



**THE RESTRUCTURING OF LOCAL
GOVERNMENT WITH SPECIFIC REFERENCE TO
THE CITY OF TSHWANE**

by

BELINDA HAVENGA

Submitted in partial fulfillment of the requirements of the
degree

Doctor Philosophiae (Public Administration)

In the Faculty Humanity

University of Pretoria

SUPERVISOR: PROF. DR. D.J. FOURIE

**PRETORIA
OCTOBER 2002**

SUMMARY

This research seeks to build a conceptual framework that can assist in guiding the process of local government restructuring and the impact thereof on the community it serves. The framework emphasizes looking beyond the legislative framework and evaluating the restructuring of local government to include all deliberate and purposive courses of action that are intended to lead to new or modified systems of local government, to significant arrangements for redistributing responsibilities for major developmental functions, and to increased public participation in policy-making and action at a local level.

In order to meet the objectives of this investigation, a literature study was undertaken. Salient themes regarding the restructuring of local government were located in existing legislation, public administration texts, in management theories and in research studies.

The aims of this study were to:

- a) analyze the emergence of local government in South Africa, which contributed to the manifestation of the apartheid value system and the separation of racial communities;
 - b) clarify the need for local government restructuring to address imbalances and inequities of past legislation;
 - c) identify the administrative and legislative processes which culminated in the formulation of a legislative local government restructuring model;
 - d) assess the impact of the local government restructuring model on local authorities, with specific reference to the City of Tshwane; and
 - e) identify and evaluate international restructuring principles and experience against South African local government restructuring, with specific reference to the City of Tshwane and to draw conclusion.
-

In achieving these five research objectives, the aim of this thesis was to recommend a local government category for the City of Tshwane, which would ensure that the intended purpose of local government restructuring is met in an efficient and democratic manner.

The recommended local government category for the City of Tshwane in the final restructuring phase is premised on less local government and strengthened local authorities that will preserve local community identity for residents and businesses and promote the efficient use of resources. In order to ensure efficient and democratic regional service delivery, the establishment of a City of Tshwane Services Board is recommended.

ACKNOWLEDGEMENTS

The Almighty God created all of mankind as spiritual beings – in his image. What we make of our human experience is a matter of personal choice. Some acquire knowledge and wisdom as they progress along the path of life others choose to pursue it more deliberately, being aware of the fact that life has an eternal dimension.

The journey of discovering knowledge and wisdom is a challenging path. It takes one through dark valleys of uncertainty and to exhilarating heights of celebration and joy. There are opportunities for rest along the way – stops to question and silently reason, but they are in reality intersections of uncertainty and exit roads to end the journey. It is the solidarity moments of questioning and reasoning where one discovers that choices are decided by value judgement of the jury in one's soul.

I met many people along the way, and made valuable friends. A special word of “thank you”, Professor Dr. David Fourie, for your excellent promotion and supervision. This study would not have been possible without your active guidance and support.

My husband, Lukas, thank you for your trust and encouragement throughout the challenging study years.

My parents, Carol and Tots, thank you for your guidance and support.

TABLE OF CONTENTS

PAGE

CHAPTER 1: RESEARCH PROBLEM AND RESEARCH DESIGN

1.1. INTRODUCTION	1
1.2. PROBLEM STATEMENT AND HYPOTHESIS	4
1.3. RESEARCH AIMS AND OBJECTIVES	7
1.4. RESEARCH APPROACH AND METHODOLOGY	8
1.5. CLARIFICATION OF TERMINOLOGY	8
1.5.1. APARTHEID	8
1.5.2. CITY OF TSHWANE METROPOLITAN MUNICIPALITY	9
1.5.3. DEMOCRACY	10
1.5.4. GOVERN	11
1.5.5. GOVERNANCE	11
1.5.6. GREATER PRETORIA METROPOLITAN AREA (GPMA)	12
1.5.7. LOCAL AUTHORITY	14
1.5.8. LOCAL GOVERNMENT	14
1.5.9. METROPOLIS AND METROPOLITAN AREA	15
1.5.10.MUNICIPAL ADMINISTRATION	15
1.5.11.MUNICIPAL COUNCIL	15
1.5.12.MUNICIPAL GOVERNMENT	15
1.5.13.MUNICIPALITY	16
1.5.14.PUBLIC ADMINISTRATION	17
1.5.15.RACIAL CATEGORISATION	17
1.5.16.RESTRUCTURING	17
1.5.17.URBANIZATION	18
1.6. STRUCTURE OF RESEARCH	18
1.7. CONCLUSION	21

CHAPTER 2: A CONCEPTUAL FRAMEWORK FOR LOCAL GOVERNMENT

2.1.	INTRODUCTION	22
2.2.	ORIGINS AND CHARACTERISTICS OF URBAN AREAS	23
2.3.	SOVEREIGNTY AND GOVERNMENT	25
2.4.	SPHERES OF GOVERNMENT IN THE SOUTH AFRICAN CONTEXT	26
2.4.1.	CENTRAL/NATIONAL GOVERNMENT	28
2.4.2.	PROVINCIAL/REGIONAL GOVERNMENT	28
2.4.3.	MUNICIPAL/LOCAL GOVERNMENT	28
2.5.	AN INTRODUCTION TO PUBLIC ADMINISTRATION	29
2.5.1.	DEFINING PUBLIC ADMINISTRATION	30
2.5.2.	PUBLIC ADMINISTRATION APPROACHES	30
2.5.2.1.	CLOETE: TRADITIONAL APPROACH	31
2.5.2.1.1.	CRITICISM OF CLOETE'S APPROACH	36
2.5.2.2.	SCHWELLA: INNOVATIVE APPROACH	37
2.5.2.3.	AN ADAPTATION OF THE CLOETE-SCHWELLA APPROACH	43
2.5.3.	NORMATIVE GUIDELINES OF PUBLIC ADMINISTRATION	45
2.6.	CONCLUSION	49

