Categories of Public Policies: A Contemporary Post-Colonial and Post-Apartheid South African Perspective

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Abstract: South Africa experienced apartheid and colonialism, like many countries in the world, and after attainment of independence retained its colonial and apartheid name unlike most former colonies. Perhaps that category of public policy (symbolic policy) or a name change policy had not been formulated by 1994 and that normally begins at the political policy making level. Various oppressive, discriminatory, racial and autocratic categories of colonial apartheid policies were implemented by consecutive settler colonial apartheid regimes in South Africa. Within the apartheid and colonial framework such categories of policies were considered legal and constitutional, albeit at the detriment of the majority indigenous non-settler original populations of South Africa. With the advent of independence, the new democratic government formulated and implemented an avalanche of different categories of policies aimed pivotally at correcting the past unequal socio-political and economic conditions perpetuated by apartheid colonial settler rule. These policies included constituent, distributive regulatory and self-regulatory policies. Distributive and redistributive policies, material and symbolic, substantive and procedural policies were formulated and implemented. Policies on collective and private goods are also important. The above are some of the main categories of public policies that are important in the study and understanding of public administration and public policy. A qualitative research approach was used to obtain information. Distributive policies during apartheid focussed on wealth creation and distribution amongst settler households, companies and settler-overseas corporates and families. Consecutive settler apartheid governments did this essentially because colonialism was propelled by and premised on the need to extract economic resources and generate wealth for settlers as opposed to developing local non-settler populations which were used as sources of cheap labour from self-governing territories and black homeland republics of Transkei, Bophuthatswana, Venda, and Ciskei (Eidelburg, 2009). This paper will focus on examining two categories namely constituent and distributive policies.

Keywords: Categories, Public policy, Public Administration, Symbolic policy

1. Introduction

Every government in the world functions on the basis of public policy. Policies guide the direction and parameters of various governmental activities in modern times. Policies are implementable government activities which have a purpose and clear objectives in dealing with citizen problems and issues of concern. Policies address economic, environmental, social, technological calamities or development issues in a country at the local, provincial and national level. During the pre-colonial era, public policies took the form of proclamations from royal families who wielded traditional and hereditary political power in their various empires and kingdoms. The Kings and their Chiefs administered their tribal and ethnic territories. In the wake of colonial conquests, they lost their political and administrative powers and authority to rule their kingdoms. Little is written about public policy during the pre-colonial era. After the Berlin colonial conference of 1884 which sanctioned the scramble and partition of Africa amongst colonial powers, various colonial powers colonised most parts of the African continent and consequently imposing colonial policies to enable colonial or settler rule and public administration. South Africa experienced settler conquest earlier than 1884. Consecutive settler governments formulated and implemented colonial public policies to enable their government to function during that time. No government can successfully run public administration without policies, whether it's a settler government or a post-independence one. Policies refer to strategic actions of government in dealing with public challenges which range from economic, to social, from commercial to development or business. In modern governance and public administration, it is critical to have a profound understanding of the meaning of public policy and the categories. Government departments operate on the basis of policies formulated officially. Before 1994, various regimes

and authorities governed South Africa. South Africa had four provinces (Natal, Cape, Orange Free State, and Transvaal), four independent black homelands of Transkei, Ciskei, Venda and Bophuthatswana, and self-governing territories namely, KwaZulu, KwaNdebele, Gazankulu, Leboa, QwaQwa and KaNgwane territories (Eidelburg, 2009). Thus, various public administrations and different policies existed in South Africa before 1994. Issues and problems of people living in the four provinces were sometimes very different from those of Bantustan citizens (Eidelburg, 2009). The categories of policies implemented in these administrations were different. Thus the policy experiences in the white four provinces, black homelands and black self-governing territories were different. During apartheid and colonialism in South Africa public policies were based on racial, geographical, political and economic-class segregation. There was acute underdevelopment in black homelands and the settler regime created a first world infrastructure in the four white provinces (Eidelberg, 2009). Public policies are political instruments of government to enable the efficient and effective allocation of resources at any level of government. Policies emanate from the various organs of government namely, the legislature and national council of provinces in South Africa. The post-colonial administrations in South Africa since 1994, have focussed on purely distributive policies and constituent policies. The governing political party, African National Congress (ANC) has a major role to play in policy formulation in the post-colonial

