

# Public Administration in Zimbabwe a Framework Approach

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## Abstract

Public administration is the bedrock of every government; the central instrument through which national policies and programs are implemented. However, its effectiveness largely depends on how its frameworks are constituted. This article examines the frameworks of public administration in Zimbabwe-interrogating the extent to which they provide enabling contexts for best practices of public administration. Research findings point to frameworks that are stressed at both the legal and institutional level. Thirty years down the line, a stable constitutional framework is yet to be established. While the institutional framework is fairly comprehensive and generally comparable with regional trends, its operational framework is largely emaciated in terms of autonomy and resource base. The framework of public administration needs reconfiguration and strengthening at both the legal and institutional level.

**Key words:** Public administration in Zimbabwe, legal and institutional frameworks

## 1. Introduction

### 1.1. *Rationale*

Public administration is the hub of every government. It is the central institutional machinery through which national socioeconomic growth and development is facilitated. Public administration is the “essence of any modern society--- its structured and organized response to public problems” (Moyo (2011, 1). Yet defining and delineating its boundaries has remained a longstanding contested issue in the public administration discourse. Waldo (1955,2) sheds light on this by saying “one-sentence or one-paragraph definitions of public administration is mental paralysis rather than enlightenment and stimulation” while Nigro and Nigro (1984,3) alludes to the “imprecise delimitation of the boundaries” of public administration whose frontiers continue to expand in response to emerging societal problems.

However, emerging from these conceptual contestations is that ‘public administration’ animates “that sector of administration which is found in a political setting” (Heady, 1991, 2). It designates that component of administration which is concerned with the day to day implementation of government policies and programs and provision of basic goods and services. It is however instructive to note that while this conception locates public administration within the activities of the executive branch of government, public administration, as field of study and a practice, can hardly be fully appreciated outside the supportive roles of the legislative and judiciary arms of government. Public administration is essentially about enforcing laws and policies passed by the legislature. The judiciary, by determining the constitutionality of administrative acts, automatically shapes “what kinds of public services can be rendered and under what conditions” (Nigro and Nigro, 6).

The functions of public administration should also be viewed beyond policy implementation. Public administrative institutions serves as front offices and official faces of every government, articulating, marketing and defending government policy positions within local and global contexts. Goods and people entering the country are vetted by public officials dotted at border posts and immigration offices. How these public officials conduct their day to day business at all levels of government reflects the nature of their governments.

Public administration also acts as central channels through which public demands and supports are funneled into state systems. Members of the public experiencing specific problems approach relevant government institutions in their localities. In the event of a cholera outbreak in a community, the first port of call is a local health centre. Members of the public aggrieved with the way they have been treated by some government departments, seek redress from relevant bodies such as the Offices of the Ombudsman or the Public Protector as it is called in other countries.

Public administration also provides proximate regulatory frameworks through which individual, corporate and political party behaviors are prescribed and proscribed. In all governments, there are specific bodies that regulate matters relating to marriage, deaths, movements, imports, immigration and migration, pricing, education, exports, taxes, drugs, health, water, electricity, land, tourism, environment, and business, among others. The regulatory arms of public administration are far reaching. They affect the public before,

during and after deaths.

## **2. The value and ethical fabric of public administration**

Sound public administration systems serve as antidotes to corruption. Corruption remains one of the biggest obstacles to socioeconomic development in Africa. In its assessment of corruption in Africa, the African Association of Public Administration and Management (AAPAM, 1991, 16) somberly observed that “in spite of repeated calls for maintaining high standards of ethical behavior in the public service and a myriad of rules and regulations enacted to enforce it, they are in practice, more honored in breach than observance”. A study by Tailor (1992, 117) also revealed that in Sub-Saharan Africa, “corruption and bribery is so entrenched that the situation is best described as a system within a system”. The bureaucracy is the official system but underneath this thin veneer is a can of worms of informal networks and tribal affiliations and regular kickbacks”. The World Bank Report of March 16, 2010 echoes these sentiments referring to “pervasive and ubiquitous forms of quiet corruption...big-time corruption” characterized by bribes and kickbacks to public officials ([www.ipsnews.net](http://www.ipsnews.net)). At a conference that was held in Lusaka, Zambia on 28 February 2012, the parliamentarians of the Africa, Caribbean and Pacific (ACP) and the European Union (EU) concluded that corruption is “the biggest obstacle to the full development of Africa” ([allafrica.com](http://allafrica.com)).

Underscored here is the need for public officials who are dedicated, motivated and honest (Blunt, 1990; Kamto, 1994) and also have the “moral rectitude and integrity” to avoid the temptation of receiving bribes in exchange of delivery of a public service (Dobel, 1990, 362). Governments, as employers, have an obligation to create work conditions that disincline employees from selfish pursuits. Researches on corruption generally posit a positive link between deteriorating remuneration and increases in cases of bribes (Brewer, 2007). Where the risk of accepting a bribe is less than the risk associated with losing a job, survival instincts will incline public officials to accept the bribe. Public offices should not be seen as informal sources of income.

Effective public administrative thrives where effective internal bureaucratic controls, audit checks, legislative oversight and well-defined ethical framework are in place (Sheeran, 1993). The exercise of discretionary power pervades the entire fabric of public administration. Public officials rarely work under the watchful eyes of their superiors. They mostly rely on their professional expertise and personal judgment when performing official duties. They interpret guidelines that govern their actions and decide on what appropriate courses of action to take given prevailing contexts. Such discretion invites abuse; it carries inherent risks of indiscretion (Geuras & Garofalo, 2005). The temptation to use discretionary power for other gains is very high. Public officials need a high moral frame of personal integrity to handle the multiple realms of judgment and tensions associated with the exercise of discretion; especially where demands of personal office are not be compatible with personal integrity (Riccucci, 2010).