CHAPTER 3: THE ROLE AND PURPOSE OF LOCAL GOVERNMENT

3.1.	INTRODUCTION	50
3.2.	DEFINING A LOCAL GOVERNMENT	50
3.2.1.	LOCAL AUTHORITY	54
3.3.	LOCAL GOVERNMENT DEMOCRACY	55
3.3.1.	LOCAL GOVERNMENT AND DEMOCRATIC VALUES	55
3.4.	THE SIGNIFICANCE OF LOCAL GOVERNMENT	57
3.4.1.	TRAINING GROUND FOR MASS POLITICAL EDUCATION	58
3.4.2.	TRAINING GROUND FOR POLITICAL LEADERSHIP	59
3.4.3.	FACILITATION OF GOVERNMENT ACCOUNTABILITY	60
3.5.	THE STRUCTURE OF LOCAL GOVERNMENT	62
3.5.1.	THE COUNCIL	63
3.5.1.1.	THE COUNCIL CHAIRPERSON AND THE SECRETARY	64
3.5.2.	THE EXECUTIVE COMMITTEE	65
3.5.3.	SPECIAL AND STANDING COMMITTEES OF COUNCIL	67
3.5.4.	THE CHIEF EXECUTIVE OFFICER	70
3.5.5.	THE STAFF OF A LOCAL GOVERNMENT	71
3.5.6.	THE DEPARTMENTAL HEADS	72
3.6.	CONCERNS IN RESTRUCTURING LOCAL GOVERNMENT	73
3.6.1.	PRINCIPLES OF GOOD GOVERNMENT	74
3.6.2.	PRINCIPLE OF MEGAPOLITICS AND INCREASING GLOBALIZATION	77
3.6.3.	LEGAL PRINCIPLES	79
3.6.4.	THE URBAN ENVIRONMENT	80
3.6.5.	THE SOCIO-POLITICAL DIMENSION	81
3.6.5.1.	A SOCIO-POLITICAL SYSTEM ANALYSIS	82
3.6.6.	PRINCIPLES OF BALANCED APPLICATION OF ALL	

CRITERIA	87
3.7. CONCLUSION	87
CHAPTER 4: THE RESTRUCTURING OF LOCAL GOVERNMENT IN SOUTH AFRICA: A HISTORICAL PERSPECTIVE UP TO 1994	
4.1. INTRODUCTION	90
4.2. EMERGENCE OF LOCAL AUTHORITIES	91
4.3. DEVELOPMENT OF LOCAL AUTHORITIES FOR THE URBAN AREAS POPULATED BY NON-WHITES	94
4.3.1. BLACK URBAN AREAS	94
4.3.2. COLOURED AND INDIAN AREAS	98
4.4. REGIONALISED STRUCTURES FOR LOCAL GOVERNMENT	99
4.5. RESTRUCTURING OF LOCAL GOVERNMENT: 1990-1994	102
4.5.1. COUNCIL FOR THE CO-ORDINATION OF LOCAL GOVERNMENT AFFAIRS	102
4.5.2. CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA ACT (ACT 200 OF 1993)	105
4.5.3. LOCAL GOVERNMENT NEGOTIATING FORUM (LGNF)	107
4.5.4. THE LOCAL GOVERNMENT DEMOCRATIZATION PROCESS	111
4.6. CONCLUSION	112

CHAPTER 5: THE RESTRUCTURING OF LOCAL GOVERNMENT IN SOUTH AFRICA IN THE PRE-INTERIM AND INTERIM PHASES

5.1.	INTRODUCTION	115
5.2.	APPLICATION OF THE LOCAL GOVERNMENT TRANSITION ACT (ACT 209 OF 1993) IN THE PRE-INTERIM PHASE	116
5.2.1.	APPOINTED COUNCILS	116
5.2.2.	LOCAL NEGOTIATED FORUMS	118
5.2.3.	TRANSITIONAL MODELS	120
5.2.4.	EXEMPTIONS FROM THE PRE-INTERIM PHASE	124
5.2.5.	PROVINCIAL COMMITTEES	124
5.2.6.	DEMARCATION BOARDS	125
5.2.7.	CATEGORIES OF LOCAL GOVERNMENT	127
5.2.7.1.	METROPOLITAN GOVERNMENT	128
5.3.	INTERIM PHASE: ELECTED COUNCILS	134
5.3.1.	VOTER QUALIFICATIONS	135
5.3.2.	POWERS AND FUNCTIONS OF LOCAL GOVERNMENTS	137
5.3.3.	DECISION-MAKING	138
5.3.4.	ADMINISTRATION	138
5.3.5.	WARD COUNCILS	139
5.3.6.	RURAL LOCAL GOVERNMENT	140
5.3.7.	THE CONSTITUTIONAL STATUS OF LOCAL GOVERNMENT	142
5.4.	EVALUATING THE LOCAL GOVERNMENT NEGOTIATION FORUM AND THE LOCAL GOVERNMENT TRANSITION ACT (ACT 209 OF 1993)	143
5.4.1.	REPRESENTATIVITY	144
5.4.2.	ACCOUNTABILITY	144
5.4.3.	LACK OF GUIDELINES	144

5.4.4. HETEROGENEITY <i>VERSUS</i> HOMOGENEITY OF DELEGATIONS	145
5.4.5. THE LOCAL GOVERNMENT TRANSITION ACT (LGTA) – POORLY FRAMED LEGISLATION	145
5.4.6. METROPOLITAN GOVERNMENT	146
5.5. CONCLUSION	146

