



## INNOVATIONS FOR SUCCESSFUL SOCIETIES

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### REFASHIONING PROVINCIAL GOVERNMENT IN DEMOCRATIC SOUTH AFRICA, 1994-1996

#### SYNOPSIS

In 1994, nine provincial heads, or premiers, came to power as a result of South Africa's first democratic elections. Many had spent decades mobilizing opposition to the state but had never held political office. All faced the challenge of setting up provincial administrations under a new constitution that reduced the number of provinces and cut the number of departments in each administration, eliminating significant numbers of staff. Anticipating those challenges, the political parties that negotiated South Africa's democratic transition had laid the groundwork for a commission that would help the newly elected provincial leaders set up their administrations. The panel, called the Commission on Provincial Government, operated under a two-year mandate and played an important role in advising the premiers and mediating between the provincial governments and other influential groups. By providing a trusted channel of critical information, the commission helped the new provincial leaders find their feet after their election, reducing tensions and keeping the postelectoral peace.

*Tumi Makgetla and Rachel Jackson drafted this case study based on interviews conducted by Makgetla in Pretoria and Johannesburg, South Africa, in January and February 2010. A separate policy note, "Negotiating Divisions in a Divided Land: Creating Provinces for a New South Africa, 1993," focuses on provincial boundary delimitation. Case originally published in April 2011. Case revised and republished in August 2013.*

#### INTRODUCTION

"Jobs, jobs, jobs!" read election posters for the African National Congress (ANC) in the run-up to South Africa's first democratic elections in 1994.

When the party emerged victorious, ANC activist Thozamile Botha had much to celebrate. But despite those promises, he also had bad news for thousands of civil servants around the country. "During the elections [we] had promised people jobs, and here we were a few months later saying

that we need to do away with the duplication of some of the posts. We had to cut the civil service almost by half in certain areas," he said. In Botha's home province of Eastern Cape, the newly elected government deemed 18,000 civil servants superfluous.

The new, post-apartheid constitution overhauled the provincial government structure by changing its responsibilities and reducing the number of subnational administrations in the country. As the first chairman of the Commission

on Provincial Government, which was created to help define and manage subnational government reorganization, Botha had to help new and largely inexperienced provincial leaders establish their administrations. Along with his fellow commissioners, he helped them address daunting technical and political challenges.

## THE CHALLENGE

Following the 1994 elections, which marked the beginning of majority rule in South Africa, nine freshly elected premiers faced the politically and technically daunting task of refashioning 14 regional governments into 9 new ones. The election had formally ended the practice of using the borders of segregated homeland territories—ethnically defined areas for black South Africans—to divide the black majority from the white and other minority populations. Under apartheid, the government had not recognized residents of those homelands as full citizens of South Africa—one facet of a larger strategy of racial segregation and discrimination. The homelands, treated as autonomous or semiautonomous nations within South Africa, had completely separate and usually underresourced security, health, education, and other service infrastructures.

The political problem lay in managing the interests of incoming ANC loyalists and incumbent administrators. Although most of the new premiers were ANC members, much of the workforce retained ties to the pre-1994 apartheid regime. Many of the incumbent civil servants were loyal to the National Party (NP), which had controlled the former government, and to such organizations as the Inkatha Freedom Party (IFP) in the former homelands. After 1994, those parties joined with the ANC to form a unity government. The premiers had to guard against undermining party relationships as they set up their new administrations.

The problem was further compounded by unsettled questions around the status of the provinces. The main contention during the negotiations that paved the transition from apartheid government to majority rule had been whether South Africa would have a unitary or federal-state structure. The outcome—elected provincial assemblies with weak legislative powers—was a compromise. Having arrived at that decision just before the election, the negotiators who drafted the interim constitution left much of the detail of provincial government to the post-1994 administration. But to define the scope of a South African government, those details would have to be hammered out before the 1996 deadline for a final constitution.

