

PROBLEMS OF ADMINISTRATIVE DISCRETION IN A POSTCOLONIAL STATE:

LESSONS FROM ZAMBIA

By

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INTRODUCTION

The exercise of discretion is among the least adequately performed functions in contemporary African administration. In postcolonial states especially, there is a pervasive tendency among bureaucrats to either shun away from making discretionary decisions, or to make indiscreet judgements. In Zambia instances of ineffective use of administrative discretion have been so common that the Head of the Civil Service was on one occasion prompted to declare that the government could not afford "to employ civil servants at any level who flinch from decisions, hide behind files, and take refuge in delay and obstruction."¹ Simple decisions are often referred to top management, and this has led to costly delays and great inconvenience to the public.

However, despite the mounting crisis in the use of discretionary authority in many Third World countries, the concept has received scanty attention in the literature of public administration generally, and development administration in particular. When it is discussed, it is often in connection with law enforcement officers, or the courts,² and only rarely does the discussion include other aspects of public administration. Yet the concept is of great significance in the understanding of administrative processes. In developing countries especially where administrative environments are marked by a relatively high degree of uncertainty, the exercise of discretion is crucial to the efficiency and effectiveness

ADMINISTRATIVE DISCRETION DEFINED

Discretion is a baffling concept, especially that it is easily confused with or mistaken for arbitrary actions, behaviours, decisions, and judgements of public officials vis-a-vis ordinary citizens. Its Latin root - discretio - denotes the ability to distinguish, discern, discriminate, or separate. It refers to being discreet and circumspect in making one's judgement regarding unclear issues or confused situations. In the current usage it denotes freedom of choice, or the undirected exercise of choice. Within the context of public administration, discretion has all these connotations, and more. 'It is a responsibility in which personal choice is made by an individual authorised to do so within the limits set by law, rules and regulations. Hill's description of instances of discretion is instructive:

The exercise of discretion occurs when officials are required or permitted to make decisions without being given instructions which would in effect predetermine those actions. There is naturally scope for further confusion because such decision-making is seldom entirely unregulated. In practice the official who is to exercise discretion may be expected to be subject to instructions, which determine limits to the scope of his discretion, and rules about the different circumstances under which he may or may not exercise discretion.... In other words, unlimited discretion is nonexistent and the extent of discretionary freedom varies widely between different officials and between different areas of responsibility each official has.

From the above quotation it is evident that discretion is different from the type of freedom officials sometimes indulge themselves in whereby they ignore some specific laws or rules in order to take some arbitrary decision or action. Such instances are gateways to maladministration.

Besides legal freedom to take decisions in the absence of specific rules, discretion has a second and equally important element, namely, the ability to interpret laws, rules, policies, wishes, etc. Interpretation is generally understood as giving a different form to but maintaining the same meaning as what is being interpreted. In practice, however, an interpreter often does more than finding the meaning that is there; he seems to add or create meaning. The paradox of interpretation is effectively dramatized by Tussman thus:

An architect is called in by a family to design their house. They tell him what they need or want. He produces the plan. Is that it? (Some architect! Some family!) How should we describe this process? The architect was told what to do, and he did it. But, on the other hand, he was not told what to do. He did something, and the product was greeted with recognition. Recognition? Is this the plan you had in mind? Yes, of course not! You have created exactly what I want. The dream house never quite seen in my dreams. The architect is an interpreter! Did he create or discover? Did he carry out orders? Yes and no.⁶

The architect's predicament is similar to that of a public administrator who, given the bare bones of laws, rules and regulations has to find meaning of the vaguely expressed public interest. This process is creative, for the administrator is not a mere technician carrying out laws routinely, but chooses among the rules, procedures and policies appropriate to various situations. However, it



is this very aspect of discretion that may also provide an opportunity for maladministration.

