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INSTITUTIONS AND GOVERNANCE: PUBLIC STAFF MANAGEMENT IN TANZANIA

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Institutions and Governance: Public Staff Management in Tanzania

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Abstract

The importance of institutions is one of the distinctive features of the new governance model. This paper is an empirical study of how the institutional framework affects the way public servants are managed in Tanzania. In the 'Ujamaa' period, staffing institutions were placed under the control of the ruling party so that they would serve national development objectives, but the effect was to contaminate the efficiency and integrity of government. The legal framework conferred excessive powers on the President, and centralized staffing authority in agencies which were largely rubber-stamping bodies, and it allowed duplication of functions between central and line agencies.

In a climate of corruption and favouritism, there was little confidence in the integrity of civil service staffing. There was a need to strengthen its independence, to devolve and to align the institution governing it with current political and development objectives while controlling corruption at lower levels. Our findings may have an application to the institutions of government as a whole.

Keywords: institutions, law, governance, Tanzania, human resource management, corruption, civil service reform

INTRODUCTION: INSTITUTIONS AND GOVERNANCE

A distinctive feature of the new model of governance which has emerged over the last decade is the stress that both practitioners and scholars have placed on the institutional framework of government as a factor in its efficiency, under the influence of the 'New Institutional Economics' (Court *et al.*, 1999; DFID, 2005; Harriss *et al.*, 1995; Hyden *et al.*, 2004; Kaufmann *et al.*, 1999). Institutions are seen as a meso-level phenomenon between the macro-level of the political system out of which they arise and the micro-level of management which animates them. Yet there are few empirical studies of how they work in practice. This paper offers such a study, focusing on that portion of the overall institutional framework which relates to the management of public servants. Management of public servants is also an important element of governance in its own right, with evidence from a study commissioned to feed into the *World Development Report* of 1997 of a statistical link between staff management and national economic growth (Evans and Rauch, 1999; see also Hyden *et al.*, 2004).

Tanzania, the subject of our study, is one of the world's poorest countries, ranked 162nd out of 177 countries in the UN Human Development Index in 2002. Income poverty is both widespread and deep. Estimates for 2000 suggested that well over 50 percent of the population was living in poverty, with approximately one-third of them in extreme poverty (United Republic of Tanzania, 2000). Yet despite ethnic diversity, Tanzania is a relatively harmonious and politically stable country, an achievement of the nation-building period that followed independence whose consequences for the public service we will now review.

POST-INDEPENDENCE INSTITUTION BUILDING AND REFORM

Despite the 'Westminster' model of governance which the British commended to their former colonies, with its elements of parliamentary supremacy, multi-party democracy and separation of power between the legislature, the executive and the judiciary, Julius Nyerere as first president was head of state, executive head of government and commander-in-chief of the armed forces, with the power to dissolve parliament at any time (Republic Constitution, Article 44[2]); he also remained the head of the ruling party.

After independence there were tangible achievements. At independence there had been only 12 qualified local doctors; by 1985 there were 782. There had been only 98 hospitals, 22 rural health centres and 975 dispensaries; by the mid-1980s there were, respectively 149, 239 and 2,644 (Legum, 1988: 4). Other improvements to social services were commensurate. A representative view was that

'The civil service had the capacity and will to serve the public interest rather than narrowly to pursue its own class interest ... they were still responsive to the various influences and pressures, which operate to keep public services reasonably efficient and free of corruption.' (Pratt, 1976: 224-5; see also Bryceson, 1988; Mukandala, 1990; Nyerere, 1977; and Tordoff, 1997: 150)

The former Head of the Civil Service was entitled to say that 'At that time, we had a civil service which was visibly vibrant, motivated, and disciplined,' going on to remark that 'Those civil servants who were inducted into public service in those years still harbour nostalgia for what today may be regarded as the golden era of our civil service.' (Lumbanga, 1995: 20). His elegiac tone is explained by what came next.

Politicization and Egalitarianism in the *Ujamaa* Era and After

The interim constitution of 1965 (made permanent in 1977) turned Tanzania into a *de jure* single party state. Civic and public agencies were deliberately politicized (Constitution, Article 3 [3]), the civil service not least. In 1967, the country moved further still from the Westminster model, adopting the populist socialist ideology of '*ujamaa*' that was enshrined in the Arusha Declaration. Political leaders, and especially Nyerere, had come to believe that the Westminster model was designed for 'the administration of a nation, not for its development' (Nyerere, 1975), influenced, like many newly independent governments, by the socialist states, and especially China, which had deliberately fused politics and administration to transform the civil service from the mandarin class serving elite interests that it had been under colonial or imperial rule.

Placing the civil service under the control of the ruling party meant that every civil service office now had a party branch with leaders who were mostly employees in junior grades. The consequent weakening of management authority was welcomed. The Party Guidelines (*Mwongozo*) of 1971 (Clause 15) stated that 'There must be a deliberate effort to build equality between leaders and those they lead.'

The party branch leadership had the authority to summon any civil servant, right up to a ministry's permanent secretary, and the effect on discipline was predictable. Managers had no wish to exercise their authority if it meant being branded as 'colonialists' by their politically liberated workers. Ironically, *Mwongozo* and the climate of liberation that it embodied contributed to the indiscipline and corruption that crept into the civil service from the 1970s onwards.