Without knowing the final outcome of their powers in relation to national or local government, the nine premiers had to develop their provincial administrations according to the terms of the interim constitution, which had made sweeping changes to the system of regional government.

The interim constitution created nine new provinces with new powers and functions, replacing four provincial administrations and 10 homeland governments. The technical challenges of the premiers' jobs involved distributing physical assets, such as vehicles and computers, among the new provinces; closing old departments and establishing new ones; and ensuring that the governments continued providing health, educational, and other services.

The technical complexity involved in dismantling the former administrations stemmed partly from differences between previous provincial and homeland boundaries and the new provincial borders. In some cases, the new constitution broke up old provinces into more than one. In other cases, new provinces incorporated parts of old provinces and homelands. The task was further complicated by the different structures and different powers of

provincial and homeland governments under apartheid rule. For example, some of the homeland governments had certain functions—such as defense and foreign affairs—that the new national government planned to reserve exclusively for itself.

As a result, the premiers had to negotiate with each other to redistribute the government assets of the former provinces and homelands among the new entities. The premiers also had to staff their administrations with officials and other employees from the former homeland areas and provinces.

The former homeland and provincial bureaucracies' different cultures also caused difficulties in the merging of staff and the creation of new hierarchies. The homeland administrations had often served as patronage machines for local leaders, and staffs had reputations for being corrupt.

Similarly, white South African politicians had used the provincial administrations as sources of patronage, especially for white speakers of Afrikaans. The resulting bureaucracy generally had a reputation for technical efficiency, though oriented toward the needs of the relatively small white population. Douglas Irvine, who served as a technical adviser to the Commission on Provincial Government, said: "By and large, because the apartheid state was in the service of Afrikaner nationalism, this meant that a majority of public officials in the state service and, indeed, provincial and local government in most parts of the country were white Afrikaners [who were] not necessarily well disposed to the new political regime and [who] had to battle, among other things, with their own racial prejudices." He added that the former, largely black, homeland civil servants, brought with them other challenges—namely, "very bad practices which were being brought into the core of the civil service" from corrupt former homeland governments.

The 1994 elections had changed the balance of power in South Africa, adding a layer of complexity to the political landscape. The ANC had won a majority in the national elections and, according to the preelectoral agreement, had entered a unity government with several other political parties. Further, the ANC had won majorities in seven of the nine provincial elections, while the NP took Western Cape province and IFP won KwaZulu-Natal.

The power shift toward the ANC meant that most of the new premiers had never served in government before. They were "senior in politics but junior in experience as far as practical governance was concerned," said Tjol Lategan, who served as deputy chairperson on the commission. Lategan had a long history in local and provincial government structures under apartheid, and he was concerned that the new premiers might fail to retain experienced officials from the previous administration, a fear shared by many civil servants of the apartheid administration.

Those concerns were difficult to reconcile with the incoming ANC premiers' political imperatives: to simultaneously make the public sector more racially representative and to improve service delivery to reach the previously neglected majority of the population. The premiers came under additional pressure from fellow party members for jobs in the civil service. Those party members might have had the necessary qualifications but lacked public sector experience. The demands on the new premiers created tension between the need to hire and retain people with administrative expertise and the need to incorporate people without civil service backgrounds into the administration for political reasons.

Even without the pressures to diversify the civil service and to bring in political appointees, the new government structure was significantly

smaller than the previous administration. Cutbacks—a fiscal imperative for a new South African government facing a massive expansion of social services—would leave many civil servants out of work.

“It was clear that the civil service was bloated,” said Botha, who later became director general of Eastern Cape, where he gained specific insight into that province’s challenges. Eastern Cape province incorporated two former homelands, Transkei and Ciskei, as well as the eastern part of the former Cape Province. Under the old regime, each homeland government had 12 to 18 departments, each of which had a director general, one or two deputy directors general, a chief director, and several directors and deputy directors. The interim constitution, however, stipulated that provincial governments each have 11 departments, which left Eastern Cape with 200 excess managers.