and apartheid epoch. The category of public policy a government formulates; depends on the socio-economic or political conditions it intends to address. Various departments of government also formulate their administrative or operational policies to enable the day to day administration of the various departments and organs of the state. Public policies entrench the legitimacy and credibility of any government activity or operation. Public policies should not violate any aspect of the constitution of the Republic of South Africa. All policies go through a policy cycle from formulation, implementation and to evaluation. See Figure 1.

Public policies create an enabling milieu, for government or business, citizen activity or action in various departments of life. A public policy is a strategic enabler, purposefully created by the legislative arm of government at any given point in time. Weak or weakened public policies are obnoxious to the developmental goals of a country. Some countries have weakened categories of policies and some have excellent ones (Acemoglu & Robinson, 2012). Given the foregoing it is essential to note that a public policy is an act of government meant to deal with any kind of societal issues ranging from socio-political to economic ones. Governments pursue these acts purposefully, systematically and politically. Governmental organs, departments and supranational institutions, all operate under the direction of established policies. Policies establish a systemic and legitimate framework of operation and reference to

Figure 1: Policy Cycle
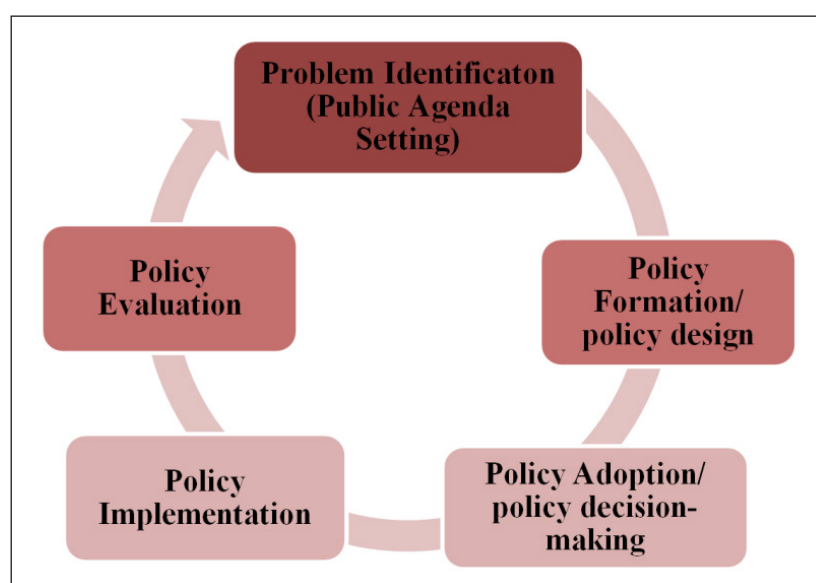
Source: Cloete, *et al.* (2006)

various organizations and countries. Countries with excellent economic policies prosper and have low levels of poverty and economic decay, while nations with feeble or enfeebled economic policies experience greater poverty, corrosive economic ruin and political instability either perennially or permanently.

Economic policies of apartheid and colonial regimes were very extractive and commercially-driven. However, most post-independence public policies in South Africa are more distributive and focus more on establishing societal socio-economic equilibrium and eliminating the quadruple challenges of poverty, unemployment, inequality and rife amongst non-settler populations. Apartheid category of policies created wealth and higher standards of living amongst white settler populations and entrenched severe poverty amongst non-settler populations. The most critical challenge of the post independent government is to formulate and implement categories of long term socio-economic policies that can generate wealth for South Africans and develop the country to greater levels economically. With the political instability in the ruling political party which prevails currently, the COVID-19 challenges and the World Bank loan which South Africa obtained, the lack of a clear-cut political ideology, the continuous degrading by the rating agencies, systemic and systematic corruption in the three spheres of government, there is greater uncertainty about the South African public policy trajectory

