



LOCAL DEMOCRACY IN ACTION



**A Civil Society Perspective on
Local Governance in South Africa**



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A CIVIL SOCIETY PERSPECTIVE ON
LOCAL GOVERNANCE IN SOUTH AFRICA

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ABOUT THE GOOD GOVERNANCE LEARNING NETWORK

The Good Governance Learning Network (GGLN) was founded in 2003 as an initiative to bring together civil society organisations working in the field of local governance in South Africa to network and share information and lessons towards the goal of strengthening participatory democratic local governance. Now in its second phase (2007 – 2009), the network has taken on a more active focus on positively impacting on the local governance context in South Africa through collective learning, research, information dissemination and advocacy.

VISION

The vision of the GGLN is to create a strong civil society network that harnesses and builds the collective expertise and energy of its members to contribute meaningfully to creating a system of participatory and developmental local government in South Africa.

OBJECTIVES

The objectives of the network are to:

- * Share information and learning about local governance by creating an interface for organisations working in this arena;
- * Document and disseminate best practices as well as produce information and research outputs that are of benefit to various stakeholders involved in local governance processes, including communities and municipalities;
- * Advocate for changes in policy and practice to promote participatory local governance;
- * Promote the development and replication of innovative models for participatory local governance and pro-poor development at the local level; and
- * Generate partnerships between civil society organisations, and between civil society and government at various levels, to strengthen local governance processes.

VALUES

The GGLN is underpinned by the following values, which all members of the network commit themselves to:

- * Participatory and pro-poor governance;
- * Non-partisanship;
- * Constructive engagement with government and other stakeholders;
- * Working together in the interests of achieving the network's objectives;
- * Sharing the benefits of membership amongst active members; and
- * Building the capacity of member organisations.

MEMBERSHIP

Full membership of the GGLN is open to all South African registered non-profit organisations that have at least one core programme that focuses specifically on issues of good governance at the local level.

The full members of the GGLN are:

Afesis-corporan
Built Environment Support Group (BESG)
Centre for Policy Studies (CPS)
Centre for Public Participation (CPP)
Community Law Centre, University of the Western Cape
Democracy Development Programme (DDP)
Electoral Institute of South Africa (EISA)
Fair Share
Foundation for Contemporary Research (FCR)
Institute for Democracy in South Africa (IDASA)
Isandla Institute
Planact
Project for Conflict Resolution and Development (PCRD)
Trust for Community Outreach and Education (TCOE)

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FORD FOUNDATION



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ACRONYMS

ACT	Area Co-ordinating Team
AG	Auditor-General
ANC	African National Congress
APRM	African Peer Review Mechanism
ASGI-SA	Accelerated and Shared Growth Initiative for South Africa
BESG	Built Environment Support Group
CBM	Community Based Maintenance and Environmental Management Programme
CBO	Community-based organisation
CDW	Community Development Worker
CMTF	Consolidation of Municipal Transformation Programme
CPP	Centre for Public Participation
CSIR	Council of Scientific and Industrial Research
DA	Democratic Alliance
DIF	District Intergovernmental Forum
DPLG	Department of Provincial and Local Government
DPSA	Department of Public Service and Administration
DTI	Department of Trade and Industry
FCR	Foundation for Contemporary Research
GGLN	Good Governance Learning Network
GGG	Good Governance Survey
GTZ	German Agency for Technical Co-operation
HSRC	Human Sciences Research Council
Idasa	Institute for Democracy in South Africa
IDP	Integrated Development Plan
IFP	Inkatha Freedom Party
IGR	Intergovernmental relations
IRFA	Intergovernmental Relations Framework Act

KPI	Key performance indicator
LED	Local economic development
LRC	Legal Resources Centre
MEC	Member of Executive Committee
MFMA	Municipal Finance Management Act
NEPAD	New Partnership for Africa's Development
NDA	National Development Agency
NGO	Non-governmental organisation
NSDP	National Spatial Development Perspective
OECD	Organisation for Economic Co-operation and Development
PCRDR	Project for Conflict Resolution and Development
PGDS	Provincial Growth and Development Strategy
PIF	Premier's Intergovernmental Forum
PIMS	Planning, Implementation and Management Support (centre)
PMS	Performance management system
RDP	Reconstruction and Development Programme
SABC	South African Broadcasting Corporation
SACP	South African Communist Party
SALGA	South African Local Government Association
SAPS	South African Police Service
SASAS	South African Social Attitudes Survey
Scopa	Standing Committee on Public Accounts
SIU	Special Investigating Unit
SLGP	Strengthening Local Governance Programme
SME	Small and medium enterprises
TWKM	Theewaterskloof Municipality
UN	United Nations
VAT	Value Added Tax



INTRODUCTION

2008 marks the tenth anniversary of the 1998 White Paper on Local Government. As a result of the White Paper, the form and substance of local government and governance in South Africa has been fundamentally reshaped.

Through a suite of local government legislation promulgated since 1998, South Africa now has a system of “wall-to-wall” local government, responsible for basic service delivery and facilitating social and economic development at local level. Statistics show that more citizens than ever before now have access to basic services such as water, sanitation and electricity. Municipalities can take part of the credit for this accomplishment. Local government legislation has consolidated and opened up new spaces for citizens to directly participate in their own governance. Two local government elections have passed, marking the consolidation of formal political democracy at local level. In short, all the ingredients have been assembled for effective, responsive and participatory local government.

Yet, for all the achievements, in 2008 many would argue that local government is in a state of crisis. Observers point to the continued countrywide community protests as an expression of a deep malaise within this realm of governance in the country. While there can be no disputing the impressive scale of service delivery improvements, it would seem that the patience of many marginalised



citizens, who have waited quietly on the sidelines for their turn, has finally run out.

In many cases perceptions of service failure are compounded by perceptions of unresponsive councillors and officials and mismanagement and corruption. Too many municipalities appear to be significantly dysfunctional, unable to manage their finances and incapable of carrying out their most basic service delivery mandates. In many cases, municipalities have not complied with even the most basic legislated prescriptions to ensure that governance is transparent and participatory. Indeed, national government itself has recognised many of these shortcomings, with programmes such as Project Consolidate being initiated to try and bring about some measure of functionality amongst the country's most troubled municipalities.

As a network of civil society organisations active in the field of local governance, we have witnessed the development of South Africa's new system of local government over the past decade, and have observed its successes and shortcomings. In addition, a number of our member organisations have been active public commentators on a variety of local governance issues. In June 2006 the network reached a decisive phase in its own development, with the realisation that it was time to collectively document and share our experience and understanding of the local governance environment. In the following eighteen months our collective energies were thus dedicated to producing this report.

The publication of the report comes while government is in the midst of its own review of local (and provincial) governance structures, processes and outcomes. For this purpose, it has circulated a comprehensive set of questions pertaining to the operations of democracy at local level, the structures of local governance, public-private partnerships, service delivery, the environment and funding.¹ We

hope that our report will contribute meaningfully to generating a better understanding of the local governance environment, of what has been achieved, and the priorities and challenges that lie ahead. While we also hope that the report will impact on improved local government policy in the near future, our longer-term objective is to participate in an ongoing process of assessment and engagement in years to come.

TOWARDS A REVIEW OF THE STATE OF LOCAL GOVERNANCE

When we embarked on what we soon realised was the very ambitious undertaking of compiling a review of the state of local governance in South Africa, we had a great deal of enthusiasm but little in the way of method. What we wanted to achieve was fairly clear: a critical but constructive review of the full spectrum of local governance issues in South Africa. Besides being the first review of this nature, the undertaking was unique in that it was firmly rooted in civil society. We were motivated by the awareness that civil society had previously engaged local governance, but had seldom offered a vocal and coherent assessment of the core issues. While we recognise that civil society can be considered the "significant other" in local governance, equally responsible to play its part in ensuring good governance, for the purpose of this review our particular interest was in providing an independent review of the role and responsibilities of local government.

The obvious challenge was to offer a frank and independent critique of local government without ignoring the very real social and economic constraints that confront municipalities. Most importantly, the purpose of this review is not to malign but to support government in its efforts to bring about more effective, democratic and pro-poor local governance for the citizens of the country.

This report draws on background research conducted by Dr Stephen Rule for the GGLN. Four workshops with GGLN members helped to refine the approach and to identify the substantive issues to be addressed.² A first draft of the report was subjected to further review and revision by different members of the network.

This first 2008 report established the framework which the GGLN will use to review the state of local governance in the future. It also provides an important baseline analysis against which future reviews will assess key local government issues and trends. The GGLN has also committed itself to a methodology that involves intensive interaction with a broad cross-section of civil society organisations and formations. Through this method and the ongoing projects that GGLN members share with local communities, this review can claim with confidence that the views expressed in the report, if not fully representative, are at least indicative of organised civil society in South Africa.

BACKGROUND AND CONTEXT

Since the advent of democracy in South Africa, enormous strides have been made in the implementation of a comprehensive system of government at the local level. The basis of local government is the current demarcation of the entire country into 283 municipalities³. Every part of the country thus falls within a municipal area and is subject to the

In terms of the Municipal Demarcation Act of 1998, the country currently comprises 283 municipalities. Six of these are Metropolitan Municipalities (Category A), 231 are Local Municipalities (Category B) and 46 are District Municipalities (category C).

governance of an elected municipal council which employs officials to provide a range of services to the local population.

Legislation facilitates the active participation of members of the local community in the affairs of the municipality, including the formulation of Integrated Development Plans (IDPs) and municipal budgets. The Municipal Systems Act (32 of 2000) requires municipalities to promote public participation and to build the capacity of residents, councillors and municipal officials to engage in participatory processes. As a means of tracking progress in this area the executive of a municipality is obliged to report annually on the level of public participation in municipal matters.

Judgements by the Constitutional Court in 2006 on Matatiele and Doctors for Life served to strengthen the obligation of Local Government to encourage, capacitate and support processes of public participation (De Visser & Baatjies, 2007).

Among the services which South African municipalities are required to provide to residents within their demarcated areas are water, electricity, sanitation, street lighting, solid waste disposal, and the construction and maintenance of roads.

Additionally, local governments are required to promote and encourage the development of local economies and facilitate the reduction of poverty. While successes in the provision of these services are quantifiable, a more important issue in the long term is the extent to which these service levels and prevailing standards of local democracy and accountability contribute to good local governance. Such an assessment requires a firm grasp of the meaning of good governance.

DEFINING GOOD GOVERNANCE

Several definitions influence South African discourse on good local governance. The official concept of local good governance is suggested in chapter 7 of the Constitution, the Local Government White Paper, the Municipal Structures Act (117 of 1998) and the Municipal Systems Act. Equally influential understandings emerge from the private sector where good corporate governance emphasises transparency, accountability, efficiency, productivity and profit maximisation. The World Bank and International Monetary Fund usage of governance discourse is closely related to the concept of good corporate governance. From the perspective of development agencies and NGOs, good governance attempts “to capture the multitude of interactions that occur between citizens and the local state”. A further approach to good governance has its roots in the United Nation’s (UN) concept of human rights (Hollands, 2003).

good governance is a process by which public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights.

Viewed within the UN human rights prism, good governance is a process by which public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights⁴. According to this approach, these endeavours should be accomplished in a manner that is free of abuse and corruption and within the confines of the rule of law. Accordingly, a true manifestation of good governance is delivery of basic human rights including the right to health, adequate housing, sufficient food, quality education, social justice and personal security. While acknowledging the link between good governance and sustainable development and emphasising principles

such as accountability, participation and the enjoyment of human rights, UN resolution 2000/64 rejects prescriptive approaches to development assistance. Resolution 2001/72, contained in the Millennium Development Report, reiterates the view that better governance means greater participation coupled with accountability. Furthermore, in the Millennium Declaration, members of the UN observed that the creation of an environment conducive to development and the elimination of poverty is dependent on good governance within each country. In this view, local good governance is a vital building block to eventual nationwide good governance practice.

In spite of the merits of the broader concept suggested by civil society and the international definition, a narrow corporate governance approach is most influential in practice. This is attributable to the greater ease with which the mere existence of procedures and policies can be assessed and measured (using the conventions of institutional accounting and auditing), in comparison with their actual outcomes. Importantly, the fundamental intention of corporate governance was never to create a state that is friendly and responsive to its citizens. Instead it is geared to creating an environment that is attractive to investors. Within this paradigm citizens are seen as clients who must get services and products commensurate with what they can afford.

Corporate governance finds value in the public sector because it holds the potential to enhance and maintain confidence in public institutions. By implication, public relations and good impressions may feature more prominently in the corporate governance approach than frank and honest communication (Hollands, 2003). This thinking has been evident during Good Governance Surveys conducted by Afesis-corporan where there was often a mismatch between the overwhelmingly positive portrayal of municipal affairs by council officials and the realities reported by citizens.

The NGO sector in South Africa has generally tended to borrow from all of the governance models.

The Good Governance Survey developed by Afesicorplan, for example, set out to establish a balance between the efficiency prerogatives of governance and the participation and accountability concerns of the NGO movement. Senior municipal officials and consultants steeped in the corporate governance tradition have mastered the rhetoric of “participation and engagement” but are often reluctant – or

possibly lack the capability – to include indicators of these principles in monitoring instruments. This narrow approach to good governance inhibits the development of a more meaningful form of civil society engagement with local government that would entail greater participation and consultation with a wide range of stakeholders in decision-making processes.



Towards a definition of good governance

A useful starting point towards defining good governance is provided by the Organisation for Economic Co-operation and Development (OECD)⁵, which sets out eight major characteristics of good governance:

Participation: A key cornerstone of good governance is participation by both men and women. Participation can be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society are taken into consideration in decision-making. Participation needs to be informed and organised. This means freedom of association and expression on the one hand and an organised civil society on the other hand.

Transparency: When decisions are taken and enforced, this must be done in keeping with rules and regulations. Transparency also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in accessible forms and media.

Effectiveness and efficiency: Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

Responsiveness: Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

Accountability: This is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organisations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organisation or institution. In general an organisation or an institution is account-

able to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

Consensus oriented: There are many actors and as many viewpoints in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

Equity and inclusiveness: A society's well-being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires that all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well-being.

Rule of law: Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force.

GGLN FRAMEWORK FOR REVIEWING LOCAL GOVERNANCE

Governance is complex and comprises multiple dimensions. After deliberation the GGLN has concluded that although there are many aspects that

can be evaluated when reviewing good governance, for practical purposes and replicability it is necessary to limit the scope of the review to a number of dimensions and to delineate key issues within these.

The starting point of such an exercise lies in the objects of local government as set out in the Constitution.

Objects of local government

Section 152 of the South African Constitution states that the objects of local government are:

- ✦ To provide democratic and accountable government for local communities;
- ✦ To ensure the provision of services to communities in a sustainable way;
- ✦ To promote social and economic development;
- ✦ To promote a safe and healthy environment; and
- ✦ To encourage the involvement of communities and community organisations in the matters of local government.

After consideration of both government and civil society conventions for understanding and reviewing good governance, the GGLN has adopted a framework that focuses on three key and inter-related aspects of local governance against which local government performance can be monitored and evaluated:

1. DEMOCRACY, RESPONSIVENESS AND ACCOUNTABILITY

Democracy goes beyond representative democracy to include the existence and general well-being of democratic systems, procedures, practices and democratic culture at municipal level. As the OECD definition suggests, responsiveness means that municipalities seek to be sensitive to, and serve, the needs of all stakeholders within a reasonable timeframe. Accountability implies that municipalities are accountable to those who will be affected by their plans, decisions or actions.

2. PLANNING AND BUDGETING

Whilst often perceived as responsibilities that fall within the realm of technocratic professionalism, planning and budgeting have clear political dimensions, as they privilege particular outcomes, prioritise some actions or outcomes over others, and determine how resources are allocated to achieve the intended outcomes. It is recognised internationally that interactive grassroots participation is not only a means to achieve better planning and budgeting processes and results, but there is also an intrinsic value in these processes.

3. EQUITABLE SERVICE DELIVERY AND POVERTY REDUCTION

This focuses on the implementation of municipal plans and the allocation of resources in a manner that enhances human, social and economic development in local communities. It implies that all residents and groups have opportunities to enhance or maintain their well-being, with particular priority given to those who are most marginalised.

Figure 1: Framework for evaluation of local governance



Figure 1 illustrates the framework for reviewing local governance, as adopted by the GGLN. It shows the three aspects of good governance as interconnected, each aspect influencing the other two. It also illustrates that the efficient functioning of each of the three aspects requires, on the one hand, integrity and

perceptiveness at the level of council and adequate professional and technical skills within the administration. On the other hand, this institutional capability must be matched by, informed by and augmented by appropriate spaces for, and recognition of, public participation, or “voice”.



SCOPE AND STRUCTURE OF THIS REVIEW

This review expands on the framework summarised in figure 1, making preliminary assessments of the extent to which good local governance is in evidence, especially from a public participation perspective. The sections that follow commence with a set of questions that unpack the particular aspect of local governance under review and guide the analysis of that particular aspect. It is envisaged that future reviews may elaborate further on both the questions posed and the analysis presented.

No new empirical research was undertaken in the compilation of this report. The review draws on secondary sources of research conducted and

documentation produced by the member organisations of the GGLN and other analysts.

It is envisaged that similar reviews will be conducted regularly on the basis of the ongoing work and analysis of GGLN members. The insight from project work of GGLN members will be supplemented by innovative research methodologies aimed at collecting data on aspects of local governance about which there is currently inadequate information.

It is important to view this review report as a work in progress. We are well aware of the dynamic nature of the local governance environment in South Africa, and we expect that in time our framework and guiding questions will be adjusted and further refined. The GGLN will consider responses and suggestions from all stakeholders in the interest of improving future reviews.



1. DEMOCRACY, RESPONSIVENESS AND ACCOUNTABILITY

1.1 PUBLIC PARTICIPATION SPACES, PROCESSES AND STRUCTURES

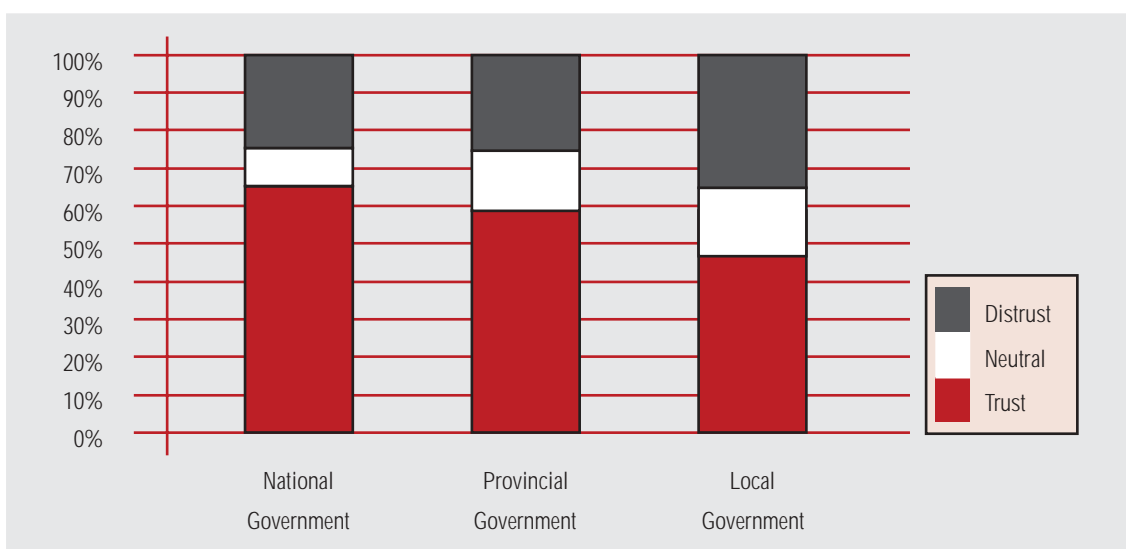
- ✧ To what extent do members of the public have trust in their municipalities?
- ✧ What is the role of protest as a vehicle for the public to express their attitudes towards local government?
- ✧ To what extent have municipalities developed local policies regulating the functioning of ward committees?
- ✧ How well are ward committees functioning?
- ✧ Are the nomination and election procedures for ward committee members equitable and credible?
- ✧ Are ward committees representative of local communities?
- ✧ To what extent do ward committees influence council decision-making?
- ✧ What alternatives to ward committees exist to enable public participation in local government?

In evaluating emerging local level democracy in South Africa, it is important to bear in mind that well-established liberal democracies largely fail to develop effective links between their citizens and the institutions and processes of government. This reduces the quality and vibrancy of the democracy and the level of accountability in the system (Hicks, 2006)⁶. Thus South Africa's on-going development of municipal democracy occurs in a context where the so-called historical "models" of democracy have a crisis of their own. The quality of democracy in South African local governance can be assessed in terms of the opportunities that exist for public participation; transparency of municipal processes; systems and accountability; the extent of corruption; and the nature of the relationships between elected representatives and officials.



Levels of trust of local government in 2005 (48,1%) are substantially lower than those of provincial government (59,5%) or national government (64,3%).

Figure 2: Levels of trust in different spheres of government



Source: SASAS, 2005, HSRC

The level of trust varies geographically by province and type of settlement. Two-thirds of people in the Eastern Cape trust or strongly trust their local government, as do about half of those in Mpumalanga, Free State, North West, KwaZulu-Natal and Limpopo (table 3). The fact that there is no correlation between trust in local government and regional trends in maladministration and corruption,

needs to be examined carefully. Good Governance Surveys conducted in small Eastern Cape municipalities in the period 1999 to 2001 suggest a degree of empathy between poorly serviced communities and their largely dysfunctional municipalities seemingly based on the sentiment that ‘we are all in it together’ (Afesis-corplan, 2004).

Table 3: Trust in local government by province

	EC	MP	FS	NW	KZN	LP	NC	WC	GP	Total
Trust	66,6	53,2	52,5	50,6	49,1	47,4	41,0	37,9	37,0	48,1
Neutral	14,8	9,8	16,1	11,4	14,0	12,1	23,0	25,1	21,2	16,4
Distrust	18,7	37,1	31,5	37,9	36,9	40,6	36,0	37,2	41,8	35,5
Total	100,1	100,1	100,1	99,0	100,0	100,1	100,0	100,2	100,0	100,0

Source: SASAS, 2005, HSRC

In contrast, only just over one-third of those in Gauteng and the Western Cape trust or strongly trust their local government. At the same time these provinces generally have the most highly developed municipal infrastructures and better records of uninterrupted service. Service users who are better educated and have higher expectations of service delivery tend to be more critical of government.

People living in the tribal areas of the country have a much higher (58,6%) level of trust in their local government than do their counterparts in formal rural or urban environments (table 4). There is little evidence to suggest however that tribal areas are relatively free of corruption or maladministration. Consequently, this trust could be misplaced.

Table 4: Trust in local government by type of settlement

	Tribal	Rural formal	Urban informal	Urban formal	Total
Trust	58,6	46,7	43,8	43,6	48,1
Neutral	10,8	22,9	12,7	19,2	16,4
Distrust	30,7	15,4	43,6	37,3	35,5
Total	100,1	100,0	100,1	100,0	100,0

Source: SASAS, 2005, HSRC

What underlies these excessively low levels of trust in local government? It is critical for municipalities to understand that grassroots social movements frequently lack the capacity and resources to engage in public participation through the formal channels provided by municipalities. This results in high levels of frustration and in behaviour ranging from cynicism and disengagement in some communities to overtly aggressive protest in others.

UN-REGULATED CIVIL ENGAGEMENT WITH THE STATE

Non-regulated forms of participation, often the strategies of the poor and marginalised are often cast, especially by the state, as the work of "anarchists", "counter revolutionaries" or even as "siding with the bourgeoisie and its supporters" (McKinley, 2004). The most extreme form of public participation is violent public protest. During 2005 there were protests in 90 of the 136 weak municipalities targeted for central government assistance and there

were 881 illegal and 5 085 legal protests in municipalities through 2004/05 (Johnston, 2007). Fakir suggests that the motivations for this protest activity can be split into two broad categories (Fakir, 2006). One is social movement or civic activity with a strategy and alternative policy. This activity is characterised by a distinct ideological position, namely opposition to what is seen as the neo-liberal trajectory of government policy. Such activity tends to have a political identity and includes organised structures and regular meetings. The other category of social protest comprises spontaneous expressions of frustration against the failure of local government to meet basic needs. However it also focuses on the perceived lack of transparency in municipal decision-making, and the lack of responsiveness by local politicians (Fakir, 2006). While its focus may ostensibly be poor service, it is alert to the link between poor services and a lack of accountability and transparency in local government.

Mob hacks councillor to death

An ANC councillor in Deneysville (Free State), Mr Ntai Mokoena, was hacked to death in a service delivery riot on 2 July 2007. A crowd of about 500 went on the rampage in Metsimaholo township, stoning Mokoena's and another councillor's home in the area before setting a municipal building alight. The mob had gathered early on Monday to protest over the apparent lack of service delivery in the area. Their anger turned to violence when they confronted Mokoena near his home. Eleven people were arrested for public violence. The chairperson of the Free State ANC, Mr Ace Magashule, condemned the killing as the work of "anarchist elements within opposition parties".

Lee Rondganger <http://www.iol.co.za> (3 July 2007)

Good governance is weakened when engagement between citizens and the state moves outside the bounds of constitutional principles and the provisions of a democratically established legislative framework.

In response to these developments, government invariably claims that it carries no responsibility for unrealistic service expectations and the operation of social forces that seek to usurp the authority of the state. A study of popular violence in Phumelela (Free State) and Khutsong, which was controversially incorporated into North West province rather than Gauteng (Johnston, 2007) suggests that government policy may itself be the source of this breakdown in civility. The study contends that Local economic development (LED) and IDP policies simply function as "wish lists" that raise expectations because they are difficult to implement and have little or no impact on local investment, jobs or growth.

The gap between the technical promise of plans drawn up by experts and the reality experienced by citizens may lead to a fracturing of the already tenuous legitimacy that local people accord to municipal authority.

Johnston suggests that local politicians and officials need to significantly re-formulate their understanding of policies such as the IDP or LED and the likely strategies for economic growth that would succeed outside of the metropolitan areas and those few successful, mainly tourist-based, urban nodes. It is contended that local and regional investors are unlikely to take the risks required or be convinced by the economic orthodoxy of politicians or officials (Johnston, 2007).

