

CO-OPERATION OR CONTROL: THE PUBLIC SERVICE IN A DEVELOPING NATION

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In the last two years, the expatriate contingent in Papua New Guinea's public service has been reduced by a third. Since the public service was staffed almost entirely by expatriates throughout the colonial period, this represents a radical -- and, to many, a worrisome -- change in the nature and personnel of government administration. The thin khaki line that brought the enlightenment of Canberra to Kavieng and Kundiawa is going finish. Rumours about departures fly from one patrol post to another, doubling the numbers that are actually leaving. Ships and planes going south are said to be crowded. The newly localised leave with the promise of new jobs in Australia and with golden handshakes worth more than the average Papua New Guinean will earn in a lifetime. But many leave dissatisfied, irritated that the people among whom they have spent so many years are not grateful to them, are not begging them to stay on or gathering in tears at the airport. The last testaments of the departed consist of angry letters to the *Post-Courier*, prophesying doom for a public service that tries to flounder on without their experience.

The departure of a third of Papua New Guinea's public servants does raise pressing problems for the new nation, as have localisation and the exodus of colonial administrators from every newly independent country. Sheer arithmetic presents the most immediate problem. Where will a nation, with a school system still in its infancy, with almost 70 percent illiteracy (rising to 90 percent among people above the age of twenty) find enough skilled bodies to man its public service? However, arithmetic does not deserve the anguish and attention that departing colonialists and other scaremongers have vented on it. It is a problem capable of solution, as the experience of other

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ex-colonies demonstrates. Time alone will solve it: current manpower estimates predict that Papua New Guinea will have an excess of trained professionals by 1985, and sufficient skilled clerks and middle-range public servants shortly after.¹ It is only in certain technical areas (for example, in engineering or geology) that the country will experience significant short-falls for an appreciable period of time. Moreover, the problem is not so massive as we have been led to believe. There is no need for every vacated position to be refilled. Employing 30,000 public servants to administer a country of two and a half million people, the Papua New Guinea administration has been considerably over-staffed.²

Finally, the temporary personnel shortage may prove an unsought blessing, for it enables the Papua New Guinea government replace, for a short period, the Australians, burdened by ties to Canberra and affections for old habits, with young people willing to serve black Ministers, to carry out the aims of the new government and to train Papua New Guinean successors. This policy requires world-wide recruiting and basic changes in the stance of the Public Service Board. But its success has already been demonstrated by the coalition government, which, even in the absence of a massive recruiting programme, has attracted to its service from around the world several men of great skill and with ideologies attuned to the Third World.

Everyone worries about numbers, and indeed numbers will be a problem in the short run. But there are much vaster problems facing Papua New Guinea's public service in the long run, and frantic concentration on arithmetic absorbs energy that would be better spent on other issues, before time and vested interests have hardened the public service into an unchangeable mold. The real problem for Papua New Guinea is not how many public servants we will have, but what kind of people they should be. Will we follow the pattern established in the colonial period, maintaining a heirarchic and autocratic public

1 Curry Commission, *Report on Manpower Needs* (1970).

2 In England, approximately 600,000 civil servants are employed by the Crown to serve a population of 52 million people H. Wade, *Administrative Law* 16 (1967).

service, bound by rules and rigid with routine? Will we make no change except to replace white bureaucrats with black? Or will we be able to build a public service that responds to the needs of a developing nation and the demands of its people? The experience of other new nations suggests that the public service is the country's most important institution in fostering development and promoting national unity. A choice about the nature of the public service will, therefore, determine the nature of the country and its government.

Two major influences have shaped the public service in Papua New Guinea, as in other ex-colonies. First, the colonial administration is modelled on administration in the home countries, and thus reflects the goals and values of public service in Australia or England. But significant changes occur in the operation and effect of the public service when the institution is transplanted from the metropolitan country to the colony, so that the colonial environment is itself an important influence on the nature of the administration practiced there. In order to explain the nature and consequences of Papua New Guinea's administration, I shall review the values informing public service in the home countries and the differences wrought by the colonial environment. This review makes it possible to understand why Papua New Guinea's bureaucracy is the way it is and also enables us to predict the course that the public service is most likely to follow after independence. But, this paper will operate on two levels. Having discussed historical probability, I shall turn to comparisons with other new nations. These comparisons and the assumption that the government is committed to the *Eight-Point Improvement Programme* and the National Goals suggest the course that a committed and nationalistic public service could take.

I. Principles Inherited from the Home Countries

We are all familiar with the basic principles and processes that inform administration and administrative law in the developed nations of the world, specifically England, Australia and the United States. In theory, the vast government departments are silent servants of Crown or Executive. Faceless and nameless, at the beck of no political party or ideology, they perform the routinized tasks of administration. Administrators are never directly responsible to the electorate; popular control can be exerted only through the accountability of ministers to Parliament.

However, if administrators are not directly responsible to the public at large, they can be made responsible through the courts to individual citizens whom their actions may have injured. In asserting the power of judicial review over administrative actions, the courts in the United States have been less

fettered than those in Australia or England. Using the complementary principles of due process and equal protection, American courts treat administrative tribunals and decisions almost as they would the judgments of a lower court.³ The American appellate court can overturn an administrative decision not only for procedural or substantive unfairness, but also if it was decided contrary to the substantial weight of the evidence.⁴ English and Australian judges are more circumscribed. They may void an administrative action only when it was *ultra vires* or against natural justice.⁵ Nevertheless, these grounds give English and Australian judges much scope for interfering with administrators, and the growth of executive departments, agencies and boards since the 1930's has not outstripped the vigilance of the courts. Just as government activities have expanded, so too has the number of cases involving administrative law, and so too has the ability of the courts to mould ancient theories so as to restrict administrative freedom.⁶ The assumptions underpinning a system whereby administrators are simultaneously protected from the public and left upon to attacks from individual members of the public, need to be explored, if we are to understand how the system has operated in colonial countries and will operate in a newly independent and developing nation.

The governments of England and the United States developed the basis for their modern forms in the 17th and 18th centuries, at the beginning of the industrial revolution. England, and to a lesser extent America, had been ruled by a landed gentry, which depended for its prestige and power upon feudal survivals

3 *U.S. Const.* amends. V, XIV, XV.

4 The courts occasionally treat administrative tribunals whose major functions are dispute settlement and the articulation of policy, not merely as lower courts, but as untrained lower courts who must be taught their business by the appellate judges. See *NLRB v. American Cable*, 427 F. 2d 446 (5th C.A. 1970). In contrast, the appellate courts meddle as little as possible in the activities of tribunals making what the courts consider technical decisions. Large, "Is Anybody Listening? The Problem of Access in Environmental Litigation," 1972 *Wis. L.R.* 62.

5 H. Ward, *Administrative Law* 42-93 (1967).

6 *Ibid.*, 43.

in law and politics. This once-dominant class was pushed aside by the new merchant class, which was rapidly gaining economic hegemony in both countries.⁷ The new class were entrepreneurs; their aim was to develop trade, industry and their own fortunes. In this quest, they were supported by Lockean concepts of individualism and the right of individuals over property, and, so they thought, by God.⁸ In these theories, the role of government was strictly limited: all economic actions and decisions were the prerogative of individuals; private entrepreneurs would take the economic risks and reap the profits. The role of government in this process was restricted to three spheres. First, government should protect the property of individuals, both through enacting and enforcing criminal penalties against those who would disturb the security of property holders and through its enforcement of contracts made privately between entrepreneurs. In deciding private suits over contracts and commercial dealings, the court was putting the power of the state at the disposal of private individuals, supplying to them the enforcement mechanism necessary to ensure that their dealings would be honoured.⁹ Thus, through criminal and contract law, the government created an environment in which private enterprise could feel secure.¹⁰ Second, the state supported the needs of its newly dominant class by maintaining an ordered and knowable legal system. The role of the entrepreneur is to promote his own interests; to be free to perform this role, he must be assured that the laws of his polity countenance creative activity by individuals, and that he will not suddenly be tripped up by a law whose existence he could not have suspected. In answer to these needs, the governments of the Western democracies encrusted their

7 In 1647-1649, the Puritan revolutionary army of England debated the Constitution under which they rule. Their debates on the relation of economics to political stability are collected in A. Woodhouse (ed.) *Puritanism and Liberty* (1966). See also C. Beard, *Interpretation of the Constitution of the United States* (1913).