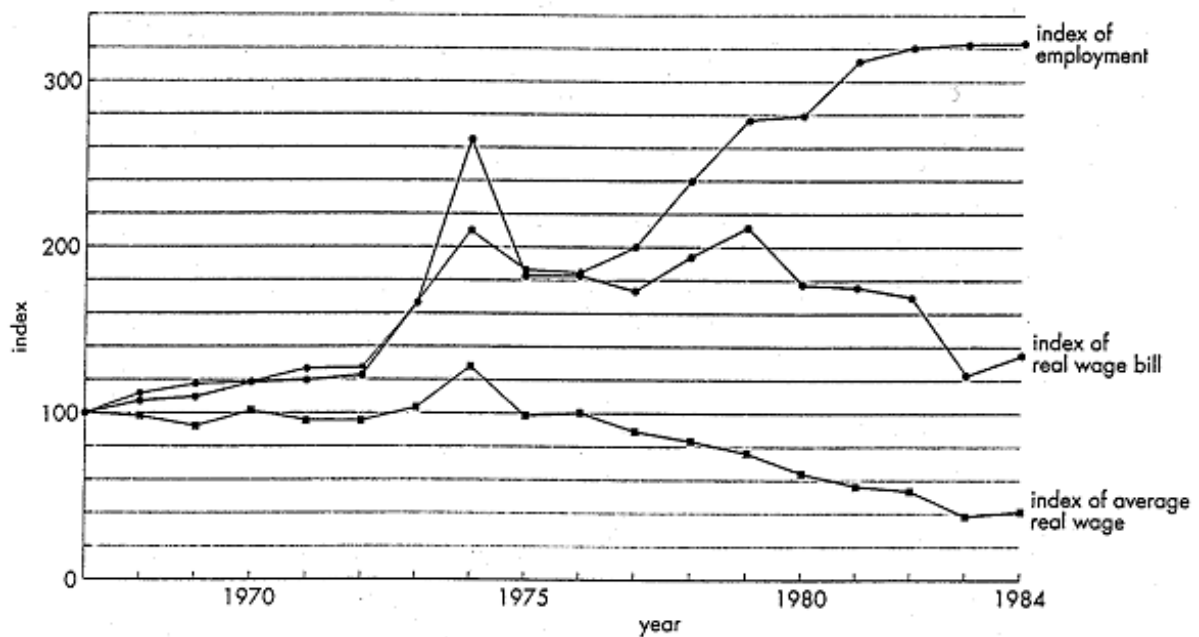
How, then, can one explain the government taking away with one hand the power it had just given workers with the other? Four Acts (Trade Unions Ordinance [Amendment] Act, 1962; Trade Disputes [Settlement] Act, 1962; Civil Service [Negotiating Machinery] Act, 1962; and the National Union of Tanganyika Workers [Establishment] Act, 1964) neutered the trade unions, ultimately collapsing them into a single national union, NUTA, under party control; the President had the power to close even this puppet union if he chose². But these measures that appeared to increase and decrease workers' power at the same time were not really contradictory. Their consistent theme was to increase the power of the ruling party, which now permeated every area of government and, indeed, of national life.

Seeing what way the wind was blowing, civil servants now rushed to join the ruling party, and Nyerere was happy for them to do so. It would be absurd, he said, to exclude 'a whole group of most intelligent and able members of the community from participating in the discussion of policy simply because they happen to be civil servants', and a subsequent Presidential Commission duly echoed his conviction (Government of Tanzania, 1965: 24; Nyerere, 1962: 26). Once the logical conclusion was reached of civil servants being able to stand in elections, many of them skipped over the by now rather low fence separating administration from politics, setting the seal on the subordination of the former to the latter.

Decentralization and Economic Crisis

Having consolidated its control over central government, CCM next moved to absorb local government, ostensibly to deal with problems like the poverty of many local authorities and the consequent likelihood of uneven development. The number of civil servants duly ballooned.

Figure 1 Overstaffing and underpayment



Source: Doriye (1992: 107)

But the government had chosen the worst possible moment for its decentralization experiment, which coincided almost exactly with an economic crisis whose main causes were a severe drought in 1974, the war to overthrow the Idi Amin regime in Uganda in 1978 and 1979, steep oil price rises in the early 1970s and 1980s, and the crippling external debt burden which had been allowed to build up. Between the mid-1970s and 1980s, per capita income declined sharply, inflation soared, and there were severe shortages of essential commodities. In a stagnant economy, the increase in overall civil service size was inevitably at the expense of individual civil servants' pay, as Figure 1 shows, and senior civil servants were disproportionately affected (Kiragu, 1998). The corruption which had already crept in now accelerated, and by the time of writing was reflected in Tanzania's low ranking on this factor in both the World Bank's Governance Index (Kaufmann *et al.*, 2005) and the Transparency International (2004) index.

Local councils were reinstated in 1984 and the government reverted to a multi-party system in 1992, in a tacit recognition that its experiments had failed, but by then the damage had been done. Multi-partism, for one thing, still remains more apparent than real. At the time of writing, for example, the ruling party, *Chama Cha Mapinduzi* (CCM) had 258 seats while the opposition had only 34.