CHAPTER 6: RESTRUCTURING OF LOCAL GOVERNMENT IN SOUTH AFRICA TOWARDS THE FINAL PHASE

6.1. INTRODUCTION	148
6.2. EMERGENCE OF THE FINAL CONSTITUTION	148
6.3. CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, ACT 108 OF 1996	150
6.3.1. LOCAL GOVERNMENT	152
6.3.2. OBJECTIVES AND DEVELOPMENT DUTIES OF MUNICIPALITIES	156
6.3.3. ESTABLISHMENT OF MUNICIPALITIES	158
6.3.4. DEMARCATION OF BOUNDARIES	160
6.3.5. TRANSITIONAL ARRANGEMENTS	164
6.4. THE WHITE PAPER ON LOCAL GOVERNMENT	165
6.5. LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT, ACT 117 OF 1998	166

6.5.1. CATEGORIES OF LOCAL AUTHORITIES	167
6.6. CO-OPERATIVE GOVERNANCE	169
6.7. CONCLUSION	170

**CHAPTER 7: RESTRUCTURING OF LOCAL GOVERNMENT IN THE
GREATER PRETORIA AREA IN THE PRE-INTERIM
PHASE**

7.1. INTRODUCTION	174
7.2. NATURE AND HISTORY OF METROPOLITAN GOVERNMENT AND ADMINISTRATION	175
7.2.1. DIMENSIONS OF METROPOLITAN GOVERNMENT SYSTEMS	177
7.3. LOCAL GOVERNMENT NEGOTIATIONS OF THE GREATER PRETORIA REGION	179
7.4. GREATER PRETORIA METROPOLITAN NEGOTIATING FORUM	181
7.5. THE TRANSITIONAL METROPOLITAN COUNCIL AND THE PRETORIA REGIONAL SERVICES COUNCIL	186
7.5.1. SIGNING OF AGREEMENT	190
7.6. RELATIONSHIP BETWEEN THE METROPOLITAN COUNCIL AND THE SUBSTRUCTURES	192
7.7. EVALUATING THE PRE-INTERIM PHASE	194
7.8. RESTRUCTURING OF LOCAL GOVERNMENT IN	

MOVING TOWARDS THE INTERIM PHASE	196
7.8.1. POWERS AND FUNCTIONS OF THE METROPOLITAN COUNCIL AND METROPOLITAN LOCAL COUNCILS	196
7.9. CONCLUSION	199
CHAPTER 8: AN INTRODUCTION TO THE GREATER PRETORIA METROPOLITAN AREA IN THE INTERIM PHASE (1 NOVEMBER 1995 UP TO 5 DECEMBER 2000)	
8.1. INTRODUCTION	202
8.2. LOCAL SPHERE OF GOVERNMENT IN THE INTERIM PHASE	203
8.3. PRETORIA IN NATIONAL SOCIO-ECONOMIC CONTEXT	203
8.3.1. BROAD DIMENSIONS OF METROPOLITAN GOVERNMENT	206
8.3.2. FINANCIAL STATUS OF LOCAL AUTHORITIES IN THE GREATER PRETORIA AREA	208
8.3.3. COUNCILLOR REPRESENTATION	209
8.3.4. HUMAN RESOURCE STRUCTURES	210
8.3.5. DETAILED FINANCIAL ANALYSIS AND TRENDS	211
8.3.5.1. SALARIES	212
8.3.6. LEVIES AND RATES	213
8.3.7. INTERGOVERNMENTAL TRANSFERS OF FUNDS	213
8.3.8. ANALYSIS OF WARDS AND VOTERS	215
8.4. CONCLUSION	217

CHAPTER 9: EVALUATING THE THREE CATEGORIES OF LOCAL GOVERNMENT FOR THE FINAL RESTRUCTURING PHASE IN THE CITY OF TSHWANE

9.1.	INTRODUCTION	219
9.2.	CATEGORIES OF LOCAL AUTHORITIES	220
9.3.	EVALUATING A CATEGORY A LOCAL GOVERNMENT: INTERPRETATION OF THE CRITERIA FOR THE IDENTIFICATION OF THE NODAL POINTS	221
9.3.1.	APPLICATION OF THE CRITERIA FOR THE IDENTIFICATION OF THE NODAL POINTS	228
9.3.2.	EVALUATION OF FINDINGS	234
9.4.	EVALUATING A COMBINED CATEGORY B/C LOCAL GOVERNMENT	235
9.4.1.	INTERVIEW FRAMEWORK	236
9.4.2.	INTERVIEW SUMMARY	239
9.5.	EVALUATING LOCAL GOVERNMENT CATEGORIES ACCORDING TO RESTRUCTURING PRINCIPLES	240
9.5.1.	APPLICATION OF PRINCIPLES	241
9.5.2.	LOCAL GOVERNMENT SECESSION TREND	244
9.5.3.	LOCAL GOVERNMENT ACCESSIBILITY	245
9.5.4.	COST EFFICIENCY OF GOVERNMENT AMALGAMATIONS	246
9.5.5.	INCREASED COST ESCALATION	247
9.6.	CONCLUSION	248

CHAPTER 10: CONCLUSION AND RECOMMENDATION: THE RESTRUCTURING OF LOCAL GOVERNMENT WITH SPECIFIC REFERENCE TO THE CITY OF TSHWANE