8 M. Weber, *The Protestant Ethic and the Spirit of Capitalism* (1930).

9 A. Lyall, Materials on the Changing Nature of Contract (UPNG Law Faculty Stencil) July 1972.

10 The earliest American cases establishing the primacy of contract obligations were *Fletcher v. Peck*, 6 Cranch 87 (1810) and the *Dartmouth College Case*, 4 Wheat. 518 (1819).

Constitutions and judicial ideology with promises of individual civil liberties, and with prohibitions against special and local legislation.¹¹ To support the entrepreneur's need for laws to be knowable and regular, the notions of fairness and due process were developed. The legal system developed in the 18th century fulfilled the needs of the new merchant class. Government confined itself to supplying an ordered and regular background, upon which they could depend for support.

Government's third role in 18th century theory was to provide a material infrastructure for entrepreneurs: the private investor may have been a risk-taker, but he did not venture where costs were too close to profits. It was left to government to build roads, schools and other economically necessary but less profitable capital resources.

This acquiescent division of the world into private action and government reaction did permit economic growth to occur in England and America.¹² However, economic growth brought with it social and economic harshness. The distance between rich and poor widened considerably. In America, the disparities became even greater than in England or Australia.¹³ Further, the poor were, both in comparative and in real terms, poorer than they had been. Enclosure and the advance of industry had driven them off their lands. The urban poor outnumbered available jobs, and men who had jobs discovered that wages were below subsistence level, so that women and children were required to work as well. The reform movements that began in the early 1900's culminated in legislation designed to overcome these effects of capitalism without destroying the basic relationship between the private and public spheres necessary for capitalism itself to survive. Most frequently, the form selected was the

11 *U.S. Const.*, amends. V, XIV. Seidman, "The Communication of Law and the Process of Development," 1972 *Wis. L.R.* 686-719, at 690.

12 In 1750, the population of the American colonies was approximately 3,000,000. The gross national product (in 1960 dollars) was \$45 million. In 1900, the population of the United States was 48 million, and G.N.P. (in 1960 dollars) was \$32 billion. U.S. Census Bureau, *Historical Statistics of the United States* (1964).

13 By 1900, five percent of the population received 21.7 percent of national income in the United States, while the bottom 20 percent of the population received 4.8 percent of national income. U.S. Census Bureau, *Historical Statistics of the United States* (1964).

administrative agency or department, and the first half of the twentieth century saw a burgeoning of bureaucracy. Agencies were created to regulate certain businesses and to prohibit excessive rates or monopolies.¹⁴ Agencies were established to provide payments and services to the disabled, the elderly, and the poor.¹⁵ Agencies or public corporations were formed to manage essential businesses, such as public utilities and transportation. Through the multiplication of bureaucracy, government sought to make capitalism palatable.

Whether the legislators of the time wished it or not, the addition of numerous new areas of activity for government did alter the balance between private and public enterprise. From being primarily a supporter and reactor, the government has itself increasingly become an initiator and actor in the economic sphere. The mere fact of its entry into areas once closed to it has increased the amount that it impinges on citizens, and thus, its power over their lives and decisions. However, despite the quantitative and qualitative change in government activity, the basic political and legal ideologies defining the style of bureaucratic activity, have scarcely altered. In the eighteenth and nineteenth centuries, when government's few jobs were primarily centered around the maintenance of law and order, the role of civil servants was accurately defined by their title. They were clerks, secretaries, and information gatherers for elected officials. Little else was needed of them. In such a situation, it was reasonable to assume that the political affiliations of the civil servant could not

14 Agencies to regulate the affairs of business - to set freight rates, to prevent monopolies, to enforce health and safety standards of food and drugs - fit best into the common law tradition, since they are enforcement-oriented rather than attempting to promote new patterns of behaviour by citizens. Nevertheless, they were introduced and began to function against much resistance from the courts and entrepreneurial classes. Large, *op. cit.* at 113.

15 See J. Handler, *The Deserving Poor* (1972) on the unwillingness of legislators and the public to admit that the capitalist system is itself the root cause of poverty. Instead, the poor themselves are blamed. As a result, early welfare legislation protected only those physically unable to work, i.e., disabled war veterans, the blind, or the aged. Reformers had to make great efforts to extend benefits even to children. In Australia and the United States, payments are still given only to the "deserving" poor.

affect the performance of his duties; similarly, it was reasonable to assume that the general public need not be directly concerned with his activities. If he made any decisions at all, they were routinised and politically inconsequential; any major policy decisions were made by his minister, who was responsible to his electorate and to Parliament. It is, however, open to question whether these expectations are reasonable under current conditions. There is no doubt that civil servants today are responsible for countless actions and decisions that affect large numbers of the public, and the most carefully drafted statutes and regulations cannot excise all the situations in which a public servant will have to use his discretion to decide what is, in effect, a question of policy.¹⁶ Further, when agencies are involved in activities about which there is still controversy, the political attitudes of bureaucrats to have serious consequences.¹⁷ Nevertheless, the old theory that civil servants should be shielded from public scrutiny and from direct public accountability still holds, and is buttressed by the modern view of the civil servant as expert. This dogma maintains that it is not only unnecessary but folly to make the administrator accountable to the public, because, as an expert trained in doing the job to which he is assigned, the only result of connection between him and the less-informed public would be to divert him from the goal at hand, either into the swamps of political advocacy or among the bogs of corruption and bribery. The original impetus to shield the clerk from political accountability is magnified by the twentieth century's secular faith in the power of technology and

16 Examples of low-ranking bureaucrats making policy choices as part of their everyday duties abound: police choosing whether to arrest prostitutes and alcoholics; internal revenue agencies choosing which tax returns to investigate; transport authorities setting rates; sewerage authorities deciding where to dump; engineers deciding how wide and strong to make a road.

17 Mr. Whitlam has already discovered the ability of public servants, hired during the Liberal administration, to undermine his policies. *Australian Financial Review*, 11 July 1973, 1. See also R. Cruse O'Brien, "French Technical Assistants in Senegal," *J. of Devel. Admin.* (1971) for a discussion of the impact on post-independence policies of expatriate public servants, who had served the colonial regime.

expertise.¹⁸

However, while contemporary doctrines support the inherited political belief that administrators should not be subject to public responsibility, the equally hoary belief that government's prime role is the protection of the individual and his property has permitted the courts to interfere with administrative actions, not in furtherance of mass political aims, but in support of individual property claims. The grounds cited in judicial decisions voiding administrative actions demonstrate the general stance of the courts: administrators must not act *ultra vires*, beyond the limits of the statutes. In other words, government must be limited in function and power, just as it was limited in the eighteenth century; it must not tread on the ground sacred to individual or private activity. In England and Australia, and only recently less so in America, the courts have functioned as the preservers of inviolate tradition, supporting individual enterprise against the growing progressive interest of the state in economic affairs. The *Poplar* case¹⁹ in England and the *New Deal* cases²⁰ in the United States are merely examples, more flagrant than most, of judicial unwillingness to recognise that new conditions require a new balance between individual and state spheres of activity.

If administrative law and theory are unsuited to contemporary needs of developed countries, they are even less applicable to the developing nations. Yet, the typical trend as Third-World nations gain independence is to thrust upon them a rigidly British bureaucracy and a court system with the power of judicial review. The problem is exacerbated for the new nations because their vision of the responsibility and functions of public servants comes not from direct experience of government administration in England, Australia, or the United States, but from life under the colonial civil service. As

18 M. Weber, "Characteristics of Bureaucracy", in H. Gerth and C.W. Mills (eds.) *Max Weber: Essays in Sociology* 1916; H. Simon, D. Smithburg, V. Thompson, *Public Administration* (1967) 325-331, 546-547.

19 *Roberts v. Hopwood* (1925) A.C. 578.

20 *Schechter Poultry Corp. v. US*, 295 US 495 (1935); but see *NLRB v. Jones & Laughlin*, 301 US 1 (1937).

the following pages will demonstrate, service in the colonies has never been as civil as service at home.