FIELD RESEARCH FINDINGS

We shall now see how the legacy of the single-party era lives on in the institutions and agencies of public staffing. Forty-eight officials, identified as having a significant responsibility for the design and operation of HRM systems, were interviewed by the first-named author. They were government officials in senior positions, including HR practitioners in the Civil Service Commission, the Civil Service Department and line ministries; and two donor-funded technical advisers.

We also interviewed leaders of the Tanzanian Union of Government and Health Employees and the Association of Tanzanian Employers to get the point of view of important stakeholders outside government. Two focus group sessions were conducted, bringing together 33 staff with experience of HRM practices.

Finally, we administered a questionnaire to junior civil servants to get the perspective of recipients of the government's staff management practices. 207 questionnaires were returned (a return rate of 8%), and were coded and analysed using SPSS. We draw on both interview and questionnaire data below, and also on secondary data gathered during the field research.

THE LAWS AND POLICIES

An institutional framework which is more elaborate and binding than in the private or NGO sectors is one of the things that make HRM in the public sector distinctive. Its legal component, which we discuss in this section, consists of Acts of Parliament, principal and subsidiary legislation, and administrative standing orders; they are embodied in statutory agencies whose role we discuss in the next section. The legal framework's principal elements when we did our study were the Public Sector Act No. 8 of 2002 combined with the regulations and standing orders made under the repealed Civil Service Act of 1989, which remained in force as stipulated in section 36 (1) of the new Act.

The Powers of the President

The civil service in Tanzania is based on statute rather than common law. We have seen already the enormous power which accrued to the President in the post-independence period, and his office remained the fulcrum of the institutional arrangements for staffing (Mwaikusa, 1998):

'The authority of the government of the United Republic shall be exercised by either the president himself or by delegation of such authority to other persons holding office in the service of the United Republic ... All executive functions of the government of the United Republic shall be discharged by officers of the government on behalf of the President' (Constitution, Articles 34, 4 and 35, 1; see also Article 36, 1).

Except for high court judges and the Controller and Auditor General, the President was able to hire and fire at will. There was no agency or institution which could properly question his staffing decisions. The high court could in theory examine his actions, but only following cumbersome procedures which aggrieved civil servants seldom exercised. While his power was delegated to the Permanent Secretary of the Civil Service Department (CSD), the Public Service Act stated explicitly that:

'A delegation or authorization made under this section shall not preclude the President from himself exercising any function which is the subject of any delegation or authorization.' (United Republic of Tanzania, 2002: 283).

Table 1 Powers of the President over the Civil Service

| Section number | Presidential power |
|------------------|--|
| 4, 1 | Appoints Chief Secretary who is also head of civil service and Secretary to cabinet. |
| 5, 1 (a-c) | Appoints, promotes, terminates, revokes appointments, transfers and dismisses: <ul style="list-style-type: none"> • Head of the civil service who is also Chief Secretary, and Secretary to the cabinet • Permanent Secretaries and their deputies • Heads of extra-ministerial/independent departments • Regional Administrative Secretaries for Regions • Regional and District Commissioners • High Commissioners and Ambassadors |
| 5, 3 | May appoint such a number of other public servants known by titles, as may from time to time be provided for by any other written law. |
| 9, 1 | Appoints members of the Public Service Commission. |
| | Appoints the chairperson of the Commission. |
| 9, 7 (b) & 9, 10 | Removes Public Service Commissioners from office. |
| 14, 1 | Appoints the Secretary to the Public Service Commission. |
| 15, 2 | Approves establishment of departments, divisions and sub-divisions, and committees of the Public Service Commission. |
| 17 | Approves or consents for the production or disclosure of the Public Service Commission's annual report in any legal proceedings. |
| 21, 1 (a) | May, by regulations, delegate the exercise of any of the functions conferred upon the president by Article 36 of the constitution other than the power of removal. |

| | |
|-----------------|---|
| 21, (b) | May delegate to a public servant the exercise of any such functions in relation to a public servant or a public service office. |
| 21, 2 | May, by regulations, authorise the Commission or any public servant to whom he/she has delegated functions to depute to the public servants to whom the president is authorised to delegate to delegate the exercise of such functions. |
| 24, 1 | May remove any public servant from the service of Republic if the President considers it in the public interest to do so. |
| 25, 2 (a) & (b) | May order the compulsory retirement, dismissal of any officer in the public service. |
| 25, 1 (a) & (d) | Has appellate jurisdiction for all civil servants. May confirm, vary, or rescind any decision of the civil service employees' disciplinary authority. Has a final decision on all appeals of public servants. |
| 25 (e) | May, in regulations made under section 20, provide for appeals for other cases other than those provided for in section 23. |

From time to time the President flexes the muscles that the law has endowed him with in an almost casual way. For example, he personally appointed two permanent secretaries to the Ministry of Finance in 2003 (Guardian, 2003).

The 'Public Interest'

We draw readers' attention to the 'public interest' power set out in Section 24, 1 of the Public Service Act. We were told of several instances in which civil servants had been dismissed by the President without right of appeal. For example, some employees accused of corruption but cleared by the courts were still dismissed from the service, negating the independence of the judiciary. Others had been retired on the same ground of 'public interest', which Barry has argued 'is used emotively to add honorific overtones to policies which are in reality merely to the advantage of individual or private group interests' (2000: 269). Certainly it is amenable to abuse in a country like Tanzania where there is no authoritative interpretation deriving from case law to which judges might refer or which plaintiffs might invoke. Moreover, those civil servants had no right of appeal once dismissed, because

'The question whether the President validly performed any function conferred on him by Article 36 of the constitution or by this Act ... shall not be inquired into by or in any court.' (Public Service Act, Section 32, 2 [a-b])

Civil Service Primary Legislation

Apart from the excessive power which it vested in the President, how adequate was civil service law in other ways? The Organization for Economic Co-operation and Development

(OECD) has developed a checklist in the context of its work in central and eastern Europe (OECD, 1996) which we use as a benchmark in Table 2 below.