10.1. INTRODUCTION	251
10.2. PROVING THE HYPOTHESIS	254
10.3. RECOMMENDATIONS	257
10.3.1.RECOMMENDATIONS BASED ON THE METHODOLOGY OF THE STUDY	257
10.3.1.1. FURTHER RESEARCH AND STUDIES	257
10.3.1.2. GEOGRAPHICAL LIMITATION	258
10.3.1.3. TIME FRAME	258
10.3.2.RECOMMENDATIONS BASED ON THE RESULTS OF THE STUDY	258
10.3.2.1. LOCAL AUTHORITIES	259
10.3.2.2. CITY OF TSHWANE SERVICES BOARD	260
10.3.2.2.1. MEMBERSHIP OF THE CITY OF TSHWANE SERVICES BOARD	261
10.3.2.2.2. OTHER CONSIDERATIONS	263
10.3.2.2.3. SERVICE RESPONSIBILITY OF THE CITY OF TSHWANE SERVICES BOARD	264
10.3.2.2.4. FINANCING THE CITY OF TSHWANE SERVICES BOARD	267
10.3.2.2.5. RELATIONSHIPS	268
10.3.2.2.6. SUB-COMMITTEES	268
10.3.2.2.7. COMBINING THE OPTIONS	269
10.3.2.2.8. DIVISION OF POWERS AND DUTIES BETWEEN THE CITY OF TSHWANE SERVICES BOARD AND THE LOCAL AUTHORITIES	273
10.4. CONCLUSION	281

BIBLIOGRAPHY	284
1. PUBLISHED SOURCES	284
1.1. BOOKS	284
1.2. JOURNALS AND PERIODICALS	293
1.3. ENCYCLOPEDIA	294
1.4. GOVERNMENT PUBLICATIONS	295
1.4.1. ACTS OF PARLIAMENT	295
2. UNPUBLISHED SOURCES	297
2.1. OFFICIAL PUBLICATIONS AND CORRESPONDENCE	297
2.2. DISCUSSION DOCUMENTS	298
2.3. REPORTS	300
2.4. WORKSHOPS, SEMINARS, CONFERENCES AND PROJECTS	304
2.5. SPEECHES AND DEBATES	305
2.6. DISSERTATIONS AND THESES	306
2.7. NEWSLETTERS AND PAMPHLETS	306
2.8. NEWSPAPERS	307
2.9. SURVEYS AND STATISTICS	309
2.10. INTERNET	310



LIST OF MAPS

PAGE

MAP 1.1.: DEPICTING THE GREATER PRETORIA METROPOLITAN AREA – BOUNDARY CONTEXT	13
--	----

LIST OF FIGURES

PAGE

FIGURE 2.1: SPHERES OF GOVERNMENT IN THE SOUTH AFRICAN CONTEXT	27
FIGURE 2.2: CLOETE: TRADITIONAL APPROACH	32
FIGURE 2.3: SCHWELLA'S PUBLIC MANAGEMENT MODEL	39
FIGURE 2.4: COMPONENTS OF THE TOTAL ENVIRONMENT OF A SYSTEM	84
FIGURE 2.5: DYNAMIC RESPONSE MODEL OF A SYSTEM	86

<u>LIST OF TABLES</u>	<u>PAGE</u>
TABLE 1: LEGISLATIVE AND ADMINISTRATIVE PROVISIONS FOR URBAN BLACKS (1923-1982)	97
TABLE 2: COMPOSITION OF THE LOCAL GOVERNMENT NEGOTIATION FORUM (LGNF)(a)	109
TABLE 3: POPULATIONS OF THE LARGEST SA METROPOLITAN AREAS (a)	204
TABLE 4: PEAK HOUR PUBLIC TRANSPORT NODAL SPLIT (a)	205
TABLE 5: POPULATION IN THE GPMC AREA AND METROPOLITAN LOCAL AUTHORITY AREAS (a)	207
TABLE 6: COMPARATIVE 1996/97 (NON-LOAN BASED) INCOME FIGURES FOR THE FOUR PRETORIA LOCAL AUTHORITIES (a)	208
TABLE 7: FINANCIAL DETAILS: PRETORIA 1996/97 AND 1997/98 (a)	212
TABLE 8: FINANCIAL CALCULATIONS: PRETORIA 1996/97 AND 1997/98 (A)	213
TABLE 9A: INTERGOVERNMENTAL TRANSFER OF FUNDS: GPA 1996/1997(a)	214
TABLE 9B: INTERGOVERNMENTAL TRANSFER OF FUNDS: GPA 1997/1998 (a)	215
TABLE 10: VOTER STATISTICS BY WARD: GPA 1995 (a)	216

TABLE 11: A VS B NUMBERS AND VOTES BY WARD: GPA 1995 (a)	216
TABLE 12: A CONURBATION FEATURING AREAS OF HIGH POPULATION DENSITY (a)	229
TABLE 13: A CONURBATION FEATURING AN INTENSE MOVEMENT OF PEOPLE, GOODS AND SERVICES(a)	230
TABLE 14: A CONURBATION FEATURING EXTENSIVE DEVELOPMENT (a)	231
TABLE 15: A CENTRE OF ECONOMIC ACTIVITY (a)	232
TABLE 16: A COMPLEX AND DIVERSE ECONOMY (a)	233
TABLE 17: LOCAL AUTHORITY BUDGETS (a)	234
TABLE 18: COMPARATIVE IMPACTS OF TWO METROPOLITAN GOVERNMENT APPROACHES	249
TABLE 19: OPTIONS FOR THE ORGANIZATION OF THE CITY OF TSHWANE SERVICES BOARD	272
TABLE 20: FUNCTIONAL DIVISION BETWEEN THE CITY OF TSHWANE SERVICES BOARD AND THE THREE LOCAL AUTHORITIES	275

CHAPTER 1

RESEARCH PROBLEM AND RESEARCH DESIGN

1.1. INTRODUCTION

Local authorities became essential institutions long before the Union of South Africa was established on 31 May 1910. After that date a variety of local government systems, which acted on their own under provisions of Acts passed by Parliament, were established in the four provinces. It was at local government level that the apartheid value system manifested itself most forcefully. This was where laws separated racial communities in every sphere of life and where whites enjoyed privileges at the expense of other racial communities. It is hence not surprising that the first signs of apartheid being untenable as a political value system manifested at local government level. During the early eighties, social and economic pressure resulted in the breakdown of spatial ordering of different racial groups. It then became clear that the apartheid objectives of racially pure families and communities were not viable.