In other instances the actions of municipal authorities have directly weakened citizen-state relations in local governance. A study by Pithouse (2006) reports the confrontation between officials and dissatisfied residents of informal settlements in eThekweni Municipality's Clare Estate and Reservoir Hills. Longstanding ANC supporters were unhappy with their councillors, the worsening material conditions in the settlements, threats of forced removal and the failure of a decade of engagement in official public participation processes. Organised together as Abahlali baseMjondolo they decided to boycott the March 2006 local government elections, using the slogan "No Land, No House, No Vote". Abahlali were effectively banned from undertaking any meaningful political activity outside of the settlements in the run-up to the election. The City

Manager first banned an Abahlali march in November 2005 and while he continued to ban marches Abahlali were reported to be subject to various incidents of illegal police assault and detention. There were more than a hundred arrests. Pithouse further suggests that the police were used to prevent the Abahlali from taking up an invitation to appear on the SABC talk show *Asikhulume*. The Abahlali took the City Manager to the High Court in February 2006, where the judge issued an interdict against the City and the police, preventing them from interfering with the shack dwellers' right to march. After the court victory, thousands of shack dwellers marched into the city and presented a memorandum to the office of the KwaZulu-Natal provincial MEC for housing.

Such direct suppression is fairly unusual – local politicians generally respond in different ways which may include a mixture of co-optation, empathy and coercion. In the area known as E-section of Umlazi, ANC and SACP activists who were unhappy with their councillor, fielded an independent in the elections (Pithouse, 2006). Supporters of the independent candidate claimed that there was widespread intimidation in the lead up to the election, including death threats and assaults. They also alleged that there had been blatant fraud during the election. On the day after the election they staged a protest in the course of which the Public Order Policing Unit shot dead a young woman near the protest and seriously wounded the independent candidate in his home. An organisation called Women of Umlazi was formed in response and organised a large march on 31 March 2006. Two former SACP activists who had worked closely with the independent campaign and the march organisers, were later assassinated, while others survived assassination attempts. The MEC denied that the violence was politically motivated. Thereafter, Women of Umlazi organised weekly mass meetings. Two of the council's employees were



arrested for one of the murders. Pithouse (2006) concluded that the Abahlali experience showed that the existence of real and severe grievances does not necessarily result in popular protest if communities are run democratically and autonomously. Party loyalists, slum lords and various alliances thereof may act to suppress popular action through economic power, violence and intimidation. Pithouse however notes that the influence of such forces can be overcome through legitimate popular democratic opposition.

In further comparisons with Heller's account of the experience of Kerala, a state in India and Brazil's Porto Alegre, where the authorities are proponents of "people's planning", Pithouse (2006) argues that the route to more effective opportunities for public participation in South Africa will come from popular struggles for democratisation waged outside of the direct control of the party and state.

LEGISLATED PARTICIPATION

The right of citizens to participate in governance and government process is enshrined in the Constitution and further protected through legislation and various policy frameworks.



Legislative and policy provisions for citizen participation in local governance in South Africa

I. Constitution

- * Section 152(1)(e): obliges municipalities to encourage the involvement of communities and community organisations in local government
- * Section 195(e): in terms of the basic values and principles governing public administration- people's needs must be responded to, and the public must be encouraged to participate in policy-making

II. White Paper on Local Government (1998)

The objects of community participation are embedded in the following principles:

- * To ensure political leaders remain accountable and work within their mandate
- * To allow citizens to have continuous input into local politics
- * To allow consumers of services to have input on the way services are delivered
- * To afford organised civil society the opportunity to enter into partnerships with local government

III. The Municipal Structures Act (1998)

- * Municipal executives must annually report on the involvement of communities in the affairs of the municipality
- * Section 72 and 74 state that the object of a ward committee is to enhance participatory democracy in local government

IV. The Municipal Systems Act (2000)

- * Section 16(1) requires the municipality to develop a culture of municipal governance that complements formal representative government with a system of participatory governance
- * Section 4 (2):
 1. Municipal Councils must encourage the involvement of the local community
 2. Municipal Councils must consult the community about the level, quality, range and impact of services
- * Section 5 and Chapter 5: members of the community have the right to contribute to the decision making process of the municipality, including the IDP

V. Municipal Finance Management Act

Section 23 obliges municipalities to consult the local community on its draft budget.

THE WARD COMMITTEE SYSTEM

Since 2001 ward committees have emerged as the principal structure through which citizen participa-

tion in local governance is expected to take place. What follows is an analysis of the effectiveness of these committees as vehicles for meaningful public participation.



Municipal Structures

The Municipal Structures Act (1998) requires that municipalities in South Africa be managed as one of three broad categories:

- * **Mayoral Executive:** Council elects Executive Mayor, who in turn appoints Executive Mayoral Committee
- * **Executive Committee:** Council elects Executive Committee, which in turn elects Mayor from its membership
- * **Plenary Executive:** Municipal Council takes all decisions about the municipality; Council elects the Chairperson, who is called the Mayor

In order to operate, municipalities require a Council, Speaker (Council Chairperson), Executive Committee (if applicable to the type) and Committees of Council (Section 79 or 80).

Should a Council decide to have ward committees, these should be established in each ward. Council is required to make administrative arrangements to enable ward committees to perform their functions and exercise their powers efficiently. The role of a ward committee is to make recommendations on matters affecting its ward to the councillor or through the ward councillor to the Council (IDASA, 2006).

MUNICIPAL POLICIES FOR WARD COMMITTEES

Municipalities have broad discretion in framing the local operating policies for their ward committees. Many municipalities have chosen to simply codify the provisions that already exist in national legislation (primarily the Municipal Structures Act). For example, the Newcastle Municipality (2007), has adopted such an approach. The ward committees are expected to discharge their responsibilities by making inputs on any matter affecting the ward, in the form of recommendations to council via the ward councillor. The ward committees function as advisory committees to the ward councillors and as “a resource to the Council.” The ward committees may not incur expenditure on behalf of council. The policy clarifies that the functions and powers of ward committees do not permit interference with the Council’s right to govern and to exercise its executive and legislative authority. Council reserves the right whenever it deems necessary, to amend or revoke

any power or function delegated to a ward committee.

PUBLIC AWARENESS OF WARD COMMITTEES

In 2005 less than half (43%) of South African adults had some knowledge of ward committees

In 2005 less than half (43%) of South African adults had some knowledge of ward committees in their areas, some do not know (23%) and the remainder were not sure (34%) (Hemson, undated). Significantly, SASAS respondents reporting “no income” have the highest knowledge of ward committees (51%) while those in the highest personal income category have the lowest level of knowledge (32%).

Knowledge of ward committees declines steadily with rising income categories.

Knowledge of ward committees declines steadily with rising income categories. Knowledge of ward committees emerged as highest in the poorest provinces (Eastern Cape 66% and Limpopo 63%), in contrast to lows of 19% in the Western Cape and

36% in Gauteng (table 5). In the Western Cape and KwaZulu-Natal, delayed introduction of the new ward committee system owing to political opposition in these two provinces might also account for lower levels of knowledge.

Table 5: Knowledge of ward committee in area of residence, by province

EC	LP	FS	KZN	NW	MP	GP	NC	WC
66%	63%	54%	43%	41%	37%	36%	34%	19%

Source: SASAS, 2005, HSRC

By settlement type, ward committees were far better known in informal settlements (61%) than in urban formal areas (35%).

Table 6: Knowledge of ward committee in area of residence, by settlement type

Urban informal	Tribal	Hostels	Urban formal	Smallholdings	Farms
61%	59%	57%	35%	22%	10%

Source: SASAS, 2005, HSRC

Despite the generally higher level of knowledge of ward committees among the poor and thus the possibility of greater levels of participation, knowledge of ward committees does not appear to lead to greater confidence in local government.

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There was a decline of trust in local government from 61% to 50% in the period 2004 to 2005 where ward committees are known.

In a Good Governance Survey conducted in the six local municipalities of the Nkangala District Municipality (Mpumalanga province) in 2006/07, an average of 61% of members of the public and CBOs

were aware of ward committees as forums for community participation. They reported to know about the existence of these committees in their localities. It is however, notable that only 17% of respondents in Delmas Local Municipality could confirm that ward committees exist in their municipality. Conversely, 95% of those surveyed in Steve Tshwete Local Municipality reported that they do exist. By contrast, knowledge of the existence of development forums was scanty. Only 22% of respondents in the district knew about the existence of development forums, the degree of awareness again being highest in Steve Tshwete Local Municipality. The degree to which the various forums are publicised has a clear influence on community participation, making it essential for local municipalities to publicise sufficiently all the forums for

community participation. It was found that 64% of the members of the public and CBOs in Delmas Local Municipality and 49% of those in Emalaheni Local Municipality believe that there are no forums for community participation in their municipality. An average of 42% of the members of the public and CBOs in the Nkangala District reported that they attend forums for community participation regularly (Afesis-corplan, undated 1).

ESTABLISHMENT OF WARD COMMITTEES

Issues of public knowledge and functionality notwithstanding, ward committees appear to exist across the country. For example, of the 365 wards in Mpumalanga, 363 had serving ward committees by January 2007. Similarly, only two out of 365 wards in North West had not established committees by this date. The process was not as rapid as government would have liked. A South African Local Government Association (SALGA) national conference in September 2004 found that of a potential 3200 ward committees, only 2700 had been established (Idasa and Afesis-corplan, 2004).

OPERATION OF WARD COMMITTEES

A study in the City of Johannesburg (Himlin, 2005) found that, with a few exceptions, ward committees were in operation, meetings were scheduled monthly and attendance was regular. Most ward committees had established systems for replacing members, although these did not always follow council policy. Minutes of meetings were mostly taken by Council staff, but these were not usually available to anyone outside of the committee.

A simultaneous survey of Johannesburg ward councillors (Himlin, 2005) identified a number of problems preventing successful operation of the ward committees. As with previous surveys by Afesis-corplan, Idasa and others the most common

the most common reasons cited were a lack of clarity around the roles of the ward committee and a lack of resources available to conduct their activities.

reasons cited were a lack of clarity around the roles of the ward committee and a lack of resources available to conduct their activities. Lack of skills and ineffective communication with the community were also identified as important limitations. Ward committee communication with the public generally took the form of community meetings. Newspapers, pamphlets or e-mail were more occasionally used. Community focus groups conducted during the research revealed a general lack of awareness of nomination and election procedures.

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The majority of ward committees seemed to operate without a direct connection to any specific sectoral interests. Most ward committee members saw their councillor as primarily responsible for monitoring progress in the ward. Most were unaware of how council monitors its progress and respondents complained of a lack of clear accounting of what was planned for the ward against what was actually achieved. While the principle of non-partisan representation was known, conflict had occurred in relation party political issues (Himlin, 2005).

In common with other ward committee research Himlin found that ward committee members who did

ward committee members who did not enjoy livelihood security found the structured demands of the ward committee system hard to bear.

not enjoy livelihood security found the structured demands of the ward committee system hard to bear. Under these circumstances, ward committee members tend to cast themselves as overworked volunteers in service of government and community. While understandable, this perception is at odds with the notion of ward committees as forums that provide an opportunity for civil society to engage local government.

Research amongst local government policy-makers in KwaZulu-Natal (KZN) reveals that the potential contribution of ward committees to municipal planning and development is restricted on several fronts. There is a lack of expertise and technical capacity amongst many members of ward committees and no allocation of municipal resources to enable them to contribute effectively to municipal processes. It should be noted however that the notion that government is obliged to capacitate civil society for engagement around technical functions is not one that is universally accepted and the notion of accredited training for ward committee members for example, sponsored by the state, could be viewed as both onerous on the state and potentially undermining of true civil society engagement within the non-state sector. However the real problems that confront ward committees in KZN may be quite basic; municipal officials appear to be unprepared to engage with the public and therefore unreceptive to active public participation (Hicks, 2006).

ELECTION OF WARD COMMITTEES

In Idasa/Afesis-corplan research, Tzaneen was cited as exemplifying a fairly common practice where different electoral procedures are instituted for urban and rural wards. In urban areas, existing structures send their nominations to a meeting to be confirmed by residents of the ward. In rural areas, villages and farming communities constituting a ward send their

traditionally voiceless and disadvantaged people tended to be over-represented on ward committees – possibly because the powerful economic interests and middle class did not take the ward committee system seriously.

nominated representatives to serve directly as members of the ward committee. Idasa/Afesis-corplan found various permutations of this system operating across different municipalities in 2004. An interesting trend that emerged was that traditionally voiceless and disadvantaged people tended to be over-represented on ward committees – possibly because the powerful economic interests and middle class did not take the ward committee system seriously.

Party political influence played a significant role in the nomination process in some municipalities. Buffalo City for example, held multi-party caucuses to get inter-party consensus on the nomination process. Ward councillors generally had a direct role in deciding which interests would be recognised within their ward. Few councillors or ward committee members agreed with the principle of alignment between the dominant party in the ward and the affiliation of those serving on the ward committee, however in reality this was usually the case. A strong view prevailed that party dominance on the committee did not necessarily translate into a partisan orientation for the committee. Given the effort and expense of holding ward committee elections and the fact that the principles of equitable and diverse representation are invariably subverted by logistics and local politics, IDASA and Afesis-corplan posed the question: should elections be scrapped in favour of nominations from interest groups and geographically defined constituencies? (Idasa & Afesis-corplan, 2004).

In a comparative international analysis, it emerges that not all countries see the elected nature of ward committees as critical nor do they insist on the representation question being handled entirely as a matter of public choice. In New Zealand and India for example, some consideration is given to competencies that might be required to function as a ward committee member. In other words they apply the “best person for the job” principle. These principles seldom figure in South African discourse on ward committee composition. The issue of how closed or open ward committees should be also requires consideration.

ward committees would be unwise to regard their mandate as strong or to suppose that they have an exclusive claim to represent community interests.

Given the generally weak record of ward committee elections and the low polls, ward committees would be unwise to regard their mandate as strong or to suppose that they have an exclusive claim to represent community interests.

The possibility of “open” ward committees or provision for significant “ex-officio” representation needs to be seriously considered.

The possibility of ‘open’ ward committees or provision for significant ‘ex-officio’ representation needs to be seriously considered. This is particularly important where the potential for conflict exists between existing community-based organisations and ward committees. Thembelihle, Msunduzi and Emalahleni Municipalities have experienced this problem to varying degrees. Ward committees needed to conceptualise their role in terms of a body

Ward committees needed to conceptualise their role in terms of a body rooted in civil society and not a decentralised unit of the municipality.

rooted in civil society and not a decentralised unit of the municipality. Ward committees should therefore avoid direct project management or implementation responsibility and always reserve their status as neutral facilitators that support CBO programmes rather than offering competition or authority with respect to such programmes (Idasa/Afesis-corplan, 2004).

REPRESENTATION ON WARD COMMITTEES

Himlin found that there tend to be more men than women on ward committees despite the efforts to ensure gender balance. As found in other studies, ward committees reported that they were underutilised in communicating with the community and were overly controlled by ward councillors.

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Less than one-fifth of ward committee members were involved in report back meetings to the sectors⁸ which they represent. Most interaction with the community occurred at the general meetings that the ward councillor organises.

The Idasa/Afesis-corplan report (2004) revealed a great variation in the interpretation of how ward committees should be constituted. In some wards, a two-phased electoral process occurs (interest groups nominate and community elects). Interests based on sectors, geography (especially in large rural wards), and the traditionally voiceless (youth, women and the

elderly) are accommodated and a community meeting elects a committee from the list of nominees.

The Good Governance Survey conducted in the Nkangala District indicates that more than half (53%) of individual and CBOs respondents were of the view that representation on ward committees was fair in terms of gender parity. Other criteria of representivity such as disability, race, diversity of stakeholders and geographical location fared less well.

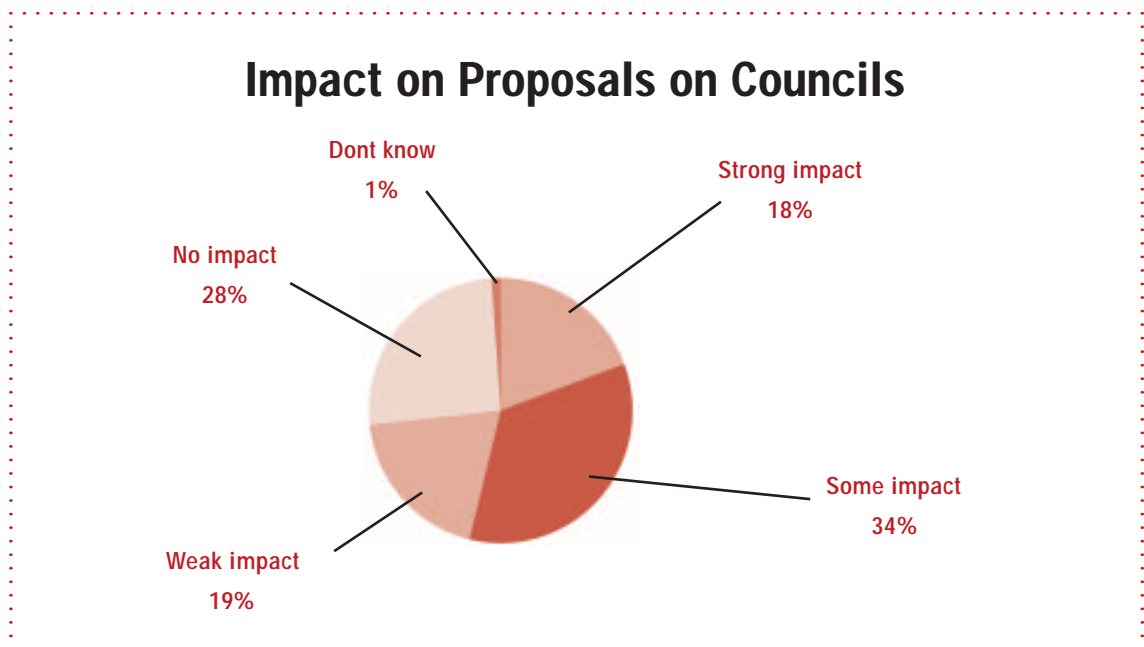
WARD COMMITTEE INFLUENCE ON COUNCIL

In the study of ward committees in Johannesburg by

Himlin (2005), most ward committee members reported that their committee had submitted a number of proposals to council (an average of 3,4 per ward over the previous six months). About one in five (20%) perceived that they had a strong impact and a further one third reported some impact. Himlin concluded that the challenge is to extend the impact of the ward committees in the community and within the council.

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Figure 3: Ward Committee members' perceived impact of proposals on Johannesburg Council



Source: Himlin, 2005

PERCEPTIONS OF WARD COMMITTEE EFFECTIVENESS

No countrywide data is available on the overall public perception of ward committee effectiveness. However

the topic has been the subject of Good Governance Surveys conducted by Afesis-corporation and other GGLN members. In a survey of Nkangala District Municipality, it was found that 55% of the 356

being motivated by strategic political objectives, and access to the events by the broader community at times being controlled.

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Public evaluations of izimbizo vary according to how well-organised the imbizo was, and the follow-

up which occurred on issues raised at the event. A study by the Centre for Public Participation (CPP) shows that some communities felt that the izimbizo were important forums for interaction with government, whereas in other communities, such as in the Sisonke and Umgungundlovu districts, they were seen as ineffective road shows.

The research by CPP shows that while the provision of food, t-shirts and entertainment might attract larger numbers of people to izimbizo (hence increasing popular access to local government) this does not translate into meaningful input or outcomes. However izimbizo are still seen as a rare opportunity for communities to engage directly with high-ranking political leaders such as the president.

Key points:

- ✦ South Africa's on-going development of municipal democracy occurs in a context where the so-called historical "models" of democracy have a crisis of their own. At the same time a number of different surveys have shown that trust in local government by South Africans is currently very low.
- ✦ The right of citizens to participate in governance and government processes is well enshrined in the Constitution, law and policy. And while there is a strong commitment on paper to the development of a culture of participation this has not been able to prevent a surge of service delivery protests from taking place across the country. Two broad kinds of protest have been identified: one is social movement or civic activity promoting a strategy and alternative policy. The other category of social protest comprises spontaneous expressions of frustration against the failure of local government to meet basic needs.

- ✦ In an effort by the state to channel participation, ward committees have emerged as the principal structures through which citizen participation in local governance is expected to take place. Ward committees are still in their infancy and the experience of them remains mixed. Municipalities have broad discretion in framing the local operating policies for their ward committees but many have chosen to codify the provisions that already exist in national legislation. Public surveys highlight a number of problems with the ward committee model including a lack of clarity around the roles of the ward committee and a lack of resources available to conduct their activities. Other weaknesses include poor links with sectoral interests, difficulties for poor members to participate in ward committee activities, poor representivity and weak election procedures. While there is a valid critique of ward committees as a mechanism for grassroots participation, there are few viable alternatives, with

street committees and development forums seen to have run their course.

- * Izimbizo, or large-scale community meetings, have also emerged as vehicles for government to communicate directly with

communities. Although these may generate a relatively superficial level of engagement they are also seen as important opportunities for national leaders to engage with citizens at the grassroots.

1.2 TRANSPARENCY, ACCESS TO MUNICIPAL INFORMATION AND COMMUNICATION

* How effective are municipal communication strategies in ensuring that municipalities interact effectively with their residents on issues of critical importance?:

- * Are IDP documents, municipal budgets and municipal salary scales easily available to the public?
- * Are izimbizo or report-back meetings convened regularly?
- * Do the public provide adequate input on IDP and LED plans?

* What is the level of compliance by municipalities with legislation and regulations pertaining to transparency, access to municipal information and communication. For example:

- * Are municipal tender processes free and fair?

- * Are the business interests of councillors declared publicly?
- * Is there a confidential system for reporting or whistle-blowing on corruption and maladministration?
- * Is the independent functioning of the audit committee respected?
- * Is the Auditor-General's report presented in an open council meeting?

* How effectively are municipalities using information technology to improve access to municipal information amongst their residents and to ensure the highest levels of transparency, for example:

- * What systems are in place for the public to register complaints (i.e. is there a complaints telephone line) and how effectively do these systems operate?
- * Are annual reports produced and circulated as required by law?

South Africa has an exceptionally well-developed body of legislation, policy and regulations that governs how citizens can access information from all levels of state. At a local level municipalities must, for example, table an annual report and the Auditor-General's report for public scrutiny (Afesis-corplan, undated).

However despite extensive legal and policy provisions geared towards ensuring good local governance in South African municipalities, the reality of local governance practice often falls well short of the policy ideal. A growing gap between the rhetoric of policy intentions and citizen's day-to-day experience of municipal governance runs the risk of alienating

civil society. In the case of many semi-rural municipalities the danger is that municipal governance is increasingly regarded as a superfluous, wasteful institution whose operations depend on extensive support from other spheres of government. Furthermore there is a growing (and largely valid) perception within civil society that financial reporting and accounting conventions are either ignored or manipulated to withhold key information from public scrutiny.

KEY POLICY AND LEGISLATIVE FRAMEWORKS GOVERNING TRANSPARENCY, ACCESS TO INFORMATION AND COMMUNICATION AT LOCAL GOVERNMENT LEVEL

The Constitution both enshrines the principle of access to information and provides the basis for legislation expanding on citizen's right to access information and communication at the local government level. In the Bill of Rights, sections 32 and 33 state:

32. Access to information

1. Everyone has the right of access to
 - a. any information held by the state; and
 - b. any information that is held by another person and that is required for the exercise or protection of any rights.

33. Just administrative action

1. Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.
2. Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

Chapter seven of the Constitution deals with local government and the following sections are relevant as

regards transparency, access to municipal information and communication:

152. Objects of local government

1. The objects of local government are -
 - a. to provide democratic and accountable government for local communities;
 - e. to encourage the involvement of communities and community organisations in the matters of local government.

160. Internal procedures

4. No by-law may be passed by a Municipal Council unless:
 - b. the proposed by-law has been published for public comment.
7. A Municipal Council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted.

162. Publication of municipal by-laws

Municipal by-laws must be accessible to the public. The Promotion of Access to Information Act (2 of 2000) and the Promotion of Administrative Justice Act (3 of 2000) give effect to these rights, and are applicable to all organs of state including local government.

The Local Government: Municipal Structures Act (117 of 1998)

Schedule five provides a code of conduct for local councillors. The preamble also states that "councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators".

The Local Government: Municipal Systems Act (32 of 2000) devotes an entire chapter (chapter four) to public participation and how council must engage with the community on issues such as the municipal budget, its IDP and the performance management system of the municipality.

The Municipal Finance Management Act (56 of 2003) provides further mechanisms to promote transparency and for the general public to access information at the local government level. For the tabling of the annual and audited financial reports the municipality must comply with section 27 (2) which states that: "The mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control." Section 27 (4) states: "The Auditor-General may submit the financial statements and audit report—(a) of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the mayor fails to comply with subsection (2)". Section 130 states, "The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state, and a reasonable time must be allowed—

- (a) for the discussion of any written submissions received from the local community or organs of state on the annual report; and
- (b) for members of the local community or any organs of state to address the council.
- (c) Representatives of the Auditor-General are entitled to attend, and to speak at, any council meeting referred to in subsection (1)."

Regarding the disclosure of salaries and benefits the annual financial statements must, according to section 124 (1) "include particulars of —

- a) the salaries, allowances and benefits of political office-bearers and councillors of the municipality, whether financial or in kind, including a statement by the accounting officer whether or not those salaries, allowances and benefits are within the upper limits of the framework envisaged in section 219 of the Constitution."

It is also important for citizens to be aware of sections 117 and 118 of the Municipal Finance Management Act (MFMA). Section 117 says, "no councillor of any municipality may be a member of a municipal bid committee or any other committee evaluating or approving tenders, quotations, contracts or other bids, nor attend any such meeting as an observer."

Section 118 says, "No person may—

- (a) interfere with the supply chain management system of a municipality or municipal entity; or
- (b) amend or tamper with any tenders, quotations, contracts or bids after their submission."

The importance of such legislation is illustrated in the following examples of irregularity:

- ✳ Matjhabeng and Mangaung Municipalities were singled out by the Auditor-General for improper handling of tenders, and employees and councillors' having interests in companies dealing with municipalities. "Evidence heard (from Matjhabeng) could not satisfy the committee that the transaction relating to a tender for mechanical equipment was valid, as an amount of R3,151,347 was paid to the contractor three days before he was awarded the tender" (The Citizen,

16 September 2005). The report was due to be completed in January 2005, and was apparently handed over to the MEC and to the Premier, but never made public despite the fact that some officials have already been disciplined.