Table 2 Adequacy of Primary Legislation

| Provisions in the OECD checklist | Explicit | Implicit | Absent |
|--|----------|----------|--------|
| A statement of objectives the Act is designed to achieve | | ✓ | |
| Establishing a professional and an apolitical service | | | ✓ |
| Definition of agencies empowered to manage staff | ✓ | | |
| Selection on merit after fair and open competition | | ✓ | |
| Specification of qualifications for entry | | ✓ | |
| Equality for entry, promotion and career advancement | | ✓ | |
| A regime of duties directed to quality, continuity, impartiality and accountability in performance | | | ✓ |
| Requirement for neutrality, probity, loyalty to government, efficiency and accountability | | ✓ | |
| Conditions of employment, rights and benefits | ✓ | | |
| Protection of job security or tenure of office | | ✓ | |
| Categories of civil servants subject to the legislation | | ✓ | |
| Other laws affecting public employees | | | ✓ |
| Employees on contract terms or precise purpose | ✓ | | |
| Conditions that permit mobility within the service | ✓ | | |
| Central management authority with policy-making powers for the whole civil service | | ✓ | |
| Independent monitoring of civil service legislation | | | ✓ |
| Co-ordination and monitoring of ministries and agencies so that common standards are applied | | ✓ | |
| Authorities empowered to make secondary legislation | ✓ | | |
| Relevant cost factors in the government budgetary system (remuneration, allowances, pensions etc.) | | | ✓ |
| Staffing levels in the service (monitoring and control) | | ✓ | |
| Procedure for advancement and promotion | | ✓ | |
| Grievance handling procedure | | | ✓ |
| A system of Performance Appraisal | ✓ | | |
| A System for disciplinary procedure | | ✓ | |
| Conditions under which service may be terminated | ✓ | | |
| A system for participation in decision-making | | ✓ | |
| Adequate provision for training linked to career advancement and promotion | | ✓ | |

Secondary Legislation and Devolution

We do not have space to analyse the secondary legislation in the form of the Civil Service Regulations and Government Standing Orders; they follow a similar pattern to the primary legislation. However, it is notable that government agencies had no discretion to make regulations to suit their own needs. In this respect Tanzania was following the standard practice of 'New Commonwealth' countries, though it differed from 'Old Commonwealth' countries like New Zealand and the UK, where line agencies have gained considerable autonomy. Although we did not specifically examine the viability of devolution in this study, an earlier study conducted by one of us showed that favouritism was widespread, and even line agency staff often preferred not to have discretion to make decisions because they believed their agencies were not capable of using it fairly (McCourt and Sola, 1998).

Assessing the Legislation

Our assessment begins with the caveat that the fact that the law provides for something does not necessarily mean that it actually happens. There was a procedure for performance appraisal, but it was a dead letter in most Tanzanian public agencies. That said, in many ways the primary and secondary legislation conformed to the OECD's guidelines. We should not take this achievement for granted, reflecting as it does Tanzania's stability, which itself reflects the achievement of Nyerere and his post-independence colleagues. Within Africa there is an instructive contrast with failed and conflict-ridden states like Somalia and Tanzania's neighbour, Rwanda. There is also a contrast with the twentieth-century history of countries around the Mediterranean which laps Africa's northern shore, to look no further afield, a history in which three whole empires – Austro-Hungarian, Ottoman and Soviet – collapsed in succession, bringing their institutions down with them. Indeed, the OECD checklist which we have used as a benchmark was created to help post-Soviet states to establish an institutional structure from scratch.

However, Tanzania's law was still imperfect in certain ways. First, there was no requirement for the Regulations to be approved by any statutory agency, and no obligation to consult anyone about them, not even trade unions or the Joint Staff Council. There was no civil service code of ethics or staff handbook, and staff responsible for HRM told us in interviews that little effort was made to ensure that employees understood the regulations.

The most striking area of weakness was in relation to discipline. There was no grievance procedure, and an accused civil servant might be denied the right to be accompanied at a

disciplinary hearing. This was especially onerous since the disciplinary authority was the employees' superior who might also conduct an inquiry into the charge, and was therefore policeman, prosecutor, jury and judge rolled into one (Regulation 40, 7). There may well be a relationship between the unsatisfactory nature of discipline and grievance procedures and the President's freedom to make his own arbitrary staffing decisions.

THE AGENCIES

The Division of Responsibility

Such staffing authority as the President chose to delegate was shared between several authorities: the Civil Service Commission (CSC), the Chief Secretary and the Civil Service Department (CSD) in the centre; and the Chief Executive Officers (CEOs) and 'Special Committees on Employment' in line ministries.³ Their respective responsibilities are shown in Table 3 below.

