

CHAPTER 7

RESTRUCTURING OF LOCAL GOVERNMENT IN THE GREATER PRETORIA AREA IN THE PRE-INTERIM PHASE

7.1. INTRODUCTION

The intensification of the opposition to racially-based local authorities by anti-apartheid organizations led to the demise of racially-structured local authorities in South Africa in the early 1990's. In this chapter the course of the local government negotiations process between the local authorities of the erstwhile "white" Pretoria (including the Laudium (Indian) and Eersterust (Coloured areas) and the black townships of Mamelodi and Atteridgeville), which culminated in the signing of the 22 August 1994 agreement between the negotiating parties will be considered. This agreement stemmed from the negotiations which established non-racial local authorities within the Transitional Metropolitan Council (TMC) area of jurisdiction comprised of three metropolitan substructures, namely, the Central Pretoria Metropolitan Substructure (Pretoria, Eersterust, Atteridgeville, Mamelodi); the Northern Metropolitan Substructure (Akasia and Soshanguve) and the Southern Metropolitan Substructure (Centurion (then Verwoerdburg) and Rantesig). The Transitional Metropolitan Council (TMC) is the successor to the disbanded Pretoria Regional Services Council (RSC).

The metropolitan substructures are also known as primary local authorities (PLA's). The latter term is more apt in its description of these institutions than the "substructure" tag. The former term creates the impression that the metropolitan council is on a higher level or tier of government than the substructures. The metropolitan council, like its constituent parts, is a form of local government structure. For the sake of clarity and completeness the history and nature of a metropolitan government will also be put into perspective in this chapter.



7.2. NATURE AND HISTORY OF METROPOLITAN GOVERNMENT AND ADMINISTRATION

The term *metropolitan* is an adjective derived from the word metropolis. Literally speaking, *metropolis* means “mother city” from the Greek root *meter* or *metros* (matter); or *meter* (mother) and *polis* (city). The meaning of *metropolis* has, however, by means of association and modern usage been narrowed to “central city” or a conglomeration of urban settlements. A *metropolis* usually has the most inhabitants and is the most important city in the metropolitan area. The advent of the *metropolis* was accompanied by the development of metropolitan forms of government. The Local Government Transition Act, 1993 (act 109 of 1993) is the vehicle by which metropolitan government was introduced in South Africa.

In the context of this research, reference to the greater Pretoria metropolitan area or region denotes the area falling under the municipal jurisdiction of the City Council of Pretoria and the town councils of Akasia and Centurion. Pretoria is also the “mother city” to Akasia, Atteridgeville, Centurion, Mamelodi and Soshanguve. With the exception of Soshanguve the other four areas were, at one time or another, part of Pretoria or fell under the jurisdiction and administration of the City Council of Pretoria. From the above explanation of a metropolitan area, the term Greater Pretoria Transitional Metropolitan Council (TMC) can be seen to mean the local government structure formed by the former autonomous municipal bodies and other local government structures of Eersterust and Laudium. These bodies form its constituent primary local authorities which were amalgamated when the 22 August 1994 agreement was signed. Thus the term greater Pretoria metropolitan region or area refers to the geographical area covered by the above-mentioned primary local authorities.

With the establishment of the Local Government Negotiation Forum (LGNF) at the national summit for local government on 20 January 1994, Davidson (1994: 1) argues that the summit was witness to two important constitutional developments; namely, the introduction of non-racial and democratic local



government in South Africa; and the creation for the first time (in the country's history) of a system of metropolitan government for major urban areas. Metropolitan government is a new phenomenon in local government in South Africa and is bound to create co-existential problems for politicians within the metropolitan and primary local authorities' various spheres including the social, political and constitutional areas. It should also accommodate restructuring in local government administration to meet the welfare and services needs of communities.

According to Davidson (1994:2), for the purposes of a working definition, metropolitan government could be defined as a special form of local government for a large urban area, which generally includes several historically separate local authority areas which have grown into an integrated urban entity. Davidson adds that, in the light of international experience, and given our history of urban fragmentation and conflict, the country clearly needs a system of metropolitan government. It should be borne in mind that the civic movement had, over the years, argued against fragmented local authorities but its *modus operandi* – which at times led to violent methods – in trying to get support for its views constantly led it into conflicts with the former Government.

Zybrands (1995: 4) distinguishes between a “strong” and “weak” metropolitan form of government. According to Zybrands, a strong metropolitan council retains the bulk of its powers and functions – and could even develop into the so-called megacity – while the substructures (primary local authorities) have minimal powers. In the case of a weak metropolitan government model, the metropolitan council only deals with real metropolitan issues while the bulk of the powers vest in the primary local authorities. As a result of these differences, it could be expected that problems might arise between the various metropolitan and primary authorities in the country as each tries to consolidate as many powers and functions as possible within itself. Such a conflict situation has already arisen between the Greater Pretoria Transitional Metropolitan Council and its three primary local authorities as will be discussed in more detail later in this chapter.

The Urban Foundation (*The Star*, 13 June 1993) highlights the importance of a strong local government and argues that it is critical that there be a willingness on the part of Central Government to allow local autonomy irrespective of whether the country's constitution provides for a federal or unitary state. According to Davidson (1994: 2), there is a worldwide move towards holistic systems of governance for metropolitan areas as integrated economic and political entities. This should provide for a balance between the advantages of metropolitan and grassroots government. Davidson refers to this approach as a "two-tier" system of metropolitan government.