Eliminating superfluous public servants was, however, politically tricky. As part of the agreement that formed the unity government, the ANC had pledged to try to retain existing officials in the administration. Because of the country’s history of segregation, most of the white administrators in the apartheid government had been loyal to predominantly white political parties. Firing thousands of officials would have negative repercussions for cooperative relations between the political parties at the national level.

Similarly, many homeland civil servants saw their own fates closely aligned with those of the leaders of their homelands. Although some homeland leaders supported the ANC, others formed alliances with parties opposed to the ANC, such as the IFP, which had a strong base in the KwaZulu homeland.

The homeland leader in Transkei, for example, increased his staff size before the 1994 elections in the belief that the incoming ANC government would maintain their employment.

His action saddled the new provincial government with a bloated payroll that the new leaders would find politically difficult to whittle down.

“There were a lot of suspicions that people who were not part of the liberation struggle were being victimized by members of the party of liberation, and therefore some of the retrenchments would not happen innocently,” said Botha. “The racial issue was very sharply brought to the fore. . . . Whites were unhappy and unsure about their future.”

The negotiating parties who wrote the interim constitution and determined the new provincial divisions recognized the challenges inherent in creating nine administrations from the pieces of the old regional governments based on only vague constitutional guidelines. Roelf Meyer, an important government negotiator representing the NP, said negotiators had been under extreme pressure to find a political settlement quickly, especially after the 1993 assassination of popular ANC leader and Communist Party general secretary Chris Hani gave rise to fears of a popular uprising over continued delays. As a result, the negotiators had not deliberated any administrative details. “Those negotiations were aimed at finding a political settlement for South Africa, which resulted in the interim constitution and ended in the final constitution,” said Meyer. “Those negotiations were not primarily about setting up new administrations.”

## FRAMING A RESPONSE

In response to their inability to settle the details of the new provincial administrations, the negotiating parties decided before 1994 to write into the interim constitution the Commission on Provincial Government as a temporary mechanism to smooth the establishment of new provincial governments. The interim constitution stated that the commission was a mechanism to operate from 1994 to 1996 with a twofold

responsibility: to facilitate the establishment of new provincial governments and to offer to the Constitutional Assembly certain recommendations about provincial and local government as the assembly finalized the constitution.

The commission began to operate in June 1994 and reported to Meyer, who was then minister for provincial affairs and constitutional development. The panel consisted of a diverse group of individuals with a range of pertinent expertise and knowledge of particular provinces.

Botha had just entered the national assembly when Pres. Nelson Mandela approached him to chair the commission. Before then, Botha had run the ANC's department of local and regional government and housing. Also, leading up to the elections, Botha had taught at the University of the Western Cape, where he organized researchers in universities and organizations around the country to study local and regional government.

Mandela appointed the other commissioners in consultation with other political parties, which would ensure the commission would not be perceived as politically biased. The NP, for example, nominated Lategan to serve as Botha's deputy. Lategan had served in both local government and provincial government before 1994. He and Botha had radically different backgrounds. Lategan, for example, had been on a commission that considered apartheid laws on social segregation.

The other commissioners came from each of the provinces, with four additional experts in such areas as town planning or public administration. By bringing together commissioners from different regions, the commission could draw on personal knowledge of the provinces to address the challenges of the new administrations.

The commission appointed several technical advisers, who in turn formed a technical

committee to assist the commissioners on an ad hoc basis. The advisers' technical expertise would be important to enabling the commission to draft concrete proposals. Only a few commissioners—including the chairman, his deputy, and the technical advisers—held full-time positions. The Ministry of Provincial Affairs and Constitutional Development provided the commission with an office manager, two assistants, and two secretaries.