Good public administration is responsive to the ever-changing needs, priorities and values of its citizens and stakeholders. Public administrative institutions have to be innovative, flexible,

communicative and proactive in their daily conduct of public business. They have to institutionalize a culture of having internal meetings, public hearings, opinion boxes, consultations, surveys, hotlines in order to remain abreast with citizen demands and supports. However, there should be visible institutional will to act on issues collected through these channels. Equally critical is to appreciate that administrative responsiveness also depends on capacity. Surely, poorly funded ministries and departments can hardly be expected to respond effectively to the needs of their citizens.

Civil service impartiality is the bedrock of effective public administration. Impartiality ensures that basic goods and services are availed to all nationals, irrespective of differences in sex, race, tribe, religion, culture, ideology and political affiliation. Public officials, be they prosecutors, police officials, teachers, medical doctors, nurses, army officers, passport officers, magistrates, immigration officers-should refrain from active involvement in party politics. They should render their loyalty to government and its ministers regardless of the party in power (Frederickson, 1994). The issue of the political impartiality of the bureaucracy is particularly compelling in developing countries where basic services such as health, food, housing, water, education are mainly accessed through state channels.

Good public administration is transparent. The bureaucracy is aware and accepts that it operates in a “fishbowl” (Nigro and Nigro, 1984, 13) and that its decisions and actions are subject to scrutiny by citizens, politicians, media, and the global community. Citizens and the media have space to act as whistle blowers in the event of perceived fraud or malpractice. Scenarios where the public are denied access to findings from publicly set-up commissions of inquiry are inconsistent with the ‘fishbowl’ model alluded above. Transparent bureaucracies have visible readiness to account for their actions.

Against this backdrop, this study questions the extent to which extant macro frameworks provide enabling conditions for effective public administration in Zimbabwe. The following questions animate this study: What are the politico-legal-institutional frameworks of public administration in Zimbabwe? Do they enable or disable best practices of public administration? How has the political environment shaped public administration in Zimbabwe? Are institutions that are mandated to monitor accountability in public administration effectively playing their roles? The study hypothesizes that the state of public administration in any country is shaped by its historical background and socio-political milieu which in turn influences the content of legal and institutional frameworks and the extent to which bureaucracies operate within set formal frameworks.

### **3. Frameworks of Public Administration in Zimbabwe**

#### *3.1. Historical Contexts*

Zimbabwe achieved its independence in 1980 after a seven year old protracted armed struggle against settler colonial rule dating back to the 1890s. The new black government inherited an administrative bureaucracy which (in size, composition, operation and orientation) was heavily skewed towards the yester-year colonial masters. This bureaucracy was therefore at odds with the new socio-economic-politico imperatives of nation building, reconciliation and transformation of the economy along equity lines (Agere, 1998). There

was lack of compatibility between the inherited systems and the new socioeconomic dispensation which called for a people-focused public administration system. It was in these contexts that the inherited public bureaucracy went through a phenomenal expansion and reconfiguration (Murapa, 1984). These background contexts (including the liberation struggle factor) remain decisive forces shaping the post independence public administration in Zimbabwe.

### 3.2. *Constitutional Frameworks*

An often overlooked issue in the study of public administration is the link between public administration and national constitutions; yet governments are born from national constitutions. Constitutions provide the primary legal frameworks that regulate the practice of public administration. Public administration is thus only lawfully to the extent that it is consistent with provisions in the national constitution. Any meaningful study of public administration should take full cognizance of constitutional frameworks. The government of Zimbabwe and its administrative machinery derive its legal existence from the Lancaster House Constitution (1979 No.1600) which ushered in independence in 1980. This constitution, also known as ‘cease-fire constitution’, provided for a governance structure with an executive Prime Minister, a ceremonial President, a bi-cameral legislature, a Public Service Commission, the Judiciary as well as organs such as the Office of the Ombudsman, Office of the Comptroller and Auditor General, Attorney General. It also defines their composition, powers, functions and relationships. The constitution provides checks and balances through separation of power framework in which the legislative arm enacts laws which are enforced by the executive arm while the judiciary reviews the legality of legislative and executive actions and decisions. Within this governance framework, presidential executive powers are exercised on the basis of consultation with relevant professional bodies such as the Cabinet, Parliament, Public Service Commission, and the Judiciary Service Commission. Even presidential unilateral powers are exercised within prescribed limits, beyond which legislative support has to be granted. No single one arm should legislate, execute and adjudicate on its actions.

This constitution of Zimbabwe has since 1980 gone through nineteen amendments, with the constitutional Amendment Number 19 of 2009 as the latest. Among its highly visible amendments is Amendment Number 7 (Act 23 of 1987) which provided for a shift from an Executive Prime Minister to an Executive Presidency. This amendment also abolished the *Question Time* in parliament—a key mechanism through which executive accountability to the legislature is ensured. Amendment Number 9 (Act 31 of 1989) abolished bi-cameral legislature and introduced a single house of parliament. Subsequent amendments were crafted under deteriorating socioeconomic and political climate, scenarios that had a visible bearing on their content. The first national effort in 1999 to come up with a new constitution ended in NO-vote referendum outcome. It should also be noted that Amendment Number 19 of 2009 (which gave birth to the Inclusive Government) effected some changes in the distribution of executive power through the creation of additional Offices of the Prime Minister and two deputy prime ministers.

### 3.3. *The Institutional Framework*

Public administration is executed and monitored within the interactive framework of the legislative, judiciary and executive arms of government. The legislature provides law-making and policy approval roles, the judiciary reviews the legality of all government activities while the executive provides decision and policy implementing roles.