Table 3 Distribution of staffing responsibility

| Locus of power | Appointing authority | Staff Category | Disciplinary authority | Staff category |
|---|----------------------|-------------------------------------|----------------------------------|--------------------------------------|
| President | Yes | TGS M- TGS Q | Yes Appellate Jurisdiction | TGS M-Q All civil servants |
| Civil Service Commission | Yes | TGS C- TGS J | Yes Appellate Jurisdiction | TGS 3-9 TGS 9-17 |
| Chief Secretary and Head of the Civil Service | No | TGS J1- TGS O | Yes Appellate Jurisdiction | TGS M-P TGS A1-B10 TGOS A1-C12 |
| CEOs of Ministries | No | - | Yes | TGS F-TGS I |
| Special Committees for Employment (KAMUS) in Ministries | Yes | TGS A1- B10* TGOS A1- C12* | No | - |
| Heads of Divisions/ Departments in Ministries | No | - | Yes | TGS A1-B10 TGOS A1-C12 |

* = TGOS A1-C12 and TGS A1-B10 are operational service grades in the civil service.

The Civil Service Commission

As the point of entry for most public servants, the Commission is probably the most important of all the staff management agencies. In a country where the civil service, despite its vicissitudes, retains considerable prestige, if only because the private sector is relatively undeveloped, the public and particularly the civil servants need to have confidence in it. Its commissioners should be seen to be upright and (an attribute highly prized in Tanzania) well educated; and the process by which they are appointed must itself be impartial. Fundamentally, the Commission needs to be independent from the Executive.

The crucial fact about the CSC, founded in 1955, is that despite periodic reforms (in 1962, 1989 and, most recently, 2000), it does not have a constitutional status but rather owes its existence to primary legislation, and statute law is insufficient to stop legislators from tinkering with its role through simple changes to regulations and standing orders.

Among the powers over the CSC that we listed in Table 1, it is the President's power of appointment and removal of Commissioners that is particularly significant since, as a trade union official commented in relation to the CSC's counterpart body in Mauritius: *'You must dance to the music of the one who appoints you'* (McCourt and Ramguttty-Wong, 2003). When we did our study, two of the CSC's five part-time commissioners were former employees of the Ministry of Foreign Affairs, where by coincidence the President had spent most of his career, including as ambassador and Foreign Minister.

One of the Commission's functions was 'to advise and assist the President on matters relating to appointments as he may require,' yet the President was not obliged to accept its advice. The Public Service Act (Section 22) goes out of its way to state that

'For the avoidance of doubt it is hereby declared that the conferment on the Commission of the duty of giving advice to the President in respect of the exercise of any of the functions vested in the President, shall not preclude the President from seeking advice in respect of the exercise of any functions from any other person.'

In consequence, the perception among civil servants was that CSC was not independent. This was reflected in the pattern of disciplinary appeals. The Commission fielded only an average of 11 appeals in the three years prior to our field research, despite being the

designated appeals body. Yet the Permanent Commission of Enquiry, Tanzania's ombudsman, was fielding around 50 such complaints annually, despite having no specific remit for them. Civil servants had greater confidence in the ombudsman than they did in their own Civil Service Commission.

In any case, as Table 3 shows, the Commission's authority went no higher than middle-level grades. Above that level the executive had total discretion.

Rubber Stamping and Financial Constraints

Our interviews with CSC staff' appointment section as well as our review of CSC's procedures showed that the Commission was largely a 'rubber stamping' body:

'I know of no case where the Commission overturned a decision of a ministry, independent departments or regional administration. The commissioners in all occasions approve all documents the secretariat submits, which are of course, compiled from the information obtained from Ministries and Regions. The Commission intervenes only when there are contentious issues like a denial of promotion for a civil servant by designated authorities.'

When a ministry recommendation was rejected – as occurred with only 10.9 percent and 2.6 percent of promotions and confirmations between 1992 and 2001 (Civil Service Commission data), it was almost always on procedural grounds.

Even after several rounds of downsizing, the Commission remained overstaffed. Handling the very small number of disciplinary appeals was the sole task of a Discipline Section which had four staff. But if the Commission had too many people, it also had too little money. It ran an average deficit of 18.6 percent in the ten years up to 2003. Consequently, meetings of commissioners were curtailed, contributing to the notorious delays that resulted from the rubber stamp not being applied in a timely fashion, so that staff often had to wait an inordinately long time for their appointments or promotions to be confirmed. Computers and other work tools were correspondingly inadequate. The obvious solution was to cut staff costs in order to increase resources, and the scope for savings would have been even greater if its rubber stamp functions had been devolved to Ministries and Regions.

In addition, the Commission submitted its annual reports to the President and not to Parliament. Parliament had no legal oversight of the Commission despite allocating its funding. The public had no way of holding the Commission to account through its representatives.

The Civil Service Department

CSD is the central government's HRM unit, headed by a minister of state in the President's office, with a Permanent Secretary as CEO who, as usual, is a presidential appointee. In a highly centralized system, CSD is responsible for formulation, implementation, review and evaluation of HRM policies and practices in the civil service.

A review of documents identified 107 separate functions that CSD was supposed to perform at the time of our study. Among them were several areas of intra-departmental and inter-departmental overlap. Within CSD itself, training policy was a responsibility of both the policy development and HR development divisions, and remuneration of both the policy development and establishment divisions. Similarly, both the establishment and management service divisions monitored staffing levels, while the ostensibly separate roles of policy formulation and policy monitoring within the policy development division were indistinguishable in practice.