7.2.1. DIMENSIONS OF METROPOLITAN GOVERNMENT SYSTEMS

In a well-reasoned argument, Davidson (1994: 2) mentions four dimensions to which the system of metropolitan government will have to give effect. Firstly, the system should enable the new local authorities to plan, finance and manage urban infrastructure and essential services effectively on a metro-wide basis. Davidson adds that there is an urgent need for pooling scarce resources of finances, skills and leadership in order to meet the challenges of socio-economic reconstruction and development in major urban areas. Zybrands (1995: 17) supports this view and adds that local governments – in the new dispensation – would be expected to make sufficient resources available for the extension and upgrading of municipal services especially in the formerly disadvantaged areas. The former mayor of Pretoria, Mr. C.J. Uys, is of the opinion that the previous situation harmed the health, prosperity, well-being and socio-economic stability of all sections of society (*Pretoria News*, 27 October 1994). The metropolitan system of government is better positioned to eliminate these imbalances and help create a stable, prosperous community for the whole of Pretoria.

The second dimension mentioned by Davidson is the need to politically integrate the erstwhile racially fragmented metropolitan areas and promote the widest possible participation in decision making. Davidson adds that the choice to opt for the two-tier system of metropolitan government meets both

these requirements and “the combination of effective metro-wide government, with strong non-racial local authorities, will allow for both the pooling of resources and local democratic control.” It is also essential to give effect to the basic values of local government, as it is indeed government closest to the people. According to Cameron and Stone (1995: 91) local government is the level of government which interacts most often with the population through the delivery of basic services. Cloete (1995: 2) is of the opinion that the new metropolitan government system will address past imbalances where “white local authorities were the most favourably endowed in terms of resources, facilities, services and business and industrial areas.” To a great extent, this concern is addressed by the Local Government Transition Act, 1993 (Act 109 of 1993), which provides for non-racial, all-inclusive local government institutions.

Thirdly, Davidson (1994: 3) states that international experience has shown that for a two-tier metropolitan government system to be successful it is of the utmost importance that the powers, functions and duties of the two levels be clearly defined. This is equally true in respect of sources of revenue. The Urban Foundation (*The Star*, 13 June 1993) argues that effective, strong local government depends on financial and administrative capacity at that level and the “degree to which a local authority exercises control over its own revenues.” The Local Government Transition Act, 1993 (Act 109 of 1993) is specific on the powers and resources of metropolitan councils such as the bulk supply of water and electricity, ambulance and fire brigade services, passenger transport and metropolitan recreational facilities. Those powers not allocated to the metropolitan council will be retained by the primary local authorities.

Davidson’s fourth dimension deals with the need to obtain an equitable allocation of financial resources to address the basic requirement of socio-economic reconstruction. The metropolitan councils control a single tax base in the form of the former regional services levies and levies on bulk services they provide. The councils are the recipient of intergovernmental grants from provincial and central governments. Budgetary shortfalls could be addressed



by obtaining contributions from the primary local authorities. Gauteng Premier's Proclamation No. 38, 1995, provides that the receipt, allocation and distribution of intergovernmental grants is a duty of metropolitan councils (City Council of Pretoria (CCP) Executive Committee Minutes, 10 April 1996: 102). The Proclamation regulates the financial relationship between the metropolitan council and the primary local authorities. Davidson argues that the formerly fragmented local authorities and racially-structured cities, towns and townships have to pool their human and financial resources to benefit their communities on a metro-wide basis.

7.3. LOCAL GOVERNMENT NEGOTIATIONS OF THE GREATER PRETORIA REGION

In 1994 a mechanism for negotiations was created following the establishment of the Local Government Negotiating Forum (LGNF) and the promulgation of the Local Government Transition Act, 1993 (Zybrands 1995: 3). The negotiations that followed within the framework provided by the Local Government Transition Act, 1993 (Act 109 of 1993) were an attempt to ensure that an effective and all-inclusive local government would be established for the greater Pretoria region. The importance of effective local government cannot be over-emphasized because it would be impossible to ensure efficient delivery of services to communities without democratic local government. As the co-chairman of the Local Government Election Task Group, Mr. Khehla Shubane (*The Star*, 1 November 1995) aptly put it: "With several things to do, local government needs very capable managers. As a democratic institution, it needs to have participation by the people." Shubane added that local government tends to be the institution with the greatest capacity to gather resources and that the development of local government would have a positive impact on local economic development. In the case of the greater Pretoria area the negotiations were, therefore, desirable and inevitable for the restructuring of local government so as to ensure economic development for the benefit of all the region's inhabitants.



Even prior to the promulgation of the Local Government Transition Act, 1993 (Act 109 of 1993), various groups and organisations within the greater Pretoria area had already felt the need to establish a joint forum to discuss matters of mutual interest to the participants (*Atteridgeville Newsletter*, Vol. 9 No. 1, 1992: 1). The first meeting to decide on the establishment of a negotiating forum between Pretoria and Atteridgeville was held at Munitoria, Pretoria, on 17 January 1992. The meeting was attended by representatives of the Transvaal Provincial Administration (TPA), the Pretoria Regional Services Council, the City Councils of Pretoria and Atteridgeville, the Atteridgeville Chamber of Commerce, the Saulsville/Atteridgeville Ministers' Fraternity, the Administrator of Atteridgeville, Mr. C.G. van der Merwe, and the Interim Committee —a coalition civic organisation of the Pan Africanist Congress (PAC) and Azanian People's Organisation (AZAPO) alliance.

At the meeting of the first negotiating forum a steering committee was chosen and Mr. Nigel Mandy was elected convenor (*Atteridgeville Newsletter*, Vol. 9, No. 1, 1992: 1). Other interest groups represented on the committee included the Pretoria Regional Services Council, the City Councils of Pretoria and Atteridgeville, the Interim Committee and the former Transvaal Provincial Administration (TPA). The Steering Committee had to consider the following issues:

- (a) the establishment of a wider negotiating forum, which would include areas such as Mamelodi;
- (b) choosing a name for the forum;
- (c) the composition of the forum;
- (d) the terms of reference of the forum;
- (e) the upgrading of services and infrastructure in Pretoria and Atteridgeville;
- (f) the re-organization of the Atteridgeville's administration;
- (g) the sharing of resources in the region by the two areas;
- (h) the transfer of rented houses to registered occupants in Atteridgeville;
- (i) the new system of local government;
- (j) a mutual land and housing policy; and
- (k) communication strategies within the communities.