- ✱ In Mangaung Municipality Mojalefa Matlole, the Municipal Manager, and Mzwandile Silwana, the chief of operations, were formally dismissed in May 2006 after an internal investigation into their conduct. The two officials were arrested by the Scorpions in July 2005 along with Papi Mokoena, the Executive Mayor, his wife Granny, as well as Zongezile Zumane, the previous Speaker of the Mangaung local council. They were allegedly involved in fraud and theft involving municipal tenders worth R150 million (SABC news, 22 May 2006).

Disclosure of interests by council members and employed officials is required by the Municipal Systems Act to ensure that there is no conflict of interest. Public representatives and employed government officials are required to sign the register of disclosure on an annual basis and to lodge any changes in the course of the year (Afesis-corplan, 2005).

KEY ISSUES, LIMITATIONS AND CHALLENGES WITH REGARD TO TRANSPARENCY, ACCESS TO MUNICIPAL INFORMATION AND COMMUNICATION

Good Governance Surveys undertaken in 2006 and 2007 in nine local municipalities in the Cadadu District in the Eastern Cape by Afesis-corplan provide a useful snapshot of the challenges and issues facing local government in its attempt to communicate with its citizens. They also suggests how citizens perceive their ability to access information.

A critical issue is the low level of awareness and knowledge amongst ordinary citizens about the

A critical issue is the low level of awareness and knowledge amongst ordinary citizens about the legislative and policy tools available to them to access information from their municipality.

legislative and policy tools available to them to access information from their municipality. Very few citizens appear to be aware of the statutory requirements, for example, in the Promotion of Access to Information Act that enable them to request information from any government institution. Citizens and the public are also generally unaware that the MFMA can be used to ensure that tender procedures are above board or that all financial reports are tabled in open meetings. Given the complexity of audited financial statements the skills and resources required to enforce these rights suggest that only wealthy citizens and well-resourced

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They also do not always have the capacity, skills and resources to implement an effective communication strategy. Municipal communication strategies will achieve little however unless there is a minimum level of public trust and interest in the substance of such communication. In a rural setting, under-resourced civil society structures generally lack the capacity to effectively engage with and hold local government to account. Community newspapers and radio stations can play a critical role in ensuring greater transparency and accountability.

POSSIBLE INTERVENTIONS

The GGLN has identified a number of possible interventions, including:

- ✳ Improved training for municipal officials in the relevant legislation pertaining to access to information. This should also re-emphasise the principles of Batho Pele and the need to be responsive to the needs of the citizens they serve.
- ✳ Improved systems in municipalities to ensure that information that is requested, and can be legally distributed, is provided within an acceptable time period.

- ✳ Development of a comprehensive communication strategy that takes into account each municipality's needs and capacity while advancing access to information.
- ✳ Building the capacity of civil society structures to allow them to undertake closer oversight of municipal procedures and ensure that all the correct procedures are followed, such as the publication of annual reports and tabling of the Auditor-General's report. This is important as informed and active citizen's groups offer at least three potential benefits:
 - ✳ They act as a deterrence to corruption by councillors and officials by raising the likelihood of exposure;
 - ✳ The early detection of irregular practices and pressure from civil society organisations might persuade council to change tack, avoiding problems from escalating into full-scale public protests.
 - ✳ Local community groups would be able to distinguish between outright corruption and administrative shortfalls resulting from weak capacity – they could then prioritise and design their responses accordingly (Afeis-corplan, undated).
- ✳ Equipping local newspapers and community radio stations with the skills necessary to explain the procedures required to access information to their listeners and readers, or to report effectively on the council's annual report or Auditor-General's report.

Key points:

- ✳ South Africa has well-developed legislation, policy and regulations that govern how citizens can access information from all levels of state.

A wide range of laws facilitate access to information and require that local government proactively provide information to its people in accessible ways. Laws include the Promotion of

Access to Information Act, the Municipal Structures Act, the Municipal Systems Act and the Municipal Finance Management Act.

- ✧ There is though a growing gap between policy intentions and citizens' day-to-day experience of municipal governance with a low level of awareness and knowledge amongst ordinary citizens about the legislative and policy tools available to them to access information from their municipality.
- ✧ Municipalities rarely have a comprehensive communication strategy to effectively communicate what the municipality it is doing to provide free basic services, promote economic development, and take forward the IDP. Often

communication by municipalities is aimed at self-promotion rather than empowering citizens with useful information to enhance participation in municipal processes.

- ✧ Possible interventions by municipalities should include better training of municipal officials in the legislative requirements and improved municipal systems, designed to give effect to new legislation. Municipalities should also build the capacity of civil society to engage in municipal processes and provide information to the local media on an ongoing basis, equipping journalists to engage with the range of issues that flow from municipalities and should be in the public domain.

1.3 POLITICAL SYSTEMS, PROCESSES AND ACCOUNTABILITY

- ✧ Are democratic municipal elections held on a regular basis?

- ✧ What is the level of interest and participation in local government elections?
- ✧ What factors influence citizens' participation in local government elections?

As this review has already pointed out, local democracy comprises at least three components, namely municipal elections (sometimes called procedural democracy), structured and sanctioned participation, through, for example, izimbizo and ward committees, and finally community initiated-interactions that range from marches and memoranda to outright confrontation.

Representative democracy requires the holding of regular elections. Since the advent of democracy in South Africa, in 1994, municipal elections have taken place in 1995/6, 2000 and 2006. The 2000 elections were the first subsequent to the re-

demarcation of district, local and metropolitan municipalities and the enactment of key provisions of the Municipal Systems Act. The resulting transition resulted in six metropolitan municipalities, namely Johannesburg, Cape Town, eThekweni, Ekurhuleni, Tshwane and Nelson Mandela Bay; 231 local municipalities, and 47 district municipalities.

Results of the first five democratic elections (two local and three national and provincial) indicate a trend of overwhelming support for the African National Congress (ANC) and relatively low and dispersed support for other parties, primarily the Democratic Alliance (DA) and Inkatha Freedom Party

(IFP). This does not in and of itself pose a major problem for democracy. Established democracies such as the United States, United Kingdom, Germany and India have all experienced extended periods of one-party dominance in executive and legislative elections (Afrobarometer, 2003). What is of concern is when dominant governing parties see less and less need to respond to public opinion because they are assured of re-election in the face of weak opposition.

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The danger exists that governing parties with large majorities might become less accountable to the electorate, especially in countries with a proportional representation system such as South Africa (Kivilu et al, 2006).

Voter turnout is extremely high for national and provincial elections but much lower for the municipal elections. Voter turnout in municipal elections was 49% in 1995/6, 49% in 2000 and 48,4% in 2006 (EISA, 2006)⁹. In contrast, voter turnout for national and provincial elections was 76% in 2004, 88% in 1999 and 86% in 1994. This is consistent with trends in many democratic countries where electorates are far more likely to vote in national elections than in local government elections, perceiving the latter to be of lesser importance.

far more people claim to have voted in local government elections than actually do vote

At the same time far more people claim to have voted in local government elections than actually do vote. In a 2006 survey (Kivilu et al, 2006) 72% of respondents indicated that they had voted in the 2004 elections and 60% that they had voted in the 2000 municipal elections. The actual voter turnouts at the two polls were 76% and 49%, slightly higher and much lower than expected, respectively. Similarly, when asked if they would vote in municipal elections were they to be held "tomorrow", 81% said that they would.

Of those in the same study that said they would not vote, the main reasons for this were lack of interest (46%), not being in possession of the necessary documents to register (14%), not registered (13%), and disillusioned with politics (11%). When asked what might encourage voters to vote, about a third indicated that they would be encouraged to vote if they felt that their vote would make a difference. Just under a quarter (24%) indicated that shorter queues would encourage them to vote, followed by if there were a political party that they believed in (20%), they were more convinced that it was important to vote (15%), the polling station was closer and parties tried harder to get their votes (10%). These trends point to significant negative sentiment and withdrawal from political participation.

Table 7: Distribution of votes in local government elections, 2006

Party	Valid votes	% votes	Seats won	% seats won
African National Congress (ANC)	17,467,104	66,34	5730	61,50
Democratic Alliance (DA)	3,862,357	14,67	1107	11,88
Inkatha Freedom Party (IFP)	2,100,609	7,98	738	7,92
Independent Democrats (ID)	473,564	1,80	157	1,69
Pan Africanist Congress (PAC)	233,667	0,89	98	1,05
United Democratic Movement (UDM)	285,441	1,08	97	1,04
African Christian Democratic Party (ACDP)	241,488	0,92	91	0,98
Vryheidsfront	189,921	0,72	78	0,84
Other	1,473,619	5,6	298	13,1
Total	26,327,770	100,0	8394	100

Source: Independent Electoral Commission

Only three political parties hold control or coalition joint control of municipalities, approximately 230 of the 283 municipalities have ANC majorities in their councils. The DA and IFP obtained majorities in relatively few municipalities, mainly in the Western Cape and KwaZulu-Natal respectively.

no amount of innovation in participation can compensate for a weak electoral democracy.

Any discussion of participatory democracy cannot overlook the fact that no amount of innovation in participation can compensate for a weak electoral democracy. It is important therefore to track trends in this most fundamental aspect of municipal governance. Two categories of respondent have been

identified in relation to political involvement in the HSRC's South African Social Attitudes Survey (Hemson, undated). The larger group (representing 23,5 million people) is committed to voting in municipal elections. The smaller group (7,2 million) are "disengaged" from voting in municipal elections, in the sense that they either do not vote, do not know if they would vote, or declined to answer the survey question. The high participation group is mainly black Africans and the lower participation group is a mixture of all races (only 52% black African). The former group is poorer (89% have personal monthly incomes of less than R5000) than the latter (77% with incomes of less than R5000). The "high participation" group has a higher level of trust in local government in South Africa and considerably greater knowledge of a ward committee (49% as opposed to 26%) and of a councillor in the areas where they live.

Key points:

* Free and fair local government elections took place in South Africa in 1995/6, 2000 and 2006.

While voter turnout in the democratic era has been consistently high for national and provincial elections, it is cause for concern

that the polls are consistently much lower for South Africa's municipal elections. Polls suggest a level of disengagement from local politics and this needs to be borne in mind when it comes to the design of public participation processes, as no amount participation can compensate for weak electoral democracy.

- ✳ Another factor that emerges is the overwhelming support for the African National Congress (ANC) with low and dispersed support for other parties.).
- ✳ What is of concern is when dominant governing parties see less and less need to respond to public opinion because they are assured of re-election in the face of weak opposition.

1.4 RELATIONS BETWEEN ELECTED REPRESENTATIVES AND OFFICIALS

- ✳ Do party officials intervene in senior appointments, e.g. "Section 57" senior managers and other key posts?
 - ✳ To what extent are such interventions irregular?
 - ✳ Are such interventions the basis of further networks of patronage and to what extent is the problem of the "old boys club" thus further propagated?
 - ✳ To what extent do hierarchies of power within the party subsume formal lines of accountability and authority within the municipality?
- ✳ Does the influence of senior politicians unreasonably constrain the administrative and

strategic discretion of senior managers?

- ✳ What impact has the advent of full-time councillors and mayoral committees had on this issue?
- ✳ Has this resulted in a blurring of the distinction between executive authority and administrative authority?
- ✳ Is the quality of decision-making compromised where independent technical and professional opinion is not clearly presented to decision-makers or is significantly adjusted, for fear of political consequences?
- ✳ Do skilled municipal bureaucrats manipulate expert advice and information to constrain local political choices?
- ✳ Where such manipulation does occur, is it primarily politically motivated or driven by bureaucratic concerns?

In liberal Western theories of democracy, i.e. the model on which the South African system is prima-

The basic premise is that elected representatives provide leadership and strategic direction while the non-elected managers and administrators serve the leadership and provide expert advice and a neutral knowledge base for the leadership's decisions.

rily based, the separation of power between administrators and politicians is fundamental. The basic premise is that elected representatives provide leadership and strategic direction while the non-elected managers and administrators serve the leadership and provide expert advice and a neutral knowledge base for the leadership's decisions. The administration is of course also responsible for the non-partisan implementation of the leadership's

decisions. Western and European local government discourse has become increasingly critical of this formulation, “It is...misguided to claim that politicians ‘lead’ and officers ‘manage’. Both have roles in leadership and management but the received models of political administrative relations fail to recognise this” (Hambleton, 2005:195). Before applying these sentiments to South Africa it must be noted that they arise from contexts in which local government systems have evolved over many decades and both councillors and officials are generally highly qualified for their respective tasks.

In its “Delivery Guide for Councillors”, the Consolidation of Municipal Transformation Programme (CMTP) acknowledges the strained relations that often exist between councillors and officials. This may arise from the perception by officials that councillors encroach on their terrain and interfere in the day-to-day management of the municipality. Conversely there is also the view from councillors that officials are not able to grasp and act on the development challenges, without being micro-managed. The fact that some officials retained their posts since the apartheid era obviously adds further complexity to this relationship.

POLICY AND LEGISLATIVE FRAMEWORK

The provisions of the Municipal Structures Act and the Municipal Systems Act are extensive in defining political decision-making systems and the powers of elected office holders and mayors within those systems. For example, section 4 of the Municipal Systems Act sets out the rights and duties of municipal councils and makes it clear that these are exercised through executive and legislative authority which is bestowed on council alone and may not be interfered with. Section 6 of the same act sets out the duties of municipal administrations and mainly

addresses the accountability of the administration to the local community. Interestingly, this provision addresses the relationship between the administration and the local community but is silent on relations between the council and the administration.

In general the rights and duties of municipal councils, members of the local community, and the administrations of municipalities, are set out in sections 4, 5 and 6 of the Municipal Systems Act.

There is little by way of policy and legislation that specifically governs, or indeed harmonises, the working relationship between councillors and officials. Section 53(1) of the Municipal Systems Act prescribes that the responsibilities of political structures and office holders be set out in writing and be related to the role of the administration. It also provides that matters of accountability and working relations between political structures and the administration should be defined. However, to the extent that any responsibilities are clearly set out in legislation, the intention is mainly to prevent corrupt or rent-seeking behaviour. For example, the MFMA provides that councillors may not participate in any committee evaluating or approving tenders, quotations, contracts, or bids.

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Equally important is the prohibition on interference with the supply chain management system. Similarly the Code of Conduct in the Municipal Systems Act regulates the conduct of all councillors. Like the MFMA, the code mainly seeks to prevent councillors from using their influence on council for personal profit. In this regard it requires a declaration of interests by councillors which covers the disclosure of shares and securities in any companies, member-

ship of any closed corporation, directorships and partnerships held. Councillors are also required to declare any remuneration, subsidies, grants or pensions and interests in property.

The one key provision in so far as the political-administrative interface is concerned, is the stipulation that councillors may not intervene in the administration of the municipality and may not give any instruction to an employee of the council or obstruct an employee's implementation of a council decision. Clearly where councillor involvement in the affairs of the administration arises from the decisions of council itself and where municipal systems make provision for such involvement, the code could not be successfully invoked by an employee who feels aggrieved by such intervention. It might be useful however to establish if municipal officials have made use of this clause and under what circumstances.

The most common representation of the tensions between councillors and officials is one of a conservative municipal bureaucracy where white male managers are over-represented. In this formulation, white administrators whose careers began under apartheid, use their superior experience and bureaucratic guile to frustrate the developmental ambitions of largely black councils. This scenario, undoubtedly valid in the middle to late nineties, is of questionable validity today but tends to retain currency nonetheless. Gotz and Wooldridge (2003) for example argue that this perspective has persisted albeit in slightly adapted form and that tensions have indeed deepened throughout the transition process with its growing disjuncture between service needs and administrative output.

Gotz and Wooldridge also draw attention to the fact that councillors have different relations with their administration depending on whether they are from the majority party or opposition, part-time or full-time, members of the executive committee,

councillors have different relations with their administration depending on whether they are from the majority party or opposition, part-time or full-time, members of the executive committee, mayoral committee or back-benchers.

mayoral committee or back-benchers. Different levels of involvement in the administration was related to this with councillors at the core tending to be extensively involved with officials while those on the periphery, especially opposition councillors, tended to feel excluded from mainstream governance processes. Some officials resented the involvement of councillors in what they perceived as core administrative functions, such as disciplinary matters, appointments and hiring consultants. While Gotz and Wooldridge made little comment on the executive mayor system, subsequent research by NGOs¹⁰ has shown that the aspect of insider and outsider councillors is much accentuated through this system with both ruling party back-benchers and opposition councillors alleging that mayoral committees centralise decision-making and leave council as a whole with a rubber-stamp function. Since the advent of full-time councillors is closely associated with mayoral committees and thus the Executive Mayor system, and full-time councillors are perceived to be more likely to adopt a hands-on approach to administrative matters, there is at the least, circumstantial evidence that tensions between heads of department and full-time councillors are more likely under the Executive Mayor system.

In traditional theories of local government, the rationale for the distinction between policy formulation as the ambit of elected representatives, and administration as the ambit of managers seems self-evident. Gotz and Wooldridge however found that the mere fact that managers encountered issues of administration which required policy solutions and

brought these issues to the attention of council, was perceived in some municipalities as the officialdom “overstepping their roles.” This suggests very basic incapacity or miscommunication between administrators and councillors. The distinction between the administrative duty to highlight matters of policy relevance and the political obligation to design such policy (with relevant managerial input) is ostensibly not that hard to define. Hambleton (2005:200) however, argues that policy-making and policy implementation are of necessity an interactive process and that the idea of separating these functions is a “useful myth.” In this view the “usefulness” of the myth arises because both administrators and politicians are able to shirk responsibility for poor local governance; politicians blame the administrators for poor implementation of sound policy and the administrators blame the politicians for making policy that cannot be practically implemented.

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Hambleton suggests that policy development should thus be a shared responsibility, calling for development and leadership from both groups. This managerial theory of leadership does not however address the more fundamental dilemma of fudging the balance between electoral mandate and sound technical and managerial input into decision-making.

Non-partisan administration is a basic principle of government in liberal-democratic theory. Administrators are thus constantly susceptible to the allegation that they are acting in a partisan manner when their activities and strategies displease a particular political party on council – a conundrum which is very familiar in South African municipal

politics. Gotz and Wooldridge found a manifestation of a similar problem where administrators were alleged to have sided not with a particular party but with one faction within a party. Throughout 2005 and 2006 there were various instances where the functioning of councils was disrupted not by conflict between parties but conflict within the ruling party.

administrators and non-executive councillors also complained that party caucuses made the real decisions and that council debates were orchestrated and unlikely to have any real impact on final decisions.

In the research by Gotz and Wooldridge, both administrators and non-executive councillors also complained that party caucuses made the real decisions and that council debates were orchestrated and unlikely to have any real impact on final decisions. Research by a number of GGLN affiliated organisations suggests an increase in the influence of political parties over municipal decision-making and even a propensity for the parties to pre-determine the outcome of debate within council. An observation exercise conducted by Afesis-corporplan in Buffalo City Municipality from 2004 to 2005 observed a council procedure that appeared to be rehearsed. The main feature was an absence of debate and the confirmation of pre-determined decisions through verbal indications of assent by a majority of councillors. Lines of accountability are also blurred when the hierarchy of political authority within the party is not reflected in the hierarchy of councillors – councillors and even officials who hold high political office within the party often wield more political influence than their supposed superiors within the municipality (Gotz and Wooldridge, 2003).

Current public management theory stresses the empowerment of managers through delegated

authority. Clearly such delegations should not strip council of any real decision-making power, but neither should the absence of delegations create unnecessary work for council and its sub-committees. In 2003 Gotz and Wooldridge found very uneven levels of delegation across municipalities. Powers delegated to officials were alternately “very loose” or “very detailed.” Working relations between councillors and officials have been further complicated by the provisions in the Municipal Systems Act for outsourced service provision via various entities including service utilities. The procedures for deciding and approving such arrangements are now very onerous and have been further strengthened with the Municipal Systems Amendment Act (44 of 2003). Prior to this however, Gotz and Wooldridge found that service utilities and corporatised units tended to redefine working relations between councillors and officials. Experiences of improved focus and councillor oversight of utilities with greater discretion for

management was contrasted with another perception that outsourcing to utilities tended to weaken accountability to council. Similarly Gotz and Wooldridge found that the establishment of “regional administrations” had raised additional complexity in relations between ward councillors and regional managers. As it stands the effect of decentralised municipal functions, via regional administrations or municipal sub-structures, is an under-researched area, particularly in terms of its impact on the political-administrative interface.

In their concluding comments on the political-administrative interface Gotz and Wooldridge argue for flexibility in the analysis of emerging municipal trends related to political-administrative working relations. A settling in period for local government should allow for experimentation and the comparison of different approaches without drawing final conclusions about the propensity for conflict or consensus.

Key points:

- * In the South African polity there is a separation of power between public administrators and politicians, however the nature of the separation is a source of debate and a significant body of best practice has not yet developed in this area. These relationships thus remain a challenge for the local sphere.
- * A number of issues arise about the roles of each party. The traditional public administration approach suggests that politicians should lead and administrators manage, but there is a growing recognition that each role requires

both traits to be performed effectively. Another approach is to see politicians as developers of policy and the public servants as implementers, but this fails to take into account the iterative nature of policy development and the need to take into account the experience of administrators in its implementation.

- * The South African literature suggests that there is not yet a settled model for the smooth functioning of the political-administrative interface and that there is still a need for experimentation, the use of different approaches and greater discussion.

1.5 TRADITIONAL LEADERSHIP

- ✧ To what extent can traditional leadership be incorporated into the contemporary model of democratic local governance in South Africa?
- ✧ Although new legislation regulates issues regarding the role and responsibilities of traditional leaders, is this sufficient to ensure sound democratic practice is followed at the local level of government?

- ✧ Does current legislation regarding traditional leadership ensure an atmosphere of transparency and accountability at local government level and what changes may be necessary?
- ✧ Land administration is one of the more controversial issues regarding traditional leadership - what are these issues and how can they be resolved?

The end of apartheid signalled the beginning of a society shaped by equality where the rights of all races, cultures and ethnic groups were to be realised under a single framework of governance. Post-apartheid governance in South Africa, based on a Western model of liberal democracy, promotes representative government via elections. Given the nature of South Africa's racially and culturally segregated past, there are a number of critical issues which emerge and to some extent remain unresolved by this shift to a liberal-democratic system. One of the more prominent issues is the question of traditional leadership.

seem to contradict those of liberal democracy. One of the fundamental concerns with regard to incorporating traditional leadership into the South African system of government is that a system of democracy cannot accommodate traditional councils that are not subject to any form of popular ballot. Indeed the entire notion is seen by some as antithetical to an accountable, transparent and efficient form of democratic governance. Authority with respect to issues of service delivery and land administration is either democratically derived or it is not – there is little room for compromise. It has been argued that traditional leadership cannot be mixed into a democratic system without threatening the stability and coherence of the system as a whole.

Many existing traditional councils are founded on undemocratic, hierarchical systems of governance, where positions of leadership are generally hereditary,

Many existing traditional councils are founded on undemocratic, hierarchical systems of governance, where positions of leadership are generally hereditary, a system that was institutionalised and consolidated by the Bantu Authorities Act of 1951, becoming an integral part of the apartheid system. Traditional authority is based on principles which

LEGISLATIVE FRAMEWORK

Prior to the finalisation of the 1996 Constitution, the 1994 Council of Traditional Leaders Act was passed setting out the composition of the Council of Traditional Leaders, the process of election of its representatives and its specific powers and functions. In 1997, however, a new Council of Traditional Leaders Act was passed and the 1994 legislation repealed. Much confusion surrounded the scope and degree of traditional authority, with traditional law

and practices often coming into conflict with those of the new democracy. The Traditional Leadership and Governance Framework Act (41 of 2003) therefore set out to remodel the institutions of traditional leadership and make them compatible with democratic government whilst ensuring social development within the country. This aimed to eliminate the tensions and inconsistencies between the Constitution of 1996 and the role of traditional authorities within South African society. However it has also been argued that the Communal Land Rights Bill of 2003 made further concessions to traditional authorities, giving them significant power over land administration that effectively resuscitates the powers that traditional leaders enjoyed under the notorious Bantu Authorities Act (Ntsebeza, 2004). The success of the Traditional Leadership and Governance Framework Act of 2003 therefore remains questionable insofar as it still leaves some rural communities as the subjects of traditional authorities. The new legislation has gone a long way in aligning traditional authority with local government, but it has not overcome the fundamental contradiction between the constitutional quest for representative democracy and the practical formations and powers afforded to traditional councils.

TRADITIONAL LEADERSHIP AND FORMAL REPRESENTATIVE DEMOCRATIC PROCESSES

An important objective of the 2003 legislation was the establishment and recognition of traditional councils at a local level. The intention was to align traditional rule and traditional councils more strongly with the principles of democracy and to overcome the negative sentiment associated with traditional rule and traditional councils. A traditional council, according to section 3(1) will be established in an area which has been recognized by the Premier as a traditional

community. Furthermore, the Act acknowledges a position for traditional leadership, not only within local government, but at the provincial and national level. Although some observers have seen this Act as “remarkable and inspiring,” in that it is a first genuine attempt to “fuse democratic principles and traditional practices” (Nthai, 2005:8), there have been a number of concerns raised, especially with regard to the nature of the establishment and recognition of traditional councils. The Legal Resources Centre points out, for example, that the transitional arrangements of the act negate the commitment towards democratic traditional leadership by “exempting existing tribal authorities (i.e. those established at the time the draft Bill was passed) from the requirement of democratic elections and the compulsory representation of women” (Legal Resources Centre, 2003:6-8).

This is a significant point in terms of the future stability of the relationship between traditional leadership and formal representative processes at a local level, as well as the obligation to democratic transparency as a whole.

Commitment to democratic transition involves an ethic which should filter into all areas of local government, including conservative traditional communities.

Commitment to democratic transition involves an ethic which should filter into all areas of local government, including conservative traditional communities. By allowing some communities to maintain undemocratic structures there is a great risk that these will entrench themselves and transcend the boundaries of local government into the actual functioning of society itself.