In terms of inter-departmental overlaps, CSD's HRD division was nominally responsible for evaluation of management training and co-ordination of management training programmes in the ministries. This was a function for which line ministries were also responsible, which CSD had no practical way of performing, and which we could find no evidence of CSD actually doing. 'Scrutinizing staff grade appointments' was the victim of a three-way overlap. CSD, line ministries and also CSC all had a remit.

A review of the government Staff Orders showed how little freedom line ministries had in this centralized system. They had to seek permission from CSD before filling a vacancy; making an appointment in an 'acting' capacity; granting, withholding or deferring a salary increment; changing office hours; granting leave without pay; or paying a responsibility allowance. Developing country governments often justify central controls as a bulwark against nepotism, but it is hard to see why even the design of official forms for every ministry had to be done by CSD and no one else.

The Line Ministries

The Chief Executive Officers. The CEOs are recognized as the employer in their ministries, but their power is constrained, and not only in the ways we have already seen. They are not appointing authorities even for the appointments delegated to ministries. They can fire but not hire: hiring is conducted a committee in each ministry, as we shall see.

The nature of the CEO's own appointment is odd. The President's personal power, never delegated, to appoint and dismiss Permanent Secretaries makes their title a misnomer as their tenure is impermanent, verging on precarious:

'Very few permanent secretaries can claim permanency in the job in some ministries. Within five years, for instance, the ministries of Education and Culture, Community Development and Women Affairs, Planning and Privatization, Trade and Industries, Agriculture and Food Security, only to mention a few, have been under the executive leadership of either two or three different permanent secretaries. The President changes these top officers in the service in a similar way as he changes attire.'

A presidential appointee said, accordingly, that *'In my position anything can happen at any time.'*

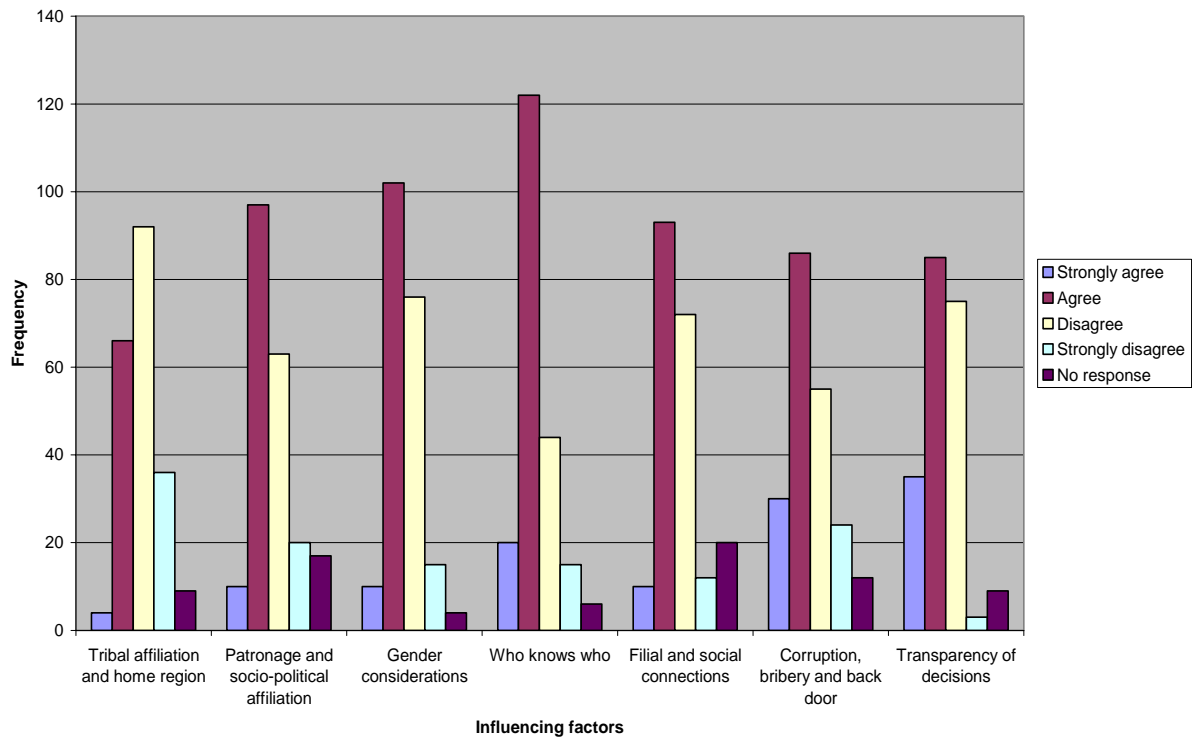
The KAMUS system. Each ministry had a committee known as the 'Special Committee for Employment' (KAMUS is the Swahili acronym), which was responsible for the relatively junior officers who were not managed centrally. It was chaired by the CEO, and the Director of Administration and Personnel acted as secretary. But it also had three members appointed by the minister or Regional Commissioner as the case may be, plus a trade union representative. By this point in our article, readers should be able to recognize the influence of the party supremacy model: sure enough, the KAMUS system was a vestige of the single party era. The political element created the opportunity for decisions based on favouritism, as a focus group participant told us:

KAMUS was, in principle, established to combat patronage and favouritism ... However, it has not deterred those in power positions to get employment opportunities for their relatives and friends ... I was a KAMUS member for eight years. I know several occasions in which decisions were directly or indirectly made to accommodate the wishes of power holders.