CONSTRAINTS ON THE EXERCISE OF DISCRETION IN ZAMBIA

An administrator's exercise of discretion is influenced by several interacting factors, some significant ones being: education and training, experience, familiarity with the administrative environment, organisational structure, leadership/managerial style or philosophy of the supervisor, and the relative stability or instability of the administrative environment. The impact of these factors on the exercise of one's judgement and discretion is often probabilistic, and varies between individuals. In post-independence Africa these factors exist to a very limited degree. The majority of public administrators are relatively under-educated and poorly trained; they are young and inexperienced, or have had uncreative experiences. Their knowledge of the environment is unsystematic, and in the case of expatriates, inadequate. Organisational structures are overcentralised, and even when official pronouncements allude to decentralised administration, substantive authority still remains with the centre. Managerial styles tend to be authoritarian, and administrative environments turbulent. The interactive impacts from these anomalies prevent the effective use of discretion in many African and other Third World bureaucracies. In the subsequent sections of this article, each factor is discussed in relationship to the Zambian bureaucracy.

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Education and Training.

Formal education and training increase an individual's store of knowledge, a repertoire of competences and skills, and deepen one's insights on values. Administrators who have acquired higher education grounded in the liberal arts and sciences, and professional training in administrative sciences are assumed to be adequately equipped to exercise discretion. Liberal education is a useful background, especially if discretion is construed in terms of creativity and value interpretation, rather than as a mere technical process. Recently, the classical view of liberal education has been superceded by broader claims of 'general education', and new interdisciplinary fields like 'development studies', 'African studies' and so forth. These areas of study have generated new insights on social environments of many regions in the world, and are potentially useful to administrators operating in cross-cultural settings.

Professional training is useful in that it equips the administrator with technical skills in various areas. Some discretionary matters are highly technical and require staff with specialised knowledge to resolve them. Activities like planning, policy analysis and evaluation, and governmental accounting and budgeting can be very technical; and while some specialists may be hired to handle them, administrators will often require some operating knowledge to enable them make discretionary decisions in these areas.

⊗ A number of problems can be observed within the Zambian bureaucracy in relationship to the education and training of administrators. In quantitative terms the picture has been gloomy. A survey of formal qualifications of senior civil servants in 1973 revealed that out of 47 permanent secretaries in the various government ministries, only 16 were university graduates.⁷ In another survey, it was revealed that about 6 percent of middle-level civil servants had university degrees, 22 percent had completed secondary education, and more than 67 percent had less than secondary school qualifications.⁸ Of course the picture has greatly improved since the 1960s and 1970s, but the need for trained administrators in both government departments and parastatal bodies was still acute by 1980.

A related problem has to do with the quality of education that few administrators have acquired. The University of Zambia has bachelor's degree programmes in public administration and business administration, but the training is too academic and often inappropriate to the practical realities of the administrative world. Moreover, administration graduates often prefer to work in private companies where salaries have been more competitive until 1981 when civil service salaries were substantially raised. In addition to University graduates, some institutions, notably the National Institute of Public Administration, and the President Citizenship College, have mounted several short courses for civil servants.

However, the efficacy of these programmes is questionable, especially that they are of very short duration and focus on tangential aspects of administration such as records management, the official ideology, and other related topics.

A third problem related to education and training is lack of proper job placement for trained public administrators. It would be logical to expect that a developing country like Zambia would institute a rational personnel allocation mechanism to avoid the misplacement of the scarce graduates and professionals. However, the chaotic nature of personnel systems in developing countries precludes this option. Zambia has a reputation for misallocating personnel, especially at the upper levels of the bureaucracy. The president of the Republic who is also the chief executive has adopted a strange style of appointing senior officials with professional qualifications in one area to an entirely different if not strange job. It is thus very common to find an educationist heading the Ministry of Health, an agriculturalist, the Ministry of Education, and so on. This pattern reproduces itself at middle and lower levels of the bureaucracy.⁹ It is doubtful whether such an allocation system can enhance the effective use of discretion.

However, the argument for formal education and training cannot be pushed too far, for while it is recognised that they are potentially useful to the exercise of discretion, the actual correlation between them and

effective administration performance is difficult to establish. Observers of African development have been perplexed by the irony that the more educated and trained personnel become available, the less efficient and effective government performance becomes. For example, the Zambian bureaucracy had a much smaller pool of educated and trained personnel in 1964 (when she got her independence from Britain) than in 1980. Yet it can hardly be denied that there has been a steady decline in the efficiency of governmental administration as the pool of University graduates and other professionals increase. This observation suggests that other factors come into play which mitigate the impact of formal education and training. It is to these that we must now turn.