From the issues listed above, it is clear that – even before the promulgation of the Local Government Transition Act, 1993 (Act 109 of 1993) – there was already a shift within the greater Pretoria area’s local authorities towards a collective approach to addressing municipal government and administration matters which transcended the racial divide. The steering committee, which had to report back to the forum on 22 July 1992, unfortunately could not finalize its work because of political developments that took place in a wider context. However, it succeeded in laying a solid foundation for later negotiations within the Greater Pretoria Metropolitan Negotiating Forum (GPMNF) in terms of the Local Government Transition Act, 1993. The committee’s pioneering work contributed significantly to the eventual conclusion of the Greater Pretoria Metropolitan Negotiating Forum’s (GPMNF’s) final agreement on 22 August 1994.

7.4. GREATER PRETORIA METROPOLITAN NEGOTIATING FORUM

During 1992, the former City Council of Pretoria convened a meeting to discuss the way to move towards the establishment of a multi-party negotiating forum for a new democratic dispensation for local government in the greater Pretoria region. An exploratory meeting, under chairmanship of the Town Clerk of Pretoria, was held on 26 February 1992. This meeting was attended by councillors, executive committee members and officials of the old local government structures, *viz* the:

- a) City Council of Pretoria;
- b) Management Committee of Laudium;
- c) Management Committee of Eersterust;
- d) City Council of Atteridgeville;
- e) City Council of Mamelodi;
- f) Town Council of Akasia;
- g) Town Council of Verwoerdburg;
- h) Local Government Affairs Council (for Soshanguve)
- i) Pretoria Regional Services Council; and



- j) Transvaal Provincial Administration (City Council of Pretoria, 26 February 1992).

An Interim Organizing Committee was established that, comprised of fourteen representatives of the main roleplayers (local government), with the brief to identify on an all-inclusive basis the roleplayers needed for a multi-party negotiating forum (City Council of Pretoria, 26 February 1992).

After numerous meetings of the Organizing Committee, chaired by Mr Titus Mafolo, the first pilot meeting of the Greater Pretoria Metropolitan Negotiating Forum (GPMNF) was held on 17 June 1992. The following roleplayers were invited to this meeting:

- a) political parties and extra-parliamentary parties active in the greater Pretoria region;
- b) the Chamber of South African Trade Unions (COSATU);
- c) all local government bodies in the greater Pretoria area;
- d) religious bodies, churches and ministers;
- e) educational institutions;
- f) organised trade and industry;
- g) cultural organisations; and
- h) residents' and ratepayers' associations (Greater Pretoria Metropolitan Negotiating Forum, 17 June 1992).

The Greater Pretoria Metropolitan Negotiating Forum (GPMNF) was a vehicle for negotiations aimed at restructuring local government within the greater Pretoria region. An inaugural meeting to determine the need for a joint discussion forum to consider future local government in the greater Pretoria area was held on 17 June 1992 in Arcadia, Pretoria, under the chairmanship of Dr. P.R. Smith, the then chairman of the management committee of the City Council of Pretoria. About 150 delegates of the 53 representative bodies within the greater Pretoria area attended the inaugural meeting (*Atteridgeville Newsletter*, Vol. 9. No. 6, 1992: 1). Represented were the local authorities of Pretoria (including the Eersterust and Laudium management committees),



Atteridgeville, Mamelodi, Soshanguve, Verwoerdburg (Centurion) and the area committee of Rantesig; various political, community, church, civic and educational bodies as well as trade, industrial and agricultural organizations.

Political parties represented at the meeting were the National Party (NP), the African National Congress (ANC), the Democratic Party (DP), the Labour Party, the South African Communist Party (SACP), the National People's Party, the Solidarity Party and the Transvaal Indian Congress (*Atteridgeville Newsletter*, Vol.9 No.6, 1992: 1). Civic organizations included the Mamelodi Civic Association (MCA), the Interim Committee and the Soshanguve Residents' Association. A 24-member organizing committee was elected consisting of eight members each from political parties, civic organizations and government bodies such as the former Transvaal Provincial Administration (TPA). Among the matters considered by the committee were the election of a chairman and matters already being considered by the first negotiating forum referred to above.

While the initiative regarding negotiating a settlement had overwhelming support from the participating local authorities and other interested parties, there were some who did not attend. These were the Akasia Town Council, the Conservative Party (CP), the Herstigte Nasionale Party (HNP), the Freedom Front (FF), the Afrikaner Weerstandbeweging (AWB), the Inkatha Freedom Party (IFP), the PAC and AZAPO (*Atteridgeville Newsletter*, Vol. 9 No. 6, 1992). However, as has already been mentioned, the latter two political parties were represented in an alliance on the Interim Committee.

Several plenary sessions of the Forum were held, during which the official composition of the Forum and the identification of the major roleplayers were the main points of discussion. The African National Congress (ANC) at this stage decided to join the Negotiating Forum, which was officially established on 15 September 1993 (Greater Pretoria Metropolitan Negotiating Forum, 15 September 1993). Independent Chairman, Brian Currin, together with the following statutory roleplayers (as approved by the Premier on 4 May 1994), started the formal negotiating process:



- a) Town Council of Akasia;
- b) Management Committees of Eersterust and Laudium;
- c) Town Council of Midrand;
- d) City Council of Pretoria;
- e) Rantesig Local Area Committee;
- f) Roodeplaat Local Area Committee;
- g) Local Government Affairs Council; and
- h) Town Council of Verwoerdburg (Greater Pretoria Metropolitan Negotiating Forum, 4 May 1994).