2. Methodological Approach

This paper is a qualitative study based primarily on extensive literature review on categories of public policy. Various literature versions on the categories of public policies, including articles, books and government documents were examined. I also relied on the lecture notes which I have accumulated, compiled and used in most of my classes and seminars, since the 1990s when I began my lecturing career in university teaching and learning environment up to the present. A qualitative research approach enables exploration of issues and their understanding (Creswell, 2003:13-30). The qualitative method allows the researcher to gain more understanding on the issue under study and can generate more knowledge (Winstanley, 2012:12). In sum, this article which is very theoretical in nature has relied on qualitative methods and based its views on secondary data which encompasses journals, internet, textbooks and internet sources.

3. Institutional Theory and Political Systems Theory

Most studies in public policy are linked to a particular theory or theories which inform knowledge. Such theories also impart a profound understanding of the subject and how it is perceived and interpreted by different categories of scholars and various segments of societies globally and locally. Theories are used to give a clear interpretation and an understanding of the realities that citizens and societies encounter (Kraft & Furlong, 2013:78). This paper uses both an institutionalist theory and the political systems theory in its analysis. Public policies are implemented by government institutions and are formulated by an arm of government. Thus, they originate from a governmental institutional framework which is established to perform that specific function within a government institutional context, hence policy making resides in an institutional terrain (De Coning *et al*., 2011:34). The institutional theory permeates through various governmental structures formally and legally in any society (Kraft & Furlong, 2013:81). Indeed, public policy making takes place in the legislative institutions of government namely the National Assembly and the National Council of Provinces in South Africa.

The executive institutions implement the various categories of policies emanating from the legislative arm of government in South Africa. The nature and functioning of political institutions have an impact on the benevolence and success of the institutional model in society, amongst other socio-economic and political factors (Knill & Tosum, 2012:77). The political systems theory is also critical in understanding the nature and extent of public policy and its categories in South Africa. Citizens, interest groups and political parties raise legitimate demands on institutions of government as inputs to the system. These demands for better public policy are processed by the governmental system and the outcome is better public policy and better living standard for citizens (Cairney, 2012). Citizen's demands and pressure groups influence and demands are processed by the governmental system into legitimate public policies (Cairney, 2012:33), known as policy outputs. It is important to note that the demands of the interest groups, political parties and various groups find their way on the government policy agenda because of the systems model (Cairney, 2012:33). From an Estonian perspective, demands are made to a governmental

system and processed until policy outputs are finalised for the benefit of the society and the citizens. This research paper has been viewed through the lens of both the institutional theory and the political systems theory.

4. Categories of Public Policy in South Africa

The following categories of public of public policy are discussed.

4.1 Constituent Policies

In the literature of public policy, there are two constituents clearly defined and these are governments and nations (Lowi, 1972:300). Governments are distinct constituents just as nations are separate constituents who are beneficiaries of public policies (Meier, 2000). It should not be forgotten that the political history of South Africa differs from most colonies because she experienced settler presence and settler colonial rule earlier than her counterparts. Thus various categories of colonial apartheid policies were formulated and implemented very early in her life. Even now, 26 years after the collapse of apartheid and colonialism some colonial and apartheid Acts of parliament are still operational in the judicial system and in the executive arm of government (Pienaar & Fintel, 2013). The 1913 Native Land Act in South Africa laid the foundation for apartheid and separate development whose effects are still being felt today (Pienaar & Fintel, 2013). Constituent policies are important to deal with national issues which affect the population at large such as transition to democracy. Constituent policies also involve defence and foreign affairs activities of government (Meier, 2000). Constituent policies are essential in the construction and amendment of state institutions (Knill & Tosum, 2012). The temptation of socialism and communism at independence by the African National Congress (ANC) was high, hence the redistribution development programme (RDP) has some socialist and communist characteristics. However, in practice, South Africa saw a capitalist public policy trajectory after 1996 as compared to 1994-1995. The third administration also came with a different approach to public policy. However, at the time of writing this paper, the fourth administration rule has not yet distinguished itself, in terms of its overall political ideology and public policy approach. Thus it is critical, to categorise various policy initiatives in South