Experience

It has often been said rather stereotypically that formal education produces a knowledgeable person, but it cannot make him/her wise. Wisdom is generally understood to represent knowledge ripened by experience. Experience affords an opportunity for an administrator to gain skills and competencies from exposure to concrete situations or practical tasks and problems. A new sense of realism may also emerge from the immersion into the practical world. Experience can also improve one's ability to generate realistic solutions to existing problems, and to reconceptualise issues at hand. An experience characterised by these elements can be described as

creative; for apart from providing the administrator with an opportunity to familiarise himself with the contingencies of the practical world, it also leads to qualitative changes in the structure of his thinking (i.e., the ability to generate new alternatives or reconceptualise issues at hand). Such an experience may be useful to the administrator's exercise of discretion, for it ensures that such a process is not merely an exercise in educated guessing, but a judgement grounded in practical realism.

Lack of personnel with adequate and proper experience has been one of the major constraints on administrative performance in Zambia. The rapid growth and expansion of the public sector in the postindependence era necessitated the recruitment of relatively young, under-educated, and inexperienced personnel. Between 1964 and 1969 the number of civil servants rose from 22,561 to 51,497.¹⁰ Another factor responsible for rapid recruitment of inexperienced personnel was the policy of Zambianisation. The colonial bureaucracy generally excluded Africans from senior grades, and employed them at lower clerical levels. At independence there was a desire on the part of the African government to Zambianise senior civil service posts for reasons of nationalistic honour, and representativeness. Moreover, the exodus of expatriate personnel left many vacancies; and to alleviate the crisis, many inexperienced personnel were recruited to fill these vacancies.

Elsewhere, this author observes that lack of experience does:

not necessarily lower standards of performance in public bureaucracies, but in the Zambian context (it) proved to be (a) serious handicap to technical competence, rational judgement, and neutral commitment of many civil servants."

However, a significant minority of Zambian administrators have had a considerable experience in the public sector. Some were fortunate enough to have been appointed to senior posts during the last few years of the colonial era. Those administrators who joined the public sector in the early years of independence must have by 1980 accumulated ten or more years of experience. Yet it is difficult to claim that this experience has been creative. In the case of those administrators whose careers extend way back to the colonial period, one major problem could be observed. One of the prominent features of colonial administration was an overemphasis on bureaucratic rituals, especially when it came to European superiors dealing with African juniors:

This revolved on administrative orthodoxy which required strict adherence to routinized procedures and the drilling of African officials into imitative behaviours, and the tendency to pass all decision-making responsibilities to higher authorities, thus leaving little room for independent judgement. Fear and paranoia formed part of of ritualised relationships.¹²

After independence, many African administrators were still guided by the behavioural norms of the colonial bureaucracy, and were, therefore, ill-equipped to exercise discretion in the new pluralistic administration of the postindependence era.



The administrative environment in the postcolonial era was not purged of the colonial shortcomings; instead it was compounded by new problems like corruption, tribalism, indiscipline, and other related pathologies common in Third World bureaucracies. Such an environment can hardly provide an administrator with positive experience. It is more likely than not to reinforce negative habits, and impair the administrator's ability to exercise discretionary authority.

In addition to the environmental problems discussed above, the value of experience is itself inherently difficult to assess. To many administrators experience is a fortuitous process, marked by either randomness of the situation at hand, or repetitive patterns of activities and events. Such an experience is a mere record of quantitative changes, such as an increase in operational information, but does not lead to qualitative transformation in the structure of one's thinking or decision-making patterns. Several factors account for people's failure to learn from their experiences, among them being those advanced by Brown:

Growth from experience depends ... upon one's openness to his experiences. Most people are strongly inclined to seek the traditional and proven and to read into their experience what they have learned to expect there. It is difficult for the administrator to gain more than he is willing to take, and some individuals seem to gain much from experience while others seem to gain very little. Most important, the gain depends upon the meaning the administrator gives to his experiences... Actually, experience may warp one's judgement because both the duration and degree of the effect of experience are greatly dependent upon the intensity of the particular experience.¹³

The average Zambian administrator tends to be less open to his experiences; he normally does not subject his experiences to critical evaluation, since there are no mechanisms for doing this at the moment, and he is usually overburdened by work-overload. For the most part his job is characterised by routine procedures and tasks. Most senior government officials openly admit that they have no time for creative reflection on their experiences. They claim to be too busy with committee meetings, party conferences, parliamentary sessions, receptions for dignitaries, and a host of other activities tangential to their office duties.