Law, Agencies and Fairness in Appointments

How did the framework of laws and agencies translate into HRM practice in the key area of appointments, including recruitment and selection? Here we confine ourselves to their effect on the perceptions of employees about the way in which appointments were made.

Figure 2 Perceptions of Fairness in Appointments (N = 207)



The perception of unfairness was clearly widespread. From our point of view, the results for the last item ('transparency of decisions') are particularly interesting. For in a situation where senior appointments were not made on the basis of open competition, where internal and external checks on appointments did not exist, where many vacancies were not advertised, where criteria for appointments were unknown, and in a broader context in which corruption and unfairness were accepted as pervasive, the suspicion that many decisions were made unfairly or even corruptly was almost inevitable.

STRENGTHENING TANZANIA'S STAFFING INSTITUTIONS

We have seen that staff management in the civil service was carried out within a constitution and primary and secondary legislation that satisfied many of the requirements

for such legislation set out in the OECD checklist that we used as a benchmark. However, there were unsatisfactory aspects. A legacy of the single-party era was the President's immense direct powers: control over creating and abolishing functions, authority over all senior appointments and promotions, and the power to dismiss civil servants in the 'public interest'; and there were few procedural checks on the way he exercised them. He also indirectly controlled the CSC, notably through his power to appoint and remove Commissioners. From all of this flowed civil servants' (and the public's) distrust of the impartiality of staffing decisions, a distrust that we saw reflected in the pattern of disciplinary appeals. Even the most senior officials lived in fear of arbitrary executive action.

Dropping down a level, power was also highly centralized in the agencies that the laws had created, particularly the CSC and the CSD. Among other things, it meant that there was duplication of functions and role confusion between these central agencies and line ministries, so that the central agency role was far too often confined to rubber stamping decisions that in reality had been made lower down. Yet the line ministries and Regions were obliged to wait for the stamp to be applied, resulting in delays that reduced efficiency and demoralized the civil servants who endured them.

In a stable and notionally multi-party democracy, there seemed every reason for the President to devolve his powers to the staffing agencies beneath him, and in so doing to strengthen the agencies' independence by specifying procedures on which the law was silent at the time of writing. For example, the CSC could be transformed into a freestanding constitutional body *via* an amendment to the Constitution, which could require the President to be advised by a committee whose members might include the Head of the Civil Service and the Chief Justice, as is the case in Nepal (McCourt, 2001). A CSC with a constitutional status would be the appropriate body to devise the staffing procedures that we have argued are lacking in the current arrangements in order to guide the President.

Other things being equal, there was also scope to devolve functions from the Centre – from CSC and CSD alike - to line ministries and Regions, with a view to increasing efficiency by eliminating duplication and delays. However, that would require a judgement about the ability of the lower levels to carry out their functions fairly which it is outside the scope of this article to make. We should recall that even in a relatively prosperous country like Mauritius, there has been a well-grounded fear that devolution would increase the favouritism which pervaded the civil service there.

CONCLUSION: ALIGNING INSTITUTIONS WITH DEVELOPMENT OBJECTIVES

While Tanzania shares features of its institutional framework with other developing countries, especially those in the Commonwealth, it has a unique post-independence political history which has conferred enormous power on the office of the President. This is a specific reason for the general methodological rule that we should not read too much into a single case. However, we suggest that Tanzania's experience illustrates the way in which institutions convey powerful messages about the integrity of government to the people they affect: civil servants but also the public at large, given the prominence of public sector employment in a country like Tanzania. Equally importantly, the extent to which they are adequate facilitates or constrains the work of government. In this respect they correspond to the structure of private companies, differing only in their scale of operation and the fact that they derive from laws rather than the discretionary decisions of senior managers (Mintzberg, 1983). Like company structure, they are an unobtrusive and unglamorous, but powerful influence on public management.

Tanzania's public institutional history also suggests a more specific lesson. Having moved decisively away from the Westminster model by fusing politics and administration under the leadership of the dominant party, Tanzania has gravitated back towards it, and, based on our analysis, our view is that it ought to move closer still. Tanzania's experience shows that the civil service is, ironically, better equipped to serve political and development objectives when it has some degree of autonomy, because autonomy fosters civil service capacity and confidence. Yet the retreating wave of single-party rule has left much of the its institutional architecture behind on the beach, as it were, persisting as what Mahoney and Snyder have called a 'frozen constraint' (1999: 18) on the government's current objectives, as opposed to those it once had.

The Tanzanian government has tacitly admitted that single-party rule was a failure. But it was still the attempted solution to a real problem, that of needing to reorientate the ship of state from the objectives of colonial administration to the objectives of development. Development is a moving target, properly meaning different things to different governments at different times. But our empirical study shows how institutions created to facilitate development but persisting unaltered through inertia influence government agencies and their staff in unobtrusive yet powerful ways. It is likely that the scope of our findings is not restricted to the staffing institutions on which we have focused, but extends more generally to the institutions of government as a whole. Our study points to the need to realign

institutions when necessary so that they serve current understandings of development and current political objectives, rather than persisting with institutions that have become 'frozen constraints': obsolete, and a significant drag on national development.