II. The Colonial Civil Service

When the Queen extended her benevolent protection and the benefits of white civilisation to the Third World, and when Australia followed suit, the principal tool of government was administration. But, though many of the assumptions guiding administrators in the colonies were the same as in the metropolitan countries, the style, goals and consequences of bureaucracy were very different, in part because the environment in which the bureaucracy operated was alien. In the English system, the bureaucracy is part of a complex governmental structure, free to act within its own boundaries, but delimited in function and power by the countervailing powers of judiciary and legislature. In the colonies, all the functions normally reserved to courts and Parliament were gathered in the executive; the colonial administration alone exercised all the powers of government.²¹ If the power of administrators was limited, it was not by a watchful court or legislator, but by the decisions of other administrators in Canberra or London.²² Sir Hubert Murray, Lieutenant-Governor of Papua from 1908 to 1940, was also its Chief Justice: authorised to make all laws for the territory, he also tried offenders under them.²³ And power grew, rather than lessened, as one went down the ladder of administrative rank. Patrol officers, the lowest ranking members of the colonial administration, possessed almost unlimited power over the areas they ruled. Their functions included law-making, prosecuting, judging and occasionally even providing the punishment.²⁴ It was early decided to import Australian

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- 21 Wolfers, "Trusteeship without Trust," in *Racism: The Australian Experience*, Vol. III (1972), 65, 70-71, 101-102. Parker, "Problems in Administration: the Centre and the Perimeter," *2:2 New Guinea* 22 (1967); H. Murray, *Native Administration in Papua* (1929); M. Strathern, *Official and Unofficial Courts: Legal Assumptions and Expectations in a Highlands Community*, NGRU Bulletin No. 47 (1972).
- 22 Parker, *op. cit.*, 18-19. See also P. Bayne, *Constitutional Development*, NGRU Research Bulletin (1974).
- 23 L. Mair, *Australia in New Guinea* [2nd Ed., 1970] 11.
- 24 *Ibid.*, 65-81. For the most complete review of the Native Regulations, see Wolfers, *op. cit.*, especially at 66-68, 71-72, 100-103, 121-123.

judges into Papua New Guinea, and to impose the Australian court system and Australian legal processes even on indigenous Papua New Guineans, but the tug-of-war between the judiciary and the administration still goes on.²⁵ The checks operating upon the executive in the home countries did not exist in the colonies.

A second major difference between the environment of the bureaucracy in the home country and that in the colony concerned the relation of administrators to the people. In England and Australia, bureaucrats and their clients are equally native to the same country. They share the same language, citizenship and, to a great extent, life style. In the colonies, however, the clients of the bureaucracy were subject peoples. They could not communicate as equals with administrators, for both knew that they were not regarded as equals. They could scarcely communicate at all, because, at least to 1945, few Niuginians spoke English, and fewer administrators spoke any local language.²⁶ If wronged by an administrator, the Niuginian could not complain to his elected representative, because he did not have one; he could not effectively complain to Canberra or London, for his privileges as a subject did not extend to him all the rights of citizenship.²⁷ However, it was unlikely that he would even try to seek political or legal redress, as information on the possibility of redress against administrative actions is not available to

25 The Supreme Court did not get jurisdiction in an area until the Administration had determined it was under control; thus, the court did not obtain jurisdiction over the Highlands until 1947. Today, *kiaps* in outlying areas still may function as magistrates. Strathern, *op. cit.* In areas where the patrol officer's judicial functions have been taken over by a district or lower court magistrate, tension between the judicial and administrative officers can be high. Magistrates on circuit often complain that the District Commission has refused to provide them with a vehicle or has "confused" the court dates on his calendar.

26 For a telling description of the way language differences can work in favour of the client, as well as against him, see the description of the canoe patrol in V. Eri, *The Crocodile* (1970).

27 *Ol Le Njogo v. Attorney General*, 5 E.A.P.L.R. 70(1913).

the uneducated.²⁸

The administrator in this environment operated very differently that did his counterpart at home. His field of activities was much broader: he not only carried out policy, he made it, and the laws to effectuate it.²⁹ Neither law nor the principles of government required him to take the wishes and needs of the subject people into account. In claiming Papua for the British in November 1884, Commodore Erskine promised the assembled Motu, "Your lands will be secured to you, your wives and children will be protected." Whether this promise became policy is open to debate, but it is not debatable that the administrations of both New Guinea and Papua, like the administrations of most of Africa, saw themselves primarily as servants of expatriate settlers, and only secondarily as involved with Niuginians. Mair estimated that in 1968 the average Australian civil servant in Papua New Guinea still spent eighty-seven percent of his time on affairs involving only expatriates.³⁰

Given the differences between the home countries and the colonies, a similar administration would still affect citizens of one differently than citizens of the other. But environment was not the only thing differentiating the colonial bureaucracy from its home-grown model. Administrators coming to most colonies discovered a very different bureaucratic style institutionalised in the outposts of empire. Administration in the developed nations of the West adheres closely to the Weberian model.³¹ It is goal-oriented; that is, each member of the service has a specific job to fulfill and is chosen because he is alleged to have the objective qualifications, such as technical or generalist education, performance on tests, etc., to carry out his job. Administrative success is judged by the efficiency with which the job is done (though results,

28 Allison, "Poverty and the Administration of Justice" in H. Meissner (ed.) *Poverty in the Affluent Society* (1966), 165-171; I. Hogbin, *Social Change* (1958) 214-221.

29 The Lt.-Governor, Sir Hubert Murray, was responsible for legislating for the territory of Papua until 1933, when legislative and executive councils, composed primarily of Australians, were appointed to advise him. There was no requirement, however, that he follow their advice. See Bayne, *Constitutional Development*, *op. cit.*

30 L. Mair, *Australia in New Guinea*, *op. cit.*, 11.

31 Weber, *op. cit.* at footnote 18.

of course, may be fudged and obscured). The administrator's relationship to citizens or clients is supposed to be impersonal; he is to perform a task for the client if the rules permit. He is not to judge clients on grounds other than their objective fitness to have the job performed. For examples, a policeman is supposed to decide whether a person ought to be apprehended only by fitting his actions to the elements of the crime; a welfare officer is to give aid only on the basis of income and other objective listed criteria. Relationships within the administration are assumed to be similarly routinized: public servants cooperate because each is alleged to possess one of the skills required to do the job; public servants obey their superior because he is alleged to have gained his dominant position legitimately, i.e. through objectively applied criteria.³²

This pattern was seldom followed in the civil service of British and Australian colonies.³³ For example in Papua under Sir Hubert Murray, goal-orientation as the standard for determining admission to the service, promotion, job duties, and responsibilities to clients, was replaced by a personal orientation. Sir Hubert believed that technical or administrative expertise is an unimportant, even a mistaken, standard for a colonial public service. He preferred to choose totally untrained men, on the presumption that experience is the best teacher. Further, he chose men on personal criteria, primarily on their success in surviving an interview.³⁴

In Papua, as in England's African colonies, colonial servants were expected to do a variety of jobs. Shifts from one area to another and from one kind of job to another were frequent. Nor were jobs narrowly defined. A *Kiap* resident

32 J.G. March & H. Simon, *Organisations* 36-47 (1965); but see Mechanic, "Sources of Power of Lower Participants in Complex Organisations," 7 *Admin. Sci. Quar.* 349-364 (1963).

33 W. Hailey, *An African Survey: A Study of Problems arising in Africa South of the Sahara* (1945) 89-92, 186-205; G. Lewis, *An Essay on the Governance of Dependancies*, Introduction, vii-ixvii (1841); L. Gann, *Burden of Empire* (1967).

34 J.D. Legge, *Australian Colonial Policy: A Survey of Native Administration and European Development in Papua* (1956); Nelson "Hubert Murray: Private Letters and Public Reputation," 14 *Hist. Stud.* (1971) 612-621.

in an outlying district had a small squad of native police under his command. His district comprised numerous villages, and he was required to visit each one regularly, which he usually did by foot and canoe. At each village, he had, among other duties, to build and inspect latrines, to deal with offenders against criminal laws and Native Regulations, to order the clearance of bush, refuse, and houses in disrepair, to taken a census and collect taxes, and to explain and enforce the central administration's latest development schemes.³⁵ The *kiap* was also responsible for exploratory patrols, for bringing newly contacted villagers into the Australian nexus, and for the safety and order of any Australians or other expatriates within his jurisdiction.³⁶

Australian New Guinea was very different from Papua; it was an exception to the general British Commonwealth policy of personal administration in the colonial services. Immediately after World War I, when a civil administration took over New Guinea, the government established a training course for colonial public servants. Admission into the colonial service was based on academic criteria; these varied, primarily with the ease of recruitment in different years between Form Two and two years of University. Papua had a Lieutenant-Governor; New Guinea had an Administrator. Papua field officers were called resident magistrates; New Guinea's field officers were patrol officers.