The Local Government Transition Act, 1993 (Act 109 of 1993), provides for the establishment and recognition of negotiating forums (Cameron 1994: 13; Cloete 1995: 12; Craythorne 1994: 31 Supplement). The former chairman of the Witwatersrand Metropolitan Chamber, Dr. Frederick van Zyl Slabbert (*Sowetan*, 11 July 1994), described the Act as “the most important legal instrument we have” to address the issue of restructuring local government in the country and bring about new local-metropolitan authorities which will be responsible for infrastructural services. The Greater Pretoria Metropolitan Negotiating Forum (GPMNF) was formally recognised as a negotiating forum by the Transvaal Provincial Administration (TPA) in terms of Section 6 of the Act, with effect from 4 May 1994 (*Pretoria News*, 18 May 1994).

In spite of the boycott of the Forum by particular key roleplayers such as the Conservative Party (CP), the Freedom Front (FF), the Herstigte Nasionale Party (HNP), Inkatha Freedom Party (IFP) and the Afrikaner Weerstandsbeweging (AWB) the forum proceeded with its task of negotiating for the restructuring of local government in the area. An agreement to establish a non-racial transitional metropolitan council (TMC) for the greater Pretoria area was reached on 2 August 1993 (*Pretoria News*, 3 August 1993). The metropolitan council’s area of jurisdiction was comprised of three local authorities consisting of the Central Pretoria Metropolitan Substructure (Pretoria, Mamelodi, Atteridgeville, Eersterust, Laudium and Roodeplaat); the Southern Metropolitan Substructure (Centurion then Verwoerdburg), Midrand (Rantesig/Knoppieslaagte, Ivory Park and Rabie Ridge); and the Northern



Metropolitan Substructure (Akasia and Soshanguve). The decision to include Akasia in the northern local government council was taken in spite of Akasia Town Council's rejection of the forum (*Pretoria News*, 3 August 1993).

The Transitional Metropolitan Council (TMC) was established on a 50/50 basis with an equal number of statutory members (existing councillors) and non-statutory members (civics and residents' associations). During the meeting a decision was taken that the number of councillors be determined at a later stage and that the metropolitan council would not have a mayor. An executive committee would make recommendations to the council and five subcommittees would advise on a number of "metropolitan duties and functions". These were bulk services (water, electricity and sewerage); land-use planning; transport (planning and passenger services); community services (civil protection, libraries, hospitals, ambulances, fire brigades, museums, recreation, cemeteries and crematoriums); and infrastructural facilities such as abattoirs, fresh produce markets and airports. A draft budget for the forum of R208 898-00 for the period 1 November 1993 to 31 January 1994 was also approved. This signalled the beginning of an important stage in the introduction of non-racial municipal structures for the greater Pretoria area.

After the 27 April 1994 national election for Parliament and the newly-created provinces, the greater Pretoria region negotiations gained impetus. On 18 May 1994, the Conservative Party (CP) and the Freedom Front (FF) indicated their willingness to participate fully in the negotiations as well as in non-racial local government structures (*Pretoria News*, 18 May 1994). The Freedom Front leader in the City Council of Pretoria, Mr. At van Dyk, Conservative Party (CP) Councillor in the City Council of Pretoria, Mr. Dawie Pretorius, and the Conservative Party (CP)-controlled Akasia Town Council management committee chairman, Mr. Louis Meynhardt, said they would participate in the negotiations to further the ideal of an Afrikaner "Volkstaat". Mr. Pretorius added that the Conservative Party (CP) caucus in the City Council of Pretoria had also decided to participate in all future structures to the personal benefit of those whom they represent.

In an editorial of 18 May 1994, the *Pretoria News* attributed the progress achieved by the negotiations to the then existing spirit of national reconciliation and goodwill that followed the general election and sparked a feeling of optimism for the country's future. The report added that the 10 May 1994 presidential inauguration of Mr. Nelson Mandela had led observers to conclude that Pretoria was finally on track towards its own negotiated settlement.

7.5. THE TRANSITIONAL METROPOLITAN COUNCIL AND THE PRETORIA REGIONAL SERVICES COUNCIL

The agreement to establish a non-racial transitional metropolitan council for the greater Pretoria area was reached at a plenary session of the Greater Pretoria Metropolitan Negotiating Forum (GPMNF) at the Sammy Marks Conference Centre, Pretoria, on 2 December 1993. The agreement which was described as "history-making" by the forum's chairman, Mr. Brian Currin (*Pretoria News*, 3 December 1993) brought about the final demise of apartheid in local government in the area. The members of the forum also decided that the process of establishing the Greater Pretoria Transitional Metropolitan Council and primary local councils started by 1 February 1994 and finalized by 27 April 1994.

With the exception of the Conservative Party (CP)-controlled Town Council of Akasia, the Metropolitan Council enjoyed the support of the statutory and non-statutory groups in the greater Pretoria area (*Atteridgeville Newsletter*, Vol. 11 No. 2, 1994: 1). While the National Party (NP) lauded the establishment of the Metropolitan Council as "a positive and great step towards participation by local communities in the process of local government", the move was denounced by the Groenkloof Ratepayers' Association which "expressed the strongest opposition" to the new dispensation (*Pretoria News*, 24 February 1994). More opposition to the new dispensation came from the Afrikaner Volksfront (AVF) whose aim was to establish an "alternative city council" which was in line with its ideal of having the city as part of a "volkstaat"



(*Pretoria News*, 3 December 1993). The then Transvaal Provincial Administration (TPA) described attempts by the Afrikaner Volksfront (AVF) and other groupings to take over control of city councils as “unconstitutional and unlawful” and warned that it would clamp down on the Afrikaner Volksfront’s (AVF’s) far-right resistance to non-racial local government.

