctioned the behaviour of both ministers for infringing on the autonomy of the Auditor-General. This level of parliamentary protection has not been demonstrated with the other institutions, who equally battle to gain government co-operation and compliance in the exercise of their functions.

Accountability in Public Administration

This section will examine the restructuring and reform of the Public Service Commission, i.e. the centralised state agency which has governed the public service since 1910.

The Public Service Commission as Statutory Institution

The public service operates in a political environment which poses unique challenges to effective administration. The universal principles on which public administration is based, include career pathing, merit, efficiency and public accountability. These principles generally underpin the professionalism, impartiality, experience and standards of ethical conduct necessary for efficient public administration and are duly enshrined in the South African constitutional law. Constitutional Principle 30 of the interim Constitution laid the foundation for the new civil service in a democratic South Africa:

There shall be an efficient, non-partisan, career-orientated public service broadly representative of the South African community, functioning on a basis of fairness and which shall serve all members of the public in an unbiased and impartial manner, and shall, in the exercise of its powers and in compliance with

its duties, loyally execute the lawful policies of the government of the day in the performance of its administrative functions.

The quality of public life is dependent on the quality of public administration and the quality of the public service. Effective legislative drafting, policy formulation, budget determination, policy execution and service delivery are all dependent on a professional and efficient public service.

Role of Public Service Commissions

The institution of an independent and impartial public service commission to act as a check on the executive in the administration of the public service, finds its origins in the English civil service of the mid-nineteenth century. From there the concept was “exported” to many Commonwealth and other countries. The specific roles of public service commissions have since been adapted to suit specific local needs and circumstances. Nevertheless, their basic function has remained that of protecting the public service from undue political interference.

Essentially, public service commissions were empowered to protect the merit principle and to eliminate nepotism or favouritism, and to protect civil servants from unfair dismissal and arbitrary political abuse.

The powers conferred on public service commissions differ from country to country, ranging from purely advisory powers to powers of monitoring and inspection, to executive powers whereby the recommendations of public service commissions are binding on the executive.

Interim Statutory Role

Since its inception in 1910, the South African Public Service Commission had a much more extended mandate compared to the traditional mandates of classical public service commissions. The Public Service Commission set up under the interim Constitution (Act No. 200 of 1993) functioned in terms of three Acts of Parliament:

- the Public Service Commission Act, 1984;

- the Public Service Act, 1994; and
- the Public Service Labour Relations Act, 1994, replaced by the general Labour Relations Act of 1996.

Section 210 of the interim Constitution conferred for reaching powers and functions on the Public Service Commission, including

- making recommendations, issuing directions and conducting enquiries into the organisation, abolition and administration of government departments;
- the conditions of service of members of the public service including salary scales;
- appointments, promotions, transfers and discharges in the public service;
- the promotion of efficiency and effectiveness in the public service; and
- issuing a code of conduct to govern the public service.

The Public Service Act, 1994 further empowered the commission to issue directives on age, educational, language, health and security requirements for appointment, promotion and/or transfer in the public service; training requirements in the public service; information technology; and grievances and appeals of public servants.

The personnel function of the commission was cumbersome and an impediment to efficient administration. The commission had to approve all management level appointments. The commission would approve, but the actual appointment, promotion, transfer or discharge had to be implemented by the department.

The commission's power of recommendations and directions was therefore not conventional, i.e. it was not merely advisory in the sense of "take it or leave it". The interim Constitution stipulated that a "recommendation" or "direction" of the commission had to be implemented by the appropriate authority within six months. The only exceptions were cases which required treasury approval, or if the president rejected a recommendation of the commission (President Mandela never rejected or referred

back any recommendation/direction of the commission), or a recommendation or direction was withdrawn or changed by the commission itself.

The Public Service Labour Relations Act, 1994 dealt with collective bargaining in the public service and the settlement of disputes between the state as employer and trade unions. The Act provided that “all matters of mutual interest” between the employer and employee had to be negotiated in the relevant chambers of the Public Service Bargaining Council. The commission implemented the agreements reached in the bargaining chamber.