Based on contemporary wisdom about the behaviour of administrators in different situations, one would expect the New Guinea public service--committed as it was to objective criteria and to goal-orientation--to have been markedly fairer in its treatment of its clients, not discriminating on the basis race, educational level, family background, etc. One would expect New Guinea public servants to have been more honest than their Papuan or African counterparts, as it is generally alleged that the admission of personal criteria

35 Wolfers, *op. cit.*, 70, 72, 101-102; Mair, *op. cit.*, 24-43, 65-80; Salisbury, "Despotism and Australian Administration in the New Guinea Highlands," 66 *American Anthropologist* 225-226 (1964).

36 Taylor, "The Hagen-Sepik Patrol 1938-1939" 6:3 *New Guinea* 24-45 (1971).

opens the door to bribery and corruption.³⁷ In fact, this was not the case. Under Sir Hubert Murray, Papua may not have been heaven for Papuans, but it was sufficiently milder than New Guinea, for the two services to exchange jibes with one another: "Papuan [*kiaps*], even those whose personal record did not entitle them to do so, adopted an attitude of moral superiority towards New Guinea," and officers in New Guinea countered, "You bloody Papuans, all you think of is the bloody coon!"³⁸ Nor were New Guinea officers any more honest than Papuan Officers: *kiaps* on both sides of the make-believe border used the special knowledge and techniques afforded them by their positions to buy or lease substantial tracts of land.³⁹

In their daily lives, Niuginians probably experienced little difference in treatment under either administration. In all places and periods, the rules of the relationship between the *kiap* and Niuginian client was the same: as little Australian money as possible was to be spent on Papua New Guinea; but, with the limited resources allocated, Niuginians

37 Bendix, "Bureaucracy and the Problem of Power," in Merton, Gray, Hockey and Selvin (eds.) *Reader in Bureaucracy* 114-134 (1952); J.M. Lee, *Colonial Development and Good Government* 143, 187, 221 (1967); E.W. Evans, "Principles and Methods of Administration in the British Colonial Empire," in Colston Research Society, *Colonial Administration* (1950).

38 Mair, *op. cit.*, 15; Wolfers, *op. cit.*, 86, 98-100; C. Rowley, *The Australians in German New Guinea 1914-1921* (1958).

39 Public servants in New Guinea may have come out a little ahead of those in Papua, only because post-World War I expropriations of German plantations and the discovery of gold at Edie Creek meant that in New Guinea there was more to get. The names of ex-*kiaps* now owning or leasing plantations and urban real estate in Papua New Guinea can be obtained from the Registry of Land Titles.

were to be helped despite themselves.⁴⁰ They were to grow healthier, more orderly, more willing to work for plantation and mine owners, and, eventually, able to govern themselves. But these aims were not to be accomplished by persuasion and negotiation; "the theoretical basis of the system was the idea that natives should do as they were told."⁴¹ Both the New Guinea and Papua administrations instituted Native Regulations which applied only to Niuginians. Drawn up by the Administrator or the Lieutenant-Governor, the Regulations required Niuginians to improve village hygiene, to plant cash crops, to tear up cash crops, to plant cash crops communally, to plant different cash crops, to trek cash crops across the mountains to landing points on the beaches, to build latrines and bury garbage, to get inoculated against various diseases, to refrain from wearing shirts above the waist, to stay out of white sections of town after 9.00 curfew, to fill in mosquito breeding grounds, to build roads and bridges, to kill diseased dogs or pigs, to bring children to the medical orderly for examinations, to submit to examinations for venereal disease, to desist from sexual relations if they had a venereal disease, to leave trees near the sea standing, to remove inflammable materials from the neighbourhood of houses, to send all

40 Australia gave an average of 45,00 pounds per year to the territories until 1950. Wolfers, *op. cit.*, 62, 99. This barely supported a tiny public service. Murray's yearly reports are replete with plaintive requests for more funds, and detail how thinly he had to spread his men. H. Murray, *op. cit.* The Australian grant left no excess for service projects, such as schools, hospitals, agricultural training, or other aids. Funds for these programmes came from head taxes imposed on Niuginians; there was no local income tax or property tax on expatriates until after World War II. Gold and the sale of the expropriated plantations made New Guinea slightly more affluent than Papua, and thus able to supply more services between the wars.

41 Mair, *op. cit.*, 66. Unilateral intervention by the Administration in the daily affairs of the people repressed opportunities for Niuginians to develop initiative themselves and hindered the spontaneous development of indigenous leaders. See D. Mannoni, *Prospero and Caliban: the Psychology of Colonisation* 38-48 (1964). Recently, Niuginians have begun to express their views of the colonial administration. See Waiko, "A Payback Murder," *4:2 Journal of the Papua New Guinea Soc.* 27 (1970); A. Kiki, *Kiki: Ten Thousand Years in a Lifetime* (1968).

children between the ages of five and fourteen to school (if there was one within one mile), to destroy unclean clothing or bedding. The penalty for breach of any of the regulations was, in Papua, one month's imprisonment or ten shillings, in New Guinea, one month's imprisonment or two pounds.⁴² The last of the Regulations did not disappear until 1966, when Courts for Native Matters were abolished.⁴³

When a Niuginian met a representative of the Administration, he was ordered rather than asked; he expected to be treated arbitrarily and paternalistically. But this was only part of the picture. Up to 1962, when the visiting United Nations mission forced Australia to gear towards independence and development, Niuginians saw administrators very seldom. Most administrators worked and lived in the urban enclaves, from which were excluded all Niuginians not actually employed there.⁴⁴ Since the budget for the territory was never large enough to support an adequate staff, a patrol officer, responsible for several hundred square miles of controlled, partially controlled and uncontacted territory, could visit a village, on the average, twice a year. When in the village, he was all things--but he was seldom there.⁴⁵ The relationship of bureaucrats to clients in Papua New Guinea combined an extraordinary willingness to intrude into personal lives with an equally high degree of neglect.

There have been many organisational changes in Papua New Guinea's administration since World War II, and, since 1962, there have been alterations in the proclaimed goals of administration as well. The style, however, a colonial version of Australian bureaucracy, has not altered. Nor, as a consequence have the effects of the administration on Niuginians. During World War II, Papua and New Guinea were administered jointly by ANGAU, a branch of the Army. After the war, joint

42 Wolfers, *op. cit.*, 66-68, 71-72, 101-103, notes that the Regulations served a dual purpose: they protected and developed Niuginians, but they also aided Australians by providing cheap local labour and getting roads built so that administrative patrols could occur more conveniently.

43 And a few - notably the prohibition on adultery involving a Papua New Guinean - are still in force.

44 I Stuart, *Port Moresby: Yesterday and Today* (1973).

45 V. Eri, *op. cit.*

administration was retained, and the Department of External Territories discarded the Murray personal model in favour of bureaucratic administration. From the war's end until self-government, the colonial public service operated as an extension of the Australian internal public service. It was responsible to Minister for External Territories, just as departments within Australia are responsible to their ministers. Public servants were recruited into the Papua New Guinea administration through the Department of External Territories in Canberra. Educational qualifications (Victorian Leaving Certificate for Clerk Class 4 and above) and a training programme at the Australian School of Pacific Affairs were instituted.⁴⁶ Progression up the ladder was regular, and was alleged to depend not upon personality but upon job performance and satisfactory completion of training and tests. Administrators and clerks were not answerable to the general public, except through their minister in Parliament, but, after much struggle it was agreed that they were subject to judicial review.⁴⁷

It is a basic assumption of English and Australian administrative theory that the expert administrator must be sheltered from public pressure in order to perform his job adequately, and he is nowhere more sheltered than in Papua New Guinea.⁴⁸ However, it is a complementary assumption that, to prevent unfairness, the administrator must be open to attacks in the courts by individuals. Although judicial review exists in theory in Papua New Guinea, it has been of little benefit to Papua New Guineans. Very few cases against administrators have been brought on any basis. Although the police have frequently been accused of laxity or brutality, the only case against the police under the *Human Rights Ordinance* was

46 Parker, *op. cit.*, 24-26.

47 *R. v. Alder* (unreported Supreme Court decision).

48 Over the years, Australians in Australia have been remarkably uninterested in Papua New Guinea. Thus, the interested public, ready to appeal to its elected Member to restrain administrative abuses, has not existed in Australia. In Papua New Guinea, there were until 1968 no elected Members to whom a Niuginian could complain.

brought by an expatriate insurance salesman.⁴⁹ Until recently, crimes committed by Administration clerks and patrol officers went unreported and unprosecuted.⁵⁰ The right of judicial review is an empty promise if it exists on paper only, but it cannot exist in fact for Niuginians in Papua New Guinea. Few of them are sufficiently educated to understand the nature of the judicial process. Most of them grew up under *kiaps* who were administrator, police and judge combined; to them, the government is a monopoly, and it is inconceivable to most Niuginians that one *man bilong gavman* would sentence another on the word of a Niuginian.⁵¹ Few can afford the cost of a civil suit,⁵² and the public solicitor's office is not able to try more than a handful of civil suits.