#### 3.3.1. The Legislature

The activities of the legislature have a direct bearing on national public administration. Legislative approval and authorization is needed before any government policy is implemented. Legislative approval is also needed before government funds can be expended. Through these gate-keeping functions, the legislative arm ensures national administrative structures operate within the limits set by parliaments.

At independence, Zimbabwe inherited a bi-cameral legislature which was abolished in 1987 following Amendment Number 7. However by 2005, the country had reverted back to the bicameral parliamentary system. How far these swings from unicameral to bicameral systems strengthened the oversight functions of the legislature remains a contested issue in the national discourse. The legislative arm exercises its oversight functions through committees such as Public Accounts Committee and portfolio committee structures, among others. Government ministries are currently grouped in clusters that are shadowed by a portfolio parliamentary committee. Portfolio committees are empowered to summon everyone (except the Head of State) to appear before them and give oral evidence on oath. They are also empowered to conduct fact-finding visits without hindrance. However, the legislature has since independence been dominated by the executive arm. This even worsened after the constitutional amendment of 1987 which introduced a President with executive powers. The abolition of the Question Time facility meant that the executive president was no longer directly answerable for his actions through parliament. While the 1990s witnessed some vibrancy in parliamentary debates, this was scuttled by continued enforcement of the whipping instrument, scenarios that saw parliamentarians who defied party lines facing stiff penalties. Parliamentary probity also plummeted following the socioeconomic meltdown. In the heat of political party polarization, parliamentary debates assumed an unproductive partisan bent. Contrary to widespread expectations, parliamentary probity did not improve following the formation of the Inclusive Government mainly because of continued inter-party polarization and the application of the whipping system. The constitution making process that is currently underway also impacted negatively on parliamentary business. Parliament met for very short times, thus delaying the amendments of contested legislations such as the Public Order and Security Act (POSA), the Access to Information and Information and Privacy (AIPPA), the National Healing Reconciliation and Integration Bill, the Anti Trafficking Bill, the Referendums Act, the Freedom of Information Bill, Electoral, Citizenship and Immigration laws, and the Mines and Minerals Act, among others. Underlined here is how the legislative arm conducts its business has a direct bearing on public administration practice in the country.

### 3.3.2. The Judiciary

Judiciary administration is a central component of the public administrative system of the country. The judiciary provides monitoring functions by reviewing the legality of the actions and decisions of administrative acts. It exercises judicial reviews through court structures such as the supreme courts, high courts, magistrate courts, Attorney General Offices, administrative courts as well as special courts. Courts are entitled to review challenged laws and to rule on whether they contravene constitutional provisions. Court reviews only takes place after litigation has been lodged. They operate on the presumption that all laws are valid and constitutional until proven to the contrary by a well constituted court. If parliaments and government ministries, in the course of executing their mandates, do not follow procedures laid down in the constitution, the courts are empowered to pronounce such actions improper. However judiciary sector, just like other sectors of government, has been dogged by poor remunerations. Poor remunerations and working conditions carry high premiums of corruption. Highly polarized environments also have erosive effects on the autonomy and independence of the judiciary. Scenarios where national presidents wield extensive powers in matters relating to appointments of superior judges and members of the Judicial Service Commission carry the risk that such public officials may not be free to make independent decisions.

The Office of the Attorney General is also an integral part of the judicial administration and enforcement of the country. In Zimbabwe, the Office of the Attorney General is established in terms of section 106 of the Constitution while the Attorney General is appointed by the President in consultation with the Judiciary Service Commission. The Attorney General is the principal public prosecutor in the country and provides legal advice to governments of the day. The Office ensures checks and balances within the government administration by instituting and undertaking criminal proceedings before any court as well as prosecuting or defending an appeal. However, the Office has since the onset of the socioeconomic and political meltdown dogged by allegations of impartiality especially in matters relating to political detainees. Since the formation of the Inclusive Government in 2009, the post of Attorney General has remained a highly politically contested issue-an 'outstanding issue' in the implementation of the Global Political Agreement. The Office is struggling to shrug off these credibility challenges.

### 3.3.3. The Executive

The executive institutional framework provides both policy making and policy implementing functions. The *cabinet* is the apex executive decision making body of government, determining the broad policy agenda of government. It is chaired by the President (Head of State) with the Premier (Head of Government) as deputy while its membership comprises ministers holding key ministerial portfolios such as finance, foreign affairs, home affairs and defense, with the Attorney General sitting in cabinet as an ex-officio-member. The cabinet is mandated to adopt and evaluate all government policies and programs, allocate financial resources (subject to approval by Parliament), approve all international agreements as well as taking collective responsibility for all cabinet decisions. However, cabinet has since independence generally played second fiddle to the apex political party decision organs of the ruling party and has often been accused of rubber stamping ZANU PF party politburo

decisions. Up to 2009, all cabinet members were ministers drawn from the then ruling political party (ZANU PF) and appointed at the behest of the President. While the formation of the Inclusive Government in 2009 was expected to dilute single party dominance in cabinet decision making, inter-party political mistrust put paid to these expectations. The cabinet has become a highly politically contested arena in which erstwhile rival political parties seek to outdo each other. Decisions are approved or rejected not necessarily on the basis of their substantive deficits but largely on the basis of whether they are likely to create political advantage to one political party. Cabinet deliberations are conducted under a framework of political mistrust. This has had some externalities on the conduct of government business as oftentimes cabinet meetings are rescheduled when ever the chairperson (the State President and also president of ZANU PF). This is despite the procedural arrangement that deputy chair (who is the Prime Minister and also president of the MDC T) should chair sessions as provided for in constitutional Amendment Number 19 of 2009. Scenarios of this nature (especially when they occur at the apex decision body) inflict irreparable delays in the conduct of government business.