The implementation of the Regional Services Councils Act, 1985 (No. 109 of 1985), changed local government in South Africa. The Regional Services Council Act (Act 109 of 1985) provided for Black local authorities to participate in Regional Services Councils by means of the establishment of a regional services council for each region established by the provincial administrator after consultation with the Minister of Constitutional Development and Planning and the Minister of Finance and with the concurrence of the relevant members of the Ministers' Councils of the three Houses of Parliament. A regional services council had no authority over the municipal councils situated in the region for which it had been established; in other words, a regional services council was a local authority established for the purpose of providing specified municipal services on a regional scale.

After 1985 anti-apartheid political resistance at local community level in South Africa led to such an escalation of conflict that government was obliged to declare a state of emergency to restore law and order. The intensity of the conflict at local government level and the virtual deadlock that resulted contributed substantially to the demise of apartheid. Towards the end of 1992, the two major conflicting parties at local government level, namely the National Party and the African National Congress decided to settle their differences in a more peaceful manner.

On 22 March 1993 the Local Government Negotiating Forum was established as a bilateral forum between a statutory delegation consisting of representatives of central, provincial and organized local government on the one hand and the South African National Civics Organization (SANCO) (the non-statutory delegation) on the other hand. The terms of reference of the Local Government Negotiating Forum were to compile and analyze the necessary data and, in close co-operation with and within the framework of the national negotiating process, to seek agreement between the two delegations on the procedure for and substance of the restructuring of local government. The Local Government Negotiating Forum eventually came up with a model for local government restructuring, namely the Local Government Transition Act, 1993 (Act 209 of 1993).

In terms of the political agreements incorporated in the Local Government Transition Act, 1993 (Act 209 of 1993), local government restructuring would occur in three well-defined phases. The first or the pre-interim phase was the period from the commencement of the Act (2 February 1994) to the commencement of the interim phase, which commenced on the first day after the elections which were held on 1 November 1995 or afterwards (KwaZulu-Natal on 26 June 1996 and in the Western Cape on 2 May 1996) for transitional councils and was to end with the implementation of the final model of local government.

The third phase is the final phase, which is to be governed by the provisions of the final Constitution. The Constitution of the Republic of South Africa, 1996

(Act 108 of 1996), and the Local Government Transition Act, 1993 (Act 209 of 1993) formally activated the restructuring of local government in South Africa.

The sections governing the establishment of local authorities throughout South Africa is to be found in Section 155 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), which provides for three categories of local government:

- a) Category A: A local authority that has exclusive municipal executive and legislative authority in its area.
- b) Category B: A local authority that shares municipal executive and legislative authority in its area with a Category C local authority within whose area it falls.
- c) Category C: A local authority that has municipal executive and legislative authority in an area that includes more than one local authority.

Subsection 155(3) provides that national legislation shall establish the criteria for determining when an area should have a single Category A local authority or when an area should have local authorities of both Category B and C. National legislation will, furthermore, also establish criteria and procedures for determining local authority boundaries by an independent authority. The national legislation that resulted in terms of this subsection is the Local Government Municipal Demarcation Act, 1998 (Act 27 of 1998) and the Local Government Municipal Structures Act, 1998 (Act 117 of 1998). 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 terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), on the categories of local authorities, it is stated that an area must have a single Category A local authority if the area can reasonably be regarded as:

- a) a conurbation featuring:
 - (i) areas of high population density;
 - (ii) an intense movement of people, goods and services;
 - (iii) extensive development;
 - (iv) multiple business districts and industrial areas;
- b) a centre of economic activity with a complex and diverse economy;
- c) a single area for which integrated development planning is desirable; and
- d) strong interdependent social and economic linkages between its constituent units.

Section 3 requires areas that do not comply with Section 2 to have local authorities of both Category B and C as described in the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).

The importance hereof is that once an area complies with the criteria stated in Section 2 it must have a Category A local authority. Category A local authorities are what is commonly referred to as single cities and have exclusive legislative and executive powers (Section 155 of the Constitution, Act 108 of 1996).

However, the focus of this thesis is to determine the category of local government for the City of Tshwane in the final restructuring phase of local government that will ensure democratic and efficient service delivery to the community that the municipality serves. This is to be done by evaluating the *status quo* against the legislative requirements as well as internationally accepted restructuring principles. The research will include documentation and applicable legislation up to December 2000.

1.2. PROBLEM STATEMENT AND HYPOTHESIS

The restructuring of local government within South Africa led to the establishment of a combined Category B and C model of local government for the Greater Pretoria Metropolitan Area (referred to as the City of Tshwane in

the final restructuring phase which commenced on 5 December 2000) in the interim phase. 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 Metropolitan Area. The Greater Pretoria Transitional Metropolitan Council, with its three substructures was proclaimed on 8 December 1995 and inaugurated on 12 December 1995. The Greater Pretoria Metropolitan Area has, in the interim phase of local government restructuring, been proclaimed a metropolitan area comprising the Greater Pretoria Metropolitan Council (GPMC) and three metropolitan local authorities, namely:

- a) The City Council of Pretoria (CCP);
- b) The Northern Pretoria Metropolitan Substructure (NPMSS); and
- c) The Town Council of Centurion (TCC).