Thus, given the possibility of creative and uncreative types of experience, it is not obvious that an experienced administrator will exercise his discretionary authority effectively.

Familiarity with the Sociocultural Environment

The administrative process does not take place in a social vacuum. Most discretionary decisions made by administrators are evaluated in terms of the values of those they wish to influence. Values are ways of looking at things, and an administrator's discretionary acts must pass the provincial judgement based on the local culture before they can be effective. The administrator must not only be familiar with but also use the values current in the working place.

Except for expatriates, administrators in Zambia are familiar with the local sociocultural environment.

This however, does not mean that they evaluate their discretionary decisions in terms of local values. Like in other postcolonial states, Zambia's public organisations are transplantations from the West, and have not yet attained an adequate level of adaptation to the local social milieu. Bureaucratic norms are often at variance with those of the local culture¹⁴, and the educational system through which the bureaucrats, are nurtured reinforces these norms at the expense of African values.[?] The administrator is often at a loss when it comes to incorporating local values in his decisions. He cannot integrate bureaucratic norms with local values because he has been taught in school that his culture has nothing to contribute to modern institutions. Administrative theorists and foreign consultants reinforce this message by prescribing models that either show negative impacts of indigenous cultures on administration, or simply ignore them altogether.¹⁵

A related problem has to do with the orientations of bureaucrats themselves. The observation made by Quick regarding Zambian bureaucrats is particularly revealing:

bureaucrats are personally and ideologically unsuited to playing the role of rural mobilisers. Their elite status in the colonial system separated them from the rest of society and encouraged attitudes of superiority over illiterate 'bush' Africans. After independence ... young, well educated public servants generally dislike - or even fear - working closely with the rural population; and this leads to the kind of formalism, distance, and avoidance in the relationship between bureaucrats and clients.¹⁶

The behaviour of the rural masses is by and large still, governed by the norms of the local culture, and the

bureaucrats' dislike of this group is also indicative of their attitudes toward the indigenous sociocultural milieu. Given these attitudes it is difficult for bureaucrats to match their discretionary acts with local values. Some important decisions meet with local resistance because field officers are often indiscreet and seek to impose uniform implementation strategies of national programmes regardless of the values and peculiarities of the local environment. This has been the case with agricultural programmes which have been imposed uniformly in rural areas, regardless of whether the local community is predominantly agriculturalist or pastoralist.

Yet, it must be recognised that not all aspects of indigenous culture are potentially useful in the exercise of discretionary decisions. Some cultural norms could actually be dysfunctional to the administrative process. The problem with Zambian administrators is that they do not recognise the potential influence of the local culture on their decisions, for without taking cognisance of this fact, it becomes difficult to distinguish useful from dysfunctional values.

Organisational Structure

Organisational structure is an important variable in determining an administrator's scope of discretion. Generally, it is assumed that decentralised structures provide an ample scope for discretion at lower levels of the bureaucracy. A decentralised organisational structure is characterised by a relatively high degree of delegated authority and responsibility down the hierarchy over

important functional areas like budgetary allocations, personnel recruitment, retentions and promotions, purchasing, and programmes operating policy. According to Sanford decentralised structures are marked by the following features: greater number of important decisions are made lower down the managerial hierarchy, more functions are affected by decisions at lower levels, and there is less checking by superiors on decisions made at lower levels.¹⁷

In practice, however, decentralised structures are not readily accompanied by increased discretion at lower levels of the hierarchy. What usually happens is that functional responsibilities are transferred from upper to lower levels of the bureaucracy without a corresponding amount of delegated authority. This has been the case with Zambia's decentralised structures introduced in 1969. Administrative functions were redistributed from the capital to provincial, districts and village levels, but they were not accompanied by sufficient authority to make certain decisions or take corrective measures. Subordinates found themselves increasingly overburdened with new tasks over which they had no sufficient authority, and by implication, discretion. For example, they had more personnel over whom they had no control (i.e. hiring, disciplining or firing). A more acute problem centred on budgetary authority. The Working Party which evaluated the