After nearly six months of deliberations, the final agreement to establish the Greater Pretoria Transitional Metropolitan Council was concluded. The Transitional Metropolitan Council consisted of three transitional metropolitan substructures (TMSS’s), namely, the central, northern and southern transitional metropolitan substructures (TMSS’s) of the greater Pretoria area. The Northern Pretoria Metropolitan Substructure (NPMSS) was comprised of Akasia and Soshanguve. The Central Pretoria Metropolitan Substructure (CPMSS) was, at first, made up of Pretoria, Atteridgeville, Mamelodi, Eersterust, Laudium and Roodeplaar (*Atteridgeville Newsletter*, Vol. 11 No. 9, 1994). Laudium was later excised from the Central Pretoria Metropolitan Substructures (CPMSS) and included in the Southern Pretoria Metropolitan substructure (SPMSS). The Southern Pretoria Metropolitan Substructure (SPMSS), initially, consisted of Verwoerdburg (Centurion), Rantesig and Knoppieslaagte but the latter area was excised and placed under the jurisdiction of Midrand. It was initially argued that Midrand, Ivory Park and Rabie Ridge should be established as a far-south local government council. Subsequently it was decided that these areas as well as Roodeplaar be excluded from the Greater Pretoria Transitional Metropolitan Council area (*Pretoria News*, 18 May 1994). The 56-member Transitional Metropolitan Council was established on a 50/50 basis with an equal number of statutory members and non-statutory members (*Atteridgeville Newsletter*, Vol. 11 No. 2, 1994). In its editorial comment the *Pretoria News* (18 May 1994) lauded the developments as a “miracle of negotiation” and claimed that local government was responding to the general spirit of reconciliation and co-operation in the country. The greater Pretoria metropolitan region was on its way to establishing a democratic local government.



Although the negotiations were kept on track by the determined efforts of the participating groups there were several hitches which threatened to derail the process at various stages of its development, even after the establishment of the Transitional Metropolitan Council (TMC). This was not unexpected, bearing in mind the diverse and divergent social, economic and political backgrounds of the participating groups. For example, at one stage the Atteridgeville-Saulsville Residents' Organization (ASRO) threatened to mobilise Atteridgeville residents to resist a proposed tariff increase by the City Council of Pretoria. The tariffs were to go up from R117-00 per month to R125-00 per month from 1 July 1994 (*Pretoria News*, 5 August 1994). ASRO's greater Pretoria area's secretary general, Mr. J. Masemola, said in a press statement that, a meeting between his organization and the local authorities of Pretoria and Atteridgeville and the civic association had clearly indicated that "for as long as we have separate communities with inequalities in terms of basic services, we will never support any increment in tariffs". Mr. Masemola added "that as long as there was no visible upgrading of services the community would continue to pay the R117-00 flat rate".

Another dispute which threatened to derail the negotiations process was the issue surrounding the election of the mayor in the new non-racial local government dispensation. The National Party (NP) issued a statement to the effect that the Greater Pretoria Metropolitan Negotiating Forum's (GPMNF's) twelve-member committee had reached an agreement that the mayor would come from the statutory side of the negotiating forum (*Pretoria News*, 25 May 1994). The spokesperson for the non-statutory side in the negotiating committee, Mr. N.P. Malefo, said the African National Congress (ANC) /South African Communist Party (SACP)/Congress of South African Trade Unions (COSATU) alliance and the civics denied the existence of such an agreement. Mr. Malefo added that the negotiating committee was engaged in a process to restructure local government in Pretoria, and not to decide which colour of skin the office-bearers should be.

The forum faced a legitimacy challenge when the South African National Civics Association (SANCO) threatened to withdraw from the new local



government bodies (*Pretoria News*, 20 September 1994). The civic association's move was sparked by what was described by SANCO as a "non-inclusive process" in meetings arranged by the ANC/SACP/COSATU alliance for the nomination of non-statutory candidates for the then envisaged Metropolitan Council's structures. The South African National Civics Association (SANCO) threatened that councillors nominated in "smoke-filled rooms" would be treated in the same way as councillors of the apartheid era. This was a reference to earlier campaigns waged against black councillors of the former racially-based local authorities who were eventually forced to resign. The South African National Civics Association's (SANCO's) spokesman warned that his organization would demand the resignation of such councillors and would also decide on any other protest measures deemed fit (*Pretoria News*, 20 September 1994). The differences between the African National Congress (ANC) and South African National Civics Association (SANCO) threatened to derail the negotiations aimed at restructuring local government in the greater Pretoria area and the process of electing executive committee members in the City Council of Pretoria (*Business Day*, 20 December 1994). The feud between South African National Civics Association (SANCO) and the African National Congress (ANC)-led alliance underlined the importance of and the premium placed on the observance of the principle of inclusivity in the newly-established local government structures. The eventual resolution of their differences emphasized the importance of the role played by negotiations in bringing about a settlement in the establishment of an all-inclusive and non-racial local government in the greater Pretoria metropolitan area.

In another development, the City Council of Pretoria lodged an urgent application with the Supreme Court to stop the publication of a proclamation by the Gauteng Government which included a section to the effect that Pretoria had to take over debts of more than R170-million owed by Atteridgeville and Mamelodi for rent and service charges (*Pretoria News*, 29 November 1994). The City Council was supported by the then Minister of Constitutional Development and Provincial Affairs, Mr. R.P. Meyer, who agreed that new local councils should not be burdened with former black

councils' external debts and that a section to that effect be included in the proclamation. The non-statutory side through its spokesperson, Mr. Donsie Khumalo, threatened that, should the City Council succeed with its application, the non-statutory side would stop the negotiations and request the Gauteng Premier to disband the Pretoria, Verwoerdburg (Centurion) and Akasia local authorities and appoint administrators (*Pretoria News*, 29 November 1994). Mr. Khumalo said an agreement had already been reached that debts incurred by the township administrations after 20 January 1994 must be paid and that the new council would be responsible for collecting these debts. The latter agreement was signed at the local government summit held at the World Trade Centre, Kempton Park (Zybrands, 1995: 9).