On 11 April 1996, the Greater Pretoria Metropolitan Council (GPMC) accepted a report regarding the division of powers and functions and the determination of cut-off points for the operational execution of metropolitan functions between the metropolitan council and the three metropolitan local authorities. In this regard, agreement was reached on, among others, a management model that, in respect of specific functions, brings 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 30 June 1998 the Greater Pretoria Metropolitan Council (GPMC) resolved that the service contracts between the Greater Pretoria Metropolitan Council (GPMC) and the three metropolitan local authorities with regard to specific metropolitan services be terminated with effect from 30 June 1998. This step contributed to the fact that, with effect from 1 July 1998, the Greater Pretoria Metropolitan Council (GPMC), accepted full responsibility for the execution of

these services and had to stand surety for the total budgeted operational deficit of approximately R136 million.

From the various Council resolutions it is clear, that problem areas necessitate counter actions. There are differences between the policies of the Greater Pretoria Metropolitan Council (GPMC) and the three respective local authorities. These have led to different service standards with regard to supply, operation, maintenance, standardization and approach to service delivery. Limited resources, such as a lack of funding, expertise and historical inequities have impeded efficient service delivery.

The **problem** is that Section 155 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), only provides for the mentioned three categories of local government in the final restructuring phase of local government. Furthermore, Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), on the categories of local authorities states that, if an area does not meet the legislative requirements to be regarded as a Category A (single city) local authority, it is to have local authorities of both Category B and C as described in the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996). The combined Category B and C local authority for the Greater Pretoria Metropolitan Area in the interim phase experienced certain indicated restrains and these need to be researched as do the implications of the only available legislative alternative, namely a Category A local authority for the final restructuring phase. In order to make a sound recommendation the outcome of the research will have to be taken into consideration in the determination of a local government category for the City of Tshwane in the final restructuring phase.

*The **hypothesis** of this study is, therefore, that effective restructuring of local government according to the prescribed categorization of local government for the final restructuring phase, with specific reference to the City of Tshwane, requires the evaluation of the status quo against the legislative requirements and internationally accepted restructuring principles and experience to ensure the implementation of a category of local government that will ensure*

democratic and efficient service delivery to the community of the City of Tshwane Metropolitan Municipality.

1.3. RESEARCH AIMS AND OBJECTIVES

As a departure point, theory and practice regarding local government will be considered as a logical composite. The research objectives are as follows:

- a) The first objective is to analyze the emergence of local government in South Africa, as it contributed to the manifestation of the apartheid value system and the separation of racial communities.
- b) The second objective is to clarify the need for local government restructuring to address imbalances and inequities of past legislation.
- c) The third objective is to identify the administrative and legislative processes that culminated in the formulation of a legislative local government restructuring model.
- d) The fourth objective is to assess the impact of the local government restructuring model on local authorities, with specific reference to the City of Tshwane.
- e) The fifth objective is to identify and evaluate international restructuring principles and experience against South African local government restructuring, with specific reference to the City of Tshwane and to draw conclusions from this.

In achieving these five research objectives it is the aim of this thesis to recommend a local government category for the City of Tshwane, that will ensure that the intended purpose of local government restructuring is met in an efficient and democratic manner.

1.4. RESEARCH APPROACH AND METHODOLOGY

The methods of research applied during this study may be described as follows:


Firstly, a study will be undertaken of the relevant literature including books, journals and periodicals, legislation, official publications and correspondence, discussion documents, government reports, official papers presented at workshops, seminars and conferences, speeches and debates, newsletters and pamphlets, newspapers, surveys and statistics, theses and dissertations, as well as material from the internet. Secondly, an empirical study will be undertaken. Interviews will be conducted with relevant role players involved in local government restructuring and management.

1.5. CLARIFICATION OF TERMINOLOGY

In order to master a particular field of study it is important to master the meanings, applications, definitions and interrelationship of concepts. Phenomena and issues pertaining to local government are continuously debated and this has resulted in words gaining a specific technical meaning. To eliminate the possibility of more than one meaning being attached to a specific word, a common source of reference that attributes an exact explanation to technical language is provided.

1.5.1. APARTHEID

The foundation for the policy of separation or apartheid was not rooted in the assumption of the common humanity, the common rights and therefore the common loyalties of all members of a complex society. It was based on the contention that differences of race and cultural inheritance are fundamental and antipathetic in association (Ballinger, 1969: 15-16). This manifested in the Blacks Urban Areas Act, 1923 (Act 21 of 1923); the Blacks Urban Areas



Consolidation Act, 1945 (Act 25 of 1945); the Urban Black Councils Act, 1961 (Act 79 of 1961); the Black Affairs Administration Act, 1971 (Act 45 of 1971); the Community Councils Act, 1977 (Act 125 of 1977) and the Black Local Authorities Act, 1982 (Act 102 of 1982). Blacks were not regarded as permanent citizens of South Africa and their presence in the urban areas was linked to their contribution to the urban economy. Apartheid legislation led to racial segregation of settlements; racially-divided local authorities and gross racial disparities in access to services and housing. Apartheid local government was based on the idea that towns and cities could be separated and administered by separate local authorities with their own fiscal, administrative, legal and representative systems (Cameron, 1991: 12-13; Johnson, 1994: 1-2).