Africa in order to give the public policy debate its realist flavour. At independence South Africa was faced with a huge challenge of new state building and nation building in a very volatile and highly contested political terrain. To enable both new state building (NSB) and new nation building (NNB) new government structures and organs acceptable democratically by a racially very diverse population, were essentially needed otherwise a breakdown of governance was imminent and disastrous. Dual Vice-Presidency was established. The new structure of the presidency in 1994 comprised a full President and two full Deputy Presidents. Constituent policies are largely concerned with the formation of new or governmental structures or organs, rules and regulations to enable the smooth functioning of government (Anderson, 2003). Constituent policies facilitate the formulation of procedures and processes to capacitate the endowment of power and authority to various government functionaries. In other words, constituent policies relate to the formation and establishment of state structures and organs of a new or present administration as mentioned above. Constituent policies enable the establishment of new ministries in a government and the disbandment or restructuring of others. Sometimes cluster functions of government are put together to function as one common ministry.

During the second administration, third administration epoch and the current administration, several ministries have been reconfigured to cut the operational costs of government. When the first democratic government took over, a new system of cooperative government was established by the constitution. A system of three spheres of government (national, provincial and local), was established instead of the apartheid system of levels of government in which the national was constitutionally very superior as compared to other levels of government. The formation of one public service and nine provinces was a function of constituent policies. The disbandment of apartheid four provinces, TBVC states, and self-governing territories of Gazankulu, KaNgwane, Kwa-Ndebele, QwaQwa, Leboa, KwaZulu (Eidelburg, 2009), signifies the use of governmental constituent responsibility to create new democratic structures and obliterate others which were considered non democratic. In sum, constituent policies relate solidly to the formation and establishment of governmental or state structures, rules and procedures which enable a new government or an existing government to function

effectively and efficiently in the best interest primarily of its citizens. When the new monolithic public service was created in the South Africa, new human resource practices became operational. Merging homeland administrations, the four provinces and self-governing territories personnel, involved wider changes in personnel practises in South Africa's new public service. It is important to realise, thus that constituent policies relate to human resources issues and procedures as well. Constituent policies include the establishment of new human resources procedures or changes in the procedural policies at the level of the organization and its administration.

The Public Service Commission (PSC) in South Africa has this titanic task to deal with public service conditions of service and human resource practices in government in general. Constituent policies deal with issues of national importance like unity and reconciliation in a racially divided country like South Africa. In 1995 the new democratic government passed the promotion of national unity and reconciliation Act to deal with the transition from the apartheid government to a democratic one without a civil war between settlers and non-settlers and the different races that fought each other prior 1994 (PNUR, 1995). The Act further created a commission called the Truth and Reconciliation Commission, (TRC). The objective of the Commission was to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past (PNUR, 1995). The commission dealt with issues of human rights violation during apartheid, facilitating amnesty and compiling a report with recommendations to prevent such occurrences in future (PNUR, 1995). Constituent policies establish structures which deal with the issues of national security and deal with volatile situations like the 1995 political situation nationally. The formulation of the promotion of national unity and reconciliation Act was instrumental in pacifying a post-apartheid volatile political situation in South Africa. Thus, it's important to understand that constituent policies concentrate on two constituents namely government and nations and their people (Meier, 2000).

4.2 Distributive Policies

Distributive policies focus on solving societal issues (Meier, 2000:89). Distributive policies operate well in politically driven societies (Meier, 2000:94). Settler political economy in South Africa has for decades legally and constitutionally created poverty and inequality among non-white persons, families and communities. Most persons from a non-settler background were viewed as sources of labour for the farms, mines, industries owned by settler households. Many acts of parliament were passed to legalize racial supremacy and racial economic and commercial preponderance by settlers over non-settler populations (NSP). Distributive policies deliver resources to various populations of a nation (Hill, 2005:138). Wealth was not shared equally instead settlers and various settler regimes and governments acquired massive wealth at the expense of non-settlers: a feature of conquest all over the world. South Africa experiences greater inequality and poverty and is one of the countries with such a problem even though it's endowed with a huge base of natural resources and wealth. Given the foregoing background, distributive policies allocate socio-economic resources to non-settler populations (NSP) at no charge. Distributive policies embrace the 'who gets what, when and how' notion. Persons from non-settler backgrounds benefit from such policies. Resources allocated by distributive policies include, child grants, old age grants, unemployment insurance funds, educational grants, COVID-19 grants and low-interest funding straight from government. The government of South Africa offers child support grants which have become very popular amongst young adults and their families. Most young people who have children and have no means of supporting themselves can access the child support grant. Post-apartheid governments have drained their government funds through such populist programmes.