## GETTING DOWN TO WORK

The members of the Commission on Provincial Government outlined their action plan based on a close reading of the commission's constitutional mandate. The interim constitution required that the commission advise the politicians drafting South Africa's final constitution on issues related to provincial government, such as the powers of the provinces and financial transfers from the center to the provinces. Additionally, provincial governments had to consult with the commission on certain issues, such as staff appointments to the provincial legislature. Provincial governments also turned to the commission to settle interprovincial disputes over assets and liabilities. Further, the commission worked with the national and provincial governments to overhaul the public service.

### *Establishing relationships with the premiers*

The commissioners first set about building rapport with the nine premiers, a task made easier by the multiparty composition of the commission. Lategan, for example, knew the NP premier in Western Cape, and Botha had built relationships with many of the other premiers while in the ANC.

The commissioners' first step was to schedule meetings with each premier for review of the constitution and the ways it defined their relationship to one another. The commissioners worked with each premier individually to identify

the areas in which the commission could best support the premiers' work. Each commissioner had in-depth knowledge of a particular province, and many had extensive administrative experience. Lategan said that even though it was the premiers who made the ultimate decisions, the commissioners would help by pointing out the implications of different choices. The chairman and his deputy traveled regularly around the provinces.

When interacting with the premiers, members of the commission deliberately worked to cultivate a conciliatory rather than a dictatorial stance, Lategan said. Their constitutional mandate lent the commissioners legitimacy, and when approaching the premiers, they tried to convey the message that "We're not forcing ourselves onto you, but this is what the constitution requires of us," Lategan said. He added that the commissioners told other institutions working with the premiers not to "talk down to them" or "belittle them" but to "talk up to them as the leaders."

After building strong relationships with the premiers, the commissioners could facilitate interactions between the provincial leadership and other departments and agencies. For example, the commissioners organized national meetings for the heads of the management committees in each province, enabling those leaders to learn from one another's experiences. Those exchanges also enabled the central government to ensure that it did not make promises in one province that it could not fulfill elsewhere.

The commissioners also arranged meetings at which the premiers and their cabinets could learn from experts in certain areas. The commission organized meetings between provincial government representatives and the government-funded Development Bank of South Africa and the Financial and Fiscal Commission, which divided revenue between the provinces. And to

further assist the provincial governments, the commissioners sought input from directors general and other managers in former administrations.

#### *Staffing provincial government*

Staffing decisions were important to the commission. The negotiated settlement before the elections had made it difficult but not impossible for the new governments to fire veteran employees, and the commission found that some premiers were getting rid of relatively experienced ones. Although that decision made room for more representative civil servants, it also ran the risk of seriously depleting the capacity of provincial administrations.

Lategan said he advised the premiers to prioritize honesty and knowledge of financial management in their choices of top administrators. "If your finance is in a shambles, you can be sure you're going to fail," he recalled telling them. He also advised that practical experience was often more valuable than university qualifications. However, he helped the premiers identify such areas as park management and road maintenance where inexperienced hires could pick up the necessary skills more quickly than employees in more-technical positions could.

These decisions were not always easy. Lategan recalled meeting with the premier of Gauteng, an economically powerful province that includes the seat of the executive, Pretoria, as well as South Africa's financial hub, Johannesburg. The premier, Tokyo Sexwale, was a high-profile ANC politician who had spent 18 years in prison for his involvement in anti-apartheid activities. When it came time to discuss staffing the Sexwale administration, Lategan urged Sexwale and his cabinet to keep experienced administrators. "The people will look at you for leadership, the people will look at you for delivery of services, for houses, for good streets [and] they will look at you for

good governance,” Lategan recalled saying. “Please don’t get rid of the most experienced guys, because you will regret it one day.”