Decentralisation Reforms of 1969 observed thus:

much of the problem derives from the excessive vote concentration at the centre, since administrative and financial authority usually go together. When a Provincial Building Engineer cannot spend more than K200 on maintenance without reference to Lusaka, his status becomes relegated to that of a Junior Clerk of Works. Supervision from Lusaka is not only time-consuming and expensive but can be wasteful in ignominy local skills.¹⁸

It is more than evident from this quote that the principle of co-equal authority and responsibility was not adequately applied. Since the amount of discretion exercised by an administrator is very much dependent on the degree of authority delegated to him, inadequate authority reduces the scope of discretion, even if responsibilities or functions might be in abundance. Indeed to overburden an administrator with functions over which he cannot exercise authority or discretion is to paralyse him. Little wonder that Zambia's decentralisation experiments have led to more cumbersome delays and inefficiency.

Leadership/Managerial Style

Of no little significance is the impact of the leadership style of the supervisor on the junior's exercise of discretion. Leadership style can be defined as "the leader's behaviour toward followers."¹⁹ There are several classifications of leadership styles in the literature of management; however, the schema presented by White and Lippitt²⁰ appears to possess elements common to other classifications. These are: the authoritarian, the democratic, and the laissez - faire styles. The authoritarian style is autocratic, and permits no significant degree of participation by subordinates in decision-making.

There is a low level of trust for juniors and, by implication, little room is left for discretionary judgement at the lower levels of the bureaucracy. The democratic leadership style is somewhat relaxed, and under it subordinates are involved in the decision-making process. The democratic supervisor initiates the procedural stages for discussion, and guides it through to the final decision. He is ultimately responsible for decisions. This style may stimulate certain behaviours in juniors like self-guidance, and permits a wide latitude for discretionary judgement at the lower levels of the bureaucracy.

The laissez-faire leader gives complete freedom to group and individual decisions. His role is largely that of providing information when required to do so, but makes no attempt to control or guide the group. Unlike democratic leaders, leaders using this style relinquish ultimate responsibility for most decisions to their subordinates. There is thus the widest possible latitude for discretionary judgement.

The impact of each of the leadership styles on the exercise of discretion is more situational and less obvious than the styles themselves seem to suggest. For example, an authoritarian supervisor might fail to curb the discretion of a highly independent minded, competent professional. Similarly, subordinates of low calibre are unlikely to exercise their discretion effectively under the laissez-faire leadership. Nonetheless,

leadership styles are indicative of the manager's attitudes toward their subordinates. The manager's attitudes form part of the organisational climate which can either be supportive or restrictive with regard to discretionary power of these subordinates. It is generally assumed by organisational theorists that the democratic, consultative style of leadership is likely to lead to a supportive environment in which subordinates feel a sense of personal worth and importance. By contrast, authoritarian styles are likely to be manipulative, rigid, and insist on bureaucratic legalism and rituals, thereby arrest the development of subordinates' ideas and abilities.

The average public manager in Zambia tends to be authoritarian and less trusting of juniors. This is in part due to lack of training in human relations, but it is also due to the fact that he does not trust the competence of this junior staff in exercising authority and discretion, lest they make mistakes which might jeopardise his career: Tordoff and Molteno observe that there is

lack of security felt by very senior civil servants, particularly permanent secretaries. They are under-educated ... Senior civil servants are often unsure of themselves and jealous of each other. They are sometimes afraid to take decisions lest a politically wrong decision should prejudice their career ... many permanent secretaries are reluctant to delegate authority to those below them. While they agree in principle that policy-making should reach down to the executive class, this rarely happens in practice - often because they doubt the competence of middle-level civil servants, perhaps promoted too rapidly from the junior grade.²¹

Authoritarian leadership styles are also products of the larger environment in which administrators operate. This topic is discussed in more detail below, but it must be noted in passing that authoritarian management is partly responsible for paranoid behaviours in subordinates, and indeed their failure to exercise discretion effectively.