The rate of teenage pregnancies and teenage child births has been raised since 1994 because of the access to grants which is afforded to most people. The ruling African National Congress and its alliances of Cosatu (Congress of South African trade unions) and the SACP (South African Communist party) have pursued a social welfare trajectory in some of the policies in order to increase accessibility of particular resources at no cost for persons of non-settler origin (PONSOs) who in most cases broadly comprise historically non-settler populations (HNSP), such as black, coloured and Indian populations. Distributive policies are critical and are characterised by robust debates for excellent service delivery. Some constituencies are disadvantaged by the distributive policy because while some benefit, others lose (Kraft & Furlong, 2013:107).

Distributive policies enable HNSPs to access government resources after 1994, in order to improve their quality of life and living standards. Most distributive policies are a feature of socialist, communist regimes and social democracies and are meant to afford citizens better living standards and a greater quality of life. In South Africa the department of Social development implements most distributive policies through its agency called social security service agency (SASSA). The former ministry of higher education allocated grants to students in higher education. Most of the loans student get through NFSAS, are converted into non-repayable grants. The main goal of the department is to increase the number of students from historically non-settler origins into higher education and consequently improving their lives.

The expropriation without compensation bill, which the parliament of South Africa has to finalise, lies squarely within the distributive policies agendas of government. Most land is owned by settlers, government, NGOs, foreign companies, settler family trusts, and donor agencies since the colonial and apartheid times in South Africa. This is a common feature in most former colonies. Colonial settlers have amassed huge tracts of land and produce enormous wealth for their families or trusts consequently making them super-rich locally and abroad. Indigenous local populations have been politically and constitutionally dispossessed of their land in their geographies of birth and origin. Colonial wars of conquests were won generationally by settler armies because of advanced military technology, support from their home countries of origin and organised European conference resolutions which they used as a guiding framework for colonialism and colonial rule and conquests. Colonial powers were very organized because colonial conquests were implemented through official resolutions of organised Berlin Colonial Conference. Colonial conquests meant land dispossessions naturally. I have been working and studying in the field of public administration and politics since the 1990s until now (2020), I have not heard of an organized Africa-Decolonization conference organized by African States, their Presidents, Prime ministers, armies and kings, like what the Europeans did at the Berlin Colonial Conference of 1884. How do Africans expect to regain their pre-colonial purity, administratively, socio-politically or economically or otherwise? This is the trick Europeans have mastered excellently, that organized conferences and their resolutions

can change the face of the world forever to their benefit. It is highly foolhardy for Africans and their leaders to begrudge Europeans for this. The point is, implementing fragmented distributive policies like expropriation without compensation will not help unless there is a coherent all-African decolonization conference and resolutions to guide and fund the process.

It is essential to give public administration facts their historical backgrounds. This enables scholars, researchers and students from a non-public administration/political studies background to comprehend the facts we write or proffer in our classes. In an academic era where most students who undertake Post-Graduate Diplomas in Public Administration, have little or no background of the discipline, it's critical to anchor public policy facts with their historical backgrounds. When a post-colonial and post-apartheid government decides to embark on land repossessions without compensation and redistributing it to persons of non-settler origins so many questions arise about the economic or commercial viability of such programmes or such distributive policy programmes. Most liberation movement-led post-apartheid governments have been tempted, motivated by political populist agendas, to use land reorganization as an attractive option to solicit votes from poverty-stricken citizens and middle-class citizens.