However, were judicial review available to Niuginians, it would be of only marginal use. Under English and Australian principles of judicial review, the courts are in a position greatly to infringe the freedom of administrators, but not greatly to answer the real needs of the people. The court may void any administrative decision judged to be *ultra vires*, and has used this power to circumscribe the activities of progressive administrators in the developed countries. However, the court cannot void administrative actions that are within the law. Niuginians suffer constantly from acts that, though lawful, are inconsiderate or incompetent. When Niuginian is insulted by an administrative clerk, he cannot plead *ultra vires*. Similarly, the court has no power to compel an administrator to a positive action. When a bureaucrat, out of laziness,

49 *R. v. Bortel* (unreported). See M. Adams, paper presented to Seventh Waigani Seminar, for a discussion of police brutality and infractions of the *Human Rights Ordinance* by correctional officials. See also Damai, "Security's Heavy Fee," 1:8 *New Guinea* 10-13 (1967); Hastings, Olewale, Kipong, "After Damai," 2:2 *New Guinea* 37-43 (1967).

50 Waiko, "A Payback Murder," 4:2 *J. of Papua New Guinea Soc.* 27 (1970); J. Sinclair, *The Outside Man* (1969).

51 M. Strathern, *op. cit.* A. Strathern, "The Supreme Court: A Matter of Prestige and Power," 1:3 *Mel.L.J.* 23 (1972).

52 Lawyers in private practice in New Guinea do not all take Niuginian clients. Some reject them outright; some quote exorbitant fees in order to discourage them.

incompetence or ill-will, performs only the minimum required of him, the client has no legal redress.

To meet such problems, many countries have instituted ombudsmen or committees of enquiry, who have the authority to investigate citizen complaints. In those countries where he is permitted to do more than just publicize administrative wrongs, the ombudsman may chastise bureaucrats who have acted improperly. Able to act more freely than a court, the ombudsman can both overturn actions that were technically within the law and uphold actions that might be judged beyond the law. Frequently, the ombudsman acts as a communications channel, explaining to mystified citizens the reasons for bureaucratic decisions.⁵³ However, there are limits to the effectiveness of the ombudsman within a bureaucratic system. In many countries, he may publicize, but cannot act directly to halt abuses. Even where he is permitted to act, he is able to void improper actions but seldom has the power to compel or cajole bureaucrats to adopt useful activity. In essence, the ombudsman cannot correct the faults that are endemic to bureaucracy.

III. The Probable Course of the Bureaucracy after Independence

To colonize Papua New Guinea, Australia destroyed indigenous systems of government, replacing them with rule by *kiap* and constable. Before granting independence, Australia determined to re-introduce self-government, basing it on the Australian rather than the traditional Papua New Guinean model. Because the administration tends to be the most powerful of the governmental institutions in a developing country, Australia's gift of a bureaucratic public service may be more important than her training sessions in Parliamentary politics protocol.⁵⁴ More important - and potentially more obstructive. Numerous Third World nations have found their inherited public

53 Bayne, "Controls over the Administration: the Ombudsman," in R. May (ed.) *Priorities in Melanesian Development* 55-68 (1972).

54 Heady, "Bureaucracies in Developing Countries" in F. Riggs (ed.) *Frontiers of Development Administration* 460 (1971).

service an obstacle to self-reliance and development, both because of the particular problems derived from colonialism and because of the more general problems associated with the English model of bureaucratic administration.

The colonial civil service was alienated from the people the country. Localisation of officers does not alter the essential failings of the system, for new officers are trained in old forms and introduced to institutionalised patterns of work and bureaucratic style.⁵⁵ Officers learn by training and experience to view themselves as superior to and separate from the people of the country. There is much evidence from Africa that the alienation of civil servants from clients and citizens persists after independence. The civil servants, whom Dumont calls "the briefcase and bicycle brigade,"⁵⁶ earn, even at local salary levels, up to forty times the annual income of the average African; they live in Western-style housing, wear Western-style clothing, speak a language foreign to most citizens of their country.⁵⁷ Papua New Guinea is developing on the same lines. Promotion within the public service entails a move to the city and to a non-traditional house. While a Highlands coffee gardener earns \$150 per year, a Class Eight public servant earns \$4,056.

In the colonial public service, there was no tradition of service to the public; as local officers filter into established niches, no concept of service exists for them to adopt. As a result, administration under an independent government is too often inefficient, unresponsive to the needs of elected officials and the public, and even corrupt. Efficiency, responsiveness and honesty can, to some extent, be promoted by legal sanctions. Within a bureaucracy, however, social pressure is the more compelling force. It is social pressure from peers within the organisation rather than legal sanctions

55 There is much evidence that local officers come to share the aims and ideology of their expatriate co-workers and supervisors rather than the values of their countrymen in the villages. See Lepani, paper presented at the Seventh Waigani Seminar, particular his references to local officers' demands in the areas of salaries, fringe benefits and hours of work.

56 R. Dumont, "Some Reflections on Priorities in Melanesian Development," in R. May (ed.) *Priorities in Melanesian Development* 7-22 (1972).

57 A. Seidman, *An Economics Textbook for Africa* (2nd edition, 1970 103-105).

that makes public servants decide to work hard.⁵⁸ This kind of social pressure does not exist among Australian public servants in Papua New Guinea. After World War II, The British administered forty percent of Africa with less than four thousand civil servants.⁵⁹ Today, Australia requires approximately thirty thousand public servants, including teachers, to administer a territory of two and a half million people.⁶⁰ Thus, just as incoming officers are not trained in a tradition of service and responsiveness, neither are they indoctrinated with an ideology of efficiency and hard work.

The incidence of dishonesty and corruption in post-colonial civil services has more complex sources. The local officer joining the civil service in Africa was met with contradictory signals. On the one hand, the British civil servant in Africa lived, comparable to Africans, in luxury; moreover, the higher the rank of the civil servant, the finer his house, car and office carpeting. The direct nexus between status and material wealth was obvious. On the other hand, there is much evidence that British civil servants neither stole nor took bribes: they were prevented from doing so both by lack of need and by social pressure, the very strong pressure of those who shared the old school tie and a common class background. On their much lower salaries and with no expatriate benefits, the Africans were caught between two values: the material need to exhibit one's status as a civil servant and the claims of the old school tie.⁶¹ Whether Papua New Guineans will face this dilemma depends on

58 See Kaufman, "The Forest Ranger: A Study in Administrative Behavior," and Skolnick, "Justice without Trial," both in Friedman & Macaulay (eds.) *Law and the Behavioral Sciences* 766, 900 (1969).

59 Hailey, *op. cit.*, 186-205.

60 PNG Government (Offices of Programming and Coordination) "Expenditure and Physical Performance: Papers Submitted with the 1972-1973 Budget" (August 1970).

61 R. Seidman, "Corruption: A Case Study," *Law and Modernization in the Developing World*, (1975).

whether Australian public servants were noted for honesty.⁶² If Australians were not honest, then there will be no dilemma for Papua New Guineans; there will merely be an unadulterated drive for material benefits.

The public service as it was warped by the colonial experience will not meet the needs of Papua New Guinea. However, it is doubtful that even a public service with all the social and legal safeguards of the British model as it exists in the home countries would serve the needs of a developing country. The governments of Third World countries have adopted activism; they have not accepted the limited role consigned to the governments of the Western free enterprise nations. It took the West over two hundred years to develop an economy capable of maintaining a high standard of living for most people. The new countries of the world prefer not to wait that long. Moreover, the Western democracies permitted development to occur not through planned direction but through the actions of private entrepreneurs operating in their self-interest. The result has been societies with great class differences and large segments of the population living in poverty. Free enterprise development today leads to even greater differences between rich and poor than those pertaining in the West.⁶³ Further, the developing nations have found that free enterprise leads to uneven economic growth rather than to development.⁶⁴ Thus, many third world countries have chosen to promote the equal spread of goods and services by development programmes that are controlled and guided by the government. Papua New Guinea may be heading in this direction. The Eight-Point Improvement Programme and the National Goals stress equality of incomes and services, and the Chief Minister has said that expatriate businesses would be welcome only so long as they put national

62 It is difficult to document the extent of corruption in the Australian colonial service, since no agency has attempted to enforce honesty and to apprehend white collar criminals. Student papers submitted in my classes, however, describe numerous separate incidents of dishonest acts by public servants. A common example is the *kiap* who uses his contacts in his area, and his powers to supervise and approve the alienation of customary land in order to gain lucrative leases on plantation or town land for himself.