The Administrative Environment

The administrative environment plays an important role in the exercise of discretion. Environments that are highly turbulent: that is, those characterised by high degree of uncertainty, threats, unpredictability, and rapidity of change are unlikely to be conducive to the exercise of discretion by officials in the lower levels of the bureaucracy. Elsewhere, this author observes that:

It is a well known natural and social science observation that an organism does not venture to acquire new characteristics in a turbulent environment. Administration as a social process tends to hold on to old conventions with much tenacity in an environment characterised by turbulent events.²²

The Zambian administrative environment is relatively turbulent. The administration itself is highly politicised. Most senior posts in the public service and parastatal bodies are filled in by political appointees. After the introduction of a one-party constitution in 1973, party supremacy over all governmental institutions was declared, and the administrative sector became more prone to political interference. Moreover, the fact that political opposition was forbidden by the 1973 constitution meant that most political conflicts found their outlet in the administrative arena. These manifested themselves in the form

of inter-ethnic rivalry for administrative posts, and threat from the security forces. In an attempt to neutralise these conflicts the president of the Republic has resorted to frequent reshuffles, transfers, dismissals, and demotions of senior government and parastatal officials, thus triggering more panic and fear within the administrative circles. In such an atmosphere, administrators become over-cautious in making decisions, and fear to delegate authority and encourage discretionary acts among their juniors.

Political turbulence has been compounded by economic instability which has had an adverse effect on budgetary discretion. Zambia's economy is heavily dependent upon copper exports which account for 85 per cent of the country's GNP, and about 65 percent of foreign exchange. Copper prices keep on fluctuating at the international market, and in 1976 Zambia had no revenues from copper exports. Economic hardships followed. The Zambian Kwacha was devalued from ZK1 = US \$1.56 in 1975 to ZK1 = US \$1.20 in 1977. The administrative budget was among the most adversely affected. More significantly, budgeting procedures became more centralised, with field officers losing whatever authority and discretion they had on expenditures. Indeed, the everpresent crisis of economic scarcity had long prompted headquarters staff to adopt self-saving tactics: almost every year they delay the release of annual budgetary allocations to provinces in order to have 'false surpluses', and thus avoid being blamed for deficit spending.

As Caiden and Wildavsky²³ observe, maintaining 'false' budget surpluses and throwing away fiscal uncertainty is one way of stabilising the administrator's environment.

A related major problem is that of administrative corruption. Although Zambia is relatively better in this aspect than the West African countries of Ghana and Nigeria, administrative corruption has nonetheless been of some concern to the government. Incidences of bribery, thefts of public money, abuse of public property, violation of game reserve laws by some top government officials, and granting illicit loans and government licenses have become common pathologies. Given the increased frequency of these incidences it has been difficult for political leaders to trust senior officials, or for the latter to delegate authority and discretion to juniors, lest government investigations into these problems implicate them.

CONCLUSION

This paper has briefly reviewed the concept of administrative discretion, and discussed major problems related to its application in the Zambian bureaucracy. Although rarely discussed in literature, and poorly applied in many contexts, the concept is of great significance in the understanding of some major administrative problems facing postcolonial states in Africa. In these states administration is supposedly developmental. This implies some adequate flexibility in decision-making,

and skillful use of discretion when implementing government decisions. As the Zambian case clearly illustrates, the opposite is usually the case. Postcolonial bureaucracies have shown an amazingly high degree of inflexibility, inertia, and sluggishness. Their structures have inadequate provision for discretionary actions, and even this is rendered ineffective when other factors like education, experience, managerial styles, and so forth, are taken into consideration. For the most part, the development administrator is a robot, for he is pressured to carry out orders literally without regard to the propriety of such orders to various contexts. The result is organisational paralysis. Nothing gets done until it is approved at the top; and if the top is overloaded with work, and afraid of powers stronger than it, there are more delays and inconveniences caused to the public.

The major challenge to both theorists and practitioners is how to create conditions for effective discretion in development administration. Some problems could wither away with the passage of time, for example, educational crisis, and inadequate experience. Others like awareness of sociocultural values, and managerial styles could be improved through administrativetraining. The administrative environment, however, constitutes a formidable challenge. Perhaps one way of contributing to the minimisation of these problems is to extend the discussion and debate on administrative discretion to public seminars, forums, the press, and of course, training programmes.

FOOTNOTES

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