Distributive policies in South Africa have got winners. People from non-settler origins win but have a chance of losing depending on how they use the benefited resources from government. Distributive policies encompass educational and scholarship financial grants and land use subsidies to the citizens (Kraft & Furlong, 2013:107). On land redistribution, a cautions distributive approach is highly encouraged to post-colonial governments. The government of Namibia for example, has lost billions of Namibian dollars in court cases against opposition to land redistribution programmes. Land owners fight the government programme through the courts usually because most settler families have converted their farms into family trusts, therefore making it difficult for government to repossess land owned by a local trust and/or absentee landlord who has converted the farm ownership into a trust. South Africa can learn a lot from the Namibian government and its experience. In sum, distributive policies aid regimes to allocate socio-economic and political resources at no cost to the citizens. In most

Table 1: Categories of Public Policies

Types of Policy	Definition	Examples of Policy Issues
Constituent Policies	Policies pertaining to creation or improvement or re-construction of governmental institutions or organs. Constituent policies facilitate the formulation of procedures and processes to capacitate the endowment of power and authority to various government functionaries (Anderson, 2003). In other words, constituent policies relate to the formation and establishment of state structures and organs of a new or present administration as mentioned above.	1. Creation of new state organs under the executive arm /judicial or legislative arm of government. 2. Establishing new work procedures within organizations of state. 3. Changes in the Legislative procedures. 4. New constitution.
Distributive Policies	Policies involved in the allocation and distribution of new government resources within nations or countries. Distributive policies focus on solving societal issues (Meier, 2000:89). Distributive policies operate well in politically driven societies (Meier, 2000:94).	1. Equal job opportunities. 2. Allocation of educational grants. 3. Land ownership. 4. Farm assistance programmes.

Source: Authors (2020)

post-colonial countries like South Africa, liberation movement-led governments are more inclined towards socialist or communist distributive policies. This is due to the liberation ideologies they cleaved to, during the period they waged the struggles for liberation. Most of these ideologies were influenced by former socialist and communist countries which funded their liberation wars and negotiations in South Africa. Distributive policies must be designed in a manner that does not precipitate conflicts and struggles amongst the citizens of a country or nation (Knill & Tosum, 2012:16).

4.3 Summary Discussions

Governments across the world engage in policy formulation and implementation every time and the business of public policy has become very difficult given the rapid changes in technology and innovation and the complexity of public problems and issues. The 1913 Land Act in South Africa has impacted on the various types of policies during apartheid and beyond. The constituent and distributive policy trajectory of the new democratic government is mostly focussed on correcting the socio-economic disequilibrium which was constitutionally orchestrated by the apartheid regime. Distributive policies relate to the allocation of new resources by government at national, provincial

and local spheres while constituent policies address institution building and changes in policy programmes of the state.

5. Conclusion and Recommendations

In sum, this paper has clearly discussed constituent and distributive policy categories. With the increase in South African universities offering Post Graduate Diplomas in Public Management and PhD in Public Management to individuals without relevant undergraduate degrees in the discipline, it is essential to go back to the basics of the teaching and learning of the field, commencing with simple topics such as categories of public policy, such topics must be presented in a very simplistic yet profoundly understandable manner. Public policies shape the future of countries and their wealth and therefore the content of what is taught must embrace basic concepts of public policy and public administration. In my journey of lecturing, which commenced in the 1990s, I have discovered that it's important to write about basic public policy concepts like (categories of policies) because it helps students who come from non-public management background to understand public policy. Effective and efficient public policies enhance the economy and thus greater quality of life of the citizens. Weak governments or weakened ones have acute difficulties in

formulating competitive and productive public policies (Acemoglu & Robinson, 2012). Public policies whether distributive or constituent, are influenced by the global environment and the local one. It is essential to realise that government policy categories differ from one country to the other depending on the level of political demands. Developmental state principles of the South African constitution guide public policy in the post-apartheid era despite the resistance that most conservative settler–inclined political opposition parties mount at every stage of formulation and implementation of distributive and constituent policies.

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