References

- Barry N. (2000) *An introduction to modern political theory*, New York: Palgrave.
- Bryceson D. (1988) 'Household, hoe and nation: The development policy of the Nyerere era', in M. Hodd (ed.) *Tanzania after Nyerere*, London: Pinter, 36-48.
- Court J., Kristen P. and Weder B. (1999) *Bureaucratic Structure and Performance: First Africa Survey Results*, Tokyo: United Nations University.
- DFID (Department for International Development) (2005) *Drivers of Change*, INSERT, accessed May 24.
- Doriye J. (1992) 'Public office and private gain: An interpretation of the Tanzanian experience', in Wuyts M., Mackintosh M. and Hewitt T. (eds) *Development Policy and Public Action*, Oxford: Oxford University Press, 91-113.
- Evans P. and Rauch J. (1999) Bureaucracy and growth: A cross-national analysis of the effects of "Weberian" state structures on economic growth, *American Sociological Review*, 64: 748-65.
- Government of Tanzania (1965) *Report of the Commission on the establishment of a democratic one-party state*, Dar es Salaam: Government Printer.
- Harriss J., Hunter J. and Lewis C. (eds) (1995) *The New Institutional Economics and Third World development*, London: Routledge.
- Hyden G., Court J. and Mease K. (2004) *Making sense of governance: Empirical evidence from 16 developing countries*, Boulder, Col: Lynne Rienner.
- Kaufmann D., Kraay A. and Mastruzzi M. (2005) *Governance matters IV: Governance indicators for 1996-2004*, http://info.worldbank.org/governance/kkz2004/sc_chart.asp, accessed May 10 2005.

- Kiragu K. (1998) 'The civil service pay reform: Issues and options' in S. Rugumamu (ed.), *Civil service reform in Tanzania: Proceedings of the National Symposium*, Dar es Salaam: University Consultancy Bureau, 129-67.
- Legum C. (1988) 'The Nyerere years: A preliminary balance sheet' in M Hodd (ed.) *Tanzania after Nyerere*, London: Pinter, 3-11.
- Lumbanga M. (1995) *Report on the joint donors and government meeting on the Civil Service Reform Programme*, Dar es Salaam: President's Office.
- Mahoney J. and Snyder R. (1999) 'Rethinking agency and structure in the study of regime change', *Studies in Comparative International Development*, 34, 2: 3-32.
- McCourt W. (2001) 'The new public selection? Anti-corruption, psychometric selection and the New Public Management in Nepal', *Public Management Review*, 3: 325-44.
- McCourt W. and Ramguttty-Wong A. (2003) 'Limits to strategic human resource management: the case of the Mauritian civil service', *International Journal of Human Resource Management*, 14: 600-618.
- McCourt W. and Sola N. (1999) 'Using training to promote civil service reform: A Tanzanian local government case study', *Public Administration and Development*, 17: 435-76.
- Mintzberg H. (1983) *Structure in fives: Designing effective organizations*, New York: Prentice Hall.
- Mukandala R. (1992) 'To be or not to be: The paradoxes of African bureaucracy in the 1990s', *International Review of Administrative Science*, 58: 526-55.
- Mwaikusa J. (1998) 'Revisiting the legal framework for civil service reform in Tanzania' in Rugumamu S. (ed.) *Civil service reform in Tanzania: Proceedings of the National Symposium*, Dar es Salaam: University of Dar es Salaam, 168-77.
- Nyerere J. (1977) *The Arusha Declaration: Ten years after*, Dar es Salaam: Government Press.

Nyerere J. (1975) 'A decade of progress 1961-1971, TANU: Ten years after', in *Tanzania Notes and Records*, No. 76, Dar es Salaam: Tanzania Society.

Nyerere J. (1962) *Democracy and the party system*, Dar es Salaam: Government Press.

OECD (1996) *The civil service legislation contents checklist*, SIGMA Papers, No. 5, <http://www.oecd.org/puma/sigmaweb/pubs>, accessed May 7 2003.

Pratt C. (1976) *The critical phase in Tanzania, 1945-68: Nyerere and the emergence of the socialist strategy*, Cambridge: Cambridge University Press.

The Guardian. Tanzania (2003) February 19 2003.

Tordoff W. (1967) *Government and politics in Tanzania*, Dar es Salaam: East African Publishing House.

Transparency International (2004) *Corruption perceptions index*, <http://transparency.org/cpi/2004>, accessed March 3 2005.

United Republic of Tanzania (2002) *Civil Service Circular No. 1*, Dar es Salaam: Civil Service Department, President's Office, Ref. No. MUF. C/AC/46/205/01.

United Republic of Tanzania (Planning Commission) (2000) *Poverty reduction strategy paper*, <http://www.tanzania.go.tz/povertyf.html>, accessed May 8 2003.

Notes

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² All presidents, including the presidential nominee at the time of writing, have been men, so we use masculine pronouns and adjectives to refer to them.

³ From this point we will use 'line ministries' as a shorthand for 'line ministries and Regions', since Tanzania's regional administrations (as distinct from its local councils) have the same structural relationship with central government as line ministries. Also, in view of our emphasis on legal institutions, we confine ourselves in this paper to the statutory staffing agencies. Readers should be aware that there are other 'stakeholders' which we do not discuss: they include the Ministry of Finance, responsible for the payroll, and the trade unions which represent public servants.