The Land Administration Act (2 of 1995), for example, gives traditional leaders substantial and

unprecedented powers with regard to control over land allocation and administration in communal areas and therefore creates the opportunity for abuse of power and mismanagement. The reality of urbanisation and the movement of labour towards large cities casts doubt on the notion of permanent residents of rural communities (Ntsebeza, 2004). While it may be true that up to 80% of rural citizens still acknowledge the position of the chief (Oomen, 2002), this form of acknowledgement may relate to social status rather than actual support for their authority. The need for a hybrid system of democracy, which

incorporates all voices of our multi-faceted and multi-cultural society, is essential for political stability in post-apartheid South Africa. Traditional leadership undoubtedly has a role within this “hybrid” system, especially in rural areas. Crucially there must be coherence between the Constitution and the legal framework which determines the role of traditional authorities. Definitive legislation is needed to clearly circumscribe the roles and responsibilities of traditional leaders at a local government level, whilst working within the boundaries of the constitutional framework.

Key points:

- ✦ The institution of traditional leadership presents challenges for the democratic South Africa, associated as it is with undemocratic, hierarchical and patriarchal systems of governance. There have been a number of legislative developments since 1994, which illustrate the contested nature of the role of traditional leadership in the South African democracy. The Land Administration Act of 1995 gave traditional leaders substantial and unprecedented powers with regard to control over land

allocation and administration in communal areas. In 2003 the Traditional Leadership and Governance Framework Act set out to remodel the institutions of traditional leadership and make them compatible with democratic government. The Act also made provision for the establishment and recognition of traditional councils at a local level. At the same time the new laws have not provided a definitive system and it is suggested that additional legislation should be developed clearly setting out the role of traditional authorities at local level.

1.6 CORRUPTION AND MALADMINISTRATION

- ✦ To what extent is corruption a significant problem in local government?
- ✦ How do levels of corruption in local government compare with other spheres of government?
- ✦ What are the most significant forms of corruption in local government and what is their respective impact?
- ✦ How significant is the evidence of nepotism in the staffing of the municipality?

- ✦ To what extent does corruption consume resources meant for infrastructure and service delivery?
- ✦ How are services meant for the poor impacted by corruption?
- ✦ To what extent does corruption impact on public cooperation with local government?
- ✦ What policies and systems are in place to prevent corruption?
- ✦ What conventions are beginning to emerge in municipal responses to corruption?

- * What for example are councils' attitudes towards whistle-blowing?
- * What percentage of municipal corruption cases are decisively resolved?
- * How is corruption understood?
- * What is the impact, for example, of media profiles of particular municipalities in terms of corruption?
- * How can municipal corruption be monitored and tracked through special investigations or interventions in terms of the Constitution (i.e. suspension of its executive powers in terms of the oversight responsibilities of another sphere of government)?

POLICY AND LEGISLATIVE FRAMEWORK

The South African Constitution creates a framework of social and governmental accountability by providing that all executive organs of state must account to the National Assembly and by setting out mechanisms for this to be enforced. The Standing Committee on Public Accounts (Scopa) for example, functions to oversee government spending. Furthermore chapter 9 of the Constitution establishes a number of oversight bodies including the Auditor-General, the Public Protector and the Human Rights Commission – the special status of these bodies and their ability to investigate organs of state is crucial in combating corruption. The Auditor-General for example, empowered through the Public Audit Act (25 of 2004), is authorised as the external auditor of all national and provincial state departments and municipalities. The act prescribes the independence of the Auditor-General, subject only to the Constitution and the law and requires the Auditor-General to be impartial and to perform his or her powers and functions without fear, favour or prejudice. In its preamble it further prohibits any person or organ of state from interfering with the functioning of the Auditor-General and requires the submission of audit reports to any legislature that has a direct interest in the audit and also to the public.

It is largely through the Auditor-General that the

South African public has been made aware that unauthorised and irregular expenditure by state bodies affects all spheres of government.

Corruption in South Africa is prosecuted through the Corruption Act (94 of 1992). The Act makes corruption a criminal offence but there is a host of legislation and policy that deals with accountability and transparent governance – rather than the criminal aspect of corruption. The following summary of policy and legislation that addresses corruption is drawn largely from Sam Sole (2005):

- * **The Public Finance Management Act (1 of 1999):** Sets out the fiduciary responsibilities of finance officers and managers in government and allows them to be held personally responsible for financial misconduct or other governance failures. At local government level the Act is mirrored by the Municipal Finance Management Act whose functioning is discussed in more detail later.
- * **The Finance Intelligence Act (38 of 2001):** Obliges banks to keep improved records regarding the banking activities of clients and to report suspicious transactions in order to trace money laundering.
- * **The Prevention of Organised Crime Act (121 of 1998):** Together with and other legislation related to the seizure of assets and the recovery of government funds this allows the Special Investigating Unit (SIU) and the Asset Forfeiture



Unit to investigate fraud and theft and for the proceeds of crime and irregularly acquired assets to be seized.

- ✦ **The Promotion of Access to Information Act (2 of 2000):** Allows the public broad access to information held by government and the private sector.
- ✦ **The Protected Disclosures Act (26 of 2000):** Provides special protection for whistle-blowers through a series of procedures that must be complied with.
- ✦ **The Prevention and Combating of Corrupt Activities Act (No. 12 of 2004):** Applies to both private and public sector and outlaws the offer or receipt of “gratification” that has not been earned and requires persons in authority to report corrupt activity. More severe sentences are introduced for offences against the Act.

South Africa has consistently been a participant in key regional strategies to improve governance and reduce corruption. The African Peer Review Mechanism (APRM) for example is a voluntary

exercise entered into by member states of the African Union as a form of self-monitoring. The blueprint for this exercise is the Declaration on Democracy, Political, Economic and Corporate Governance that sets out values, codes and standards in these sectors (NEPAD, 2003). Internally South Africa has launched a number of programmes that address corruption. In September 2004 the Public Service Commission launched the National Anti-corruption Hotline that allows government employees, the public and concerned third parties to report corruption.¹¹

Corruption experts are cautious about drawing simple conclusions from this extensive framework of anti-corruption legislation and policy. Lala Camerer (1999:1) of the Institute of Security Studies, warns for example that as South African politicians and civil servants are increasingly exposed to public scrutiny and media attention, “it should come as no surprise that anti-corruption rhetoric forms part of the political agenda.”¹² The essence of this concern, now thrown into sharp relief by allegations against former Deputy President Jacob Zuma and Commissioner of Police Jackie Selebi, is the risk that the symbolism and the

message that the state is “getting tough on corruption” often seems more important than effective and decisive action where corruption involves senior politicians and civil servants. A 2006 study of corruption in South African local government that included the activities of the Directorate of Special Operations (Scorpions) and the SIU and other anti-corruption agencies warned that:

In South Africa the matter of independence is critical given a history where there has been persistent political pressure to bring certain agencies under the authority of the South African Police Service (SAPS), an agency that is widely perceived to have serious problems of corruption and to be subject to political influence (University of Loughborough, 2006:17).

In October 2006 the DPLG launched a strategy entitled “Government and Communities in Partnership To Prevent Corruption.” This is an outcome of Project Consolidate and was publicised “to promote a culture of good and ethical governance.” The strategy is to be piloted in 17 municipalities in five provinces during the first year and a further 15 municipalities in the second year. It involves the development of anti-corruption models for wider application. The strategy will focus on developing key performance indicators, corruption monitoring systems and the identification and analysis of existing trends and patterns of corruption. The plan is to mobilise ward committees and communities as a whole to participate in local government affairs, particularly with issues related to corruption.¹³

CORRUPTION AND MALADMINISTRATION IN LOCAL GOVERNMENT

Markinor surveys since 2000 suggest that corruption in local government is perceived to be on a par with

corruption in some of the government line functions that are particularly prone to perceptions of corrupt practice.

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The Markinor results suggest that requests for bribes occur most commonly in job seeking, in obtaining municipal services (electricity and water) and in obtaining services from the Department of Home Affairs which issues identity documents. Particular corruption problems seem to attach to the police, the Department of Home Affairs and local government.¹⁴

Instances of financial maladministration are also commonplace. The September 2003 report by the Auditor-General cited a 57% failure of municipalities to submit financial statements 20 months after the due date. Thus the Auditor-General was obliged in many instances to provide the public with an incomplete “compliance” report on the state of municipal finances (Auditor-General, 2003).

The principal policy instrument in addressing this problem is the Municipal Finance Management Act, effective from 2004. The Act aims to create more direct accountability within council, specifically with regard to the decisions and controls exercised by mayors, mayoral committees and finance officers. It establishes stringent financial accounting and reporting systems. Provincial governments are tasked with overseeing municipal finances and, if need be, can intervene in the financial management of a municipality. Should a province fail to do so, national government can intervene in its stead.

SIU investigations into local government corruption indicate that an important component of corruption is that which relates to the defrauding of tender

and contracting procedures by councillors and staff who receive kickbacks from the successful tendering organisation, or through other means, hold a financial interest in the outcome of the process.¹⁵ The 2006 case study by Mbumba Development Services for the University of Loughborough (2006:43) notes that:

Despite increasingly stringent measures to prevent councillors and senior officials from benefiting from tender awards, the irregular award of large infrastructure and service tenders seem to persist.

Mbumba went on to cite seven examples of municipal corruption (some involving multiple municipalities) in various provinces ranging in value from R100m to less than R100 000 where large-scale infrastructure fraud had occurred. It was suggested that cases like these had led to the issuing of new regulations by the National Treasury in June 2005. These regulations mirror provisions within the MFMA and aim to curb corruption in the tendering and procurement function and improve accountability and transparency for the award of municipal bids (Cape Times, 7 June 2005).

Case study evidence gathered by Afesis-corplan and other NGOs suggests that measures to prevent procurement irregularity have mixed credibility by the public. For example in the 2006 Nkangala District Good Governance Survey 44% of public respondents did not believe that their municipalities have effective systems for disclosure of business interests by their councillors and officials. Confidence was lowest in Dr JS Moroka Municipality where only 12% of the members of the public and CBOs thought that the system is effective while the most optimistic outlook was recorded in Emakhazeni Municipality where 54% of the respondents said that the system of disclosure in the municipality is effective. In contrast, most councillors and officials are of the view that their systems of disclosure are effective. However, 58% indicated that the disclosed information is not made available to the public. Their view tallied with that of

44% of public respondents did not believe that their municipalities have effective systems for disclosure of business interests by their councillors and officials.

members of the public and CBOs, 68% of whom reported that the information is not accessible. Seemingly, there is confusion over the purpose of collecting the information.

Given the severity of these problems and their implications for expanding infrastructure and services, Mbumba suggested that a set of indicators be developed to understand the full implications of large-scale corruption in municipal programmes.

The indicators would set out to record:

- * The number of infrastructure projects where construction or maintenance has been disrupted by irregular financial management procedure or where such irregularity is alleged
- * The monetary value of the misappropriated finance
- * The service deficit for the intended beneficiaries: service deficit = intended service level and scale (as framed by the Integrated Development Plan or other planning instrument) minus the actual service level and scale experienced by the intended beneficiaries (may require on-site inspection)
- * The "severity" of the corruption (rather than incapacity or incompetence) as indicated by Auditor-General reports or the reports of anti-corruption agencies, internal disciplinary actions by the municipality / other sphere of government, criminal or civil actions arising from the case

PUBLIC PERCEPTIONS OF CORRUPTION

GGLN affiliated organisations have conducted good governance surveys since 2000 which include questions about public perceptions of corruption. In the most recent round of these surveys, almost three-

quarters (73%) of the members of the public and CBOs surveyed in Nkangala District Municipality reported that nepotism is the most common form of corruption in their municipalities. Other forms of corruption that were cited by the majority of the respondents were tender irregularities. Maladministration and the signing of cheques without appropriate controls were also mentioned as common forms of corruption.

Almost two-thirds (63%) of the councillors and officials surveyed acknowledged having either heard or read about cases of corruption in their municipalities.

Almost two-thirds (63%) of the councillors and officials surveyed acknowledged having either heard or read about cases of corruption in their municipalities. In some instances there were vast differences of perception between councillors and officials and members of the public and CBOs. There were also strong indications that cases of corruption go unreported because of a lack of faith in the municipality's ability and willingness to act on reports of corruption. More than two-fifths (44%) of members

of the public and CBOs cited fear of reprisals as the key reason for not reporting corruption and most councillors and officials (65%) concurred with this view. Another worrying finding was that the biggest proportion (48%) of members of the public and CBOs believe that there are no consequences for those convicted of corruption.

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Almost half (47%) of the respondents hold the view that councillors put party interests before the interests of the community. More seriously, 54% of members of the public and CBOs hold the view that councillors abuse their positions for personal gain.

While surveys of public perception are open to obvious criticism in terms of the limited possibility for verification, the value of these methodologies in providing detailed insight into the form and motive for municipal corruption is virtually unmatched.

Key points:

- * South Africa has put in place an extensive framework of anti-corruption legislation and policy yet surveys show that the public perceive local government to be a hotbed of corruption. Related to corruption is the issue of maladministration, manifest in poor management and governance, particularly over financial and reporting matters, such as the inability of the majority of municipalities to submit their financial statements on time.
- * The principal policy instrument in addressing corruption and maladministration is the

Municipal Finance Management Act, which aims to create more direct accountability within council, specifically with regard to the decisions and controls exercised by mayors, mayoral committees and finance officers. In spite of this, investigations show that the major sources of corruption are tenders and procurement procedures.

- * Given the severity of these problems and their implications for expanding infrastructure and services, it is suggested that a set of indicators be developed to understand the full implications of large-scale corruption in municipal programmes.



2. PLANNING AND BUDGETING

Democratic representation establishes the voice of the people in local decision-making. Democratically elected councils must also demonstrate that they approach the prioritisation of needs, planning and budgeting in a manner that combines technical competence with respect for the public views and aspirations, of both current and future generations.

This section of the report focuses on planning, particularly the Integrated Development Plan (IDP) as the leading instrument of local planning, with its link to finance, budgeting and performance management. Intergovernmental relations is also discussed as this is key to municipalities securing resources for development and achieving harmony or disjuncture with the plans of other government spheres.

2.1 INTEGRATED DEVELOPMENT PLANNING

- ✧ To what extent is Integrated Development Planning (IDP) achieving its desired outcomes?
- ✧ Which policy and legislative frameworks govern and inform IDPs?
- ✧ What support has been given to municipalities to undertake IDP?
- ✧ To what extent are municipalities able to devise credible IDPs?



* To what extent is there meaningful public participation in IDP processes?

* What are the key issues, limitations and challenges related to the IDP process?

THE DOMINANT MODEL FOR LOCAL GOVERNMENT PLANNING

Integral to the new approach to governance in South Africa is a profound shift in the approach to planning. A further and often controversial feature of this shift is expanded local government powers and responsibilities that now encompass social and economic development, sustainable service delivery, and the attainment of an environment that is both safe and healthy.

IDP is a cornerstone of developmental local government in South Africa.

IDP is a cornerstone of developmental local government in South Africa. It is a tool to align budgeting and project implementation with strategic priorities, and “to link across and co-ordinate the growing number of sectoral plans, programmes and projects that impact on the activity of municipal government” (Harrison 2008:321). More recent perspectives present the IDP more ambitiously as a central component of an emerging system of intergovernmental planning and coordination (Patel and Powell, 2008). In essence, the developmental intention of the IDP is to bring about “...more strategic decision making, deeper levels of local democracy, more goal-oriented budgeting, more developmental and transformative outcomes, changes in spatial configurations, and better coordinated and prioritised on-the-ground delivery” (Harrison 2008:322). The big question is whether it is able to live up to this undoubtedly far-reaching expectation.

THE IDP IN POLICY AND LEGISLATIVE CONTEXT

Of the many policies and legal provisions that govern the IDP the Municipal Systems Act of 2000 is key and may supersede other legal planning imperatives.

The Municipal Systems Act makes the IDP the official five-year strategic management plan for South African municipalities and stipulates the key components of the IDP as well as the criteria and values that must be applied to planning. The Act defines the IDP as a “single inclusive and strategic plan” that

- * “links, integrates and coordinates a municipality’s sector specific plans;
- * aligns the resources and capacity of the municipality to the overall development objectives of the municipality;
- * forms the policy framework on which annual budgets rest; and
- * informs and is informed by similar development plans at national and provincial development plans” (Carter 2004:1-2).

In accordance with the Systems Act, district municipalities are responsible for the district IDP as well as the framework for local municipal IDPs. District municipalities are therefore responsible for “inter-local co-ordination” as well as integration with other levels of government planning (Todes, 2002:14). It is well known that the first set of IDPs in particular reflected significant weaknesses and were often drawn up by external consultants, because newly formed municipalities often lacked the local planning capabilities to prepare an IDP. In an effort to address this, and in accordance with the Municipal Structures Act, the DPLG introduced Guide Packs on IDP. These

offer a series of recommendations pertaining to all IDP components, including methodology, institutional organisation, types of public participation, as well as the manner in which cross-cutting issues are included and addressed within the planning process. Other national government support initiatives to strengthen IDPs include a training programme and the establishment of Planning, Implementation and Management Support System (PIMMS) centres at district level. These support initiatives have been instrumental in terms of shaping the way in which IDPs are designed and conducted and are largely responsible for the uniformity in many IDPs (Todes, 2002:14).

The IDP document itself, which is reviewed on an annual basis, is developed through an initial five-phase preparation process, namely: analysis, strategy design, projects development, integration and, lastly, approval. The broad IDP process includes annual monitoring, evaluation and review of the actual implementation of the plan. The IDP monitoring and review process must detail the attainment of organisational objectives and follows the typical project planning cycle. Public participation is viewed as a central component of the IDP process.

CHALLENGES CONFRONTING IDPS

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In 2004 Council of Scientific and Industrial Research (CSIR) research revealed that of the then 284 municipalities in South Africa, just over one in three (37%, or 105 municipalities) demonstrated the ability to develop IDPs that have come to form the

key components of the municipalities' business processes and are thus deemed to be effective (Patel, 2004:4). The CSIR found that 35% of municipalities (99) possess the most basic institutional requirements and capacity but rely on expert support and assistance when it comes to developing and implementing IDPs effectively and therefore do not have a complete sense of ownership of the IDP. The remaining 28% (80) of municipalities lack the necessary basic institutional capacity for planning and face huge challenges when it comes to developing an effective IDP. Identified constraints to the IDP process include lack of meaningful participation, insufficient economic, institutional and human capacity, lack of knowledge and poor intergovernmental relations. Collectively these limitations have dogged the successful implementation of IDPs. While some of these issues may be considered to be "teething problems", there are others that appear to be of a more structural nature (Carter, 2004:2).

PARTICIPATION

In an effort to meet the legal requirement for meaningful stakeholder participation in planning, the DPLG Guide has proposed the establishment of IDP representative forums. These and other participatory strategies have generally not achieved the quality and depth of public engagement envisaged. Research on the Ugu District Municipality's IDP, for example, found that the establishment of representative forums as a space for stakeholder participation has not proved to be a particularly effective or successful method of communication and discussion.

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The forums apparently overestimated the capacity and availability of stakeholders (Todes, 2002:38).

Local government policy and legislation requires municipalities to give particular attention to the involvement of marginalised groups. Recent studies of the Msinga, Hibiscus Coast and eThekweni municipalities show that while IDP support documents produced at a national level do address gender issues, when it comes to the local level, gender is neglected. (Todes et al, 2007). Gender advocacy groups also report that the IDP process is inaccessible (Todes et al, 2007). Broad participatory processes tend to be “divorced” from the IDP resource allocation and implementation processes (Todes et al, 2007:2).

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Researchers maintain that in instances where women's specific needs and issues have been registered in the participatory processes or through advocacy, municipalities have generally neglected to address these needs (Todes et al, 2007).

Arguably, the highly complex nature of integrated development planning also militates against meaningful participation. While this is no excuse for municipalities to ignore the requirement to facilitate public participation in planning processes, the reality is that many municipalities have opted for a more technocratically driven approach to the IDP, which leaves little scope (or patience) for potentially prolonged and wide ranging processes of community engagement.

INSTITUTIONAL, HUMAN AND FINANCIAL CAPACITY

The tendency for the IDP to become a “wish list” has long been acknowledged but never fully resolved

(Carter, 2004:2). It is alleged that councillors alter IDPs after they have been approved and adopted by the council. During the course of 2002 it also became apparent that intergovernmental transfers to municipalities were “gazetted” after the IDP planning processes had been concluded and as a consequence could not be factored into the IDP document (Carter, 2004:2). This issue is further taken up below.

Moreover, as a result of the municipal redemarcation in 2000 further disruption and capacity shortages occurred within some municipal administrations.

Municipal staff do not have the financial, project management and business planning skills required to develop appropriate project proposals and business strategies

Municipal staff do not have the financial, project management and business planning skills required to develop appropriate project proposals and business strategies, particularly given the complex sets of issues that somehow need to be coordinated and assembled in the IDP. National and provincial departments have therefore been unable to increase the allocation of resources to the municipalities (Carter, 2004:2). Furthermore, due to the complex nature of the IDP methodology set out in various guides, the core role of strategic planning within an institutional context has not been made clear to the majority of role players (Rauch, 2002:27). It is also worth noting that the nature and scope of IDPs has shifted over time and they now have to incorporate spatial development frameworks, medium term financial plans, disaster plans, integrated transport plans, water services plans and performance management systems (Harrison, 2008). This clearly puts significant pressure on the political and technical capacity of municipalities to produce

coherent and integrated plans. When it comes to municipal finance, as a result of economic, structural and even political factors, municipalities often fail to collect the full revenue owed to them. In such instances, revenue forecasts set out in IDPs lack any credible basis.

INFORMATION AND KNOWLEDGE

Other challenges concern a lack of reliable information for planning. Confronted by insufficient information about communities, existing infrastructure and estimated costs and expenditure involved in service delivery, municipalities are not able to model or forecast the impact and effects of different tariffs and rates. This is further compounded by the fact that they are unable to adequately calculate the operating costs associated with large capital projects once they have been developed (Carter, 2004:3).

INTERGOVERNMENTAL RELATIONS

A significant challenge for municipalities in formulating an IDP is that national sector departments and agencies are not legally obliged to relate to the IDP process, yet many of their actions and projects are located within municipal boundaries.

A significant challenge for municipalities in formulating an IDP is that national sector departments and agencies are not legally obliged to relate to the IDP process, yet many of their actions and projects are located within municipal boundaries. The Intergovernmental Relations Framework Act (13 of 2005) sought to help rectify this, by proposing the establishment of structures and mechanisms for improved intergovernmental cooperation and coordination. While these forums may have proved beneficial in some respects, it is by no means a foregone conclusion that these have improved the integration and alignment of government plans and ambitions as

reflected in the IDP. One of the key problems is that the planning and delivery cycles of national and provincial sector departments and other stakeholders are not aligned. This, in turn, makes it more difficult for the horizontal alignment of plans and projects between departments in a municipality, as it increases the pressure on municipal department to report upwards, instead of encouraging horizontal integration (Pieterse and van Donk, 2008).

In recognition of the fact that intergovernmental co-operation and alignment is wanting, national government, particularly the Presidency and DPLG, has proposed that the IDP becomes “a local expression of a government-wide plan with clearly defined accountabilities and responsibilities” (Patel and Powell, 2008:353). This recognises the need for greater alignment of national, provincial and local plans and development imperatives, as reflected in the National Spatial Development Perspective (NSDP), the Provincial Growth and Development Strategies (PGDS) and IDPs. While this may seem commonsensical, especially from the perspective of national (and provincial) government, it will require changes both in law and in organisational culture and attitudes to make this possible. More importantly, it is likely to make the IDP process even more complex and technocratically driven, thereby downplaying and undermining the potentially empowering and mobilizing role of local planning processes (Harrison, 2008; Pieterse and van Donk, 2008).

THE WAY FORWARD FOR IDPS

The challenge is for IDPs to become “effective instruments in meeting community needs through better decision-making and management, and realistic strategies and programmes that deliver small and growing, yet tangible change to people’s lives” (Patel, 2004:10). Recent IDPs show a significant improvement compared to earlier versions and are potentially en route to becoming more credible.

a fundamental challenge relates to the IDP's ability to bring about deeper levels of democracy, through meaningful participation and engagement with community groups, particularly those who are most marginalised.

Yet, a fundamental challenge relates to the IDP's ability to bring about deeper levels of democracy, through meaningful participation and engagement with community groups, particularly those who are most marginalised. Most municipalities seem to lack the ability, if not the commitment, to embed the notion of participatory local democracy in their day-to-day practice. Current trends to make the IDP the centrepiece of intergovernmental planning and coordination, while appealing in some respects, will only serve to make it more difficult for the IDP to become a local development plan, one that truly reflects the needs and aspirations of local communities.

Current trends to make the IDP the centrepiece of intergovernmental planning and coordination, while appealing in some respects, will only serve to make it more difficult for the IDP to become a local development plan, one that truly reflects the needs and aspirations of local communities.

There is also a view that the national approach to IDPs incorporates old and outdated approaches to strategic planning that assume that the future is stable and predictable and that seek to be too comprehensive, consequently driving overly bureaucratic approaches. It follows that more dynamic, networked planning tools and processes must respond to the fact that strategy is both planned and must respond to the unexpected dynamics of making decisions in real time.

Within this the major problem of the IDP is that it is supposed to be the tool for achieving too many



things, resulting in an on-going trade-off between different imperatives which ultimately can mean that none of the imperatives is satisfied. Thus the IDP process is seen as the primary mechanism for at least the following:

- ✧ The comprehensive service delivery plan for municipalities with targets and indicators for implementation
- ✧ Aligning budget with strategy and priorities
- ✧ Engaging citizens on their needs and how they would prioritise
- ✧ Aligning the plans and activities of different departments within the municipality
- ✧ Aligning the plans and strategies of all three spheres of government for the particular municipal area
- ✧ Providing long-term strategic direction for the economy of the municipality

Forcing all these elements into the IDP process can be unproductive and results in IDP documents that are often too complex to be useful. There may also be a misplaced belief that alignment can somehow be achieved through the technical process of producing an IDP. Alignment rather flows from strong inter-departmental and inter-organisational relationships, excellent communication flows and a strong common sense of purpose and direction.

One way of addressing this would be to unpack the IDP into a number of different planning instruments that are simpler and better designed to accomplish a narrower purpose. These could include a five-year service delivery plan involving extensive consultation and participation as well as an annual report evaluating municipal performance against the service delivery plan. This should include an independent assessment of performance by an

appropriate independent institution or auditor to ensure transparency and integrity. In the larger urban areas municipalities in partnership with other spheres of government, organised business, labour and other relevant economic stakeholders could produce a long-term development strategy for the area focused on the economy as a tool for aligning common action and strategic infrastructure.