63 R. MacNamara, "Annual Report of the President of the International Bank for Reconstruction and Development," *Finance and Development* (1972).

64 A. Hirschman, *Strategies of Economic Growth* (1957).

needs before corporate gain.⁶⁵ If Papua New Guinea does follow other countries in planning and controlling development, it will discover that the British model of public service is inadequate to its ends.

When government assumes the initiative in development, it must be able, as is an entrepreneur, to meet chances when they arise. Planned development requires public servants to be creative and innovative. The bureaucratic belief in rule-following inhibits creativity and individual initiative,⁶⁶ and judicial review further dampens any desire to find unique solutions to problems.⁶⁷ In a situation of rapid and planned development, the administration will be called upon to perform many functions unknown to British public servants. Government employees will manage business, and formulate activist economic programmes. To an extent, despite the hesitancy of the Australian administration, Local Government Councils of Papua New Guinea are already pursuing such a course, running trucking firms, garages, construction companies brick-making factories, copra dryers and cocoa fermentaries.⁶⁸ Cabinet has decided that eighty percent of Investment Corporation unit trust shares must be sold to Councils or other groups.⁶⁹

65 M. Somare, Speech to the House of Assembly on 29 January 1973, introducing the Eight-Point Improvement Aims. See also PNG Government (National Planning Committee), *1973-1974 Improvement Programme*, pars. 1.14 - 1.17.

66 Riggs, "The Context of Development Administration," in F. Riggs (ed.) *Frontiers of Development Administration* 78-95 (1971); Kingsley, "Excution of Policy", in Merton, Gray, Hockey and Selvin, *Reader in Bureaucracy* 299-302 (1952).

67 In the African colonies, judges tended to permit administrators much freedom of action. However, as independence neared and a black administration began to replace white rule, the attitude of judges changed: judgments narrowly restricting the discretion and actions of administrators multiplied.

68 PNG Government (Department of District Administration) *Proceedings of the Conference of Local Government Councils, Sixth Session, 1966*. PNG Government (Commissioner for Local Government) *Annual Reports 1960-1972*.

69 PNG Government (Office of the Chief Minister) *Press Release* 26 July 1973.

England has had some experience with ownership of economic ventures through its public corporations, but it has separated them from the ordinary run of the public service, treating them as capitalist businesses which happen to be owned by the government. Massive government ownership of business will erase this distinction, requiring the public service as a whole to create an ethos supporting entrepreneurial activity in the public interest.

In a developing country, the public servant will have to be responsible to his Minister more directly than is true in England or Australia. The kinds of activities in which he will require not only that he follow the orders of the Minister, but that he follow their political spirit.⁷⁰ He cannot be merely goal-oriented; he must be committed to implementing the political ideology of the government in power. In a developing country committed to great political, social and economic changes, every request to the public servant will have policy implications. If the task is performed perfunctorily or without commitment, its efficacy will be lost. The Ministers of the Papua New Guinea coalition government are already discovering that purportedly apolitical public servants can obscure the aims of the government. For example, the Minister for Lands ordered that a piece of land that had been the subject of a dispute between Papua New Guinean owners and the Administration be returned to the owners. The Minister wished to demonstrate that his government does not approve of the wholesale alienation of customary lands and supports the ownership claims of Papua New Guineans to lands judged vacant by earlier administrations. The public servants in the Department of Lands complied with their Minister's order. The land was returned. But, in returning it, the public servants told the people that the land really belonged to the government and was being returned only because the government was too important to waste its time and money on insignificant squabbles. The Minister's policy and intention in returning the land had been effectively undermined by public servants whose political beliefs differed from his own.⁷¹

70 Diamant, "Bureaucracy in Developmental Movement Regimes," in F. Riggs (ed.) *Frontiers of Development Administration* 486-537 (1971).

71 Interviews with public servants in the Division of Lands, Department of Lands, Surveys and Mines.

Because the Papua New Guinean public servant must interact frequently and responsively with the people, the English notion of the hidden and faceless civil servant is a barrier to development and the success of government programmes. The British public service can publish regulations in the *Gazette* and assume, first, that those people affected will hear of them, either directly or through their lawyers, and, second, that most people affected will obey them. Papua New Guinean public servants will be able to make neither assumption. They cannot assume that publication equals communication. Most Niuginians neither speak nor read English. Further, there are less than one hundred lawyers in Papua New Guinea and most are gathered in the urban centres, where they serve the central government or expatriate businesses. Thus, the orders, aims and inducements of government do not reach the majority of Niuginians. In order to communicate the wishes of government to the people, the Niuginian public servant will have to go beyond publication in the *Gazette* or in newspapers; he will have to bring the messages of government directly to the people, and be able to discuss the reasons for policies and their relevance to the lives and aspirations of village people.

The messages carried to the people by public servants will differ in nature from the messages typically conveyed to the people by the governments of developed countries. In Australia, as in other free enterprise countries, the citizen is expected to make his own choices, limited only by legal prohibitions on certain activities. In a developing country, however, many laws require citizens to take positive actions different from what they have done in the past. Farmers may be asked to plant new crops, use new fertilizers or agricultural methods; villagers may be exhorted to form cooperative working arrangements; new opportunities for trade and investment will bring new patterns of behaviour. This presents problems of communication and implementation unknown to the public servant in Australia. Papua New Guinean public servants will have to make new activities known to people, and will have to convince people to engage in the new patterns of behaviour. Because negative sanctions do not promote sustained changes in patterns of acting, the public servant cannot rely on legal enforcement to convince people. He will have to be alert to the opinions, needs and wishes of his clients, able to make necessary changes in rules and programmes himself, and able to relay information from people to government.⁷²

72 Seidman, "The Communication of Law and the Process of Development," 1972 *Wis.L.R.* 687-690, 700-706.

In promoting new programmes and in enforcing regulations, the Papua New Guinean public servant will be operating in a traditional environment very unlike Australian suburbia. The public service will at the same time that it is promoting rapid and far-reaching change, have to take into account and follow traditional values. Many of these values are in conflict with the values of a bureaucratic public service. For example, Niuginians respect kinship ties, and expect that decisions will be made on the basis of kinship, as opposed to achievement or technical criteria. Non-bureaucratic criteria may have to enter the public service, both in appointments and job classifications, and in relations between public servants and the people.

Papua New Guinea has inherited the British-Australia model of a bureaucratic public service, and, unless major changes in the public service are consciously made, that is the kind of administration that will remain here. But, it is not the kind of administration that will meet the needs of the nation. A bureaucracy makes public servants fear to show initiative; it exacerbates the separation between public servants and the people they are supposed to serve; it prevents adherence to traditional values; and it obscures the political nature of the public servant's job.

IV. Mobilising Administration and Development⁷³

If the National Goals are to be implemented, if the country is to develop while simultaneously maintaining the Melanesian way of life, then Papua New Guinea must radically alter the structure and rules of its public service. There is an alternative to bureaucracy and the patterns of colonialism; there is a kind of administration that works with the people to meet their needs. Many new nations, however, wrestling with the problems of a corrupt or unresponsive public service, have been unable to institute the alternative, unable to do more than tinker with the bureaucratic model. These nations are hampered, in part, by the myths which support bureaucracy: it is said, and widely believed, that there are

73 Much of what follows was illuminated by a tour of China in September 1974, during which we discussed administration and development with Chinese officials, cadres, local leaders, factory workers and farmers.

only two types of administration -- the personal model, as exemplified by Murray's reign in Papua, and the bureaucratic model.⁷⁴ A bureaucracy, it is said, is fair and impartial, because the rules for recruitment into the public service and for dealing with clients guarantee objectivity. Conversely, it is assumed, the personal model produces unfairness and opportunities for corruption, because hiring is subjective and rules for dealing with clients are not rigidly ascribed. Assuming that these are the only choices available, countries faced with a recalcitrant bureaucracy are understandably loath to switch to the personal model, which, they fear, can only be worse. But a comparison of colonial Papua and New Guinea demonstrates that both kinds of administration were equally amenable to corruption and high-handedness, so long as they operated in an environment where the public servants were not accountable to the people. The rules that bind a bureaucracy are no guarantee of equity or honesty, unless the people of the country have power to see that rules are enforced.