7.5.1. SIGNING OF AGREEMENT

On 22 August 1994, parties in the Greater Pretoria Metropolitan Negotiating Forum approved and signed an agreement on the new non-racial local government structure for the greater Pretoria area (*Pretoria News*, 23 August 1994). The agreement was signed by members of the negotiating groups which were comprised of representatives of the National Party (NP) in the Pretoria and Verwoerdburg (Centurion) city councils, the African National Congress (ANC), the South African Communist Party (SACP), the Freedom Front (FF), the Inkatha Freedom Party (IFP), the Democratic Party (DP), the Eersterust Management Committee, the South African National Civics Association (SANCO) and the Pretoria Ratepayers' Association. The council consisted of 56 members – 28 each from statutory and non-statutory groups – with a ten-member executive committee and two co-chairmen representing the statutory and non-statutory components who were to chair the council's meetings on a rotational basis (*Metro*, 9 September 1994).

After more than two years of negotiations, marked by threats to derail the process from the statutory side, the Greater Pretoria Transitional Metropolitan Council, with its three substructures, was proclaimed on 8 December 1995

(*Pretoria News*, 9 December 1995). The substructures were divided into the central, northern and southern substructures.

The Central Pretoria Metropolitan Substructure (CPMSS) has since been renamed the City Council of Pretoria, while the Southern Pretoria Metropolitan Substructure (SPMSS) and the Northern Pretoria Metropolitan Substructure (NPMSS) are now known respectively as the Centurion Town Council and the Tswaing Town Council. The proclamation establishing the Transitional Metropolitan Council and its primary local authorities is the Gauteng Premier's Notice No. 38, 1995, published in the Extraordinary Provincial Gazette of 8 December 1995. The process of negotiations and the eventual establishment of the Transitional Metropolitan Council (TMC) and the three transitional metropolitan substructures was brought about in accordance with the provisions of the Local Government Transitional Act, 1993 (A New Dispensation for Local Government in Greater Pretoria Area 1994: 2).

The 58-member Greater Pretoria Transitional Metropolitan Council, with an equal number of statutory and non-statutory representatives, was inaugurated on 12 December 1995. The former mayor of Pretoria, Mr.C.J. Uys (from the statutory component), and Mr. D. Khumalo (from the non-statutory component) were elected as co-chairmen of the ten-member executive committee of the Metropolitan Council (*Business Day*, 13 December 1995).

The most important experience resulting from the new direction in the administration of local government was the practising of the principle of "consensus politics" as a new approach to decision-making in South Africa. Resolutions were passed by consensus when two-thirds of members were present at council meetings. This principle has been adopted in the new dispensation and is embodied in section 176 of the Local Government Transition Act, 1993 (Act 109 of 1993). This section provides that local council's resolutions pertaining to the budget shall be decided by a two-third majority of all its members.



7.6. RELATIONSHIP BETWEEN THE METROPOLITAN COUNCIL AND THE SUBSTRUCTURES

As successors in title to the regional services councils, metropolitan councils have substantially similar functions to their predecessors. The major differences between the two institutions is in the organizational arrangements of their political and administrative executive institutions, as well as the nature of their relationship with their constituent local authorities. The organizational arrangements, powers and functions of the regional services councils were regulated by the Regional Services Councils Act, 1985 (Act 109 of 1985). In terms of the provisions of the Act the administrative structures of a regional services council were made up of appointed councillors and officials nominated by the member local authorities. The chairman, who was without a vote, was appointed by the Provincial Administrator, who also determined the number of members to serve on the council. The deputy chairman was elected from among the appointed councillors and officials.

Section 179 of the Local Government Transition Act, 1993 (Act 109 of 1993), provides that transitional metropolitan councils' organisational structure shall consist of councillors elected on a proportional basis – 40 percent by the proportional system and 60 percent nominated from the substructures. In this respect the composition of Transitional Metropolitan Councils (TMC's) is more democratic than that of the regional services councils in the sense that members who have been democratically elected serve on the Transitional Metropolitan Councils (TMC's). In terms of Schedule 2 of the Local Government Transition Act, 1993 (Act 109 of 1993), the Transitional Metropolitan Council (TMC) determines powers and duties as well as proportional representation, number of members, and the quorum. As was the case with regional services councils, decisions by metropolitan councils are by consensus, and when these pertain to the budget, decisions are taken by a two-thirds majority of all members (Section 176). The Transitional Metropolitan Council (TMC) also elects a mayor. A metropolitan council's administration is headed by a chief executive officer who occupies a similar

position to that of the chief executive/town clerks of its primary local authorities.

As far as the powers and duties of the former Pretoria Regional Services Council are concerned, the Greater Pretoria Transitional Metropolitan Council (TMC) has taken them over. In terms of Section 7(1)(b)(ii) of the Local Government Transition Act, 1993 (Act 109 of 1993), the Transitional Metropolitan Council (TMC) may, after its establishment, at its discretion decline to exercise any power or perform any duty referred to in schedule 2 of the Act.

An issue that is destined to create tension between the Greater Pretoria Transitional Metropolitan Council, on the one hand, and its three substructures, on the other, concerns the intergovernmental relations between the two institutions. Intergovernmental relations refer to relations between a central sovereign governmental authority – where there are two or more governmental levels – and other subordinate levels, and relations between and among the subordinate government levels themselves. The question of the demarcation of powers to be exercised by the Transitional Metropolitan Council and its primary local authorities (PLA's), is regulated by section 8 of the Local Government Transition Act, 1993 (Act 109 of 1993). At the beginning of 1996, following the 1 November 1995 municipal elections, there appeared to be a power struggle between the two structures concerning the extent of the powers and duties of the Transitional Metropolitan Council (TMC) in relation to its Primary Local Authorities (PLA's). This had a sequel in a meeting held between the Transitional Metropolitan Council's (TMC's) chief executive officer and the town clerks of Pretoria, Tswaing and Centurion and their senior officials at which a "Metro Working Group" was established (*Toria Ya Rona*, Vol. 14 No. 3, 1996: 1). Following discussions, a report setting out principles and criteria to be used in determining the division of functions between the Transitional Metropolitan Council (TMC) and the substructures was unanimously accepted by the parties (*Pretoria News*, 7 March 1996). An agreement was finally reached on 3 April 1996. The principles included effectiveness, compliance with the policy of Government and recognition of

community values. The criteria to determine the cut-off point between councils for the “operational execution” of functions included sound operational decision-making, minimizing duplication and optimizing utilization of available skills and resources, and guaranteeing affordable and sustainable service delivery for the community. The Working Group was also charged with the responsibility of investigating the re-evaluation of the division of functions and cut-off points for the execution of the operational functions of the TMC and the PLA's as part of an ongoing process of rationalization and evolution (*Toria Ya Rona*, Vol. 14 No. 3, 1996: 1).