Key points:

- ✦ IDP has developed as a cornerstone of developmental local government in South Africa, although it is yet to satisfactorily attain the high ideals which this approach was developed to achieve.
- ✦ Increasingly more and more is being required of the IDP, which must meet the requirements of more and more laws and policies. This has led to the development of different approaches. One views the IDP as the place where the plans of all three spheres of government should coalesce,

while another sees the IDP as an overburdened instrument which loses its focus when it tries to meet too many requirements.

- ✦ A number of other challenges have emerged in the development of IDPs and the need for meaningful public participation stands out. For the most part, municipalities have been unable to ensure that public participation around the IDP elicits quality participation while incorporating the level of detail required by the legislation and policy.

2.2 MUNICIPAL FINANCES AND BUDGETING

- ✦ To what extent are there measures in place to ensure that municipalities adhere to sound financial practice?
- ✦ What do annual audits indicate about the financial health of municipalities in South

Africa?

- ✦ How do members of the public perceive the financial performance of their municipalities?
- ✦ To what extent are municipalities engaging communities in the formulation and monitoring of their annual budgets?

In a democratic society, citizens give the government a mandate by means of their votes. Elected politicians are therefore obliged to translate the objectives and aspirations of their constituencies into policies and plans that are reflected in the budget (Fölscher, 2004). Owing to the lack of infinite resources and the

boundless array of public needs, it is inevitable that a municipal budget will comprise trade-offs between different spending priorities.

Local government budgets are calculated on the basis of desired targets of service delivery, that is the budgets are performance-based. The MFMA is

intended to ensure that sound financial governance takes place within municipalities and that the roles of mayor, councillors and officials are specified. Section 21 of the MFMA requires that the Mayor should co-ordinate processes that are needed for the preparation of the annual municipal budget as well as for reviewing the municipal IDP in order to ensure that the tabled budget and any revisions that have been made to the IDP and any other budget-related policies are “mutually consistent and credible”. The Municipal Manager is also the accounting officer and is tasked with all aspects of revenue and expenditure management. The Municipal Manager must thus ensure that once the budget has been approved, it is implemented.

Budgets are calculated in detail for the financial year, which runs from July to the following June, as well as in less detail for the Medium Term Expenditure Framework for the following three-year period (Idasa, undated 2).

Section 23 of the MFMA specifies that once an annual budget has been tabled in a municipal council, the accounting officer must publicise the budget and related documents and invite comment from the local community. Any views or representations received by the council must be considered. If these community inputs cannot be factored into the budget, the community is entitled to a response and explanation from the Mayor.

On average, South African municipalities raise 85% of their revenue from property rates, tariffs for services and levies. However, municipalities with fewer resources and sources of revenue receive as much as 92% of their income from other sources. In terms of the Division of Revenue Act, approximately 5% of the national budget is allocated to municipalities to ensure that their revenue matches the expenditure required to create and maintain infrastructure and to deliver the services for which

they are responsible (Idasa, undated 2). Thus, municipalities with large numbers of households that are not able to afford to pay for basic services are funded from nationally collected income tax, company tax and value-added tax (VAT). The share of the national budget comes in the form of an “equitable share” allocation for service delivery and from “conditional grants” to fund infrastructure or current expenditure on capacity building.

The MFMA requires an annual audit of municipal finances. The quality of these audits has, however, been poor. It was reported in April 2007 (Business News, 2007) that although audit deadlines were generally being met, the number of qualified audits doubled between 2003/04 and 2005/06. The Minister of Finance reported at the SALGA National Conference that many municipal Chief Financial Officers lacked appropriate qualifications in finance and that some had been rotated from other management posts, such as traffic control or human resources, into finance. Between 30% and 70% of senior management posts at municipalities, including Chief Financial Officers and Municipal Managers, were vacant.

As table 8 shows, nearly half of respondents (47%) in a 2006 study by Bratton and Sibanyoni are of the view that municipalities are doing very well or fairly well in terms of local revenue collection. However, a lower number of people holds the same view in respect of decisions on expenditure.

Significantly, more than a quarter (26%) does not know or has not heard enough about expenditure incurred by their municipalities to be able to assess their performance. A similar proportion (27%) is insufficiently informed about the collection of local revenues (Bratton & Sibanyoni, 2006). Even in instances where ward committees are functioning well, details of the municipal budget are rarely tabled for discussion between members.

Table 8: Public views on municipalities' financial performance

	Doing very well	Doing fairly well	Don't know/ haven't heard enough	Doing fairly badly	Doing very badly
Local revenue collection	15%	32%	27%	14%	12%
Decisions on expenditure	10%	26%	26%	19%	19%

Source: Bratton & Sibanyoni (2006).

A more positive picture emerges from the six local municipalities of the Mpumalanga District Municipality of Nkangala, where 61% the members of the public and CBOs interviewed reported that public meetings are held on the municipal budget. The survey also shows that both civil society and government respondents confirmed that the municipalities held a number of consultative meetings to discuss the most recent municipal budget. More than half (56%) of the members of the public and CBOs reported that their municipalities

held one or two consultative meetings. Almost two-thirds (64%) of the councillors and officials reported that four or more consultative meetings had been held to discuss the most recent municipal budget. However, one of the main challenges is to strengthen systems of citizen accountability and public oversight on municipal financial performance. This should include mechanisms to enhance the scope of information disclosure to citizens, particularly focusing on outputs, outcomes and impacts of municipal decisions (Savage, 2008).

Key points:

- ✦ As a middle income country the budgets of South African municipalities reflect a series of trade-offs between developmental needs and limited resources.
- ✦ Good financial management by municipalities is constrained by the availability of skilled personnel across municipalities. This is evident in the increase in qualified audits and the large

number of vacancies in Municipal Manager and Chief Financial Officer posts.

- ✦ With municipalities themselves not always able to deliver professional financial management it is unsurprising that public oversight of municipal financial performance is still weak. An important challenge therefore is to strengthen systems of citizen accountability.

2.3 PERFORMANCE MANAGEMENT

- ✦ How does legislation encourage the public to be involved in municipal performance management?
- ✦ What has the experience been in cases where attempts have been made to engage communi-

- ties in municipal performance management?
- ✦ How have municipal politicians and officials reacted to attempts to involve communities more directly in performance monitoring?
- ✦ How is performance management linked to integrated development planning in practice?

Despite extensive legal and policy provisions geared towards ensuring the practice of good local governance in South African municipalities, the reality of local governance practice often falls well short of the policy ideal. Consequently, a growing gap between the rhetoric of policy intentions and citizens' day-to-day experiences of municipal governance runs the risk of alienating civil society and the citizenry in general from their local authorities. The year 2007 saw an increase in service delivery related protests and there has been a growing acceptance within civil society that more needs to be done in terms of service delivery in order to stem the tide of conflicts. Recent trends have shown that there is a relationship between service delivery, municipal administration/mal-administration and broader community participation. For example, it has emerged that despite regular Auditor-General reports, details of impropriety are either ignored or withheld from public scrutiny and this creates a growing alienation and local level conflict between citizens/civil society and local government.

In an effort to narrow this rift, efforts have been made, ostensibly, to involve citizens in municipal performance management systems (PMS) through which a fruitful dialogue and engagement between politicians, administrators and the communities is fostered. The system requires a concerted approach by all stakeholders in the setting of targets, by both the evaluators and those being evaluated. Such consensual arrangements, it was initially hoped, would ensure greater municipal accountability by municipalities to local communities.

An effective municipal PMS is supposed to not only deal with current misdemeanours such as the irregular awarding of contracts or procurement of services, but it is also supposed to help diffuse any potential service delivery related protests and block potential loopholes for corruption. Over the past

seven years there have been allegations, especially in smaller municipalities that the performance of councillors and officials is not on par with their salaries and allowances. In more recent years the country has been rocked by protests from the public as a result of poor service delivery brought about by the poor or non-performance of councillors and officials.

LEGISLATIVE FRAMEWORK FOR MUNICIPAL PERFORMANCE MANAGEMENT SYSTEMS

It is required by law that municipalities not only have a PMS, but must also involve local communities in the municipal PMS. Section 42 of the Municipal Systems Act states that a municipality, through appropriate mechanisms, processes and procedures established in terms of Chapter 4, must involve the local community in the development, implementation and review of the municipality's PMS, and, in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets for the municipality.

Chapter 4 of the Systems Act is dedicated to community participation. Section 16(1) stipulates that a municipality must develop "a culture of municipal governance that complements formal representative government with a system of participatory governance." It emphasises that the municipality must foster participation in the evaluation of its performance through a performance management system alongside strategic decisions about service delivery. According to the Act the municipality is supposed to set targets and indicators that will enable it to monitor and review its performance based on those indicators.

According to section 17(1) of the Systems Act, community participation, including in the PMS must take place through ward committees, councillors,

mechanisms, processes and procedures defined in the Act or established by the council. In essence, where ward committees exist as the principal form of community participation, the municipality is obliged to involve them in the setting of key performance indicators, targets and the monitoring thereof. The Systems Act also stipulates that the municipality is supposed to publish an annual report on the performance of its councillors and staff. It has become apparent that ill-advised spending priorities, as a result of limited community participation and consultation by municipalities, has been impacting negatively on service delivery.

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In response to these legislative provisions, various civil society organisations have developed instruments to empower communities to play a role in assessing municipal performance. These are not meant to be punitive but are supposed to help foster engagement and dialogue between a municipality and the communities that it serves. One such organisation, Afesis-corplan, came up with a Key Performance Indicators (KPIs) matrix that is intended to assess the relationship between local civil society and its respective municipality. It was first piloted in the Buffalo City Municipal area in the Eastern Cape. The KPIs are focused on various governance elements, such as the municipality's interface with the public, service delivery and performance management and the implementation of IDPs.

The instrument can be used by civil society organisations that have an unstructured or partially structured relationship with the municipality. Ward committees or similar bodies that exist in a struc-

tured and well-regulated relationship with the municipality can also use it. In 2004 Afesis-corplan rolled out the KPI pilot projects to other parts of the country with the help of well-established partner organisations including the Foundation for Contemporary Research (FCR) in the Western Cape, Planact in Gauteng, the Built Environment Support Group (BESG) in KwaZulu-Natal and Idasa in Limpopo.

RELATIONSHIP BETWEEN THE PMS AND IDP

Municipal performance management systems should be based on the IDPs of municipalities. Because the municipal IDP is reviewed on an annual basis, a twice a year ward level performance management system could feed into the annual review. In developing the ward KPI approach, Afesis-corplan took into consideration that ward-level KPIs must also relate to KPIs in the municipal IDP, since the municipality is unlikely to feel compelled to adhere to ward-level targets particularly around service levels that deviate from those specified in the IDP. In Nyandeni Municipality in the Eastern Cape, R343 000 was allegedly intended for housing subsidies as per the IDP. However, the money was used to pay salaries. This suggests that inputs from public participation in municipal performance management were ignored when it came to actual implementation of decisions.

In an effort to contain the litany of financial impropriety within local government, two GGLN members have devised a project dubbed "closing the gap" or the community-based financial accountability project (CBFA). This is being implemented by Afesis-corplan in partnership with the Project for Conflict Resolution and Development (PCRD), another GGLN member based in the Eastern Cape. The project seeks to promote community-based financial accountability in compliance with section

21 (3) of the Public Audit Act which stipulates that audit reports must be tabled in the relevant legislature in accordance with any applicable legislation or otherwise within a reasonable time. The CBFA aims at empowering communities to monitor how municipalities use their funds in line with the provisions of the White Paper on Local Government. In Ndlambe and Kouga local municipalities in the Eastern Cape the newly formed monitoring groups consist of members of the general public, ratepayers' associations, community-based organisations and individuals that feel passionate about financial accountability.



Unless public participation in the municipal PMS is substantially improved, there is little hope that service delivery performance will equally improve.

Unless public participation in the municipal PMS is substantially improved, there is little hope that service delivery performance will equally improve. Ward committees being the key forums for public participation are charged with the role of spearheading the involvement of the general public in the PMS of their municipalities. However, most of them remain dysfunctional and insufficiently capacitated to engage with municipal officials on technical issues around performance management. Even those that have been trained on how to use the civil society-crafted ward KPI matrix complain about lack of financial resources to enable them to undertake the requisite performance monitoring tasks.

Moreover, councillors have not taken kindly to being assessed by ward committee members, whom they generally view as their underlings. This is the same attitude that has been exhibited by council officials as well. Both the elected representatives and municipal officials have generally been hostile to the monitoring process which is supposed to enhance

the effectiveness of the PMS in ensuring better service delivery. As a result, they have tended to frustrate the activities of the ward committees in an effort to wear them out and discourage them from fulfilling that aspect of their mandate. Civil society organisations have not fared better.

The internal workings of the PMS is thus flawed. In many cases, violations have outweighed compliance. Where there has been a semblance of compliance, a closer look reveals serious attempts at concealing poor performance. There have also been genuine concerns over whether society should not be demanding an excellent collective management performance rather than the current system that only rewards senior managers and therefore generates resentment among the rest of the staff. Tied to this concern is the amount of time spent on the mere "make-believe" compliance that really has nothing to do with improved management performance.

Generally, although the details of the PMS are clearly spelt out, it is obvious that the good intentions contained in the policy and legal frameworks are not reflected in actions on the ground. The implementation of the PMS is badly flawed while the structures that are supposed to aggressively actualise the

policies - the ward committees - are largely dysfunctional because of the numerous challenges they face. Municipal officials and councillors remain equally resistant to being assessed and there does not appear to be meaningful recourse for aggrieved

communities. Under the circumstances, there may be a need to re-think the PMS by strengthening ward committees and the role of civil society and also increase disincentives for non-compliant councillors and officials.

Key points:

- ✦ The Municipal Systems Act requires that all municipalities develop and implement a PMS. The legislation also requires that local communities participate in the development of the PMS through appropriate mechanisms and processes. In particular the legislation encourages the participation of the community in the setting of appropriate key performance indicators and performance targets. Performance management systems should be based on the IDP and the development of key

performance indicators and areas should tally with the core priorities identified in the IDP.

- ✦ To date public participation and oversight of the performance management systems has been poor. Ward committees in particular are not yet playing a meaningful role in performance management.
- ✦ On the whole the development of a strong culture of performance management has not taken hold in municipalities and there remains a disjuncture between the vision set out in legislation and the reality of the majority of the country's municipalities.

2.4 INTERGOVERNMENTAL RELATIONS

- ✦ What are the policy and legislative frameworks governing intergovernmental relations in South Africa?
- ✦ Have the Intergovernmental Relations Framework Act and its forums (where established) improved district-local relations and

communication between district and local municipalities?

- ✦ Is there vertical alignment with provincial and national government policies and programmes as envisaged in the Act?
- ✦ What are the key challenges and shortcomings which need to be addressed to ensure effective intergovernmental relations in South Africa?

Local government in South Africa is a unique experiment in intergovernmental relations. Guided by the constitutional principle of co-operative government, district and local municipalities must work together to achieve their (often overlapping) goals. These government actors must coordinate common policies, programmes and delivery with each other.

At its most basic level, intergovernmental relations is about the relationships between the three spheres of government – national, provincial and local government – and how these can be made to work together for the good of the country as a whole. In terms of the White Paper on Local Government, intergovernmental relations is a set of multiple formal and

informal processes, channels, structures and institutional arrangements for bilateral and multilateral interaction within and between spheres of government. Since the final demarcation of municipalities in 2000, a myriad informal channels and forums have been developed to align and inform each actor of the others' desires and needs.

In practice, relations between district and local municipalities are often characterised by a lack of co-operation, if not conflict. The presence of two councils sharing jurisdiction of the same territory has set the stage for political contestation. The lack of clarity in the division of powers and functions between district and local municipalities further exacerbates the conflict. District-local intergovernmental relations tend to be forged on an ad hoc basis, often influenced by party-political dynamics and personalities (Atkinson et al, 2003). In sum, intergovernmental relations has often failed to facilitate the cooperation of district and local municipalities to coordinate their constitutional mandates and achieve efficient service delivery. The state of intergovernmental relations is thus fraught with confusion and misunderstanding.

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Against this backdrop, the Intergovernmental Relations Framework Act (IRFA) came into effect on 15 August 2005. The IRFA's ultimate goal is to enhance intergovernmental co-operation, which is a necessary precondition of realising the goals of the Constitution. In the district-local relations arena, the IRFA mandated the establishment of district intergovernmental forums (DIFs) by 31 August 2006, with

the aim of formalising and institutionalising the relationship between district and local municipalities through the District Intergovernmental Forum. At the local level, the IRFA promotes better coordination to improve the effective provision of services that require combined action to ensure that its legislated intention translates into tangible, measurable results. Ultimately, however, the success of the IRFA depends on its ability to improve intergovernmental relations in the local government sphere.

District intergovernmental relations have seen a definite improvement since the implementation of the IRFA. Initial signs are that the act has had a visible and encouraging impact. However, teething problems, particularly the elections and conceptual misunderstandings of the Act and its requirements, have hampered the effective functioning of some DIFs. Some variables have interfered with the assessment of correlating the promulgation of the Act with improved district-local cooperation and relations. The impact of the March 2006 local elections was particularly influential in this regard, in that, for the most part, it had a de-stabilising effect on DIFs which were functioning well before the elections. Conversely, but to a lesser extent, it heralded the establishment of DIFs in districts where there previously were none, and the revival of DIFs which were dysfunctional.

However, many district and local municipalities continue to struggle with cooperative government. Lessons from five years of unlegislated intergovernmental relations should temper any great expectations for the new forums. Unhappy intergovernmental relations are not easily remedied by a legislated forum alone. In some districts, one or more strong local municipalities (the so-called 'secondary cities') are wealthier and have more capacity than their districts. The strong local is then in the paradoxical position of helping the district to fulfil its duties, particularly in relation to other, less capable local

municipalities. In this case, intergovernmental forums should recognise the actual capacity of municipalities and let the most capable municipalities have a bigger role to benefit all municipalities in the district. In cases where a district insists on taking a leadership role it is unequipped to play, more competent local municipalities have simply ignored the intergovernmental forums. This may explain the dysfunctional or ineffective nature of some DIFs, particularly those with more than one strong local municipality in its district.

The IRFA only seeks to provide a legislative platform to guide district-local relations through the principle mechanism of the DIF. The IRFA strikes a balance between inter-district innovation necessary to develop best practices and the need to establish formal district-local intergovernmental forums across South Africa. The Act is a framework, implying that it sets parameters for the establishment of DIFs, but that it is up to each district to find its way and to tailor the forum to suit its capacity and dynamic make-up. The framework allows wide scope for growth of the divergent forums. DIFs must simply find their way within that framework.

The IRFA is also important in tying the many, disparate district-local forums to the new Premier's intergovernmental forums (PIFs) and indirectly, the President's Coordinating Council. This creates a legislative system of inter-sphere communication necessary to implement national and provincial objectives that require the cooperation of all spheres of government. However, the level of vertical alignment with the PIFs, as envisaged by the Act, did not materialise in most of the DIFs. This is due, in part, to the teething problems experienced in the first two years of the act's implementation.

In conclusion, a number of observations are presented here. Firstly, with regard to the establishment of the DIF, those districts that have not established the DIF are now in breach of an executive

obligation as more than one year has passed since the Act's promulgation. Where no DIF has yet been established, it is the responsibility, first of the district, to ensure compliance and then, failing that, of the provincial government to exercise its supervisory function and compel, by directive, those districts to establish the DIF where they have not done so. The provincial government should further support these districts to establish the DIF by assisting them with draft protocols, meetings and the like.

Secondly, the membership of the DIFs is still too broad and all inclusive, with the distinction between members and invitees not always clear. Again, provincial government should play a supportive role in facilitating training workshops among the official members (Mayors) to improve the understanding of the Act's requirements and, more importantly, the rationale behind those requirements.

Thirdly, the most practical way to deal with most of these issues appears to be through training and workshops with the members of the DIFs to improve their understanding of the Act and its rationale, with the view to effecting better coordination and cooperation. However, provincial governments should be careful not to overstep their supervisory and supportive role in assisting district municipalities to fulfil their mandate.

Fourthly, the role of "secondary cities" or "aspirant metros" in districts is becoming an issue of increasing district-local tension, and must be addressed to ensure that cooperation, coordination, and ultimately service delivery within those districts is not compromised. This issue is currently being addressed in the DPLG's review process.

Lastly, institutionalised intergovernmental relations involve a certain type of organisational embedding. It primarily moves intergovernmental relations from the informal domain of interaction through telephones, letters and informal meetings into a more formal arena of communication and interaction. It involves the



creation of a particular structure with certain organisational features. It introduces regularity of meetings and a procedure for adopting resolutions and ensuring their implementation. South Africa, by adopting the IRFA, has taken further the institutionalisation of intergovernmental relations.

In the end, however, forums are only as useful as the outcomes they achieve. Despite the generally progressive impact of the IRFA in the formal intergovernmental relations arena, it is clear that the mere existence of intergovernmental forums does not necessarily result in effective district-local cooperation. Political will is the key driver in facilitating cooperative and effective district-local, as well as provincial-local, intergovernmental relations. Of critical importance in this regard will be better and continued monitoring of the implementation of the Act

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at the district level, both by districts themselves and the provincial governments responsible for supervising, monitoring and supporting the DIFs.

If intergovernmental forums are unable to translate their intentions into developmental outcomes, an institutionalized response to intergovernmental relations holds the danger of serving to embed a narrow, instrumentalist perspective on intergovernmental relations, which is likely to be top-down or exclude meaningful engagement from local communities.

Key points:

- ✧ Co-operative government between different spheres and arms of government is central to the South African polity, with a chapter in the Constitution dedicated to this principle.
- ✧ In addition to the Constitution, the Intergovernmental Relations Framework Act (IRFA) of 2005 has helped to institutionalise co-operative relations between spheres of government

- ✧ At the same time real and unresolved tensions continue to plague the local sphere, in particular the relations between district and local municipalities which are often characterised by a lack of co-operation, if not conflict. This is exacerbated by the lack of clarity in the division of powers and functions between district and local municipalities.



3. EQUITABLE SERVICE DELIVERY AND POVERTY REDUCTION

Service delivery is one of the core duties of municipalities. Local government is the closest sphere of government to the people, and is therefore assumed to be the sphere that can most readily identify, prioritise, and implement programmes and projects to address development needs.

More specifically, the intended outcomes of developmental local government include equitable, sustainable and effective development that serves to reduce poverty and enable people to maintain, if not improve, their well-being. In terms of the Municipal Systems Act, local government is expected to involve communities in their area of jurisdiction in addressing people's needs in a transformational and participatory manner. This section will reflect on progress and challenges related to equitable service delivery and poverty reduction. Attention will also be given to Local Economic Development and the Community Development Workers Programme, as a government intervention aimed at improving service delivery and enhancing the community-state interface.



most vulnerable members of our society. This has been recognized by the DPLG in its “Framework for an Integrated Local government Response to HIV and AIDS” published in April 2007.

Another trend that affects efforts towards poverty reduction and service delivery relates to the issue of household formation, and particularly the recently observed trend of household splitting. As a result, backlogs in household services, such as water, sanitation and housing, are particularly stubborn.

While addressing service delivery backlogs and effectively responding to demographic trends such as household splitting are important, it is equally important not to lose sight of two other issues, namely maintenance of infrastructure and the quality of services. Regarding infrastructure maintenance and, with new development, expansion, municipalities are often faced with a tension between the need to maintain ageing infrastructure, such water mains, electrical distribution plant and drainage systems in the older urban and peri-urban settlements, and the need to invest in new development projects. This tension and trade-off is particularly severe when it requires major repair and replacement rather than routine maintenance.

Regarding quality of services, there is little if any oversight or monitoring in terms of national standards of the quality of service that needs to be provided. The national housing subsidy scheme, which adopted minimum norms and standards for low-income housing in 1999, is an exception. Even basic services such as refuse collection in formal areas, which is a weekly planned maintenance service, are frequently compromised by a lack of personnel and shortages of, or poorly maintained, equipment and vehicles. This in turn contributes to an increased incidence of illegal dumping and uncollected refuse attracting dogs and rats, which are a further health hazard.

Government programmes aimed at addressing household poverty have further had the perverse effect of entrenching exclusion, marginalisation and inequality. There is much evidence from researchers and housing experts that the housing subsidy scheme entrenches poverty and compromises livelihood security as households battle to accommodate large, extended family units in “RDP box housing” and lack the resources to pay for services over the free basic allowances and ongoing maintenance. Furthermore, they find themselves spatially marginalised. Currently, most of the new low income housing projects are located on the periphery of municipal boundaries, where land is more affordable. This has negative implications for new tenants, who find themselves far removed from economic and social opportunities and resources. While successive reviews of the scheme have emphasised the need to develop low-income settlements on well-located land, providing access to employment opportunities and social services, the pressure to address backlogs perpetuates housing delivery on the periphery of cities and towns. While shelter poverty may be addressed, economic poverty is exacerbated as households have to spend a larger portion of their income on commuting to places of employment (or indeed seeking employment), schools, clinics and hospitals, and so on. This trend is also costly from the perspective of infrastructure development and, most especially, transport.

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Ultimately, it is not only the well-being and quality of life of current inhabitants of low income settlements,

but the long-term financial and environmental sustainability of service delivery and local development that is at stake as it is difficult to undo the spatial implications of current service delivery programmes.

many poor communities' expectations of access to socio-economic development and of participation in local development processes have been frustrated or disappointed.

Also, notwithstanding progress made with regard to accelerated, improved service delivery and poverty reduction, many poor communities' expectations of access to socio-economic development and of participation in local development processes have been frustrated or disappointed.

An unacceptably large proportion of the urban population of South Africa still lives in poor living conditions, without adequate housing or access to basic services

An unacceptably large proportion of the urban population of South Africa still lives in poor living conditions, without adequate housing or access to basic services, and disconnections for non-payment of services (in excess of the free basic allowances) have increased.