The *Council of Ministers*, though an interim body established under the auspices of the Inclusive Government, is an integral element of the current public administration system in Zimbabwe. The Council of Ministers consists of all sworn-in ministers of government, is chaired by the Prime Minister and also acts as the implementing arm of the Cabinet. Its responsibilities include implementing cabinet decisions, coordinating government activities, ensuring that the Prime Minister receives briefings from Cabinet Committees as well as making progress reports to cabinet on matters of implementation. However, execution of these mandates is affected by continued interparty friction between ZANU PF and the two MDC factions. Its recognition as a formal arm of government is very low note. In fact most formal structures that were established in line with the Global Political Agreement are yet to get firm recognition from other government ministries and departments. Attendance of Council meetings and supervision of government policies remains weak because the Prime Minister (as chairperson) is struggling to garner cooperation from ministers, permanent secretaries, heads of local authorities and parastatals as well as provincial and district officials. The Office of Prime Minister appears powerless to deal with recalcitrant ministers who debunk meetings. In essence, the Council of Ministers appears more visible in breach than operation.

The *Joint Monitoring and Implementation Committee* (JOMIC) is another interim body that was created in line with the Global Political Agreement. It acts as the principal body dealing with issues of compliance and monitoring of the Global Political Agreement. Its functions include assessing the implementation progress of the Agreement, receiving reports and complaints relating to the implementation, creating and promoting an atmosphere of mutual trust as well as ensuring dialogue and understanding between the parties. Though a political creation, its operations have a direct bearing on public administration practice. JOMIC has however not been spared by interparty political mistrust. Just like the Council of Ministers, it is also struggling to garner recognition as a formal body. There is latent friction and lack of unit of purpose among JOMIC members who are drawn from the three political parties. Unfolding scenarios within JOMIC generally suggest a body that is operating more along

party lines than its JOMIC mandates. JOMIC members often clash along party lines on national matters relating to issues of youth programs, enforcement of the national healing and reconciliation programs, removal of sanctions, security and media sector reforms, among others. Scenarios of this nature send conflicting signals to public managers in various sectors of the economy.

*Public Service Commissions* (PSCs) are the hub of public administration in any government. They are primarily established to insulate the civil service from political influences. Before their establishments, selection and promotion depended on the “whims of those entrusted with the distribution of patronage” (Wamalwa, 1975, 50). The civil service was an appendage of rulers and therefore highly prone to political intrigue and influence. PSCs are mandated to provide governments of the day with an efficient public service to act as instruments for the implementation of policies and programmes. They ensure that matters of appointment, promotion and discipline in the civil service are handled by strong, independent and impartial bodies. Ideally, PSCs should ensure that the very best available are attracted into the service. They are merit-driven institutions. In Zimbabwe, the Public Service Commission is established on the basis of section 73, 74 and 75 of the Constitution of Zimbabwe. Its composition, powers and functions are however detailed in an Act of Parliament, the Public Service Act of 1995. Its functions generally resemble those in most former British colonies and include providing the government of the day with advice about the public service; appointing persons to the Public Service either on a permanent or contractual basis; assigning and promoting them to offices, posts and grades in the Public Service; conducting entry and promotional examinations; investigating complaints made by members of the Public Service as well as disciplining members of the Public Service (Part 111 of the Public Service Act, 1995, 254). The Act delineates the Public Service as consisting of all persons in the service of the state, other than, judges, members of commissions established by Acts of parliament, members of the defense forces, the police force, prison service and members of any organization established in the President Office for the protection of national security while the Chairman and Commissioners who should not be less than seven are appointed by the President (Part 11 of the Public Service Act, 249).

It should however be noted that while the legal existence and operational framework of the PSC in Zimbabwe is generally consistent with those in other countries in the region, its effectiveness in ensuring merit in the selection, promotion and protection of the welfare of public service employees has generally been low note over the decades. At independence, the civil service became a handy tool for the ruling political party to reward party faithful and with posts in the public service, scenarios that carry the risk of catapulting people with little academic and professional experience to senior positions. The PSC, like most government departments, has not been spared by political party polarization. Politics and sectional interests continue to interfere with civil service selection and promotions. Since the formation of the Inclusive Governments, the PSC commission has been dogged by allegations of ghost workers. The PSC is also overly compliance and rule-bound in its operations. Its capacity to attract the best brains in public employment as well as protecting the welfare and working conditions of its employees is severely stressed. Over the decades, the Public Service has been acting as a training ground for the private sector and other regional countries. It

continues to lose its skilled manpower due poor remuneration and general working conditions. Strikes by civil servants over poor salaries are a chronic experience. There is also confusion on who is responsible for the welfare of public servants between the PSC and the Ministry of the Public Service. The PSC casts the unfortunate impression of a body that is only concerned with ensuring compliance among its employees while maintaining a blind eye on matters relating to their welfare.

The *Office of Permanent Secretary* is one of the most talked about but least scholarly interrogated structure of public administration is the Office of the Permanent Secretary (Lungu, 1998, 2). Little is known about the nature and role of this Office. Clarity is even yet to emerge on whether permanent secretaries are accountable to the political heads of ministries or to the Chief Secretary to the Cabinet. Yet the Office of the permanent secretary is the cornerstone in the public management systems of the country. The Office goes by different names, with terms like Director-General (DG) being used in other countries that include South Africa. Permanent Secretaries are the administrative heads of government ministries. They are the chief executives of ministries accountable for the ministerial vote to parliament. While ministers are the political heads of their ministries responsible for policy making, the responsibility of policy execution lies with permanent secretaries. In Zimbabwe (unlike in South Africa), the appointment of permanent secretaries lies within the purview of the country president in consultation with other professional bodies. As heads of the civil service within ministries, they ensure correct interpretation of government policy, seeking legal and technical advice for the ministry, coordinating various activities of their ministries, and supervising the execution of functions and results.