Davidson (1994: 6) argues that, apart from the differences that could be expected to exist between metropolitan councils and their primary local authorities, one of the main issues of the future will certainly be the relationship between metropolitan and provincial governments. Davidson states that the various role-players should strive to maintain what he describes as “creative tension”. This, Davidson adds, does not mean conflict, but the understanding that each has a particular role and responsibility in strengthening democracy and serving the community.

7.7. EVALUATING THE PRE-INTERIM PHASE

The negotiations between the statutory and non-statutory groupings within the Greater Pretoria Metropolitan Negotiating Forum (GPMNF) were founded on the realization by the two participating groups that common ground existed between them on the need to restructure local authorities. Both were committed to working jointly towards ending racially exclusive town and city councils, envisaging new financially viable authorities embracing towns and townships. Both stressed development of the neglected townships and informal settlements. Both envisaged that, for the foreseeable future, Central Government could not abdicate its financial responsibility for repairing urban backlogs created by apartheid policies.

The process of consolidating various towns, cities and management committees was not without hitches and was characterized by differences between and within the negotiating groups. The statutory and non-statutory sides also clearly represented different socio-political interests and obviously sought different social and economic goals through the restructuring of local government. The civic movement, in particular, with its rallying cry of “one city, one tax base” was committed, as a means to the redistribution of resources through amalgamation of racially-structured residential areas, to a single non-racial, all inclusive local authority system. Therefore, the Transitional Metropolitan Council has to establish a comprehensive, affordable development process to address the backlogs of the past.

The “consensus politics” introduced during the days of the Pretoria Regional Services Council continue in the new dispensation. If the record of the regional services council is continued, its successor, the Greater Pretoria Transitional Metropolitan Council, will be in a more favourable position to bring about far-reaching effects on the economic and social development of all the inhabitants of a “united” Pretoria because it is a legitimate local government that enjoys the support of most people in the region. These negotiations reached a climax with the signing by the negotiating groups of the 22 August 1994 agreement that paved the way for the eventual restructuring and deracialising of local government in the Greater Pretoria area.



7.8. RESTRUCTURING OF LOCAL GOVERNMENT IN MOVING TOWARDS THE INTERIM PHASE

On 22 August 1994, after almost three years of consistent and complex negotiations, the Greater Pretoria Metropolitan Negotiating Forum reached an official agreement. At this meeting, a document commonly known as *Annexure F*, pertaining to the identification and definition of the powers, duties and functions of the Greater Pretoria Metropolitan Council (GPMC) was adopted. On 8 December 1995, Premier's Proclamation No 38 was promulgated, and on 12 December 1995 the Greater Pretoria Metropolitan Council (GPMC) with the three metropolitan local authorities of:

- (a) the Town Council of Centurion;
- (b) the City Council of Pretoria; and
- (c) the Northern Pretoria Metropolitan Council,

was officially inaugurated.

7.8.1. POWERS AND FUNCTIONS OF THE METROPOLITAN COUNCIL AND METROPOLITAN LOCAL COUNCILS

The local government structures that were negotiated for the greater Pretoria region are based on a metropolitan council that executes the full complement of powers, duties and functions in terms of Schedule 2 of the Local Government Transition Act, 1993 (Act 108 of 1993) and, where possible, works hand-in-hand with the metropolitan local authorities. Proclamation No. 35, 1995 (4 August 1995), of the Premier of the Province of Gauteng, Mr. T. Sexwale gave the Greater Pretoria Metropolitan Council (GPMC) the responsibility for the following powers and duties, namely:

- a) the bulk supply of water;
- b) the bulk supply of electricity;



- c) the bulk sewage purification works and main sewage disposal pipelines for the metropolitan area;
- d) metropolitan co-ordination, land usage and transport planning;
- e) arterial metropolitan roads and stormwater drainage;
- f) passenger transport services;
- g) traffic matters;
- h) abattoirs;
- i) fresh produce markets;
- j) waste disposal/refuse dumps;
- k) cemeteries and crematoriums;
- l) ambulance and fire brigade services;
- m) hospital services;
- n) airports;
- o) civil protection;
- p) metropolitan libraries;
- q) metropolitan museums;
- r) metropolitan recreation facilities;
- s) metropolitan environment conservation;
- t) metropolitan promotion of tourism;
- u) metropolitan promotion of economic development and job creation;
- v) the establishment, improvement and maintenance of other metropolitan infrastructural services and facilities;
- w) the power to levy and claim (a) the regional services levy and the regional establishment levy referred to in Section 12(1)(a) of the Regional Services Councils Act, 1985 (Act No 109 of 1985); and (b) levies or tariffs from any metropolitan local authority in respect of any function or service referred to in items 1-22; and (c) an equitable contribution from any metropolitan local authority based on the gross rates income of such metropolitan local authorities.
- x) the receipt, allocation and distribution of intergovernmental grants; and
- y) the power to borrow or lend money, with the prior approval of the Premier, for the purpose of or in connection with the exercise or performance of any power or duty.