Moreover, many of the projects under government programmes aimed at poverty reduction and equitable service delivery have not demonstrated much success in building the capacity of target

Civil society groupings remain isolated and disempowered, and unable to hold government structures and elected officials accountable.

groups and communities themselves to organise, advocate and negotiate to secure their effective participation in the progressive realisation of socio-economic rights. The achievement of national¹⁶ and international targets¹⁷ for poverty reduction and sustainable development, are inextricably linked to the extent to which people in poor communities are able to build their capacity to participate in governance and decision making about the allocation and use of resources for development. Delivery programmes that do not build this capacity will not have the sustainable long-term impacts that are necessary to challenge poverty and discrimination effectively. Civil society groupings remain isolated and disempowered, and unable to hold government structures and elected officials accountable. The consequences of disaffection with poor service delivery, without adequate means of addressing such disaffection constructively and in a participatory manner, are declining levels of voting, increasing numbers of councillors removed and replaced in the local elections held in March 2006, and highly visible service delivery protests both before the local elections and still to date.

SETTLEMENT PATTERNS AND SERVICE DELIVERY

Settlement patterns have a direct bearing on service delivery. Few municipalities have the capacity to monitor and manage urban influx and urban-rural cross-migration effectively.¹⁸ Municipal IDPs typically do not address service delivery issues on private land or in rural areas. There are also issues of logistics and economy of scale in reaching scattered rural households. In some settlements, particularly in communally owned or traditional authority areas, members of the public share water with animals. These conditions result in increased susceptibility to illnesses.

Due to the national housing subsidy scheme being the principal mechanism for providing basic

ill-advised spending priorities, as a result of limited community participation and consultation by municipalities, has been impacting negatively on service delivery.

services in urban and peri-urban areas, and the increasing backlog in housing delivery, water and sanitation is a daily challenge for poor households living in informal settlements, where up to 500 households may share one communal standpipe. Refuse collection is also neglected due to lack of road access to informal and rural settlements.

Reliance on the national housing subsidy scheme as a conduit for service delivery impedes delivery in rural areas, specifically within KwaZulu-Natal and the Eastern Cape. A key component of the housing subsidy scheme is the provision of security of tenure. This is principally in the form of freehold title, which is seen as a foreign concept and in conflict with the traditional powers of traditional leaders to grant functional tenure. There has been further suspicion that development will bring with it the liability to pay municipal rates and services.

A related issue is the sustainability of many low-income housing projects, developed under the banner of “building sustainable human settlements”. This theme has featured prominently through several revisions of policy implementation, the most recent being the 2004 policy, Breaking New Ground. However, the ability to translate this into real improvements in the living conditions of the poor is compromised by a multiplicity of factors:

- ✳ Poorly located housing being sold or used for rental income, while the original beneficiaries return to better located informal settlements.
- ✳ Concomitantly, the high cost of acquiring and developing housing stock on well-located land, which is not affordable (the N2 Gateway flagship project in Cape Town being an example) and

creating conditions for “downward raiding” of rental stock.

- ✳ The responsibilities for maintenance and repairs associated with being a homeowner.
- ✳ RDP housing that was not designed with improvement or extension in mind, with the inability to extend contributing to overcrowding (or a shack in the backyard), while adding internal partition walls to create privacy can interfere with design ventilation.
- ✳ Lack of access to services and facilities, due in turn to poor co-ordination, or inadequate capital budgets, in provincial and national service departments for investment in new schools, health facilities, and police stations.
- ✳ Inability to manage consumption of water and electricity within the free allowances prescribed in terms of indigent support policies.

INDIGENT SUPPORT POLICY

The indigent support policy is one instrument available to municipalities to provide support to poor households. Richards et al (2003) contend with respect to indigent policy and the application of free basic services policy (water and electricity), that four broad policy options are available to municipalities in the delivery of basic services to the poor:

1. A targeted approach aimed specifically at the poor, requiring households to apply for a free or subsidised service and pass a means test with monthly household income being one of the measures of indigency. This approach is not particularly practical and is costly. For this approach to run effectively, a municipality needs to establish an administrative and monitoring structure whereby social workers would be required to visit households repeatedly over time to ensure that their economic circumstances have not changed.



2. The blanket or universal approach in which all households receive a free portion of water and electricity (Buffalo City Municipality¹⁹ and the City of Cape Town municipality use this approach) and a step-tariff structure applies thereafter to subsidise the free portion of the service.
3. A self-targeted approach, which entails a municipality supplying access to free basic services (water and electricity), providing households fall within a specified property-value range and consume less than a specified limit of the free basic or subsidised service. eThekweni and Mangaung municipalities use this approach. Municipalities (for example eThekweni) using this model penalise households who have applied for the special indigent tariff but who consume more than the allotted amount of water or electricity which is subsidised. eThekweni indigent households who consume more than the limit for the subsidised amount actually start paying a step-tariff rate, which is higher than regular users who have not applied under the indigent policy. No means testing is necessary under this model. The advantage of this model is that it does not involve a costly administrative structure to undertake repeated means testing to check whether a household's circumstances have changed.

4. The ring fencing of poorer communities to receive free provision of services is also used. Municipalities using this approach have to trade-off and balance the cost to the local government and to households of unfairly benefiting some proportion of households who live in the township versus unfairly disadvantaging households who live outside the township. This method is simple and cheap to administer and may represent recognition of a de facto situation. However there are likely to be residents in a ring-fenced area which are not poor.

In general, municipalities use cross-subsidisation via a step-tariff system to provide basic services to poor households. The larger municipalities (eThekweni and the City of Cape Town) contend that poor households are provided with a number of consumption options in respect of basic household services. This enables them to reduce their municipal accounts to very low and affordable levels.

There appears to be a shift amongst municipalities towards a self-targeted approach in the administration of indigent policies. For example, Buffalo City Municipality, which currently uses a targeted or blanket approach, is reviewing this and may shift to a self-targeted policy in the future. The self-selection nature of the self-targeted approach means that municipalities do not have to establish costly monitoring departments to ensure that households qualify and continue to qualify for indigent benefits. Whilst the self-targeted approach may offer advantages to municipalities, it remains to be seen whether the approach directly benefits the majority of indigent households, and the extent to which this policy reaches those households most in need (Richards et al, 2003). A key question to be asked is whether it is or can be manipulated politically as an instrument of patronage.

While the provision of free basic services can provide an important lifeline to poor households, there are a number of concerns with respect to the indigent policy.

poor households are not always aware that such policy exists, let alone how to take advantage of its provisions.

First, poor households are not always aware that such policy exists, let alone how to take advantage of its provisions. Similarly, councillors are not always knowledgeable of indigent support policies. A study completed by BEG in the Msunduzi Local Municipality on the Indigent Support Policy in August 2007 revealed that 88% of community members in targeted low-income areas were not aware of such a policy – even though 80% of those interviewed were direct beneficiaries. There were neither brochures nor pamphlets that explain this policy in a community friendly manner in council buildings or councillors' offices. Similarly, while survey findings suggested that all local municipalities in Nkangala District have an indigent policy, 37% of respondents in Emalahleni Local Municipality reported that there was no such policy in their municipality.

One of the more progressive aspects of Msunduzi Municipality's application of the indigent support policy is the provision for people to apply for increased allowances at a subsidised rate. Unfortunately, in practice, there is a very low take-up of the rebate option due to poor dissemination of the policy and poor understanding of the policy by councillors, and the need to apply and be subject to a means test on an annual basis.

Secondly, the amount of free basic services provided for in the indigent support policy is insufficient and poor households are unable to manage consumption of water and electricity within

It is virtually impossible for a household to survive on 200 litres of water a day (6 kilolitres per household per month) if the house is connected to waterborne sewerage

the free allowances prescribed in terms of indigent support policies. It is virtually impossible for a household to survive on 200 litres of water a day (6 kilolitres per household per month) if the house is connected to waterborne sewerage, without having some means of supplementing the supply (through purchasing more at tariff or continuing to draw water from natural – and usually polluted – sources) or compromising the family's health, e.g. through not flushing routinely or not washing hands afterwards. Water consumption increases dramatically if there are any infectious diseases present in the household, simply for bathing and providing changes of bedding and towels. Free basic electricity is only intended for lighting, consequently many households continue to use wood, which is unsustainable or paraffin (which is expensive, dangerous, and can cause respiratory complaints) for cooking and heating water.

Also, the provision of free basic water does not take into cognisance issues of seasonal changes in water consumption, nor the size of families. Although the Water Services Act (108 of 1997) gives discretion to municipalities to provide free basic water according to the needs and the municipality's financial capability, very few councillors understand these provisions, and it is not in the interests of officials, who are more focused on balancing budgets than human rights issues, to do more than is necessary to meet minimum service delivery expectations.

This explains the mixed response with respect to the effectiveness of municipal indigent policies. For example, more than half (55%) of respondents in Nkangala District Good Governance Survey indicated that the indigent policy is effective in serving the

needs of the poor, an exception being the 65% in Steve Tshwete Local Municipality who reported that the indigent policy is not effective.

The issue of the indigent support policy ties in with the issue of cost-recovery.

COST RECOVERY FOR SUBSIDISED SERVICES

A major challenge to municipalities is the recovery of costs incurred in the delivery of services. In 2002, municipalities were owed R22 billion for rates and service charges (Idasa Budget Watch, January 2003). Almost two-thirds (63%) of consumer debt was owed to the six metropolitan municipalities. Category B, or local, municipalities also had significant consumer debt; however the wealthier Gauteng and Western Cape municipalities had the largest debts (Richards et al, 2003). Msunduzi Municipality, a large category B municipality with a budget in 2002/03 of R1,176 billion making it South Africa's ninth wealthiest municipality saw municipal debt increase between 1997 and 2002 municipal debt by 20% per annum. For the year ended 30 June 2001, the city was owed an amount of R243 million in service charges. This affected the municipality's ability to fund capital expenditure from internal funds resulting in the need to acquire external loans.

Reasons for rising consumer debt for services are many and complex, including:

- * Interest payments on long outstanding debts for services, increasing the total amount owed to municipalities.
- * Unreliable and corrupt consumer data, attributable to poor billing, metering and revenue administration processes.
- * Poverty, resulting in an inability to pay for services.
- * Inadequate policies and procedures to collect consumer debt.



- * A lack of political will to support debt collection actions.
- * A culture of non-payment and belief that there are no follow-up procedures.
- * Dissatisfaction with the level of service and perceptions that accounts are wrong.
- * Problems to be resolved in respect of the implementation of Free Basic Services.
- * Unreliable postal service resulting in the non-delivery of bills.
- * Inaccessible payment points.
- * Lack of clarity around responsibility for revenue administration (Richards et al, 2003).

In eThekweni Municipality, solid waste removal costs are covered through property rates. Solid waste removal expenditure is offset by the municipality's commercial solid waste removal arm. With respect to private household waste removal, a step-tariff structure applies. Cape Town also adopts a cross-subsidy approach. Households with a property value of less than R50 000 receive a 100% subsidy. There are two components to solid waste removal: a private/household component, which is subsidised for properties valued less than R125 000 and a



public component for the removal of solid waste in the public domain, and as part of general environmental protection. This would include, for example, solid waste recycling. A universal levy is applied to finance this component. This levy is also structured by way of a step-tariff, based on household property value. Buffalo City Municipality does not have a universal tariff policy for solid waste removal. In general terms though, solid waste removal for the poor is subsidised, particularly for households with a monthly income of less than R1 500.

eThekweni Municipality and the City of Cape Town do not appear to run specific incentive schemes to encourage payment for municipal arrears. Both of these municipalities appear to provide a “package of costs” to the poor which is affordable and therefore payment for municipal services is encouraged in this way. The threat of black-listing with credit bureaus and evictions provide “negative incentives” to encourage payment, especially if the poor perceive that their rates bills are relatively affordable. In Cape Town, a new scheme for the poor, which has yet to be approved, will offer consumers a reduction on their arrears on

service payments providing they can prove they are poor and have installed water restrictors in their systems.

Mangaung Municipality offers special arrangements for the poor who are in arrears over service payments whereas richer communities, able to afford service charges, are reportedly shown zero tolerance if they fall into arrears. With respect to poor households in Buffalo City Municipality in arrears, special arrangements were also made for households who signed up under this scheme. Those households which qualified under this benefit had their arrears “parked” and payment on “new” arrears after July 2001 extended to February 2002. This scheme has reportedly done little to reduce service arrears.

With respect to incentives to encourage citizens to pay for services, there are a number of options available. Akharwaray and Atkinson (2002) argue that municipalities should have a “menu of approaches” which would limit the coercive or punitive approach to those residents who are the worst offenders in respect of non-payment for services. Two possible options are suggested, which are in keeping with the spirit of developmental local government.

The first option is called the incentive approach. Some municipalities have experimented with this and have used lucky draw systems, whereby households who pay their bills qualify for a monthly prize draw. Akharwaray and Atkinson (2002) cite several advantages to this approach: the fondness South Africans have for lotteries and the fact that the chances of winning a municipal draw are much greater than winning the national lottery; the lucky draw approach can be accompanied by a public relations drive including regular meetings, media announcements and report-backs to the community on progress with arrears payments. Separate draws could also be held for current accounts and accounts in arrears which may encourage significant payments

on arrears and finally, the draw may encourage residents who are officially classified as indigents to register as municipal payers.

The second broad approach suggested by Akharwaray and Atkinson (2002) is the community responsiveness model in which payments for services are directly linked to municipal performance so that residents know how their money is being spent. This approach requires a communication strategy using newsletters and monthly fliers informing residents of the accomplishments of the municipality.

MODELS OF SERVICE DELIVERY

Municipalities have a range of options of service delivery models at their disposal, including direct service delivery by municipalities, the establishment of municipal entities, privatisation and partnership arrangements with external agencies. The Municipal Systems Act, for example, recognises the need to enhance government capacity to deliver services through public-private partnerships. This is quite distinct from conventional competitive tendering. While the White Paper on Municipal Service Partnerships (2000) makes provision for a municipal service partnership to be established with a CBO or NGO, the provisions of the Municipal Finance Management Act make it near impossible for civil society organisations to qualify for such an arrangement.

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Thus, the notion of municipal-community partnerships is not very well developed or, in instances where the approach has been piloted, not particularly well received by municipalities.

The Community Based Maintenance and Environmental Management Programme (CBM) serves to illustrate this point. The programme was conceived by BESG, a GGLN member organisation, as a result of the local municipality failing to provide adequate refuse collection, grass cutting, and roads and stormwater management services in newly established townships. BESG developed a “municipal-community” partnership model whereby officials from the respective line departments, ward councillors, and representatives from local CBOs formed a joint steering committee that managed the annual budget provided by the line departments, dealt with performance matters, and would ultimately be formed as a separate entity with community-based labour transferring from BESG to the new entity. At its peak, the project employed 44 workers servicing 4 500 households in three less formal townships.

Aside from the benefits of public participation and accountability for performance, the project:

- ✳ Proved to be highly efficient and responsive, as workers were not “siloes” as municipal workers operate within the rigidities of line departments. If there was an emergency, such as a flood after heavy rains, as many workers as necessary could be diverted from less urgent tasks to provide a rapid response and avert a crisis. If routine tasks were not done as scheduled, residents could directly approach a community-based works supervisor.
- ✳ Proved to be very cost-efficient²⁰, as it was run on a not-for-profit basis and expenditure was reported monthly to the joint steering committee on an “open book” basis.
- ✳ Acted as a job creation and empowerment vehicle, with 70% of the workforce being single unemployed women heads of household.

Regrettably, officials in the lead waste management department were determined to extend and privatize the

work undertaken by CBM, and obtained a ruling from the municipality's legal adviser that the project was in breach of the MFMA. This apparent clash between two pieces of primary legislation (the Municipal Systems Act and MFMA) is a matter of interpretation that has not been tested with National Treasury, in spite of the DPLG having supported the project as a model for good practice.

Another, more positive, example of a municipal community partnership can be found in the Western Cape, where the Foundation for Contemporary Research (FCR) has facilitated the establishment of the Masikhule mini-tunnel farming project. This project began in 2003 in the Theewaterskloof Municipality (TWKM) as a partnership between the Botrivier Farmers' Association, Masikhule (a local CBO), the TWKM and FCR, with funding from the Department of Social Development and the National Development Agency (NDA). The intention was to address poverty in the area using the sustainable livelihoods approach to construct mini-tunnels for vegetable farming and food processing. The resultant products are spinach, spring onions, beetroot and lettuce and selected community members have received on-site training. Other objectives are job creation, food security, training, capacity building, good governance, partnership, local ownership and social solidarity. A survey of the partners shows most to be of the view that the objectives have been achieved. The major area of concern is around "ownership" of the project. This is being addressed through the appointment of a project co-ordinator to establish a memorandum of understanding between partners, a lease agreement, a social and management accord and various training and capacity building interventions. Although initially sceptical, the TWKM now perceives the municipality-community partnership (MCP) model to be sufficiently successful to be used as a "blue print in their approach and in participation in other development initiatives"

(Fourie, 2006:46). The challenge remains for such positive examples to be replicated within and across municipalities, so that it becomes an embedded institutional arrangement for equitable service delivery, poverty reduction and community empowerment.

ALTERNATIVE SERVICE DELIVERY OPTIONS

Given some of the challenges related to municipal capacity for equitable service delivery, the cost of infrastructure investment and maintenance, particularly in the context of high levels of poverty, and questions of sustainable resource use, it is important that municipalities are encouraged to pursue alternative service delivery options. Statutes such as the Water Services Act should be encouraging municipalities, particularly those who do not have financial capacity, to innovate in order to provide or supplement service delivery. For example, rainwater harvesting in the rainy season is not only logical but is an imperative in a drought-prone country; yet most RDP housing is neither built nor designed to incorporate gutters and down pipes in order to trap rainwater. On-site service provision has been successfully utilised by Eskom in areas with no local mains distribution, through the provision of mini-solar panels for basic lighting.

MUNICIPAL CAPACITY FOR EQUITABLE SERVICE DELIVERY AND POVERTY REDUCTION

The problem of poor service delivery is particularly chronic in smaller municipalities. The ability of a municipality to provide services is limited by a combination of its equitable share, its ability to raise revenue through rates and service charges, its ability to spend income (such as the Municipal Infrastructure Grant) and a lack of technical capacity. Most rural municipalities do not have a revenue base thus making

it difficult to provide services. This in turn limits their human resource capacity. Some have to use the services of neighbouring municipalities with capacity and skills. While towns based in largely rural areas can only provide minimal services, they continue to act as magnets for people seeking employment opportunities, placing further strain on their operational and financial capacity. A thorough review of the intergovernmental relations framework and co-operative government framework is needed to address these issues in a broader governance context.

One of the key issues is the persistent failure on the part of municipalities to spend their Municipal Infrastructure Grant allocations from central government

One of the key issues is the persistent failure on the part of municipalities to spend their Municipal Infrastructure Grant allocations from central government.

While the shortage of technical skills is particularly severe in smaller and rural municipalities, it is a persistent national problem. The South African government has employed a number of measures to support municipalities who are falling short in meeting service delivery objectives. Project Consolidate was conceived by the DPLG as a means of supporting poorly resourced municipalities in fulfilling their developmental mandate. Smaller municipalities are routinely assisted by the Provincial Departments of

Housing, through Municipal Housing Support Units, in project procurement and management.

Another government initiative to bridge the gap in public perceptions of poor service delivery was the introduction of Community Development Workers.

What has been lacking in these various ad hoc responses is a systematic evaluation of the capacity of local government to fulfil its mandates in comprehensive, equitable service delivery and poverty reduction. This requires an in depth, longitudinal study of development demands against the technical, financial, intellectual and strategic resources available to municipalities. It is necessary that local government be enabled to transform from a regulatory to a developmental function, but this has required major structural adjustment in a relatively short period of time.



Key points:

✳ While there has been some progress in poverty reduction, particularly through the provision of social grants impacting on the poorest 10 to 20% of South Africans, income poverty remains widespread. An unacceptably large proportion of the urban population of South Africa still

lives in poor living conditions, without adequate housing or access to basic services.

✳ Settlement patterns in particular have a direct bearing on service delivery and pose real challenges. In addition to the legacy of racially segregated settlements, few municipalities have the capacity to monitor and manage urban

influx and urban-rural cross-migration effectively. Issues of logistics and economy of scale in reaching scattered rural households are also a challenge as is the dynamic nature of big urban settlements.

- ✳ Another problem is the nature of the subsidy system which has perpetuated the location of low-income housing in areas which are peripheral to social goods and economic opportunities.
- ✳ Support for indigent households has been an

important way in which municipalities can impact on poverty with different models successfully implemented. An ongoing challenge is communicating with the poor about this form of assistance, with models that favour self-targeting making it incumbent on the poor themselves to come forward in order to benefit from indigent assistance. In this regard there need to be better, proactive communication by municipalities targeted at possible beneficiaries.

3.2 LOCAL ECONOMIC DEVELOPMENT

- ✳ How is Local Economic Development (LED) defined and understood in the South African context?

- ✳ How have approaches to LED changed in recent years?
- ✳ What are the roles of municipalities in the promotion of LED?
- ✳ What are the challenges faced by municipalities and other role players in stimulating LED?

LED has become a central part of the South African development question. National government policy debates on LED have been ongoing especially within the DPLG and the Department of Trade and Industry (DTI). In August 2006 the DPLG released its national framework for LED in South Africa 2006-2011, titled "Stimulating and Developing Sustainable Local Economies." The DTI in turn provides leadership in business-focused areas such as small and medium enterprise (SME) development and Broad Based Black Economic Empowerment. The role of these two government departments in developing policy frameworks and guidelines on specific aspects pertaining to LED in South Africa has been crucial.

UNDERSTANDING LOCAL ECONOMIC DEVELOPMENT

Before delving into the complexities of current LED practices in South Africa, it is important to develop

some understanding of the meaning of LED. Definitions of local economic development put forward by government as well as local and international scholars, refer to issues of partnership, ownership, empowerment, and participation. The World Bank, for example, defines LED as "...a process by which public, business and non-governmental sector partners work collectively to create better conditions for economic growth and employment generation (Swinburn et al, 2006). Furthermore, UN-Habitat (2003) describes LED as a process based on four critical premises:

- ✳ *Premise 1:* LED is a locally driven process designed to identify, harness and utilise resources to stimulate the economy and create new job opportunities. LED is not one specific action or programme, rather it is the sum total of the individual contributions of a broad spectrum of

the community. LED occurs when local authorities, business, labour, NGOs and, most importantly, individuals strive to improve their economic status by combining skills, resources and ideas.

✧ *Premise 2:* LED is a participatory process where local people from all sectors work together to stimulate local commercial activity, resulting in a resilient and sustainable economy. It is a tool to help create decent jobs and improve the quality of life for everyone, including the poor and marginalised. LED exists only when it encourages the public, private and civil society sectors to establish partnerships and collaboratively find local solutions to common economic challenges.

✧ *Premise 3:* The LED process seeks to empower local participants in order to effectively utilise business enterprise, labour, capital and other local resources to achieve local priorities (e.g. promote quality jobs, reduce poverty, stabilise the local economy and generate municipal taxes to provide better services).

✧ *Premise 4:* Creating a LED strategy is an integrated, process-oriented and non-prescriptive endeavour. It embraces local values (poverty reduction, increased self-reliance, satisfying basic human needs, mutual commitment, integrated social and environmental objectives), utilises economic drivers (growth in jobs, income, business activity) and considers development (the role of structural change and quality of development). This suggests that LED is not about quick fixes or generating “wish lists”. In fact, best practice suggests rather than trying to determine what to do as the first step, is to do LED backwards. A practical understanding



of the marketplace and a clear set of objectives are needed before projects are chosen, policy is generated, or strategies created.

CURRENT REALITIES OF LED AT LOCAL LEVEL

From the above, it is evident that a central aspect of LED is the partnerships that have to be forged between local government, business, NGO's and communities. The DPLG National Framework for LED (2006) refers to this in detail. The framework reflects a shift in approach from the rigid planning approaches which have dominated LED practices from 1996 to 2006, to a more creative and flexible approach which defines the primary role of municipalities in the promotion of LED as:

- ✧ the provision of infrastructure and quality and reliable services
- ✧ managing spatial policies
- ✧ land-use regulation and development applications
- ✧ managing service tariff policies
- ✧ managing a progressive tax system
- ✧ marketing the territory.

If one considers this to be an underpinning ethos of the 2006 LED Framework, it signals a significant and positive shift in response to many of the challenges of earlier LED efforts in the country. Notwithstanding this, a number of challenges with regard to LED planning and implementation still prevail. These challenges include:

- ✧ The challenge of effective planning methodologies: When LED came to the fore, municipalities were expecting “guide packs” similar to the IDP Guide Packs for this mandate. In the absence of this kind of meticulous step-by-step orientated guidance, municipalities felt that they were left in the cold. In the absence of LED guidelines, the methodology used by officials in many municipalities for LED planning resembled the methodology of the IDP so closely, that communities often became confused between the two processes. In fact, many councillors today still grapple with the distinctions.
- ✧ The challenge of managing participation at the local level: The emphasis on participation in LED is correctly focused on getting representatives from the four social partners on board i.e. government, private sector, organised labour and civic organisations. This perspective is quite accurate within the context of both national and provincial government. At these levels, the scale, in terms of numbers and levels of organisation, warrants that the four social partners participate in summits and negotiations of an economic nature. It is also where the leadership within well-organised and structured entities in fact, does actively participate, are mandated and can constructively contribute to the negotiations. However, at a local level, one would rarely find that the four social partners are organised at the levels found at the national and provincial levels. Government, in the form of local government,

would most probably be the only clearly organised/structured stakeholder at local level. The private sector is often organised in two or more business chambers – one catering for the traditionally white-based chambers of commerce and the others for new associations of black-based businesses. Civil society is made up of a loose association, if any, of NGOs and community organisations and generally does not speak with a single voice. Labour, as with civil society at a local level, is often not coherently organised. Hence, it is not feasible to expect the four social partners to sit around a table representing with a single voice the aspirations of their respective constituencies. The reality is that at a local level there is a largely unorganised collection of individuals who need to be mobilised to participate in, strategise and negotiate matters of LED.

- ✧ The challenge of local government capacity: A cadre of trained LED experts at the local level is lacking. Although the larger centres can draw on the skills of their planners, accountants, etc. smaller centres have no such staff pools. There is an urgent need to train LED officials and to expose councillors to the concept.
- ✧ The challenge of scale: One of the pertinent questions relates to the most effective scale for supporting and coordinating economic development. Experiences with LED to date suggest that the majority of municipalities pursue LED through projects, rather than having a more strategic and programmatic approach. This has brought home the realisation that the local municipal level may not be the most appropriate geographical focus for economic development. Within the national space economy, metropolitan areas and districts have been identified as the ideal zones for the coordination of intergovernmental action and service delivery (see NSDP). It

is also at this scale that LED is potentially best facilitated and pursued.