The statutory powers of the Public Service Commission were exercised over most of the national departments. Some national departments such as the Intelligence Service and the Department of Posts and Telecommunications and Broadcasting, have their own service acts and were therefore partially excluded from the commission’s powers.

The interim Constitution provided for the establishment of nine provincial service commissions established by provincial legislation with jurisdiction only over provincial employees.

In addition, the provincial service commissions had to adhere to national norms and standards set by the national Public Service Commission. The determination of conditions of service and personnel practices were excluded from the ambit of the provincial service commissions. It is thus quite clear that the National Public Service Commission had become the “supreme authority” governing the public service. The constitutional drafters maintained a curious continuity in the structure and function between the former Commission for Administration and the Public Service Commission, ostensibly to centrally manage the amalgamation and rationalisation of the public service with maximum stability and minimum disruption of service delivery. This centralised commandism would also constitute a major obstacle to public service reform and efficiency.

Support Structure

A line-function office provided support to the commission in the execution of its powers and functions. The Office of the Public Service Commission had the status of a fully fledged national department with a director-

general as chief executive officer. Aligned to the commission's constitutional mandate under the interim Constitution, the office was structured to render support functions in terms of organisational design in the public service policy on information technology procurement in the public service; remuneration systems and salary grading; labour relations policy for the public service; fringe benefits, including pensions and medical aid; human resource policy and practices; public service training and employment equity.

Reform of the Public Service Commission

The tension between institutions of accountability and government departments is not unexpected as the former are often considered a nuisance and an impediment to administration. The critical question remains who places a check on these institutions? This question was highlighted during the fusion of the "referee and player" roles of the Public Service Commission.

During 1995 the Public Service Commission fundamentally reviewed its statutory role in the context of the emerging new system of democratic governance. In a historically unprecedented move, the Public Service Commission devised a new system of state administration and governance for the public service, beginning with a dramatic unbundling of its powers and functions, transferring its policy functions to the newly created Department for Public Service and Administration and extensively delegating its executive functions to line-function departments, thereby vesting them with considerable managerial autonomy. This system was adopted by cabinet in February 1996 and pre-empted as well as paved the way for Chapter 10 of the new Constitution.

Constitutional Principle 29 of the interim Constitution required that the independence and impartiality of the Public Service Commission had to be safeguarded by the new Constitution in the interest of effective administration and a high standard of professional ethics in the public service.

In clarifying the functions of the new Public Service Commission, the traditional role of safeguarding the merit principle through a fully fledged central personnel agency was thoroughly considered. However, such cen-

tralised agencies were rather anachronistic and posed a number of problems.

First, their task was to uphold the merit principle and guard against cronyism and nepotism, as well as to protect the civil service from arbitrary political abuse. In the case of the South African Public Service Commission, many more functions were actually devolved to it. The functions of the commission indeed became so diverse that the impartiality and independence of the commission was questioned. The commission's impartiality and independence from the political executive was guaranteed by law. However, in the execution of its functions the commission assumed a contradictory role. On the one hand the commission was expected to protect officials from undue political interference in appointments, promotion and discipline. On the other hand the commission was expected to represent the state as employer in negotiations against trade unions on remuneration and conditions of service. This dual role of the commission brought the independence and impartial status of the commission into question.

Second, there was a general perception that the powers and functions of the commission were so wide that they actually infringed on the political responsibilities and prerogatives of the government. This was especially true where policy matters were concerned. Moreover, the commission held all executive powers in administration, such as the power to refuse ministerial requests for staff and salary increases, and changes to conditions of service and organisational design.