Keeping old administrators, however, meant continuing to employ former representatives of the very government Sexwale and his cabinet had fought against. Lategan said that although he chose his words carefully during that meeting, some of the ministers called him “an old racist” and wanted Sexwale to kick him out of the office. “Then the premier, very wisely, but very firmly, said, ‘Listen, I am listening to Mr. Lategan. If you don’t want to listen to him, that’s your business, but I’m listening to him because I want to make a success of this province,’” Lategan recalled. He added that Sexwale took his advice and kept a core of his “old, experienced top guys.”

The commissioners walked a similarly difficult line in advising the premiers on working with former homeland administrations. One of the commissioners, Paul Daphne, had firsthand experience with tensions in North West province, which incorporated the former Bophuthatswana homeland. Daphne had served as the first secretary of the ANC in Bophuthatswana after the national government lifted its ban on the party in 1990. Although the ANC had become legal, the Bophuthatswana government expelled Daphne from the homeland for his involvement with the party.

After the 1994 elections, Daphne said, the new provincial leaders made an effort to include former homeland officials. “There was a concerted effort to say to the civil servants, at least, your jobs are still there,” he said. “You are still part of the government; let’s work together.”

In the end, he said, the solution was for the provincial administrations to include former homeland officials on the task teams they created as the first step to establishing the new departments. The heads of the new departments came from the ANC.

The commission’s credibility—derived from its constitutional authority, multiparty makeup, and commissioners’ experience—not only meant that the premiers listened to their advice; it also bolstered the premiers’ authority in following that advice. The commissioners met with senior civil servants to explain the necessity of creating a “lean and mean government,” Botha said. Those interactions helped premiers enforce the constitutional requirement that each province have just one director general, for example.

#### *Allocating physical resources*

The commission also helped the new provincial governments divide among the provinces the assets that had belonged to the previous regional administrations. National and provincial departments drew up registers of state assets in each region, such as furniture, vehicles, and computers. The registers formed the basis for the departments to divide assets among the new provinces. And in case of a dispute, the commission arbitrated between the opposing parties. For example, the commission received dueling submissions from the government of North West province and the national Defense Ministry over the ownership of a helicopter that had formerly belonged to the Bophuthatswana homeland government. The commission reported to the Ministry of Provincial Affairs and Constitutional Development, outlining both sides’ arguments; it discussed them; and it produced a recommendation on the matter.

#### *Advising the Constitutional Assembly*

The commissioners drew on their interactions with the provincial governments to develop suggestions that would shape the final powers of the provinces versus local government, and they sent the suggestions to the Constitutional Assembly, which worked from 1994 to 1996 to finalize the constitution. Irvine

noted that the part-time nature of most commissioners meant that it was the chair, the deputy chair, and the technical advisers who largely set the agenda for the commission's debates.

The commissioners first scrutinized the interim and proposed final constitution as it applied to provincial and local government. The advisers also examined the policy documents of different interest groups with reference to the provinces.

The commission convened a panel of experts to identify issues related to provincial and local government that might crop up in constitutional discussions. The commission circulated the results to relevant bodies such as provincial and local governments as well as the Constitutional Assembly. Advertisements solicited public response to the issues.

The commission then held five high-level workshops with experts and interested parties. The subjects of the workshops were provincial and local government, financial and fiscal issues, traditional leaders, local government, and intergovernmental relations. The commissioners used the workshop reports as the basis for their proposals to the Constitutional Assembly.

The commissioners worked with the three committees of the Constitutional Assembly focused on provincial government, local government, and financial institutions. The chairman, the deputy, and two technical advisers traveled frequently from the commission's headquarters in Pretoria to Cape Town to sit in on committee discussions. The commissioners made initial recommendations to the Constitutional Assembly in March 1995 regarding the final powers, structure, and fiscal administration. Irvine said the commissioners and technical advisers then participated extensively in debates on those and other proposals. During that period, the commissioners and technical advisers

also worked closely with the nine provincial legislatures as the legislatures worked to draft their own provincial constitutions.

## OVERCOMING OBSTACLES

The transition to new provincial administrations required that the commissioners help the premiers balance numerous delicate and competing political interests.