- * The challenge of addressing poverty through LED: It needs to be borne in mind that LED is often catalysed by local-level economic crises. The crises in present-day South Africa are rooted in excessive unemployment, deep levels of poverty, a widening gap between rich and poor and the related consequences which arise out of socio-economic inequalities.

A debate, which has been raging between leaders at local levels regards pro-poor strategies versus pro-growth strategies. It is plausible to understand why this has been occurring. Different stakeholders have different perceptions of what LED is. For example, some equate it with the expansion of business and commercial activities while matters of community development and poverty alleviation take precedence with a different stakeholder group. Instead LED should be about both pro-growth and pro-poor strategies.

Field-based evidence clearly shows that the success rate of LED in reducing poverty has been fairly limited. An evaluation by Nel et al (2003) revealed that the most successful LED projects were those driven by business and local communities; that managing LED through local authorities created various managerial and financial problems; that partnership formation was limited; that the most successful projects were tourism-related and linked to international markets; that very few of the small-scale and community-based employment creation projects have resulted in financially viable projects which assist in job creation beyond a specific grant period. The main reasons for this include the lack of markets and the inherent limitations of local initiatives and low levels of skills within local municipalities. Further constraints to the successful implementation of LED include:

- * Limited incentive schemes are available for private sector investments;
- * In some cases LED strategies form a sub-section of the IDPs, while in other instances separate LED strategies exist;
- * No specific attention is paid to enterprise development;
- * The absence of a watchdog role by the council and LED forums where they exist;
- * LED functions are split between different departments;
- * There is little or no contact between the local business community and local authorities;
- * Local authorities do not foster the development of business organisations;
- * Initiatives to organise the informal business sector are nearly non-existent;
- * The involvement of business in the development of IDPs and LED strategies is minimal.

PRACTICAL INTERVENTIONS TO IMPROVE LED

To develop robust and inclusive local economies one needs high levels of intergovernmental co-ordination, not only between national government departments, but through all spheres of government. Although national government departments have strategies and resources for schemes to enhance and stimulate local economies, there is an urgent need to invest in infrastructure and systems to address communication failures reflected in the fact that those targeted by these programmes are usually not aware of the opportunities that exist. This should be done in a co-ordinated manner. Every effort should be made at national level to ensure that access to finances exists, be it in the form of loans or loans mixed with grants to enable small producers to commence with their activities or expand existing activities. However, the tools and



instruments provided by national government must be used in an optimal manner to support the growth and development of local economies.

As part of inter-governmental relations, the provincial sphere of government should draw up their PGDSs in line with the NSDP and IDPs of the district and local authorities within the particular province. The provinces should also play a role in facilitating finance and provide an office to promote and co-ordinate practices for developing and stimulating the local economy.

Within the local government sphere, councillors and officials must be aware of

stipulations in the IDPs, PGDSs and the NSDP to ensure that a concerted effort is made to align goals and that resources are effectively utilised, thus necessitating clear communication regarding the availability of these resources. This requires that local role-players be innovative and find ways to deal with development challenges and not solely be dependent on external investment and assistance.

To conclude, the content of the DPLG 2006 LED Policy Framework signals a positive move towards a new paradigm which challenges municipalities to:

- ✧ value and utilise local, indigenous economic knowledge and participatory planning capacities; and
- ✧ engage with the national macro-economic strategy emanating from ASGI-SA (Accelerated and Shared Growth Initiative for South Africa) and the micro-economic strategy of the DTI.

A further positive step is DPLG's plan to ensure that district and metropolitan municipalities will become the primary level of LED planning and implementation. These positive steps are overdue and critical in the fight against poverty and reducing the risk of financial crisis at the local level.

Key points:

- ✧ The Constitution mandates municipalities to play an important role in the local economic development of their municipal area, necessitating the development of a new skills base within municipalities.
- ✧ LED successes have been limited and where interventions have worked they tend to be tourism-linked or linked to international markets. It is important to distinguish between LED that privileges growth and LED that aims to be pro-poor. International experience shows that the two

approaches are quite different, with pro-poor LED requiring the development of specific approaches.

- ✧ High levels of intergovernmental co-ordination, between national government departments, and through all spheres of government are needed to stimulate LED and to align goals, resources and communication. In particular there needs to be greater alignment of the different planning instruments including the IDP, Provincial Growth and Development Strategies and the National Spatial Development Perspective.

3.3 COMMUNITY DEVELOPMENT WORKERS PROGRAMME

- * To what extent does the Community Development Workers (CDW) programme constitute an effective supplementary programme to the functions of the three spheres of government?
- * If, as policy suggests, CDWs are mainly intended to support local government:
 - * Where should they ideally be based (local or district municipalities)?
 - * Who should they primarily report to?
 - * Where should overall financial and institutional responsibility for CDWs rest?
- * How effectively has the programme been integrated into government functions?
- * Has the notion that CDWs can improve the

- integration and coordination of government services proven to be realistic?
- * Are the reporting and accountability arrangements for CDWs properly structured to ensure an effective and relevant service?
- * Does the CDW programme contribute towards the existence of a vibrant sector of civil society capable of engaging the state in mutually beneficial ways?
- * What impact does the CDW programme have on established systems for participatory governance such as ward committees?
- * To what extent does the CDW programme constitute a sustainable and effective solution to shortfalls in the civil service?
- * To what extent has the CDW programme contributed to the improved deployment of development resources at community level?

POLICY AND LEGISLATIVE FRAMEWORK

Virtually all literature on the CDW programme alludes to the 2003 State of the Nation address by President Thabo Mbeki where he motivated for an "...echelon of multi-skilled community development workers who will maintain direct contact with the people where these masses live." Official documentation on the programme also suggests that its basic principles are drawn from the White Paper on Transforming Public Service Delivery (Batho Pele White Paper). Furthermore, links are also drawn with local government legislation such as the Municipal Systems Act and the Municipal Structures Act. As such CDW "policy" appears to be based on a framework of principles that is derived from many different Acts. The common thread however is improved public service, citizen's participation and linking communities more closely with state functions.

The policy documents that emanate from the programme itself are mostly informal. The handbook, "National Policy Framework for Community Development Workers in South Africa" (DPLG, undated) deals with key aspects of the CDW programme, including its rationale and theory, how CDWs should be trained for their responsibilities, how the programme will be supported and finally how it is to be monitored and evaluated.

There are strong similarities between the programme principles and a 2003 article by Doreen Atkinson, "The Role of Municipal Development Officers: Towards a Practical Framework" that advocated a new stratum of municipal development officers. None of the official literature however makes any reference to Atkinson's article. The common vision nonetheless is of a dedicated contingent of development managers concerned with integrating and coordinating different government

departments (both horizontally and vertically) and forming closer links to communities. There is (in policy terms) an unusual emphasis on “a special calibre of development worker” who is rooted in local communities and has the skills and motivation to unravel bureaucratic obstacles. The CDW policy combines an unusual mix of service and administrative principles with imperatives that seem political.

This (the CDW programme) will require everyone to embrace a new patriotism and a value system that places collective advancement above individual narrow selfish interests (DPLG, undated).

KEY ISSUES

The official policy prescribes a CDW programme coordinated by all three spheres of government (national, provincial and local). The DPLG facilitates the relationships between the three spheres with respect to CDWs while the Department of Public Service and Administration (DPSA) coordinates the overall programme. Provincial administrations are the employers of the CDWs but municipalities, among other things, provide the workplace for the CDWs and, through the offices of the Speakers, create the necessary environment for them to perform their duties. In a 2007 survey of the programme commissioned by GTZ and the DPLG, this system of multiple ownership and oversight and the actual level of integration, particularly with respect to district municipalities, was found to be wanting. The survey report noted “the field survey found that the coordinating and oversight systems are mired in ambiguity and confusion.” (GTZ/DPLG, 2007:iv). The survey also found that there was a complete spectrum of views regarding who actually managed the programme and who CDWs ultimately answered to.

In general however the programme had positive features in terms of “helping people access social

services” and functioning as a communication link between government and the community. The sectors in which the most positive views of impact pertained were social development/welfare followed by health, child security and youth programmes. Stakeholders also see CDWs as having helped mobilise communities to secure their rights (GTZ/DPLG, 2007:iv).

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Fundamentally, nearly 90% of respondents in the survey believed that CDWs had a positive impact on the lives of ordinary citizens (GTZ/DPLG, 2007:viii).

RELATIONS WITH STAKEHOLDERS

In the GTZ/DPLG 2007 survey, tensions between CDWs and ward committees and ward councillors were acknowledged and ascribed to confusion around roles and responsibilities. The fact that the roles and responsibilities of CDWs, ward committees and ward councillors are clearly outlined in the CDW Handbook has not resolved this problem. The survey report offers certain explanations for this state of affairs, which include the political insecurity of ward councillors but also the possibility that CDWs have exceeded their mandate in certain instances. The aspect of material benefit however cannot be ignored - a number of respondents suggested that ward committees should simply be paid a stipend and that this would alleviate some of the tension with regard to CDWs. As a strategy for harmonising relations, “buying off” ward committees, clearly has its problems. The survey findings suggest that at this stage CDWs enjoy considerably better relations with civil society organisations, local development forums

CDWs enjoy considerably better relations with civil society organisations, local development forums and community policing forums than they do with ward councillors and ward committees.

and community policing forums than they do with ward councillors and ward committees. This may be partly explained by the fact that CDWs have had limited contact with independent organs of civil society.

FUTURE CHALLENGES AND RECOMMENDATIONS

The CDW programme faces three key policy/institutional challenges: Firstly, to tighten up and formalise its policy framework, secondly to harmonise the role of the two national ministries responsible for its roll-out and thirdly to properly locate the deployment of CDWs within the three spheres of government. This last exercise must establish proper accountability and reporting mechanisms for CDWs and clarify the issue of political versus administrative oversight. Dedicated legislation for CDWs may be required. These policy revisions should be implemented in

consultation with all government and civil society stakeholders. The CDW programme in conjunction with NGO and CBO community programmes has the potential to act as an early warning system when, for example, services begin to fail or are otherwise threatened. However CDW information gathering and referral services must supplement rather than duplicate or compete with established civil society programmes. Effective referral must also be matched by government capacity to respond. CDWs must support the ward committee systems rather than work around them. The programme itself should bear in mind the necessary balance between participatory procedures and the formal political procedures of municipal councils. The use of the term “voluntarism” as an inherent principle of the programme and as a form of ethical benchmarking must be approached with caution and the conceptual blurring with community activism should be avoided. As the survey report suggests, standard CDW modus operandi should include a scan of all related NGO programmes prior to CDW deployment in a specific locality. Thereafter the aim should be to reinforce and supplement such programmes and not to duplicate or compete.

Key points:

- ✳ Envisaged as a mechanism to assist poor and marginalized citizens and communities to access public services, the CDW programme has shown mixed results.
- ✳ While there have been successes there is no clear set of policy guidelines for the CDW programme and the involvement of all spheres of government and two national departments

blurs lines of accountability and governance.

There are then three key policy/institutional challenges facing the CDW programme: firstly, to tighten up and formalise its policy framework, secondly to harmonise the role of the two national ministries responsible for its roll-out and thirdly to properly locate the deployment of CDWs within the three spheres of government.



CONCLUSION

The effective delivery of basic municipal services (water, electricity, sanitation, refuse removal, roads) is one of government's critical ongoing challenges.

These services are close to the heart of every citizen and failure to meet needs of this nature cannot be contemplated even in the medium term. Civil society, especially as represented by groupings such as the Good Governance Learning Network, has an important role to play in ensuring that local governance is empowered to achieve its mandate.

Although the modernisation of South African local government is proceeding apace, there is still much to be accomplished. Given the legacies, the capacity and fiscal constraints and the contested place of the local in the intergovernmental system, finishing the task will require political determination and policy innovation (Pieterse et al, 2008). The major thrust of national government intervention has thus far been of a technical nature, arguably at the expense of much meaningful engagement by the average citizen.

Public participation is a key aspect of the envisioned developmental form of local government. This should be occurring much more systematically in the setting of municipal priorities by means of integrated development planning, the review of local government performance and the delivery of services. In practice, participation has largely been restricted to the input gathering exercises of IDP processes. The public cannot be compelled to

explore and resolve competing demands and trade-offs within communities, especially between communities with different needs. Political dialogue, contestation and compromise are essential to resolve the irritations of the privileged Johannesburg homeowner whose local street lighting or rubbish removal is not of as high a standard as previously, versus the desperate needs of the Diepsloot shack dweller, for whom piped water and grid electricity might only be a recent reality.

Better comprehension of the blurred political-technical interface in municipal management is necessary to ensure progress in achieving developmental local government. Both technical complexity and political power are involved in the functioning of every aspect of local governance. The dynamics of service delivery can therefore not be construed narrowly as complex technical problems, when they are equally the sites of shifting political contestation.

The core policy ambition of developmental local government is the achievement of holistic and integrated development outcomes that are consistent with the progressive realisation of socio-economic rights (Pieterse & van Donk, 2008). Developmental local government comprises a dual agenda:

- ✳ a content-driven agenda that prioritises sustainable human settlements, robust local economies, free basic services to the indigent and participatory local democracy; and
- ✳ an institutional reform agenda focused on financial management, intergovernmental coordination and performance management. The latter is seen as a precondition to the former but both tracks must be pursued in tandem.

Additionally, several tensions run through the government's agenda for local government, namely:

- (i) between top-down directives and bottom-up initiatives;

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- (ii) between technical and political accountability;
 - (iii) between prescription and experimentalism, a prerequisite for innovation; and
 - (iv) between horizontal and vertical integration of development plans and institutional priorities.

It is important that these issues should receive explicit attention in public and academic discourses

in order for there to be effective management of the power relations that circumscribe the everyday operations of developmental local government. The GGLN has a crucial role to play in this process of information dissemination by means of ongoing research, capacity building, training and user-friendly publications.



REFERENCES

- Afesis-corplan. Undated. *Closing the Gap*, unpublished discussion paper, Afesis-corplan, East London.
- Afesis-corplan. Undated 1. *Nkangala District consolidated Good Governance Survey Report*, unpublished report, Afesis-corplan, East London.
- Afesis-corplan. 2004. *Good Governance Consolidated Report: Inxuba Yethemba, Buffalo City, Cederberg, City of Tshwane and Polokwane Municipalities*, Afesis-corplan, East London.
- Afesis-corplan. 2005. *Good Governance Consolidated Report*, unpublished report, Afesis-corplan, East London.
- Afrobarometer. 2003. *Trends in Political Party Support in South Africa*, Afrobarometer Briefing Paper No. 6, July 2003, www.afrobarometer.org
- Atkinson, K. 2003. *The Role of Municipal Development Officers: Towards a Practical Framework*, McIntosh Xaba & Associates Best Practices Newsletter Jan /Feb 2003.
- Atkinson, D, Akharwaray, N, & Benseler, A. 2002. *Linking Integrated Development Plans (IDP's) to municipal budgets*, Local Government Support and Learning Network (LOGOSUL), Department for Local Government and Housing, Northern Cape.
- Atkinson, D, Van der Watt, T & Fourie, W. 2003. *The role of district municipalities*, final report for Hologram, HSRC, Pretoria.
- Auditor-General. 2003. *Special report on local authorities in the Eastern Cape Province for the period 1 July 2001 to 30 June 2002*, Auditor-General, Pretoria.
- Bratton, M, & Sibanyoni, M. 2006. *Delivery or Responsiveness? A popular scorecard of local government performance in South Africa*, Afrobarometer Working Paper No. 62, www.afrobarometer.org
- Buccus, I, Hemson, D, Hicks and Piper, L. 2007. *Public Participation and Local Governance*, Centre for Public Participation, Durban.
- Business News, 2007. *Municipality audits 'poor' – Manuel*. 26th April. <http://business.iafrica.com/news/624921.htm>.
- Camerer, L. 1999. *Tackling the Multi-Headed Dragon: Evaluating prospects for a single anti-corruption agency in South Africa*, Occasional Paper No 38, March 1999, Institute for Security Studies, Pretoria.
- Carothers, T. 2005. *What really lies behind challenges of deepening democracy and establishing the rule of law?*, presentation at Centre for the Future State conference: 'New Challenges in State Building', 21st June 2005, London.
- Carter, J. 2004. *Integrating strategic planning and budgeting at the local level*, Idasa, Pretoria.
- De Visser, J & Baatjies, R. 2007. *Community Participation: the cornerstone of (local) participatory democracy*, Local Government Bulletin, 9 (1), Community Law Centre, Cape Town.
- Department of Provincial and Local Government. Undated. *National Policy Framework for Community Development Workers in South Africa*, Department of Provincial and Local Government, Pretoria.
- Department of Provincial and Local Government. 2005. *Draft National Policy Framework for Public Participation*, Department of Provincial and Local Government, Pretoria.
- Department of Provincial and Local Government. 2006. *National Framework for Local Economic Development in South Africa*. Department of Provincial and Local Government, Pretoria.
- Fakir, E. 2006. *Tipping the point: Local Government and Advancing Democracy in an Open Society – challenges in an evolving transition*, Critical Dialogue - Publication Participation in Review, 2 (2), Centre for Public Participation, Durban.
- Fourie, D. 2006. *Municipal-Community Partnerships for Poverty Alleviation: a Model to replicate*. FCR Occasional Paper 1. Foundation for Contemporary Research, Cape Town.
- Gaffney. 2007. *Gaffney's Local Government in South Africa 2007-2008*, Gaffney, Johannesburg.
- Gotz, G. and Wooldridge, D. 2003 *The Political Administrative Interface*, In The Best of Hologram 2001-2003: Issues and practice in South African Local Government, Hologram.

- GTZ and Department of Provincial and Local Government. 2007. *National Survey: Status Quo Regarding the Implementation of the Community Development Workers (CDW) Programme Final Report*, prepared by Mbumba Development Services, East London.
- Hambleton, R. *Leading localities- rethinking the agenda*, in Haus, H, Heinelt, H and Stewart, M (editors). 2005 *Urban Governance and Democracy: Leadership and Community Involvement*, Routledge, London.
- Harrison, P. 2008. *The origins and outcomes of South Africa's Integrated Development Plans*, Chapter 14 in van Donk, M, Swilling, M, Pieterse, E and Parnell, S (editors). 2008. *Consolidating Developmental Local Government: Lessons from the South African Experience*, UCT Press, Cape Town.
- Heller, Patrick, 2001. *Moving the State: The Politics of Democratic Decentralisation in Kerala, South Africa, and Porto Alegre*, *Politics & Society* 29 (1).
- Hemson, D. Undated. *Can participation make a difference? Prospects for people's participation in planning*, *Critical Dialogue – Public Participation in Review*, Centre for Public Participation, Durban.
- Hicks, J. 2006. *Assessing the effectiveness of community based involvement*, *Critical Dialogue – Public Participation in Review* 2 (1), Centre for Public Participation, Durban.
- Himlin, B. 2005. *Johannesburg Ward Committee Assessment: Full Report of Findings*, Planact, Johannesburg.
- Hollands, G, 2003. *Exploring and measuring good local governance*, Afesis-corplan, East London.
- Human Sciences Research Council, 2005. *Dataset from South African Social Attitudes Survey (SASAS) of 2005*, HSRC, Pretoria.
- Idasa. 2006. *How Local Government Works. Participant's Workbook*, Idasa, Pretoria.
- Idasa and Afesis-corplan, 2004. *Ward Committee Status Quo*. Report for GTZ, Idasa/Afesis-corplan, Pretoria/East London.
- Independent Electoral Commission. 2007. <http://www.elections.org.za>
- Johnston, S. 2007. *Voices of Anger: Protest and conflict in two municipalities*. Centre for Development and Enterprise, Johannesburg.
- Kivilu, M, Davids, Y, Langa, Z, Maphunye, K, Mncwango, B, Sedumedi S & Struwig, J. 2006. *Survey on South African voter participation in elections*, report for Independent Electoral Commission (IEC), Human Sciences Research Council, Pretoria.
- Legal Resources Centre. 2003 *Traditional Leadership and Governance Framework Draft Bill, 2003*, submission to the Provincial and Local Government Portfolio Committee, 17 September 2003, Parliament, Cape Town.
- Luckham, R, Goetz, A & Kaldor, M. 2000. *Democratic Institutions and Politics in Contexts of Inequality, Poverty and Conflict: A Conceptual Framework*, IDS Working Paper 104, Brighton.
- McKinley, D. 2004. *Democracy and Social Movements in South Africa*, presented at the School of Development Studies Conference: reviewing the First Decade of development and democracy in South Africa, 22nd to 24th October 2004, Durban.
- Nel, E. & Binnes, T. 2003. *Putting 'Developmental Local Government' into Practice: The Experience of South Africa's Towns and Cities*, *Urban Forum*, 14 (2-3).
- Newcastle Municipality. 2007. *Ward Committee System Policy Document*. http://www.cmtip.org.za/documents/municipality_pages_links/Newcastle%20ward%20committee%20system.doc
- Nthai, S. 2005. *Constitutional and Legislative Framework for Traditional Leadership in South Africa* in The Seventh Conference on Traditionalism, Political Parties and Democratic Governance in Africa, University of South Africa. Pretoria.
- Ntsebeza, L. 2004. *Rural Governance and Citizenship in post-1994 South Africa: Democracy Compromised?*, presentation for the Department of Sociology, University of Cape Town, South Africa.
- Oomen, B. 2002. *Walking in the middle of the road: People's Perspectives on the Legitimacy of Traditional Leadership in Sekhukhune*, South Africa, paper for the

- research seminar "Popular perspectives on traditional authority in South Africa," African Studies Centre, Leiden, 17 January 2002.
- Patel, Y. 2004. *The next cycle of IDPs*. Online Edition.
< www.dplg.gov.za/subwebsites/idp/document/discussion-nextcycle.pdf > (25 September 2007)
- Patel, Y & Powell, D. 2008. *Intergovernmental Delivery in municipal areas: Reflections on current practice*, Chapter 15 in van Donk, M, Swilling, M, Pieterse, E & Parnell, S (editors). 2008. *Consolidating developmental local government: Lessons from the South African Experience*, UCT Press, Cape Town.
- Pieterse, E, Parnell, S, Swilling, M & van Donk, M. 2008. *Consolidating developmental local government*, Chapter 1 in van Donk, M, Swilling, M, Pieterse, E & Parnell, S (editors). 2008. *Consolidating developmental local government: Lessons from the South African Experience*, UCT Press, Cape Town.
- Pieterse, E & van Donk, M. 2008. *Developmental Local Government: Squaring the Circle between Policy Intent and Impact*, Chapter 3 in van Donk, M, Swilling, M, Pieterse, E & Parnell, S (editors). 2008. *Consolidating developmental local government: Lessons from the South African Experience*, UCT Press, Cape Town.
- Pithouse, R. 2006. *Rethinking public participation from below*. Critical Dialogue – Public Participation in Review, 2 (2), Centre for Public Participation, Durban.
- Rauch, T (editor). 2002. *Principle of the Integrated Development Programme and assessment of the process 2001-2002*. UNDP-SA, Pretoria.
- Richards, R, Tomlinson, R, Botes L & Patel, R. 2003. *Municipal Cost Recovery in four South African Municipalities*, researched for the Built Environment Support Group by the Community Agency For Social Enquiry, Johannesburg.
- Savage, D. 2008. Key themes and trends in municipal finance in South Africa, Chapter 13 in van Donk, M, Swilling, M, Pieterse, E & Parnell, S (editors). 2008. *Consolidating developmental local government: Lessons from the South African Experience*, UCT Press, Cape Town.
- Skocpol, T. 2003. *Diminished Democracy: From Membership to Management in American Civic Life*, University of Oklahoma Press, Norman.
- Sole, S. *The state of corruption and accountability*, in Daniel, J, Southall, R and Lutchman, J. 2005. *State of the Nation: South Africa 2004-2005*, HSRC Press, Cape Town.
- Swinburn G, Goga, S & Murphy F. 2006. *Local Economic Development: A Primer - Developing And Implementing Local Economic Development Strategies and Action Plans*.
- The Presidency. 2007. *Development Indicators Mid-term Review*. The Presidency, Pretoria.
- Todes, A. 2002. *The Ugu District Municipality – KwaZulu-Natal. An assessment of the Integrated Development Plan* in United Nations Development Programme-South Africa (UNDP-SA). 2002. *Case Studies on Sustainability in Local Governance*. UNDP-SA: Pretoria.
- Todes, A, Sithole, P & Williamson, A. 2007. *Some progress, but role of women in local government often marginal*, in HSRC Review. 5(1).
- UN-HABITAT, Bertelsmann Stiftung, Gütersloh, The World Bank, Eco-Plan International. 2003. *Strategic Planning for Local Economic Development*. UN-HABITAT. United Nations.
- United Nations, 2002. *The Global campaign on Urban Governance*. Concept Paper, second edition. United Nations Human settlements Programme, UN-Habitat, Nairobi.
- University of Loughborough. 2006 *Corruption in Infrastructure Delivery: A South African Case Study*, report prepared by Mbumba Development Services, East London.
- Williams, J. 2006. *Community participation and democratic practice in post-apartheid South Africa: rhetoric vs reality*, Critical Dialogue – Public Participation in Review 2 (1), Centre for Public Participation, Durban.