1.5.2. CITY OF TSHWANE METROPOLITAN MUNICIPALITY

In terms of General Notice No. 6396 dated 13 September 2000, a new metropolitan municipality called the City of Tshwane Metropolitan Municipality was to be established from the effective date to replace the interim structures of the Greater Pretoria Metropolitan Area. The effective date was the day on which the results of the first election of the metropolitan municipality were to be declared, 5 December 2000. The following municipalities were to be disestablished from the effective date to the extent that those municipalities would fall within the newly demarcated area: The

- a) Greater Pretoria Metropolitan Council;
- b) City Council of Pretoria;
- c) Town Council of Centurion;
- d) Northern Pretoria Metropolitan Substructure;
- e) Hammanskraal Local Area Committee;
- f) Eastern Gauteng Services Council;
- g) Pienaarsrivier Transitional Representative Council;
- h) Crocodile River Transitional Council;
- i) Western Gauteng Services Council;

- j) Winterveld Transitional Representative Council;
- k) Themba Transitional Representative Council;
- l) Mabopane Transitional Representative Council;
- m) Ga-Rankuwa Transitional Representative Council; and
- n) Eastern District Council.

1.5.3. DEMOCRACY

The word “*democracy*” literally means “*the government of the people*”. It is derived from the Greek word *demos* (the people or masses) and *kratos* (to govern). The concept evolved first in the small Greek city-states, and was refined in the Athenian democracy (roughly between 450 B.C. and 350 B.C.). Pericles, the great Athenian statesman stated: “Our constitution is named a democracy, because it is in the hands not of the few but of the many. But our laws secure equal justice for all their private disputes and our public opinion welcomes and honors talent in every branch of achievement ... on grounds of excellence alone ... Our citizens attend both to public and private duties and do not allow absorption in their various affairs to interfere with their knowledge of the city’s ... We decide or debate, carefully and in person all matters of policy, holding ...that acts are foredoomed to failure when undertaken undiscussed.” (Thucydides, 1951: 111-112). From this definition stems a common conception that democracy ensures self-determination and self-government through popular consultation, popular participation, competition of ideas and policies, basic individual freedoms, equality before the law and access to opportunity to influence policy (Reddy, 1996: 14; Venter, 1998: 16-17; 205-206). Democracy is a political system wherein decision-making power, is distributed among members of a society (Lipson, 1970: 300-301; Macridis, 1980: 62-63). Democracy in local government stresses the potential ability of people to co-operatively identify and solve issues and problems they encounter collectively. Common problems cannot be resolved effectively without the participation of those affected by the solution (Ready, 1967: 100-102; Levine, 1982: 53; Van Der Waldt and Helmbold, 1995: 5-6). The objective of local government democracy is to create conditions under which

each individual may achieve the greatest measure of welfare and prosperity. In order to achieve local government democracy, the machinery of local government should be organized in such a manner as to allow mutual deliberation and consultation. Local democracy is that form of government seeking to unite its citizenry as a community and that constantly pursues the happiness of the largest number of its people.

1.5.4. GOVERN

The word *government* is derived from the Greek word *kubernetes*, which, if translated, refers to the person guiding a sailing ship. According to Botes (1997: 3-4) the word *kubern* refers “to the art or craft of balancing a sailing ship with its large sails against the pressure of wind in order to achieve maximum speed in the water while balancing the sailing ship”. Political theorists such as John Locke (1965: 180) have viewed governments as devices to protect the rights and property of the people. He suggests that government represents an agreement between the rulers and the ruled, who will support those in power as long as the government serves in their interests. According to Wit (1953: 3-4) government exists whenever an organized control, directed towards the attainment of an orderly community life operates on a community-wide or territorial basis and involves the right to make itself effective through resort, if necessary, to physical coercion. In the municipal context the council should consult with all relevant policy-makers, *inter alia* officials, residents and interest groups in the process of formulating policy. This will not only render comprehensive policy-relevant information, but will probably ensure the legitimacy of a council’s decisions.

1.5.5. GOVERNANCE

Governance is used to redefine relationships between the government and society. The World Bank (1994: 1) defines “*governance*” as the practical exercise of power and authority by governments in the management of their

affairs in general and of economic development in particular. It could therefore be deduced that it encompasses the set of relationships between governments and citizens, institutions such as enterprises, special interest groups, and the media.