The third major problem area concerned the extensive involvement of the Public Service Commission in executive functions/decision making. The commission set policy and norms and standards in the public service. If departments needed to deviate from these, they had to approach the commission for a ruling. This state of affairs became untenable, as it was administratively inefficient and curtailed the managerial autonomy of departments, as well as allowed departments to escape full accountability. The commission assumed both the functions of establishing the rules of administration and checking the exercise thereof (see Muthien, 1996; Motala, 1997). It is interesting that the segregationist and apartheid states

ceded all executive powers in administration to this over-centralised, omnipotent and omnipresent body. It enabled those regimes to escape accountability for executive decisions and allowed for the scapegoating of the commission. Control over the commission was exercised through appointment mechanisms and the fact that the commission had to implement the policy of the government of the day. The commission was thus the monolith that both operationalised the objectives of the segregationist and apartheid state machinery and regulated it. It is also ironic that the ANC government, as part of the constitutional compromises, enshrined this institution largely intact in the interim Constitution, ostensibly to manage a centralised command-driven transition and to amalgamate the 15 apartheid administrations with maximum stability. However, the contradictions of maintaining this authoritarian structure within a new democratic order became increasingly untenable.

A New Model of State Administration

The commission's essential role as a check on the political executive thus had to be transformed into a purely monitoring and ombud function. The new model enabled government policy on public administration to be determined centrally by the executive, through the Minister for the Public Service and Administration. In this new model the Minister for the Public Service thus assumed responsibility for formulating national policy frameworks, norms and standards and administrative practices, as well as representing the state as collective employer. The establishment of the Department of Public Service and Administration emanated from the unbundling and transfer of powers by the Public Service Commission. All day-to-day administrative and executive functions which previously required a decision of the commission, were transferred to ministers and their departments. The commission itself would act as an independent body primarily to promote the basic values and principles of public administration as enshrined in the new Constitution.

The impact of this profound change in the system of public administration required that all role players in the public service had be critically positioned and equipped to assume their new roles when the new

Constitution and other relevant amended legislation came into effect. Thus therefore, in preparation for the new Constitution, a series of interim arrangements were effected in April 1996.

First, staff and other resources were divided between the Office of the Public Service Commission and the Department of Public Service and Administration according to their envisaged new functions.

Second, the Public Service Commission delegated its executive functions to the Department of Public Service and Administration and other line-function departments.

Constitutional Hiccups

At the time of the unbundling of the Public Service Commission in April 1996 the final chapter on the transformation of the commission had not been concluded. The new draft Constitution was submitted to the Constitutional Court for certification in compliance with the constitutional principles contained in the interim Constitution. The provisions on the commission were among those that were not certified by the Constitutional Court.

According to the Constitutional Court's judgement, Constitutional Principle 29 of the interim Constitution, which deals with the Public Service Commission, required that there be an independent and impartial commission. Implicit in the insistence upon independence and impartiality is the ability of the commission to constitute a check upon political executive power in the administration of the public service, and more especially in the making of appointments based on merit, equity and professionalism, to prevent nepotism, cronyism and patronage. The draft Constitution did not spell out the functions of the Commission in any detail. Without knowing what the functions and powers of the commission would be and what protection it would have in the discharge of its constitutional duties, the Constitutional Court was unable to certify that the requirements were complied with.

The Public Service Commission provided the Constitutional Assembly with substantial inputs on the powers and functions of the new Public

Service Commission, and as required by the Constitutional Court clarified its role in safeguarding merit and equity in the public service.

The New Mandate

The new Constitution (Act No. 108 of 1996) made provision for a single independent and impartial public service commission. Clause 195(1) of the new Constitution established the basic values and principles of public administration:

- (a) A high standard of professional ethics must be promoted and maintained.
- (b) Efficient, economic and effective use of resources must be promoted.
- (c) Public administration must be development orientated.
- (d) Services must be provided impartially, fairly, equitably and without bias.
- (e) People's needs must be responded to, and the public must be encouraged to participate in policy making.
- (f) Public administration must be accountable.
- (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.
- (h) Good human resource management and career development practices, to maximise human potential, must be cultivated.
- (i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past.

The new Public Service Commission has to promote the basic values and principles set out in the Constitution by

- pursuing the promotion of a high standard of professional ethics in the public service;
- issuing and promoting a code of conduct for the public service;

- monitoring, inspecting and evaluating the application of merit, equity and other related principles by departments and executing authorities and providing advice where necessary;
- monitoring, inspecting and evaluating the application of human resource practices, including management practices, and providing advice and issuing directions where necessary;
- investigating, monitoring, evaluating and providing advice on effective management and administration of the public service to departments and executing authorities;
- evaluating performance in the public service and proposing measures to improve efficiency and effectiveness;
- reporting to Parliament on all of the above matters;
- investigating grievances of officials and recommending redress; and
- conducting applied research in support of the above functions.