Public sector trade unions initially opposed efforts to reduce the size of the civil service. "They were up in arms, protesting everywhere, resisting the retrenchments," Botha said. "We had to convince [the unions] about the need for a stable country, especially after the elections. We also had to convince them that the government [could not] be seen as an employment agent."

The commissioners met with union leadership on several occasions to discuss the unions' concerns and reach a compromise. "Trade union leaders were quite rational," Botha said of the negotiations. "Once you sat around the table and debated with them, there was quite a lot of common understanding and therefore there was support." The unions demanded that the government make the restructuring process transparent and predictable. That position had sprung from a fear that the new government would victimize long-serving state employees. Organized labor also demanded that when the government began to hire new employees after the transition, preference would be given to people whose jobs had been eliminated. The commission agreed to the demands, and the unions agreed to cooperate with the restructuring process.

Newly elected politicians who had run on the promise of increasing employment also attempted to stop cuts to the civil service, accusing the commission of creating unemployment in already economically depressed areas. According to Botha, those negotiations were less productive. "We didn't really have to offer politicians

anything, because in any case the commission was carrying out the [constitutional] mandate,” he said. “Only with the reduction of the civil service would we have an efficient government. Some of them understood, but of course there’s a lot of political expedience—people wanting to score points.”

Not all of the challenges came from outside interests. The commission ran into some conflicts with the Ministry of Provincial Affairs and Constitutional Development, to which it was accountable. Botha described the relationship as “a bit tricky,” explaining that “there was quite a bit of overlap between their work and the commission’s work in the provinces.” He said all of the ministries at the time were also trying to settle into their positions and understand their roles and responsibilities.

Over time, the commission and the ministry managed to work together, he said. “We had a good relationship,” said Meyer, the minister who oversaw the commission. “But the demands of the jobs were much bigger than what a commission or a department could do.”

Regular meetings between leaderships in different spheres of government represented one way the parties dealt with those overlapping responsibilities. The government held meetings between national ministers and provincial ministers who worked in the same areas. The commissioners also made presentations to the president, the president’s cabinet ministers, and the provincial premiers. According to Meyer, those councils stabilized the relationship between provincial and national government. The interactions also enabled the commission to ensure that important decision makers all had the same information, according to Botha.

### *Facing a looming deadline*

Following the 1994 elections and for much of 1995, the Constitutional Assembly took a

“leisurely” approach and debated “high issues of principle,” according to Irvine. But as the June 1996 deadline for a final constitution neared, a sense of urgency set in.

Months before the deadline, the assembly secretariat transported all of its committee members to a remote convention center for two weeks to complete the text. Irvine joined the committee working on the financial powers of the provinces; the commission’s other technical adviser, Jimmy Vermaak, worked with the committee to determine the powers of the provinces.

“Literally one last week before the finalization of the constitution, the committee which was working on the powers of local government in the new constitution still had a blank,” said Irvine. Vermaak wrote out a list of local government powers and handed it to the chair of the committee. The chair adopted the suggestions with little amendment.

“What had warranted a very thorough canvassing didn’t receive it,” said Irvine. “It’s just fortunate that the recommendations that were accepted were reasonably sensible.”

In the end, the Constitutional Assembly incorporated about 50 of the commission’s recommendations and rejected about 20.

The commission made some important contributions to the constitution on the matter of provincial government. For example, the commission called for limits on the number of members in provincial legislatures “so that parliaments couldn’t simply inflate their [provincial] legislatures,” according to Irvine. Such a measure would limit the use of the provincial assemblies as patronage machines.

The commission also called for a higher bar to legislate changes to the powers of the provinces, a proposal aimed at cementing the negotiated settlement on the structure of the state. Groups in favor of a more federal structure before the

elections still held concerns that the new constitution might not adequately maintain the independence of provincial governments. The commission's suggestion would introduce a "degree of inflexibility" regarding the provincial structure, said Irvine.