As Accounting Officers for the ministries, they defend the expenditures of their ministries before the Public Accounts Committees in parliaments. As the career civil servants, they are not allowed to stand as candidates for political elections, nor to form or join any political associations, nor give political speeches, nor publish material which may be regarded as of a political nature, among other things. Review of the profile of permanent secretaries in Zimbabwe since independence generally suggests that appointments have been visibly sensitive to professional background. Zimbabwe boasts of highly educated permanent secretaries, with some having been in those positions since independence in 1980. Although permanent secretaries in Zimbabwe generally view themselves first and foremost as professional experts, they are struggling to uphold the values of a meritocratic civil service against the expectations of politicians. They are operating under severe political pressure. The untenable political environment has tended to see some permanent secretaries becoming compliant, giving the sort of advice expected by ministers or making public statements that have partisan elements. Cases abound in Africa where permanent secretaries who defy their ministers by insisting on the need to observe laid down regulations and procedures have either been fired or transferred to other ministries. The Office is inherently problematic in that permanent secretaries are political appointees who are expected to play neutral roles. It is also instructive to note that although permanent secretaries are heads of the civil service within ministries, they are administratively accountable to the Chief Secretary to the Cabinet and not the minister. They are also financially accountable to the Public Accounts Committee of Parliament, and not to their ministers. This creates some ambiguity in their reporting structure

because it implies that they are not accountable to their ministers-the political heads of ministries. In power-sharing governments, this ambiguous reporting structure can be used as a ruse to defy policy directives of ministers nominated from other political parties.

#### **4. The self-regulatory framework of Public Administration**

Public administrative institutions wield considerable authority during their day to day discharge of duties. They operate as authorities overseeing the welfare public employees, collection of public revenue, provision of water, electricity, housing, transport, justice, education, land, health etc. The risks of abusing these delegated powers are vast. To this end, across the world, autonomous state bodies have been created to ensure that the activities of government ministries and public bodies are closely monitored.

Zimbabwe has since independence in 1980 established an array of organs to enforce accountability in public administration by way of advising, interceding, auditing, monitoring, supervising, evaluating, approving, licensing, among others. These organs protect the public from the *ultra vires* acts of state officials by acting as channels through which societal claims on other groups and on the state can be expressed. However, they can only effectively enforce these mandates when they are well constituted in terms of authority, power, capacity and budgetary support. Without these supports, the risk of paper tigers looms high.

The Office of the Comptroller and Auditor General is an indispensable element of public administration. By auditing all government ministries and departments, this Office helps in ensuring the financial accountability of the executive to parliament. The Office is a common feature in regional and global countries such as South Africa, New Zealand, Bangladesh, India, UK, Saudi Arabia where they are commonly acting as auditors of public entities particularly focusing on how these entities use their resources as well as financial, governance, management and organizational issues. In Zimbabwe, the Office exists on the basis of section 105 of the Constitution of Zimbabwe while the Comptroller and Auditor General is appointed by the President in consultation with the Public Service Commission. The Office, operating in liaison with the Public Accounts Committees of Parliament, is mandated to examine, audit and report on the public accounts of the State and all accounting officers, receivers of revenue and other persons entrusted with public moneys. In this way, the Office acts as the main watchdog of the fiscus. By auditing all accounts of ministries and examining annual reports prepared by Permanent Secretaries (as Accounting Officers of their ministries), the Comptroller and Auditor General ensures that all revenues collected and funds allocated to government ministries and public bodies are spent as approved by parliament. In the event of irregularities and nonconformity, the Office is authorized to qualify such accounts and recommend an investigation into the matters. Its effectiveness in these regards has over the decades been generally on the low side. The Office generally suffers from resource constraints and thus struggles to retain skilled and experienced officers as well as attracting those with accounting background. Its reporting framework is also restrictive. The Office reports to Parliament through its parent ministry, the Ministry of Finance, a reporting framework that creates problems in the event that the Office comes up with an adverse report on its parent ministry. The Office also lacks the requisite power to enforce executive compliance with its recommendations. Neither does it have the power to

force government ministries and parastatals to submit their financial reports for auditing. This has seen the Office lagging behind in its submission of audited reports to parliament. This seriously compromises government accountability. In countries such as South Africa where the Office reports directly to parliament and has own standing budgetary support, its effectiveness has been very visible. In New Zealand, the operations of the Office of the Auditor-General have been very visible, presenting its reports on central government agencies-ministries, departments, public enterprises on a yearly basis, with some reports on the management of the blood service and defense ([www.oag.govt.nz/reports/central-government](http://www.oag.govt.nz/reports/central-government)).