According to the above Proclamation (4 August 1995), the three metropolitan local authorities, the City Council of Pretoria, the Town Council of Centurion and the Northern Pretoria Metropolitan Substructure, would be responsible for the remainder of local government powers and duties. On 1 November 1995 the interim phase commenced when the communities within the greater Pretoria area elected their political representatives for the metropolitan council and the three metropolitan local authorities (*Official Local Government Yearbook*, 1995/96: 13-14).

The metropolitan council and the metropolitan local authorities reached agreement on 26 March 1996 with regard to the principles and criteria to be applied in a strategic negotiation process for the division of powers and functions, as well as the determination of cut-off points for the execution of the operational functions of the Greater Pretoria Metropolitan Council (GPMC) (Greater Pretoria Metropolitan Council, 26 March 1996).

Owing to the continued co-operation between the metropolitan council and the three local authorities, the Greater Pretoria Metropolitan Council on 11 April 1996, accepted a report regarding the division of powers and functions and the determination of cut-off points for the operational execution of metropolitan functions. In this regard, agreement was reached on, among others, a management model that, in respect of specific functions, brought about a partnership between the Greater Pretoria Metropolitan Council (GPMC) and the three metropolitan local authorities, in terms of which the metropolitan local authorities are contractually responsible to the Greater Pretoria Metropolitan Council (GPMC) for the efficient operational execution of specific metropolitan functions (Greater Pretoria Metropolitan Council, 11 April 1996). On 26 April 1996, the Greater Pretoria Metropolitan Council accepted a report by the Metro Working Group regarding the financial principles, processes and implications arising from the role division between the Greater Pretoria Metropolitan Council (GPMC) and the metropolitan local authorities (Greater Pretoria Metropolitan Council, 26 April 1996).



On 30 June 1998 the Greater Pretoria Metropolitan Council resolved that the service contracts between the Greater Pretoria Metropolitan Council and the three metropolitan local authorities with regard to the following metropolitan services be terminated with effect from 30 June 1998:

- a) metropolitan public transport services;
- b) airports;
- c) ambulance services; fresh produce market; and
- d) fire brigades (Greater Pretoria Metropolitan Council, 30 June 1998).

This step contributed to the fact that the Greater Pretoria Metropolitan Council, with effect from 1 July 1998, accepted full responsibility for the execution of these services and had to stand in for the total budgeted operational deficit of approximately R136 million (Greater Pretoria Metropolitan Council, 30 June 1998).

7.9. CONCLUSION

The intensification of the opposition to racially-based local authorities by anti-apartheid organizations led to the demise of racially-structured local authorities in South Africa in the early 1990's. In this chapter the course of the local government negotiations process between the local authorities of the erstwhile "white" Pretoria (including Laudium (Indian)) and Eersterust (Coloured) areas and the black townships of Mamelodi and Atteridgeville), that culminated in the signing of the 22 August 1994 agreement between the negotiating parties have been dealt with. This agreement stemmed from the negotiations which established non-racial local authorities within the Transitional Metropolitan Council (TMC) area of jurisdiction comprised of the three metropolitan substructures, namely, the Central Pretoria Metropolitan Substructure (Pretoria, Eersterust, Atteridgeville, Mamelodi); the Northern Metropolitan Substructure (Akasia and Soshanguve) and the Southern Metropolitan Substructure (Centurion (then Verwoerdburg) and Rantesig). The



Transitional Metropolitan Council (TMC) was the successor to the disbanded Pretoria Regional Services Council (RSC).

On 1 November 1995 the interim phase commenced when the communities within the greater Pretoria area elected their political representatives for the metropolitan council and the three metropolitan local authorities (*Official Local Government Yearbook*, 1995/96: 13-14). On 8 December 1995, Premier's Proclamation No 38 was promulgated, and on 12 December 1995 the Greater Pretoria Metropolitan Council (GPMC) with the three metropolitan local authorities of:

- (a) the Town Council of Centurion;
- (b) the City Council of Pretoria; and
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The metropolitan council and the metropolitan local authorities reached agreement on 26 March 1996 with regard to the principles and criteria to be applied in a strategic negotiation process for the division of powers and functions, as well as the determination of cut-off points for the execution of the operational functions of the Greater Pretoria Metropolitan Council (GPMC) (Greater Pretoria Metropolitan Council, 26 March 1996).

Owing to the continued co-operation between the metropolitan council and the three local authorities, the Greater Pretoria Metropolitan Council on 11 April 1996, accepted a report regarding the division of powers and functions and the determination of cut-off points for the operational execution of metropolitan functions. On 26 April 1996, the Greater Pretoria Metropolitan Council accepted a report by the Metro Working Group regarding the financial principles, processes and implications arising from the role division between the Greater Pretoria Metropolitan Council (GPMC) and the metropolitan local authorities (Greater Pretoria Metropolitan Council, 26 April 1996).



On 30 June 1998 the Greater Pretoria Metropolitan Council resolved that the service contracts between the Greater Pretoria Metropolitan Council and the three metropolitan local authorities with regard to certain metropolitan services be terminated. This step contributed to the fact, that the Greater Pretoria Metropolitan Council, with effect from 1 July 1998, accepted full responsibility for the execution of these services and had to stand in for the total budgeted operational deficit of approximately R136 million (Greater Pretoria Metropolitan Council, 30 June 1998).

It is apparent from this chapter that various Council resolutions were taken with regard to service delivery, concerning the division of powers, duties and functions between the Greater Pretoria Metropolitan Council and the three local authorities. Financial restraints, the duplication of functions, the lack of co-operation and co-ordination are but a few of the problems, which are salient features in the Council reports used to substantiate a counter resolution from Council. (Chapter 9 will elaborate on these problems). The restructuring of local government as envisaged in the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), will have a definite impact on the current governance of local government in the Greater Pretoria Area (GPA).

Before the restructuring of local government as it moves towards the final phase can however, be discussed it is important to place the greater Pretoria local government structures in perspective. Statistical data will serve as a basis for comparison in Chapter Eight (8).