The national and nine provincial commissioners were appointed to the new Public Service Commission.

Support Structure

To support the commission in its new role, the Office of the Public Service Commission was initially reorganised into two broad line-function terrains: Merit and Equity, and Effectiveness and Efficiency. These divisions included functions such as

- investigation of grievances,
- appraisal of human resource practices, including recruitment, training and probationary practices, and advice on the promotion of merit and equity in the public service,
- support on the promotion of professional ethics in the public service,
- structural or organisational effectiveness of the public service,
- operational efficiency and the promotion of the efficient, economic and effective use of resources, and
- technological innovation.

With the appointment of the new commission in 1997/98 the office was again reorganised.

Reflections on Reform

The new role of the Public Service Commission differs substantially from the past one. In the process of re-engineering, the commission ceded many of its policy and executive powers. The unbundling of the commission and the separation of its executive and oversight functions was an attempt to democratise the South African state and have been criticised as both too far-reaching, but also hailed as a major achievement of administrative reform. Some observers have concluded that the new Public Service Commission no longer resembles a typical central administrative institution. In addition, many observers have argued that the unbundling of the commission was unconstitutional as it deviated fundamentally from the constitutional mandate bestowed on the commission by the interim Constitution.

The Public Service Commission took a bold step in unbundling its powers and functions from within and timed the transition in anticipation of an early adoption of the new Constitution. This radical step could be contextualised against the following considerations:

First, it coincided with international trends to introduce modern management principles and practices into the public service. One of the basic principles of modern civil service reform is greater managerial autonomy for departments, with greater emphasis on accountability of line managers for the achievement of results. The unbundling of the commission's executive functions was in line with this trend.

Second, the Public Service Commission followed another international trend—the establishment of specialised units and programmes aimed at developing and modernising public administration practices, including the Malaysian Administrative Modernisation and Management Planning Unit, the English Next Steps Programme, Singapore's "Public Service for the 21st Century" programme and Hong Kong's Efficiency Unit.

Third, the unbundling placed responsibility for policy and execution of policy squarely in the hands of the government of the day and should, at

least theoretically, increase public accountability. The unbundling also crystallised the role of the commission as a check in the system of governance and has safeguarded its independence and impartiality.

However, the unbundling of the commission had been criticised in international reform circles as perhaps too far-reaching in that no mechanism of recourse was left to intervene or redress the violation of the merit principle. The provisions of labour legislation and recourse to the public protector and the courts nevertheless provide further checks and balances. The ability of these institutions to serve as a check on the executive is ultimately dependent on the levels of co-operation it secures and the ultimate sanction that Parliament can exercise to secure public accountability.

Unlike other international reform initiatives through which such extended functions were devolved three to four different agencies, the South African case demonstrated a remarkable economy in creating only two central agencies. Against the grain of the Weberian logic of bureaucracies which tend to expand and consolidate themselves, the Public Service Commission reduced its structure and transferred its powers. In a Foucauldian sense the commission surrendered its omnipotent, omnipresent control and power for a microscopic reach throughout the public service. The unbundling of the commission was intended as a first exercise in democratising the state, and set an example to other spheres of government. The transformation of the commission passed as a “silent revolution”, but on whether the restructuring will deepen democracy, Foucault (1984) has this chilling reminder:

I would say that the state consists in the codification of a whole number of power relations which render its functioning possible, and that revolution is a different type of codification of the same relations. This implies that there are many different kinds of revolution, roughly speaking as many kinds as there are possible subversive recodifications of power relations, and further that one can perfectly well conceive of revolutions which leave essentially untouched the power relations which form the basis for the functioning of the state.