ENDNOTES

- ¹ The review process commenced in mid-2007.
- ² Three regional workshops took place in Johannesburg, Cape Town and Durban during April 2007, and a joint workshop involving all members was held in Cape Town in June 2007.
- ³ In 2005 a re-demarcation took place, which included the disestablishment of provincial Cross Border Municipalities. The original 284 became 283 municipalities (IDASA, 2006).
- ⁴ <http://www.unhchr.ch/development/governance>
- ⁵ Information accessed at http://portal.unesco.org/ci/en/ev.php-URL_ID=5205&URL_DO=DO_TOPIC&URL_SECTION=201.html
- ⁶ Hicks draws on the work of Gaventa, 2004; Luckham et al, 2000; Carothers, 2005; and Skocpol, 2003.
- ⁷ The good governance survey was conducted by Afesis-Corplan in partnership with Planact and the German Agency for Technical Co-operation (GTZ)/Strengthening Local Governance Programme (SLGP), in Nkangala District Municipality's six local municipalities, namely: Delmas, Dr J.S. Moroka, Emalaheni, Emakhazeni, Steve Tshwete and Thembisile.
- ⁸ The main sectors represented by the surveyed ward committee members were health & welfare (81%); education (81%); sports & culture (80%); women (78%); youth (78%); religious groups (76%); business (72%); CBOs & NGOs (69%); civic & ratepayers associations (58%); labour (39%); and senior citizens (10%).
- ⁹ The 2006 turnout ranged from only 42,5% in Gauteng (the wealthiest province) to 56,1% in the Eastern Cape (the poorest province).
- ¹⁰ Unpublished research on the Executive Mayor System conducted in 2005 by Afesis-corplan and Foundation for Contemporary Research
- ¹¹ Parliamentary Media Briefing: Deputy Chairperson of the Public Service Commission, Mr J. Ernstzen, 8 February 2006.
- ¹² www.theDPLG.gov.za accessed 23 October 2007
- ¹³ See for example *Markinor Omnibus Survey 2001*
- ¹⁴ See for example Special Investigating Unit Annual Report 2004 2005
- ¹⁵ Commitments in the South African Constitution and Bill of Rights as well as specific delivery targets set by government ministries such as housing, local government, social development, trade and industry, public works.
- ¹⁶ For example the Millennium Development Goals and Make Poverty History Campaign
- ¹⁷ Urban-rural cross-migration has become noticeable in the context of the HIV/AIDS AIDS pandemic as family members in urban areas become economically inactive and chronically sick and are sent home to rural areas to be cared for – in spite of the lower levels of primary and secondary health care available in most rural areas and travel distance to the nearest towns.
- ¹⁸ Although in Buffalo City Municipality this applies to metered water users only and households using communal stand pipes.
- ¹⁹ This was supported by an external cost benefit study commissioned in 2004.



APPENDIX: SERVICE BACKLOGS

MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
DC150	R Tambo DM	343 963	220 500	229 714	240 957	194 460
DC12	Amathole DM	424 795	150 742	187 898	186 358	148 162
DC47	Greater Sekhukhune DM	204 791	97 769	134 909	138 684	56 140
DC32	Ehlanzeni DM	351 835	95 642	176 192	179 040	80 243
ETH	eThekweni Mun	824 371	88 366	149 471	69 244	115 697
DC35	Capricorn DM	285 220	82 443	151 166	154 415	82 224
DC34	Vhembe DM	274 095	82 143	161 017	166 120	77 631
DC13	Chris Hani DM	189 729	79 199	100 775	104 582	72 740
DC33	Mopani DM	261 697	77 042	146 747	151 945	60 351
DC21	Ugu DM	158 444	74 758	76 389	87 535	61 045
DC26	Zululand DM	147 273	67 838	79 147	83 618	66 940
DC28	uThungulu DM	189 785	64 608	76 320	87 918	58 430
DC37	Bojanala Platinum DM	334 497	62 445	132 059	130 908	48 350
DC27	uMkhanyakude DM	105 730	57 071	60 345	68 379	61 411
DC44	Alfred Nzo DM	93 533	55 041	64 133	67 570	58 640
DC23	uThukela DM	138 841	54 138	72 758	73 604	45 885
DC29	Ilembe DM	130 015	52 793	57 039	64 532	46 736
DC24	uMzinyathi DM	98 741	52 524	56 490	61 271	57 704
DC38	Central DM	184 772	49 985	86 475	94 293	40 063
DC43	Sisonke DM	107 299	49 820	62 494	67 172	56 241
JHB	City of Johannesburg	1 050 229	47 164	55 429	45 121	91 110
MP325	Bushbuckridge Mun	109 322	46 531 7	4 859	76 910	19 128
EC157	King Sabata Dalindyebo Mun	90 627	44 412	46 597	48 791	38 565
EKU	Ekurhuleni Metro Mun	776 470	42 399	70 691	52 182	113 731
LM343	Thulamela LM	128 447	41 157	77 886	79 940	38 765
DC22	uMgungundlovu DM	234 781	40 968	70 968	77 566	40 566
EC122	Mnquma LM	67 568	40 100	44 823	43 052	36 323
DC14	Ukhahlamba DM	86 144	39 806	49 235	50 582	39 193
DC30	Gert Sibande DM	222 274	39 150	62 105	67 472	63 410
EC121	Mbhashe Mun	53 550	39 087	38 969	40 614	35 975
EC155	Nyandeni LM	55 095	38 324	39 928	41 348	29 208
TSH	City of Tshwane Metro Mun	597 520	36 384	77 371	59 901	60 715
EC153	Qaukeni LM	51 063	35 218	36 810	38 865	35 193
EC151	Mbizana LM	46 411	34 282	34 115	36 627	29 051
DC36	Waterberg DM	168 233	34 225	65 656	70 377	37 056
DC31	Nkangala DM	256 877	33 450	83 239	88 882	32 049
CPT	City of Cape Town	778 237	33 386	33 480	22 050	52 708

¹ From left to right, the figures refer to the total number of households in the municipality and the number of households without each of the four specified municipal services. The municipalities are arranged in descending order of the number of households without water services.

MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
LM333	Greater Tzaneen Mun	97 425	32 226	53 239	54 842	20 511
LM344	Makhado Mun	113 222	32 039	67 038	69 188	27 305
LM473	Makhuduthamaga LM	54 033	30 871	38 945	40 604	16 216
EC125	Buffalo City Mun	194 478	30 642	42 966	38 134	52 170
DC39	Bophirima DM	104 895	29 840	52 296	54 467	32 604
LM354	Polokwane Mun	135 638	29 724	55 240	55 369	31 569
EC442	Umzimvubu Mun	46 093	28 588	32 313	33 181	27 363
DC19	Thabo Mofutsanyana DM	186 394	28 032	68 522	77 966	52 669
LM475	Greater Tubatse Mun	56 234	27 934	37 227	37 936	22 528
EC156	Mhlontlo Mun	44 204	27 574	30 337	31 790	24 175
DC25	Amajuba DM	98 219	26 725	34 652	30 929	20 751
EC441	Matatiele LM	47 439	26 453	31 820	34 389	31 277
KZ213	Umzumbe Mun	38 889	26 450	24 384	28 694	21 811
EC135	Intsika Yethu Mun	40 884	25 742	30 283	31 074	21 889
KZ244	Msinga Mun	32 908	23 852	23 780	24 959	23 735
DC17	Motheo DM	210 643	23 294	46 364	54 573	24 624
MP322	Mbombela LM	122 504	23 155	47 622	47 663	22 737
DC18	Lejweleputswa DM	196 775	22 809	30 370	39 245	41 723
LM367	Mogalakwena Mun	70 134	22 655	37 604	39 809	15 114
EC141	Elundini LM	33 753	21 782	23 040	23 954	23 999
EC137	Engcobo LM	31 434	21 532	22 549	23 394	19 635
MP324	Nkomazi LM	75 584	21 508	44 828	46 146	30 690
KZ435	Umzimkhulu LM	36 677	21 444	26 243	27 461	20 316
FS172	Mangaung LM	188 876	21 209	41 712	48 457	20 369
KZ272	Jozini Mun	34 739	20 992	22 761	25 240	24 593
KZ265	Nongoma LM	32 473	20 803	20 267	22 756	18 442
EC154	Port St Johns Mun	29 502	20 763	21 409	22 123	19 297
LM472	Elias Motsoaledi LM	19 022	20 671	30 559	31 167	5 325
LM355	Lepelle-Nkumpi LM	52 928	20 543	30 878	31 206	15 036
KZ284	uMlalazi Mun	44 634	20 006	20 617	23 025	16 849
EC152	Ntabankulu LM	27 060	19 927	20 519	21 414	18 972
NMA	Nelson Mandela Bay Mun	265 375	19 124	12 343	22 838	47 477
NW383	Mafikeng LM	67 579	19 037	29 388	30 835	13 703
DC40	Southern DM	274 576	18 327	28 501	29 136	40 399
KZ266	Ulundi LM	34 957	17 919	19 020	21 036	16 271
LM331	Greater Giyani Mun	53 292	17 680	33 012	34 994	13 700
EC126	Nggushwa Mun	21 894	10 134	15 673	16 527	5 438
MP303	Mkhondo Mun	28 918	10 121	12 589	13 123	12 795

LOCAL DEMOCRACY IN ACTION

MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
KZ242	Nquthu LM	29 698	17 647	20 907	22 590	20 639
KZ271	uMhlabuyalingana Mun	26 678	17 457	17 883	19 672	19 291
NW372	Madibeng LM	100 457	17 282	38 771	37 763	17 765
KZ225	Msunduzi Mun	135 329	17 247	33 710	33 913	13 988
KZ216	Hibiscus Coast Mun	55 274	16 877	19 401	21 196	9 617
FS184	Matjhabeng LM	128 716	16 760	18 487	19 336	28 026
KZ293	Ndwedwe LM	30 645	16 480	16 153	20 034	16 661
NW394	Greater Taung LM	42 018	16 477	28 048	28 709	16 520
LM332	Greater Letaba Mun	53 747	16 362	35 169	36 169	13 883
KZ294	Maphumulo Mun	22 429	16 313	15 576	16 777	14 408
EC142	Senqu Mun	34 285	15 779	21 397	22 808	10 501
FS194	Maluti-a-Phofung Mun	92 159	15 437	48 877	51 186	30 563
DC45	Kgalagadi DM	47 259	15 358	25 093	25 690	14 298
KZ235	Okhahlamba LM	27 978	15 198	18 391	19 302	13 193
NW375	Moses Kotane LM	62 940	15 124	33 798	35 470	4 076
NW373	Rustenburg LM	116 665	15 047	30 769	28 014	15 279
EC136	Emalahleni Mun	28 304	14 521	18 687	19 089	12 262
EC124	Amahlathi Mun	34 720	14 448	20 441	21 093	8 615
KZ286	Nkandla Mun	24 910	14 343	16 010	17 292	17 428
KZ236	Imbabazane LM	23 283	14 050	17 157	17 712	6 814
MP316	Dr J. S. Moroka Mun	54 339	13 939	31 774	32 044	3 497
KZ274	Hlabisa Mun	27 279	13 916	13 995	16 298	12 257
KZ434	Ubuhlebezwe Mun	23 107	13 711	13 873	15 063	12 630
NW371	Moretele LM	43 938	13 652	25 974	26 327	8 615
KZ263	AbaQulusi Mun	37 064	13 343	15 728	17 170	15 552
KZ252	Newcastle Mun	71 999	13 291	19 245	14 402	8 981
LM351	Blouberg Mun	35 176	13 205	24 716	25 754	15 686
KZ232	Emnambithi / Ladysmith LM	51 903	12 331	17 398	16 625	12 037
MP301	Albert Luthuli LM	41 234	11 719	23 464	25 621	15 539
NW381	Ratlou LM	25 641	11 681	16 828	17 112	4 363
EC127	Nkonkobe Mun	34 434	11 464	17 654	18 428	6 183
KZ431	Ingwe LM	21 954	11 462	14 710	16 555	12 814
KZ214	Umuziwabantu Mun	19 524	10 848	12 133	13 135	11 200
KZ254	Dannhauser Mun	19 481	10 743	12 138	13 027	8 463
KZ291	eNdongakusuka Mun	31 014	10 540	11 658	14 528	8 294
LM352	Aganang Mun	32 533	10 271	22 850	23 404	14 440

MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
KZ211	Vulamehlo Mun	16 805	10 025	9 009	11 287	9 588
KZ245	Umvoti Mun	23 002	9 813	10 184	11 335	10 225
KZ262	uPhongolo LM	26 954	9 647	14 748	14 558	8 816
KZ282	City of uMhlatuze	73 301	9 629	19 183	23 270	6 664
LM474	Fetakgomo LM	48 951	9 576	13 193	13 463	8 722
NW391	Kagisano LM	21 496	9 562	14 945	15 296	5 568
NC451	Moshaweng LM	20 281	9 472	14 822	14 959	10 195
KZ292	KwaDukuza Mun	45 928	9 460	13 652	13 193	7 373
KZ281	Mbonambi LM	20 438	9 175	8 518	10 826	6 210
KZ233	Indaka LM	21 475	9 006	14 918	15 678	9 903
DC48	West Rand DM	183 669	8 918	20 378	19 021	26 703
DC10	Cacadu DM	103 001	8 890	18 726	13 987	17 417
DC42	Sedibeng DM	230 786	8 832	21 329	66 954	22 660
LM471	Greater Marble Hall Mun	26 551	8 717	14 985	15 513	3 350
LM353	Molemole Mun	28 944	8 700	17 482	18 682	5 493
KZ221	uMshwathi Mun	27 324	7 717	12 714	14 573	8 013
MP315	Thembisile LM	58 235	7 709	33 206	34 331	4 662
EC134	Lukhanji Mun	44 973	7 683	14 907	15 740	9 595
NW385	Ramotshere Moiloa LM	22 719	7 333	17 817	18 756	7 312
MP312	Emalaheni LM	82 298	7 227	11 746	15 165	13 861
LM342	Mutale LM	18 447	7 142	11 534	12 010	7 743
NW384	Ditsobotla LM	36 431	6 736	10 608	14 010	8 595
KZ283	Ntambanana Mun	13 844	6 692	6 499	7 722	5 800
NW403	City of Matlosana	112 119	6 521	5 397	8 415	13 380
KZ215	Ezingoloni Mun	11 443	6 460	6 938	7 585	5 056
DC20	Fezile Dabi DM	124 985	6 416	17 489	28 267	17 946
KZ261	eDumbe Mun	15 824	6 126	9 383	8 098	7 859
DC9	Frances Baard DM	85 558	6 111	11 367	14 730	13 163
FS191	Setsoto LM	33 623	6 104	6 466	11 991	7 661
EC138	Sakhisizwe Mun	14 609	5 782	7 589	7 742	5 148
KZ227	Richmond Mun	16 021	5 755	6 954	7 664	4 388
DC4	Eden DM	121 156	5 702	8 739	7 332	8 809
NC452	Ga-Segonyana Mun	17 799	5 667	8 954	9 535	3 363
LM335	Maruleng Mun	23 050	5 640	13 517	14 400	6 707
GT421	Emfuleni LM	190 237	5 558	15 693	58 571	14 009
MP307	Govan Mbeki Mun	67 629	5 489	8 190	6 729	11 937
FS201	Moqhaka LM	43 902	2 063	5 174	7 914	5 419
KZ433	Greater Kokstad Mun	20 566	2 057	5 223	5 549	8 203

LOCAL DEMOCRACY IN ACTION

MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
DC2	Cape Winelands DM	160 100	5 234	7 570	10 699	9 664
NW382	Tswaing Mun	32 401	5 198	11 833	13 581	6 089
LM334	Ba-Phalaborwa Mun	33 571	5 128	11 811	11 525	5 544
NW405	Merafong City LM	99 701	4 940	9 396	6 803	13 925
KZ285	Mthonjaneni LM	12 657	4 762	5 493	5 783	5 479
KZ226	Mkhambathini LM	15 417	4 437	6 150	8 024	5 256
MP302	Msukaligwa Mun	30 302	4 275	5 442	6 958	9 529
KZ212	Umdoni Mun	16 508	4 097	4 524	5 639	3 773
MP304	Pixley Ka Seme LM	18 412	4 081	6 204	6 763	4 795
GT483	Westonaria LM	51 521	4 061	8 562	3 710	11 170
LM362	Lephalale Mun	28 359	3 823	11 848	13 314	6 078
DC46	Metsweding DM	51 002	3 800	8 929	10 493	7 992
EC123	Great Kei Mun	11 513	3 646	5 922	6 358	2 347
KZ234	Umtshezi Mun	13 978	3 545	4 885	4 278	3 932
FS192	Dihlabeng LM	33 476	3 517	6 394	8 202	8 456
DC8	Siyanda DM	54 299	3 275	7 115	9 681	8 382
DC16	Xhariep DM	39 315	3 274	8 577	9 850	7 864
GT481	Mogale City LM	89 687	3 169	8 193	10 252	9 908
LM361	Thabazimbi Mun	25 037	3 165	6 155	6 801	5 875
LM365	Modimolle LM	20 964	3 065	6 347	6 364	5 831
KZ273	Big 5 False Bay Mun	7 117	2 973	3 107	3 458	3 445
NW404	Maquassi Hills LM	17 302	2 856	4 243	5 097	4 890
KZ253	Utrecht Mun	6 739	2 690	3 270	3 499	3 307
DC7	Pixley Ka Seme DM	41 916	2 686	5 952	6 563	6 936
GT462	Kungwini LM	34 169	2 630	6 232	6 976	4 936
EC132	Tsolwana Mun	7 935	2 563	3 957	4 100	815
MP305	Lekwa Mun	26 198	2 539	4 694	6 176	6 568
MP313	Steve Tshwete LM	37 115	2 473	3 317	2 893	5 465
MP323	Umjindi Mun	15 910	2 409	3 743	2 841	4 220
FS185	Nala LM	26 014	2 338	3 667	4 431	4 362
NW402	Potchefstroom City Council	34 028	2 325	4 987	4 090	4 852
NC091	Sol Plaatje Mun	51 104	2 308	2 022	2 658	6 069
WC044	George Mun	36 191	2 245	2 798	2 208	2 804
DC3	Overberg DM	58 738	2 13	1 3 936	3 400	5 749
EC105	Ndlambe Mun	15 734	2 125	4 757	2 109	3 582
KZ224	Impendle LM	7463	2 075	5 172	5 637	2 292

MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
KZ223	Mpofana Mun	10 516	2 039	2 804	3 289	3 342
NC094	Phokwane Mun	17 092	2 021	5 643	6 264	3 147
MP321	Thaba Chweu Mun	26 818	2 000	5 091	5 281	3 382
FS203	Ngwathe Mun	32 540	1 816	5 751	9 553	4 319
LM341	Musina LM	13 978	1 805	4 559	4 982	3 818
GT423	Lesedi LM	19 709	1 769	1 975	3 941	3 830
FS204	Metsimaholo LM	33 733	1 747	5 248	7 993	4 935
WC023	Drakenstein Mun	46 266	1 734	1 898	2 457	3 209
FS195	Phumelela LM	12 043	1 701	3 351	2 946	3 125
KZ222	uMngeni LM	22 701	1 698	3 463	4 465	3 286
NW401	Ventersdorp LM	11 426	1 686	4 477	4 732	3 353
EC143	Maletswai Mun	9 818	1 635	2 988	2 135	3 056
FS183	Tswelopele Mun	12 554	1 602	2 831	6 225	3 396
GT482	Randfontein LM	40 446	1 581	3 352	4 547	5 367
EC104	Makana Mun	18 453	1 567	3 592	1 159	3 250
DC1	West Coast DM	77 947	1 563	3 179	6 267	4 155
WC031	Theewaterskloof Mun	24 363	1 522	2 248	1 611	3 094
GT422	Midvaal LM	20 840	1 505	3 661	4 443	4 821
NW393	Mamusa LM	10 751	1 483	2 996	2 526	2 414
EC106	Sundays River Valley Mun	10 007	1 472	2 951	2 853	1 718
WC048	Knysna Mun	14 972	1 378	1 821	338	1 469
FS181	Masilonyana Mun	20 515	1 368	2 968	6 055	3 952
NW374	Kgetlengrivier LM	10 497	1 340	2 748	3 334	2 615
FS173	Mantsopa LM	14 082	1 307	3 008	3 812	2 867
FS193	Nketoana LM	15 039	1 273	3 434	3 636	2 865
MP311	Delmas Municipal Council	13 954	1 269	1 785	2 625	2 968
EC108	Kouga Mun	19 549	1 266	2 046	1 493	2 366
FS161	Letsemeng Council	12 098	1 242	2 999	3 072	2 837
EC128	Nxuba Mun	6 638	1 221	1 450	2 152	1 110
KZ241	Endumeni Mun	13 133	1 212	1 620	2 387	3 105
FS162	Kopanong Mun	17 636	1 195	3 001	3 865	2 800
NC083	//Khara Hais Mun	17 651	1 187	1 631	1 428	2 660
GT461	Nokeng Tsa Taemane LM	16 833	1 170	2 697	3 517	3 057
WC025	Breede Valley Mun	35 096	1 162	1 984	3 334	2 272
EC133	Inkwanca LM	5 490	332	1 007	1 067	1 140
NC085	Tsantsabane Mun	5 840	326	567	711	698
NC064	Kamiesberg Mun	3 239	292	561	389	791
NC071	Ubuntu Mun	4 267	290	537	741	664

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MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
EC102	Blue Crane Route Mun	9 580	1 135	1 725	1 892	2 310
KZ432	Kwa Sani Mun	4 660	1 125	2 384	2 440	2 218
DC6	Namakwa DM	30 601	1 119	2 973	3 235	3 637
NC092	Dikgatlong Mun	9 735	1 095	2 055	2 498	2 488
KZ275	Mtubatuba Mun	8 286	1 088	1 867	2 919	1 183
EC131	Inxuba Yethemba Mun	16 075	1 046	1 797	2 374	2 255
WC024	Stellenbosch Mun	35 124	1 043	1 113	994	1 157
NW396	Lekwa-Teemane LM	11 578	964	1 062	1 787	2 398
MP306	Dipaleseng Mun	9 581	926	1 522	2 101	2 246
NC082	Kai !Garib Mun	18 050	880	2 412	4 144	2 277
FS163	Mohokare LM	9 580	837	2 577	2 913	2 227
MP314	Emakhazeni LM	10 937	833	1 411	1 824	1 596
LM364	Mookgophong Mun	9 569	792	1 690	1 805	1 709
FS205	Mafube LM	14 811	790	1 316	2 807	3 274
FS171	Naledi LM	7 686	779	1 644	2 304	1 388
FS182	Tokolologo Mun	8 976	741	2 417	3 197	1 987
NC078	Siyancuma Mun	9 229	739	1 971	2 187	1 960
NW392	Naledi LM (NW)	15 254	735	3 341	3 576	4 022
LM366	Bela-Bela LM	14 170	725	2 011	2 285	2 449
WC026	Breede River / Winelands Mun	21 215	679	1 198	1 663	1 188
KZDMA27	St Lucia Park	1 631	645	732	792	642
NW395	Molopo LM	3 799	617	1 904	2 572	1 683
EC144	Gariep Mun	8 288	610	1 809	1 684	1 637
WC047	Bitou LM	8 944	597	497	267	771
WC022	Witzenberg Mun	20 459	594	1 207	1 945	1 626
EC109	Kou-Kamma Mun	9 979	582	1 230	1 567	1 198
NC093	Magareng Mun	5 811	579	970	2 508	922
WC045	Greater Oudtshoorn Mun	18 413	526	1 112	1 206	1 351
NC072	Umsobomvu Mun	5 909	475	742	809	843
WC011	Matzikama Mun	14 497	467	1 234	1 991	1 193
NC084	!Kheis Mun	3 997	388	1 189	1 080	975
ECDMA10	Aberdeen Plain	2 544	388	965	1 080	947
WC015	Swartland Mun	18 758	367	479	1 157	714
NC076	Thembelihle Mun	3 490	361	731	662	687
NC062	Nama Khoi Mun	12 094	358	722	700	950
WC032	Overstrand Mun	19 020	353	782	840	1 876
WC043	Mossel Bay Mun	20 258	346	517	575	859
NC073	Emthanjeni Mun	8 835	340	497	554	1 010

MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
WC014	Saldanha Bay Mun	18 923	290	198	174	758
WC041	Kannaland Mun	6 156	271	780	909	586
DC5	Central Karoo DM	15 236	227	859	1 259	1 188
NCDMA08	Siyanda DMA	3 253	221	877	1 267	908
WC042	Hessequa Mun	12 664	206	681	969	723
WC034	Swellendam Mun	7 619	202	499	581	431
WC013	Bergrivier Mun	13 362	190	435	1 045	463
NC065	Hantam Mun	5 521	172	571	765	639
NC081	Mier Mun	1 596	165	276	751	446
EC101	Camdeboo Mun	10 496	163	639	621	955
NC067	Khâi-Ma Mun	3 363	159	358	487	438
NCDMA07	Pixley Ka Seme DMA	1 102	152	492	566	390
NC075	Renosterberg Mun	2 473	148	327	394	556
WC012	Cederberg LM	11 220	145	694	1 596	755
WCDMA04	Eden DMA	3 558	134	533	861	246
WC053	Beaufort West Mun	9 103	131	346	520	618
EC107	Baviaans LM	3 904	128	438	762	558
NC453	Gamagara Mun	6 683	127	722	473	324
NC086	Kgatelopele Mun	3 911	108	163	300	418
NCDMA09	Diamondfields	1 817	108	676	802	538
GTDMA48	Sterkfontein	2 015	108	271	512	258
NC077	SiyaThemba Mun	4 182	107	236	319	431
WCDMA01	West Coast DMA	1 188	105	138	305	273
NCDMA45	Kgalagadi DMA	2 497	92	595	724	415
NC066	Karoo Hoogland Mun	3 168	75	439	543	577
NC074	Kareeberg Mun	2 430	74	419	332	395
EC103	Ikwezi Mun	2 756	66	384	450	532
WC033	Cape Agulhas Mun	7 653	54	407	368	348
WC052	Prince Albert Mun	2 614	48	170	264	205
MPDMA32	Kruger Park	1 695	39	50	200	87
NCDMA06	Namaqualand DMA	342	32	84	146	137
NC061	Richtersveld Mun	2 874	31	237	206	106
WC051	Laingsburg Mun	1 945	27	199	286	220
WCDMA05	Central Karoo DMA	1 574	22	144	189	145
WCDMA02	Cape Winelands DMA	1 939	22	170	307	212
KZDMA43	Mkhomazi Wilderness Area	335	20	61	103	59
KZDMA23	Giants Castle Game Res	223	8	9	9	7

LOCAL DEMOCRACY IN ACTION

MDB CODE	MUNICIPALITY	HOUSEHOLDS	WATER	SANITATION	REFUSE	ELECTRICITY
NPDMA33	Kruger Park 611 6 0 14 6					
KZDMA22	Highmoor/ Kamberg Park	10	0	0	1	1
ECDMA13	Mount Zebra National Park 23 0 0 0 0					
ECDMA14	Oviston Nature Res		0	0	0	0
FSDMA19	Golden Gate Highlands NP	54	0	0	5	0
NPDMA47	Schuinsdraai Nature Res		0	0	0	0
MPDMA31	Mdala Nature Reserve		0	0	0	0
NWDMA37	Pilanesberg National Park		0	0	0	0
WCDMA03	Overberg DMA	83	0	0	0	0

Source: Gaffneys (2007) derived from Census 2001.