But, while many new nations, afraid to tear themselves loose from bureaucracy, are suffering from inept or intractable administrations, several countries -- notably China, Algeria, Yugoslavia, Cuba and, to a lesser extent, Tanzania -- have instituted a new kind of administration whose aim is not to follow rules, but to mobilize the nation's resources and people for development. The differences between a mobilizing administration and a bureaucracy are demonstrated in the following stories. First, a parable of colonial development:

In a remote part of Papua New Guinea, the villagers wish to plant cash crops.⁷⁵ After some hesitation, for he is a figure of authority and they fear him, they appeal to the patrol officer for aid. Agriculture, he replies, is not part of his job description, and he advises them to wait for DASF's field officer.⁷⁶ At last, the *didiman* arrives. Recently, word has

74 See Weber, *op. cit.* at footnote 18.

75 This story did not, in its entirety, happen anywhere. It is a compilation of the similar experiences of many Papua New Guinean villages.

76 The villagers might also have applied for rural development funds through their local government council. But the money allocated for this purpose has hardly been touched because the programme was advertised to villagers only through the government *Gazette* and circulars to district officers and council clerks. Few villagers know that the funds exist.

gone out from Konedobu that rice is the coming thing so, as he has done in every village he has visited, the *didiman* advises the people to plant rice. Though skeptical, they agree; after all, they feel, he is the expert from the government, which knows everything. The people cannot decide where to plant the rice. Each clan insists that it must receive extra compensation if its land is used. The *didiman* refuses to solve the problem; he is not a legal officer. So there is a hiatus, once negotiations in the village break down, while everyone waits for the local court magistrate to arrive. He is from a district far from this village, knows nothing about customary land law in this area, and reaches a decision that satisfies none of the participants. However, at last the rice is planted. Rice is an arduous and time-consuming crop, and many villagers drop out of the project. A few, on the other hand, realize that there is money and power to be made for themselves. They call upon traditional obligations to get for themselves larger portions of the rice fields. It is time to harvest the rice and bring it to the mill. But the track from the village will not support a truck. The patrol officer, the *didiman* or the magistrate might have noticed this months ago but building roads is not part of their job so none of them bothered to mention it to the villagers. The people appeal to the Local Government Council, and, as far as they can see, nothing happens. Far away in the district capital, arguments are raging over which government agency will bear the responsibility for the road but no one informing the villagers. Meanwhile, the village people have discovered a new problem: they have no trucks. The *didiman* and patrol officer disclaim responsibility: that is an issue for the development bank. The bank agrees to finance a truck, not for the village as a whole but for an individual in the village whose rich relations in town make it possible for him to raise the security. The village has as yet received no cash for its crop, but in kindness to the villagers, we shall end this story before their rice rots by the side of the unfinished road.

The villagers' attempt to improve their lives would markedly were it to occur in a country with a mobilizing administration:

The villagers wish to become more self-reliant and believe they should plant a cash crop. Many meetings are held in the village at which everyone has a chance to offer suggestions and to join in the discussion. The cadre (the government's local field

officer) attends, as do the school teacher and the medical officer. These government representatives live in the village; they wear the same clothes as do villagers, eat the same food, work in the gardens with the villagers. They are not distant aliens from the capital, and the villagers do not fear or despise them. Thus, the cadre can participate in the discussions without directing or leading them. He can offer useful advice, and he can hear what the villagers need and want. The project will benefit both from his experience and from theirs. He knows the ways of the wider world and how to contact useful government agencies; they know the capacities of their village and its gardens. The villagers decide to construct a digester that uses the waste from pigs and chickens to produce fertilizer and power. The cadre helps them to get materials like tin drums from the government, but they contribute most of the material and all of the labour themselves. Evening discussions do not cease when the work begins, as there is much to sort out. Land has to be allotted to the system. Pigs must be penned, and the village has to decide whose pigs will go into the pen, who will feed them, and what the compensation will be. The benefits of fertilization must be shared among the gardens of many families. Many disputes are solved through discussion, but some cannot be, and the cadre does not set himself up as judge. Instead, disagreements are brought to the committee of local people elected from several villages in the area, and the disputes are settled using customary law and the National Goals as guidelines. Thus, the settlements often involve compromise, and the committee does not permit individuals to gain from the project at the expense of their fellow villagers. Since the committee controls funds contributed from the several villages, it can also assist the project by loaning the villagers a tractor and other expensive equipment, which it has bought for the use of all the villages. The cadre works with the villagers in building the digester. He is always available to provide assistance and answer questions. Occasionally, as the work progresses, he prompts the villagers to foresee problems or to plan for future choices. He reminds them that if they are to sell the surplus vegetables gained from the fertilizer, they must make marketing arrangements, and he is able to contact the government's marketing agencies. By his example, he prompts the villagers to see the project as a community endeavour and to earmark some of the profits for village

improvement schemes. The benefits of the project come slowly. First, the villagers notices only that the pigs are fatter and the gardens producing more. Then, they learn how to wire lighting for their houses. Later, when they begin to market the vegetables, they will build a small machine shop, using power from the digester, so that the village can repair its own tools. Gradually, following their own aims and aided by the cadre, the villagers will become a prosperous and self-reliant community.

The differences between these two stories are not accidental. China and Cuba have structured their public service to produce cadres who will co-operate with villagers, who will be hard-working and creative in promoting development, and who will help their government to serve the people. The mobilizing administration differs from personal administrations or bureaucracies in the recruitment and training of public servants, in the jobs they are expected to do and in the methods employed to control their behaviour.

A. Recruitment and Training

The mobilising administration superficially resembles a personal administration in that both base recruitment not on technical or educational qualifications but on the assumption that good men make good officers. However, the two types differ markedly in their definitions of goodness. The personal administration recognizes the good man through his family background, class and social ties. The mobilizing administration looks for personal characteristics -- his political reliability, his commitment to the goals of the country, his ability to communicate with people.⁷⁷

In bureaucracy, recruitment and training reflect the focus of the organisation on achieving discreet goals and performing routinized tasks. Officers are chosen because they have fulfilled specific educational qualifications, and are given the technical training to make them experts in a certain job category. In the mobilizing public service, general education and technical expertise may be taken into account, but

77 LaPalombara, "Alternative Strategies for Developing Administrative Capabilities in Emerging Nations," in F. Riggs (ed.) *Frontiers of Development Administration* (1971) 171-226.

they are only part of what is valued.⁷⁸ Training for the mobilizing public service emphasized field work.⁷⁹ New public servants are trained by workers and peasants in the factories and gardens. Even if he goes to a school or university, the potential cadre spends at least two months of every year labouring in farming or industry. This kind of training ensures that cadres will not grow distant from the people.⁸⁰

B. Job Allocation

In a bureaucracy, the administrator gains increasingly higher positions by showing his expertise in a narrow field. Further, a promotion often means that the administrator can move to district headquarters or the capital, leaving rural life behind forever. The mobilizing administration operates very differently. The officer or cadre in a mobilizing administration is not tied to a specific department or job. He is moved frequently from one job to another, from the urban centre to rural villages, from paper work to manual labour. And promotion does not guarantee him work in the city for it is assumed that officers at all levels of the hierarchy should

78 Hyden, "Mao and Mwalimu, the Soldier and the Teacher as Revolutionary" in CUSO, *Readings in Development*, Vol. II, 117, quotes Julius Nyerere:

While I was at Makerere I understood that my government was spending annually something in the neighbourhood of eighty pounds on my behalf . . . Why did the community spend all that money, run all those risks and miss all those chances of schooling (for other students)? Was it for the sake of building a magnificent but useless apex of a stagnant pyramid? Surely not. The community spends all that money upon us because it wants us as lifting levers, and as such we must remain low and bear the whole weight of the masses to be lifted, and we must facilitate that task of lifting.

79 D. Barnett, *Cadres, Bureaucracy and Political Power in Communist China* 39-41, 188-189 (1967); K. Karol, *Guerillas in Power: the Course of the Cuban Revolution* (1971); Vogel, "Politicized Bureaucracy: Communist China," in Riggs (ed.) *Frontiers in Develop. Admin.* 556-568 (1971).

80 Mao Tse-Tung, "The Mass Line," in *Quotations from Chairman Mao Tse-Tung* 118-133 (1967).

live where the people live and work where they work as much as possible.