Some of the commission's recommendations did not find their way into the final constitution. For example, the interim constitution set up provincial elections on a party-list basis. The commission had suggested instead that the government adopt a system in which voters would elect people on the basis of constituencies. The commission also recommended the establishment of a council on intergovernmental executive relations with the mandate to liaise between national, provincial, and local government whenever problems arose. That recommendation was also not adopted.

Other issues remained unresolved both within the commission itself and in the final constitution. Notably, the commission debated at length its recommendations on the powers of South Africa's traditional leaders in the constitution. They held a joint conference with representatives of other African countries to discuss possible approaches but ultimately were unable to arrive at a solution. Irvine, describing the debates, pointed to the widely divergent forms of traditional authority across South Africa as one of the problems in arriving at a consensus. "That proved to be too thorny a task for the Constitutional Assembly to finalize, and in fact, it is in many ways still a continuing debate within the South African polity," Irvine said. "We didn't produce detailed recommendations on traditional leadership and traditional authorities, simply because the matter was so very complicated and fraught, both institutionally and politically."

## ASSESSING RESULTS

The commission played an important role as

a source of much-needed, politically balanced technical and political support for the first provincial premiers, many of whom were skilled, high-profile politicians. (Later, South Africa's next president, Thabo Mbeki, began to centralize power and appoint less politically independent candidates as premiers.) The commission also made important recommendations and lent vital technical support to the Constitutional Assembly as it drafted South Africa's final constitution, though the assembly did not accept every recommendation and the commission was unable to come to consensus on all issues.

Commission members had a broad range of political connections and administrative experience and provided valuable advice for the new premiers as they set up their administrations. The panel also helped the premiers manage the politics of creating a decentralized government structure. And it played a key role in finalizing the constitutional powers of provincial administration in South Africa.

In the period following the 1994 elections, the new premiers lacked other trusted sources of information they needed to organize their administrations. They were often wary of officials who had worked in the apartheid state and questioned the latter's political motives. In that context, the commission was a credible channel of administrative and political advice. It also served as a conduit for communication between the provincial administrations and the central government's departments and agencies.

The Ministry of Provincial Affairs and Constitutional Development played a similar role in directing and supporting provincial governments. However, it, too, was in flux. "Most people, even the ministers, had not settled into their positions," said Botha. "They were new, they [had] never been ministers, they were taking responsibilities, and they had challenges [from] the old bureaucracy." In that context, the

commission's involvement was especially beneficial to the governments and the ministry, because all sides were struggling to find their feet.

Without the commission, Botha said, "more political upheaval" would have been possible, especially in regard to the cutbacks in the civil service. Botha said the commission earned a reputation as a "neutral and nonpolitical" broker that was capable of mediating fairly between opposing interest groups. "I don't think we had a problem insofar as convincing people or persuading people, because everybody saw the need," he said. "The work we were doing was necessary."

At the same time, even though the commissioners had extensive experience in provincial governments or other areas of expertise, the commission sometimes suffered from lack of authority. "I think the commissioners were people who didn't necessarily have the political status to give a very high profile and political clout to the commission," Irvine said.

The commission's success in its advisory role depended largely on the backgrounds of individual premiers and the pressures each faced. Although some listened closely to the commission's technical advice, many politicians had to bow to the demands of their constituents and parties.

Lategan said the commissioners could often tell early in the process whether premiers would bow to the political pressure to keep unneeded civil service jobs. "We could immediately see which provinces are going to be successes and which provinces would have difficulty in the future, and you needn't have been a prophet to have foreseen that," Lategan said.

In the first years of democracy, many provincial government executives struggled to strike a balance between new entrants and veteran administrators when staffing their administrations. Lategan said some of the veteran administrators "were very conservative, right-

wing, and many of them were not prepared for the new South Africa. . . . Many of them, just because of their attitude toward black people, decided to say, 'We've got nothing to do with this.'"