The Public Service Commission has been enshrined in the new Constitution as the guardian of democratic values and principles in the public service, the custodian of the merit principle and the champion of equity and ethical conduct in government. The Constitutional Court re-affirmed this important role of the commission. The contradictions of its previously fused functions brought it under fierce attack, with neither the executive nor the legislature accepting guardianship of the body. The reach of its oversight function will have to be established, as well as its protection by the legislature, as it pursues its new mandate of securing public accountability. The recently completed report of the Presidential Review Commission on the Reform of the Public Service reinforced the need for an even leaner but independent Public Service Commission. To safeguard its autonomy, the commission recommended the transfer of the Public Service Commission to the President's Office to advise the president on the upholding of the merit principle in government. Hitherto this recommendation has not been implemented. Hence the Public Service Commission remains in the uncomfortable interstices between the executive and the legislature.

Conclusion

The pervasive question remains: how can the public service, thrice removed from the people, through its professional and career embeddedness, technocratic command and command over resources and hence the innate ability to dispense patronage, be made to function in a manner compatible with democracy? The history of the Public Service Commission demonstrated that excessive control of public institutions does not imply increased effectiveness. Quite the contrary, it can serve as a brake on efficient administration. Furthermore, the creation of multiple accountability mechanisms and institutions does not in itself increase accountability. The new South African public service administration has evolved by condensing broadly four models of state administration into a peculiar mix of contradictory identities, i.e:

- from the upper echelons of the civil service as agency specialists and technocrats,
- to these echelons as an elite style corps of civil service mandarins,
- to the upper echelons of civil service as a political machine,
- to the upper echelons of civil service as corporate managers.

There can be no doubt that a professional civil service, insulated from political power, serves democracy best and that the triple distance from direct democracy in itself constitutes part of the system of accountability and limitations on political power. The inherent problem of democratising modern state administration is vested in reconciling the democratic imperatives of public accountability with the managerial imperatives of administrative flexibility and responsiveness (Balfour, 1997; Ruscio, 1997).

Thus far we have concentrated on the accountability of government to the legislature through institutions supporting constitutional democracy. These forms of accountability, whilst public in nature, are nevertheless considerably removed from the majority of the population. A more direct form of accountability is exercised through “citizen charters”, which render public officials accountable at the point of service delivery. The *Batho Pele* (meaning “people first”) White Paper on Transforming Service Delivery commits public servants to values of consultation, service standards, fairness, efficiency, courtesy, access, information, transparency, redress and value for money, at customer desks, together with the requirement of an annual departmental report to citizens on meeting service delivery targets. As in other instances, the promise of this policy depends on a citizenry informed of their rights and with the necessary public confidence to assert these rights. Otherwise, like elsewhere, it can easily fade into social amnesia. The introduction of constituency representation would greatly enhance direct political accountability to the citizens.

Finally, attempts to set limits on political authorities, whilst under pressure to deliver, have produced major tensions in the political administrative interface. The sustainability of democracy and the rule of law require that both political authorities and public officials accept limits to the exercise of their authority, as well as subject themselves to public

scrutiny, either through incentive or sanction (Weingast, 1997). To apply effective public scrutiny of public figures requires an informed citizenry, which will counter habitual corruption. This in turn requires a commitment to the democratic value of clean government. When the political economy of corruption becomes embedded in the social fabric of communities or localities and particular citizens become the beneficiaries of corruption, the sustainability of democracy is fundamentally compromised. Hence public education must forge a shared value commitment to democracy and clean government as ends in themselves.

Other central agencies of democratic accountability are the judiciary, especially the Constitutional Court, independent commissions of enquiry and the independent press. The government has expressed discomfort with press scrutiny but it challenges the press in terms of fair and accurate reporting rather than threatening its right of independent enquiry. Clearly the most demonstrable commitment to democratic accountability is vested in the subordination of political rule to constitutionality through the operation of the Constitutional Court as the ultimate safeguard and recourse of citizens in the protection of individual civil rights and liberties. The vibrancy of statutory institutions which buttress and safeguard democracy remains the acid test of a mature democratic system of governance.

Note

The author was appointed as a commissioner to the Public Service Commission by President Mandela, 1994-1997, and currently serves on the President's Advisory Council on National Orders.

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