Administrative accountability is also enforced through Offices of the Ombudsman. These Offices go by various terms such as Public Protector, Mediator, Commissioner, among others. The idea and origin of the word Ombudsman is generally traced to Sweden although currently Offices of the Ombudsman are a common feature in most countries ([www.pprotect.org](http://www.pprotect.org)). The notion of this Office arose from the fear that governments which are expected to be the guardians of the people are also fallible. In this way, the Office ensures that the activities of governments are also watched. This protects the rights and interests of the individual against possible abuse by persons in public office. Zimbabwe has since independence had an Office of the Ombudsman. The Office has however since 2009 changed its name to come to Public Protector. The Office is established on the basis of sections 107 and 108 of the Constitution and is mandated to receive complaints from people who believe that they have suffered injustices at the hands of government departments. Its functions are simply investigatory and advisory. It has no power to initiate legal proceedings or prosecution on the grounds of a complaint. It simply intercedes on behalf of grieved members of the public. However, despite shifting its name to a more user-friendly and gender-neutral name (Public Protector), the Office remains invisible. Public awareness of its existence is disturbingly low note. While the Office is mandated to present a report before parliament once every year, only one report (in 2009) was presented since its establishment as the Public Protector in 2009. This is in stark contrast to the Public Protector in South Africa which is very visible in terms of operational effectiveness. Its investigations in 2011 led to the suspension of a cabinet minister and the police commissioner general over allegations of maladministration protector (Public Protector, Thuli Madonsela quoted in [www.businessday.co.za](http://www.businessday.co.za)). According to this source, the Public Protector in South Africa has the authority and power to subpoena any organ of state-including the president for ignoring its recommendations for remedial action. Access to the Public Protector in Zimbabwe can be enhanced by decentralizing its operations to all districts across the country. Opening websites with updated contact details of the Public Protector (telephone, emails) will go a long way in enhancing its public outreach.

## **5. Conclusions and Recommendations**

### *5.1. Conclusions*

Review of the frameworks of public administration in Zimbabwe since the dawn of independence in 1980 strongly point to public administration under severely stressed constitutional and legal frameworks. Besides being a public administration structure modeled

along the Westminster model, worsening political environments had visible erosive effects on the operations of the executive, legislature and the judiciary. Administrative enforcement was also compromised by fiscal constraints-especially under the 2000-2008 socioeconomic implosion. Worsening political environment also left a very visible dent on core administrative values of political neutrality. It also conveyed conflicting signals to public administrators at various levels of government.

The national constitution which should provide the supreme legal framework of public administration has since the dawn of independence struggled to gain national acceptance. It continues to be viewed as a ‘cease-fire’ document-scenarios that generate compliance risks. Besides having undergone nineteen amendments, there are mixed views on how far these processes enriched the constitutionalism. Efforts directed at coming up with a new constitution for Zimbabwe have also been dogged by political controversy. The risk of another NO VOTE referendum outcome looms threateningly in the air.

The legislature has since independence been dominated by the executive arm, worsened following the constitutional amendment of 1987 which introduced a President with executive powers. The abolition of the Question Time facility meant that the executive president was no longer directly answerable for his actions through parliament. While the 1990s witnessed some vibrancy in parliamentary debates, this was scuttled by continued enforcement of the whipping instrument, scenarios that saw parliamentarians who defied party lines facing stiff penalties. Parliamentary probity also plummeted following the socioeconomic meltdown. In the heat of political party polarization, parliamentary debates assumed an unproductive partisan bent. Contrary to widespread national expectations, parliamentary probity did not improve following the formation of the Inclusive Government mainly because of continued inter-party polarization and the application of the whipping system.

The judiciary sector, just like other sectors of government, has since independence been dogged by poor remunerations. Poor remunerations and working conditions carry high premiums of corruption. Highly polarized environments also have erosive effects on the autonomy and independence of the judiciary. Scenarios where national presidents wield extensive powers in matters relating to appointments of superior judges and members of the Judicial Service Commission carry the risk that such public officials may not be free to make independent decisions.

While the cabinet is formally the apex decision making organ of government, review of its conduct since independence point to a body that has generally played second fiddle to the apex political party decision organs of the ruling party, the ZANU PF politburo and Congress. It is instructive to note that up to 2009, all cabinet members were ministers drawn from the then ruling political party (ZANU PF) and appointed at the behest of the President. While the formation of the Inclusive Government in 2009 was expected to dilute single party dominance in cabinet decision making, inter-party political mistrust put paid to these expectations. The cabinet has become a highly politically contested arena in which erstwhile rival political parties seek to outdo each other at the expense of national obligations.

While the legal existence and operational framework of the PSC in Zimbabwe is generally

consistent with those in other countries in the region, its effectiveness in ensuring merit in the selection, promotion and protection of the welfare of public service employees has generally been low note over the decades. At independence, the civil service became a handy tool for the ruling political party to reward party faithful and with posts in the public service, scenarios that carry the risk of catapulting people with little academic and professional experience to senior positions. The PSC, like most government departments, has not been spared by political party polarization. Politics and sectional interests continue to interfere with civil service selection and promotions. Since the formation of the Inclusive Governments, the PSC commission has been dogged by allegations of ghost workers. The PSC is also overly compliance and rule-bound in its operations. Its capacity to attract the best brains in public employment as well as protecting the welfare and working conditions of its employees is severely stressed. Over the decades, the Public Service has been acting as a training ground for the private sector and other regional countries. It continues to lose its skilled manpower due poor remuneration and general working conditions. Strikes by civil servants over poor salaries are a chronic experience. There is also confusion on who is responsible for the welfare of public servants between the PSC and the Ministry of the Public Service. The PSC casts the unfortunate impression of a body that is only concerned with ensuring compliance among its employees while maintaining a blind eye on matters relating to their welfare.

Review of the Office of permanent secretaries in Zimbabwe since independence generally suggests that appointments have been visibly sensitive to professional background. Zimbabwe boasts of highly educated permanent secretaries, with some having been in those positions since independence in 1980. Although permanent secretaries in Zimbabwe generally view themselves first and foremost as professional experts, the Office has since 2000 been struggling to uphold the values of a meritocratic civil service against the expectations of politicians. They are operating under severe political pressure. The untenable political environment has tended to see some permanent secretaries becoming compliant, giving the sort of advice expected by ministers or making public statements that have partisan elements. Its bedrock value of political neutrality is severely stressed.