The village cadre resembles a colonial patrol officer in the variety of his tasks and responsibilities.⁸¹ He differs from a patrol officer in several important respects, however. Where the patrol officer ranged over a large area, visiting each village sporadically, the field cadre is assigned to one or a few villages, so that he can establish an egalitarian relationship with villagers. Nor does the field cadre intervene unilaterally and autocratically in the lives of villagers, as did the patrol officer. He does not issue orders, conduct inspections or arrest miscreants: these functions are carried out by locally elected officials.

The cadre has three inter-related roles in the village: to provide villagers with information about government policies and services; to relay to various local and national government departments the ideas, needs and attitudes of the villagers; and, to implement government programmes.⁸² Government plans for village development are not phrased as rules and regulations, but as general guidelines for change enabling each cadre and village to amend the programme to suit local conditions. The cadre's continual contact with villagers, his role as a conductor of village attitudes to government before programmes are introduced, and the flexibility inherent in the programmes makes it possible for the government to rely primarily on education and propaganda, rather than on negative sanctions like fines and imprisonment to implement new programmes.⁸³

In many developing countries, the difference in life style between the bureaucratic elite and the peasants leads to corruption within the civil service and alienation of public servants from the peasantry. Whether the cadre in the mobilising bureaucracy is living in the village or in the city, his life style does not differ markedly from the life style of the average peasant. Tanzania has enacted a law limiting government salaries and prohibiting public officials from outside sources of income. In Cuba and China, the highest-paid

81 J. Myrdal, *Report from a Chinese Village* (1964); E. Boorstein *Economic Transformation of Cuba* (1968); Barnett, *op. cit.* 339-417.

82 A. Diamant, "Bureaucracy in Developmental Movement Regimes," in F. Riggs (ed.) *Frontiers of Development Administration* 512-520 (1971).

83 *Ibid.*; See also Seidman, *supra* at footnote 11.

public officials make only eight times the income of the average peasant.⁸⁴ In Papua New Guinea today, by contrast, the difference in the incomes of a local department head and a plantation labourer is twenty to one.⁸⁵

Contrary to bureaucracies, which pretend that public servants and politics can be kept apart, it is a basic assumption of mobilising administrations that every action by an administrator has political consequences and causes. Therefore, cadres are expected to engage in political education as a normal part of their working day.⁸⁶ However, it is equally a basic assumption of every mobilising administration that discussion and self-discovery are the major tools available to the government to gain the consent, both of cadres and of citizens, to new programmes, because it is as important to create revolutionary (or good) men as it is to establish economic growth.⁸⁷ Thus, at political meetings, discussion leaders are trained in a style closely approximating the Socratic method, so that cadres discover through discussion the relation of their jobs to the country's political goals.

C. Controlling Administrative Behaviour

As a means of controlling the activities of administrators and holding them accountable for their actions, judicial review is inappropriate to the circumstances and goals of a mobilising administration. Judicial review operates where there are precise statutory guidelines against which to measure the behaviour of administrators, but, in countries adopting a mobilising administration, detailed statutes and regulations tend to be replaced by generalised and flexible policy guidelines. Further, judicial review asserts the primacy of individual property rights and the right of the private individual to initiate action in his own self-interest. While necessary to the free enterprise process, individualism is neither necessary nor useful as a guide for values in other situations, especially when it threatens to take primacy over

84 M. Zeitlin, *Revolutionary Politics and the Cuban Working Class* (1967); and interviews in China, September 1974.

85 Department heads in Papua New Guinea earn \$8,000 per year, while the new rural minimum wage is \$8 per week.

86 J. Townsend, *Political Participation in Communist China* (1969).

87 J. Nyerere, *Freedom and Socialism* (1970).

the needs of the community.

Although the courts often overturn administrative decisions by invoking natural justice, the concept is in reality of very limited usefulness. In practice, it means little more than that administrative hearings should be fair and impartial. But, a fair and objective hearing can still produce a result that does not meet the needs of the people or the nation. And it is questionable whether the need to invoke natural justice often arises in a mobilizing administration: when administrators are not separated from the mass of the population, fair hearings occur with every conversation.

The availability of judicial review can be damaging to the very nature of a mobilizing administration. A watchdog agency such as a court, setting limits on administrative action, is appropriate only where administrators are not expected to be activist and innovative, for the ever-threatening possibility of review by outside forces prompts administrators to act cautiously, to keep within established patterns of behaviour, and to avoid new and creative activities.⁸⁸ If you want public servants to be enterprising and creative, don't threaten them with the existence of a sanctioning court.

However, though the possibility of judicial review limits creative administrative activity, it does not alter entrenched patterns of behaviour. Accused of error, public servants and government departments do not apologize and change; usually, they grow self-protective.⁸⁹ This is exacerbated by the practice of many ministries and departments to supply erring public servants with legal counsel; this forces the department to support its erring member, at least in public until the trial has ended.⁹⁰

88 March and Simon, *Organisations* 36-47 (1965).

89 Ness, *Bureaucracy and Rural Development in Malaysia* (1967).

90 Large, *op. cit.* It is the practice of most government departments to provide legal defence for a member of the department who is being sued, even when the case concerns a police officer being sued for infringing the rights of a citizen. Some government agencies resort to Crown Law or the Office of the Attorney General when they need a lawyer to perform services of this kind, but many maintain house counsel.

In the mobilising administration, it is assumed that public servants are accountable not to individuals but to public. Several processes replace judicial review as the means for making administrators responsive. By switching cadres among different jobs, by defining their duties broadly and by requiring a life style no richer than that available to the ordinary worker or peasant, the mobilising administration collapses the distance and distinctions that normally prevail between administrators and the public, between legislators or policy-makers and administrators, and between upper-level and lower-level members of the administration. The cadre is immediately accessible to, and thus continually accountable to, other government officials, elected representatives and the mass of the people.⁹¹

Review by co-workers within one's ministry, department or village replaces review by an outside agency. The urge to hide mistakes and to protect oneself against potential embarrassment is thus decreased. It is further decreased by the practice of daily or weekly review sessions. In a bureaucracy, reviews occur only when the administrator has erred, so every public servant fears review. But in a mobilizing administration, reviews are frequent, and the advice and criticism may be both negative and positive. The cadres meet in small group criticism sessions to evaluate their own performance over the week, and to criticize or praise the performance of colleagues and the department, branch or collective as a whole.⁹² Field cadres gather in meetings that include both other cadres and the workers and farmers they serve. Self-criticism sessions often result in behaviour changes. They are not limited to questions of legality, or to the kinds of local interests brought up in Parliamentary question sessions, but cover the whole range of administrative behaviour. Cadres discuss not only their technical ability, but also their political commitment and their capacity to deal in an egalitarian and open manner with clients.⁹³

91 J. Townsend, *op. cit.*; Diamant, *op. cit.*; Beck, "Party Control and Bureaucratisation in Czechoslovakia," in F. Riggs (ed.) *Frontiers of Development Administration* (1971).

92 Barnett, *op. cit.*, 49, 29, 161-168.

93 R.J. Lifton, *Thought Reform and the Psychology of Totalism* (1961).

The bureaucratic administration shields its members from accountability to the public at large, but leaves them open to attacks from courts on their dealings with individuals. The mobilising administration protects its administrators from review by external agencies such as the court, but it leaves them open to review by their colleagues and by the people they serve. It replaces judicial review with political accountability.

Methods in the mobilising administration for maintaining the political accountability and increasing the initiative of individual cadres are complemented by processes which heighten the responsiveness and creativity of departments, ministries, and local agencies. Every cadre shares the responsibility for every campaign and programme. Just as jobs are shifted frequently, the duties of ministries, whether at the national or local level, are also frequently shifted. Great leaps forward, annual campaigns, year-end programmes continually intervene to break the orderly flow of work and to thrust the entire department into a massive effort. Success in a given campaign is easily measurable and available to the public; the department cannot, as can bureaucratic departments, exist for years producing mountains of paper, and nothing else. The effort to carry out the campaign provokes the department out of lethargy. While the campaign lasts, cadres get little sleep, posters are drawn up, midnight meetings are called, there is all the excitement and community that can be found, in Australia, only during a strike or peace march. The pressure of such campaigns is another means of vivifying departments, and at the same time, of ensuring their accountability.

Countries with mobilising administrations demand more of their public servants than do bureaucratic countries. However, unlike bureaucratic countries, those with mobilising administrations do not take two hundred years to develop a viable economy and involved citizenry.