However, there were also instances of so-called constructive dismissals, whereby new managers would encourage underperforming employees to leave by making their work lives difficult. For example, said Lategan, some managers relocated staff to uncomfortable offices or did not share important information with them.

Lategan said provincial governments lost more skilled officials than was necessary. "That compromise between political need and administrative reality—that key—has not yet been found by some provinces. And that is why we have from time to time these uproars and these dissatisfactions," he said. Service-delivery protests became prominent during President Mbeki's second term from 2004 and continued under Pres. Jacob Zuma, who entered office in 2009.

Former homeland areas continued to present special problems for provincial governments after 1994. Provinces that included former homelands tended to have bigger service-delivery backlogs, poorer populations, and lower revenue bases than other provinces had. In addition, the political challenges were greater in provinces that had incorporated homeland areas, such as North West and Eastern Cape. In those provinces, the premiers had to appease different power bases to a larger extent than did premiers elsewhere, which gave rise to further problems if such accommodation required hiring homeland administrators, who were sometimes poorly qualified.

Many people involved with the commission said it exercised its greatest influence over provincial government in the first six to eight months of its operation. As the premiers became accustomed to governing, they relied less and less on the commission for advice. By April 1995,

Botha said, it was apparent that the commission's usefulness was drawing to a close. Such entities as the Public Service Commission and the Ministry of Provincial Affairs and Constitutional Development began to play stronger roles in assisting the provinces.

Irvine lamented the commission's short (two-year) term, which he argued compromised the commission's effectiveness. "It was far too short—from the point of view of being able to be an effective body—to be an impartial commentator and adviser to the provincial governments in a technical capacity," he said.

Meyer, minister of the department that housed the commission, said the commission "played a constructive role" in facilitating the transition, but he argued that its usefulness was ultimately limited by the wide scope of the problems it faced. "The challenge was probably bigger than we realized," he said. "The demands of the jobs were much bigger than what a commission or a department could do."

## REFLECTIONS

The Commission on Provincial Government arose out of compromises made during South Africa's difficult political negotiations of the early 1990s and was an important agent of compromise in many ways. "We . . . were doing change management," said Thozamile Botha, the commission's first chairman. "Not that the job wouldn't have been achieved eventually—but it would have been achieved with a lot of trauma."

According to Botha, the commission's key contribution lay in "smoothing and negotiating" the tensions that arose after 1994 around provincial government. He said no other body could have played that role at the time and that, although the commission's work was not perfect, much could be learned from the experience.

"Because it was a negotiated settlement, a number of compromises had to be made," Botha said.

"The provisions to create institutions such as the Commission on Provincial Government [were] part of ensuring that all of the sensitivities . . . and the concerns that were tentatively provided for in the transition constitution be managed in a way that would smooth relationships and fade away some of the suspicions that people still held."

Members of the commission worked well together—in part because none of them was a party ideologue—and they respected one another for their knowledge and experience. Tjol Lategan, who served as deputy chairperson, said he could not remember even one instance when the commissioners had a confrontational exchange. "We didn't look at it politically; we looked at it from a technical point of view," he said.

Douglas Irvine, a technical adviser to the commission, said "a degree of solidarity" emerged between the commissioners despite their political differences. He attributed such solidarity to the common identity they developed by interacting as a group.

Irvine added, however, that it was a problem for so many of the commissioners to serve part-time: "Their attention was divided; their time was relatively limited." And after he left the commission in April 1995 to become director general of KwaZulu-Natal, Botha said, the commission lacked a public champion to ensure that its debates fed into internal discussions within the dominant party, the African National Congress. "The commission, by the end of its period of office, had probably acquired a better overview of the provincial system and the dynamics at work and the needs and so on than had any other body in South Africa. It was a pity, a great pity, that what had been learned there and the experience and the connections that had been built up were lost," Botha said.

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