The Office of the Comptroller and Auditor General, a universally acknowledged institutional mechanism for ensuring accountability with state ministries and bodies has over the decades been generally faced serious resource constraints. Its capacity to attract and retain skilled manpower has been severely stressed. Its effectiveness is also compromised by its reporting framework. The Office reports to Parliament through its parent ministry, the Ministry of Finance, a reporting framework that creates problems in the event that the Office comes up with an adverse report on its parent ministry. The Office also lacks the requisite power to enforce executive compliance with its recommendations. Neither does it have the power to force government ministries and parastatals to submit their financial reports for auditing. This has seen the Office lagging behind in its submission of audited reports to parliament.

### *5.2. Recommendations*

Against this backdrop, this article makes the following recommendations.

- High profile commitment should be rendered to efforts that are currently directed at institutionalizing and sustaining a culture of inclusion at the political and governmental level. With visible commitment at such levels, the right message will cascade to micro administrative structures. A stable socioeconomic-political framework is a prerequisite for sound public administration. It lends predictability and certainty to decision making and policy implementation.
- Considerable effort should be taken to ensure that transparency, inclusiveness and political neutrality inform the constitution making process that is currently underway. Its outcomes will shape the governmental structure and terrain within public administration is executed. Equally critically is to appreciate that an unstable constitutional framework also means a shaky public administrative framework. Such a process with far reaching implications needs to be nationally-driven rather than party-driven. Party politics should not be allowed to interfere with the formulation and drafting of the constitution.
- While parliamentary reforms of the mid 1990s should be credited for introducing portfolio committees and pre and post budget analysis, more still needs to be done to strengthen its oversight functions and the quality of debates. This is particularly compelling in view of the direct bearing of parliamentary activities on public administration. A probing parliament enhances financial accountability within government ministries and public bodies. It also strengthens policy delivery capacity by ensuring that sufficient funds are allocated to needy projects. Parliamentary motions and debates should be primarily guided by national motive. Parliamentary structures should also be empowered to oblige ministers and even the President to appear before it whenever they are so required. The current practice of whipping parliamentarians into taking party positions should be discouraged as it vitiates the underlying principles of legislative oversight.
- Judiciary administration should be appreciated as an integral aspect of public administration. Effective review of the legality of the actions of office bearers and administrative institutions not only protects the public from ultra vires acts-but also strengthens administrative accountability and transparency. The appointive framework governing superior judges and members of the Judiciary Service Commission should be reviewed. The welfare and remuneration challenges of the judiciary structures needs urgent redress as it poses a serious threat to national justice delivery.
- The nation needs to appreciate the centrality of the cabinet in public administration. The cabinet is the apex formal decision making organ of government and as such its decision outcomes have a direct bearing on policy and program implementation. Delays in cabinet decision making stalls government business. Accordingly, cabinet deliberations and decisions should not be premised on short-term political considerations. Measures should be taken to ensure that scheduled weekly meetings are not postponed at short notice.

- There is need to strengthen enforcement of merit-based recruitment by the Public Service Commission. This is critical because the soundness of public administration directly hinges on the extent to which best human resources are attracted, recruited and placed in appropriate sectors of government. There is therefore need to interrogate the extent to which its extant legal frameworks accord it the autonomy, independence and power to execute its mandate in a non-partisan way. The framework governing the appointment of its chairpersons and commissioner also needs review. The boundary of responsibility between the Public Service Commission and the ministry of the Public Service also needs urgent re-look as there appears to be lack of clarity on who between the Public Service Commission and the ministry of Public Service bears direct responsibility over matters of civil service welfare and remunerations.
- The Office of the Permanent Secretary is the administrative linchpin of public administration. Permanent Secretaries, as administrative heads of ministries, are responsible for the day to day administration and management within government ministries. They have direct responsibility over the allocation of expenditures to prioritized programs and projects within the ministry. There is therefore need to enquire into how far the frameworks governing their appointment accord them the requisite independence to execute their duties in a politically-neutral manner. There is also need for more clarity on their reporting framework. Currently, it is not clear on whether they are directly accountable to their ministers (as political heads of ministries) or the Chief Secretary to the Cabinet.
- There is also need to reconstitute the operational framework of the Office of the Comptroller and Auditor General. While its legislative framework was recently amended through the Auditor Office Act of 2010, the changes are largely cosmetic. These changes did not go far enough to address the substantive challenges of this Office. There is still need to legally empower this Office to ensure that government ministries and public bodies comply with its findings and recommendations. The issue of autonomy also needs re-look. Ideally, it should be an autonomous entity with own budgetary vote directly approved by parliament. The Office should also be directly accountable to parliament. Appointment of the Comptroller and Auditor General should be by parliament as is the case in most regional countries that include South Africa.

## 6. References

1. Agere, S. (2000). *Promoting Good Governance: Principles, Practices and Perspectives*. (London: Commonwealth Secretariat).
2. Basu, R. (1994). *Introduction to Public Administration*. (New Dehli: Sterling Publishers).
3. Blunt, P. (1990). "Strategies for enhancing organizational effectiveness in the Third World". *Public Administration and Development*, Volume 10, 299-313.

4. Brewer, G. A. (2007). "Accountability, corruption and government effectiveness in Asia: an exploration of World Bank governance indicators" *International Public Management Review*, 8 (2), pp. 200-217.
5. Brinkerhoff, D.W. (2005). "Rebuilding Governance in failed States and Post-Conflict Societies: Core Concepts and Cross-Cutting Themes", *Public Administration and Development. Washington: Online Willey Inter-Science*), 25, 3-14
6. Caiden, G. (1971). *The Dynamics of Public Administration* (New York: Holt and Rinehart).
7. Centre for Development and Enterprise (1999). *Executive Accountability: Under what circumstances should a Minister of State resign* (Johannesburg: CDE) [www.cde.org.za](http://www.cde.org.za)
8. Civil Society Monitoring Mechanism Periodic Report (2010). January-March, (Harare: CISOMM).
9. Commonwealth Secretariat (1991). *The Changing Role of Government*. London: Commonwealth Secretariat.
10. Denhardt, J. (2009). *Public Administration: An Action Orientation* (Belmont: Thomson Wadsworth).
11. Dobel, P, J. (1990). "Integrity in the Public Service" *Public Administration Review*, May/June 1990, 25-30.
12. Dubois, H, F, W. and Fattore, G. (2009). "Definitions and typologies in public administration research: the case of decentralization", *International Journal of Public Administration*. 32 (8), 704-727.
13. Dunleavy, P. and Margetts, H. (2006). "New public management is dead: Long live digital era governance" *Journal of Public administration Research and Theory*, 26-47.
14. Frederickson, G, H. (1994). "Can Public Officials Correctly Be Said to have Obligations to Future Generations?" *Public Administration Review* , September/October, Volume 54, No.5, 19-34.
15. Geuras, D. and Garofalo, C. (2005). *Practical Ethics in Public Administration* ([www.managementconcepts.com](http://www.managementconcepts.com))
16. Goel, S. L. (1995). *Financial Administration and Management* (New Delhi: Sterling Publishers).
17. Heady, F. (1991). *Public Administration: A Comparative Perspective* (New York: Marcel Dekker).
18. Kamto, M. (1997). "Reaffirming public-service values and professionalism", *International Review of Administrative Sciences* (London: Sage Publications), Volume 63, 295-308.
19. Kettle, D. and Fessler, D. (2009). *The Politics of the Administrative Process* (Washington DC: CQ Press).

20. Levitan, D. M. (1942). "The neutrality of the Public Service", in *Public Administration Review*, Volume 2, Number 4, ASPA: Blackwell Publishers, 57-86
21. Linnington, G. (2001). *Constitutional Law of Zimbabwe* (Harare: Legal Resources Foundation).
22. Lungu, G. A. (1991). *Towards a Redefinition of Administrative Responsibility in a Democratic South Africa*. Cape Town: UWC Printing Department.
23. Lungu, G. A. (1998). *Between Politics and Management: The Role Ambiguity of the Office of Permanent Secretary (Director-General) in Commonwealth Africa* (Cape Town: UWC Publishers).
24. Menzel, D. C. and White, H. L. (eds, 2011). *The State of Public Administration: Challenges and Opportunity* (New York: M.E. Sharpe).
25. Moyo, J. (2011). "The Challenges of public administration in Zimbabwe today" (Education, Politics, 31 October 2011 [http:// www.newzimbabwe.com/blog](http://www.newzimbabwe.com/blog))
26. Nicholas, H. (1986). *Public Administration and Public Affairs* (Englewood Cliffs: Prentice-Hall).
27. North, D. (1990). *Institutions, Institutional Change and Economic Performance*, Cambridge: Cambridge University Press.
28. Olowu, D. & Sako (2002). *Better Governance and Public Policy: Capacity Building and Democratic Renewal in Africa*. Bloomfield: Kumarian Press.
29. Riccucci, N. M. (2010). *Public Administration: Traditions of Inquiry and Philosophies of Knowledge* (Washington DC: Georgetown University Press).
30. Riggs, F. W. (1980). "The Ecology and Context of Public Administration: A Comparative Perspective" in *Public Administrative Review*, Volume 40 No.2, pp.107-115 <http://www.jstor.org/stable/975620>
31. Shafritz, J. M. and Hyde, A. C (2007). *Classics of Public Administration* (Boston: Wadsworth).
32. Sheeran, P. J. (1993). *Ethics in Public Administration: A Philosophical Approach* (Westport: Praeger Publishers).
33. Turner, M. and Hulme, D. (1997). *Governance, Administration and Development: Making the State Work*. Connecticut: Kumarian Press.
34. UNDP. (2000). *Governance Foundation for Post-Conflict Situations: UNDP's Experience*. UNDP: New York.
35. UNDP. (2002). *Deepening Democracy in a Fragmented World: Human Development Report 2002*, UNDP: New York.
36. Walsh, K. (1995). *Public Services and Market Mechanisms: Competition, Contracting and the New Public Management*. London: Macmillan Press Ltd
37. White, L. D. (1968). *Introduction to the Study of Public Administration* (New Delhi:

*Eurasia Publishing House)*

38. World Bank. (2000). *Reforming Public Institutions and Strengthening Governance: A World Bank Strategy*. WB: Washington DC.

### **Government Documents**

1. Government of Zimbabwe (2009). Central Statistical Office (Harare: Print flow).
2. Government of Zimbabwe (2009). National Budget Statement (Harare: Print flow).
3. Government of Zimbabwe (2010). National Budget Statement (Harare: Printflow).
4. Government of Zimbabwe (2011). National Budget Statement (Harare: Print flow)
5. Government of Zimbabwe (1995). Public Service Act, 1995 (Harare: Government Printers)
6. Government of Zimbabwe. (2009). Constitutional Amendment Act Number 19 (Harare: Printflow).
7. Government of Zimbabwe (1979). The Constitution of Zimbabwe. (Harare: Government Printers).
8. Government of Zimbabwe (1980). Public Service Act (Chapter 16:05) (Harare: Government Printers).
9. Government of Zimbabwe (1995). Audit and Exchequer Act, Chapter 22:03 (Harare: Jongwe Printers).
10. Government of Zimbabwe (2008). Global Political Agreement (Harare: Printflow)

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