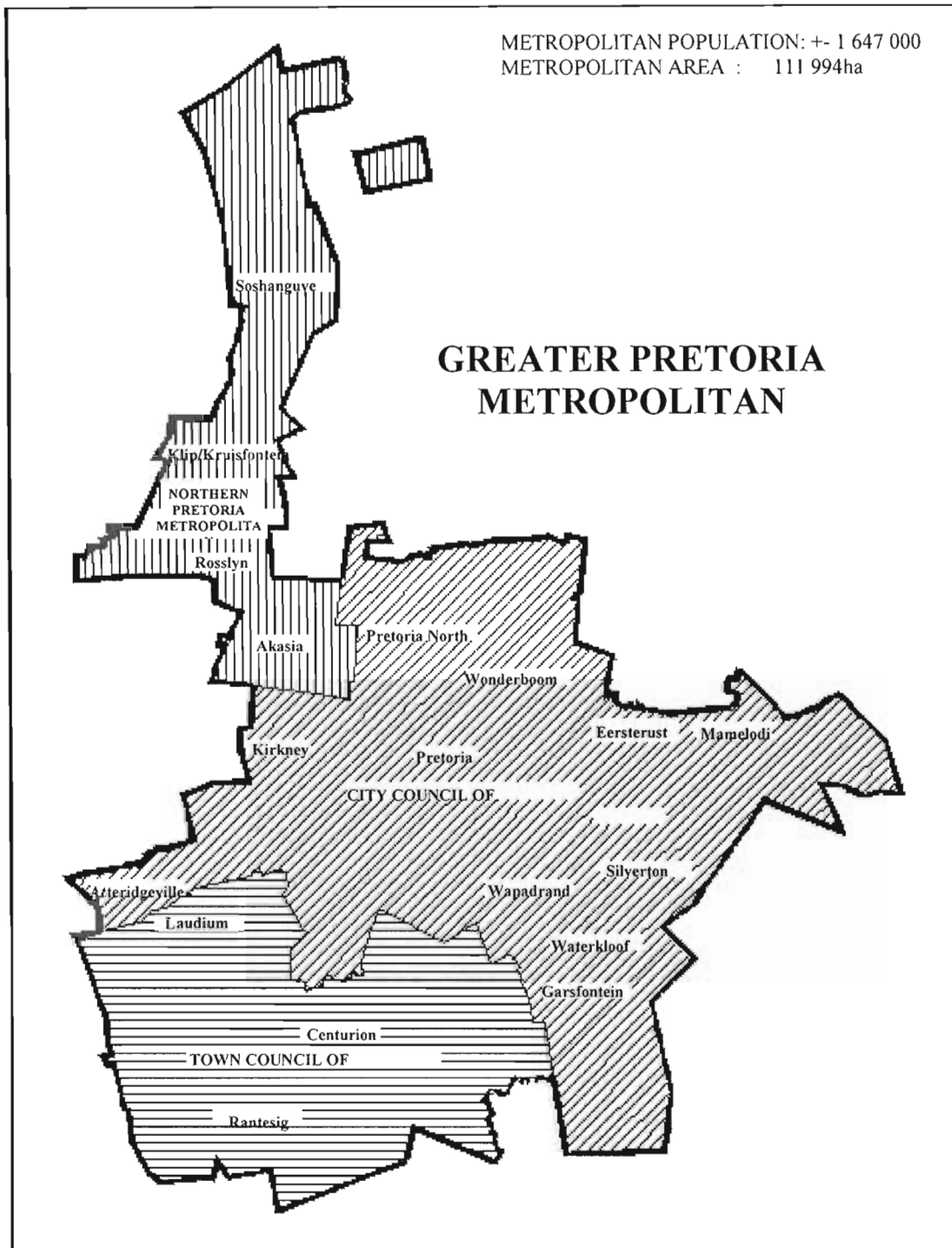
1.5.6. GREATER PRETORIA METROPOLITAN AREA (GPMA)

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 Metropolitan Area. The Greater Pretoria Transitional Metropolitan Council with its three substructures was proclaimed on 8 December 1995 and inaugurated on 12 December 1995. The Greater Pretoria Metropolitan Area has in the interim restructuring phase of local government been proclaimed a metropolitan area comprised of the Greater Pretoria Metropolitan Council and three metropolitan local authorities, namely:

- a) The City Council of Pretoria;
- b) The Northern Metropolitan Substructure; and
- c) The Town Council of Centurion.

The boundaries of the Greater Pretoria Metropolitan Area are depicted in the Map 1.1. provided below:

MAP 1.1: DEPICTING THE GREATER PRETORIA METROPOLITAN AREA – BOUNDARY CONTEXT (a)



(a) Source: Greater Pretoria Metropolitan Council Land Development Objectives, 1997: 2.



1.5.7. LOCAL AUTHORITY

Speed (1971: 1) defines local authorities as statutory bodies which are the constituent parts of local government and which derive their power from a higher source and are bound by the terms and conditions upon which they are created. He furthermore identifies the following common characteristics of local authorities: they

- a) are created by statutes;
- b) have localised governing powers;
- c) have the power to tax by levying rates on immovable property;
- d) are charged with certain duties for the protection of public health;
- e) are road making authorities; and
- f) may render certain services to the public and levy charges for them.

The primary function of local authorities is to make the areas they administer, desirable places in which to live.

1.5.8. LOCAL GOVERNMENT

Meyer (1978: 10) defines local government as:

local democratic units within the unitary democratic system, ... which are subordinate members of the government vested with prescribed, controlled governmental powers and sources of income to render specific local services and to develop, control and regulate the geographic, social and economic development of defined local areas.

Local government is the sphere of government closest to the people. Local government is entrusted with the responsibility for rendering basic services such as electricity, water, transport and health to the community and for the benefit of the community.



1.5.9. METROPOLIS AND METROPOLITAN AREA

The terms metropolis and metropolitan area, commonly refer to a major city together with its suburbs and the nearby cities, towns and the countryside over which the city exercises commanding influence. Literally construed, a metropolis or a metropolitan area refers to the central or dominant city of an urban conglomeration of several municipalities and other urban units (Gildenhuys, Fox & Wissink 1991: 87).

1.5.10. MUNICIPAL ADMINISTRATION

In terms of Section 1 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), municipal administration refers to the organizational structure (municipality) that delivers municipal services to local residents. It consists of officials who are employed by the municipal council.

1.5.11. MUNICIPAL COUNCIL

In terms of Section 1 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), the municipal council consists of politicians who are democratically elected by local residents. A council is responsible for representing and governing the local area.

1.5.12. MUNICIPAL GOVERNMENT

The word “municipal” has to be analyzed to clearly understand the term municipal government. Craythorne (1990: 53) notes that the word municipal means relating to a town or city and has its roots in the Latin word *municipium*, referring to a town in Italy, the inhabitants of which had Roman citizenship but were governed by their own magistrates and laws and thus lived in a free town. In current terms, a municipality is a defined geographical

area that has a governing body created and vested with authority and power. It is a term often used to cover cities, boroughs, towns and villages (Collier's Encyclopaedia 1973: 703).

Municipal government is generally used to refer to a decentralised representative institution with powers that have been devolved upon it and delegated to it by central or regional authority and for which it is responsible within a demarcated geographical area in the state (Vosloo, Kotze & Jeppe 1974: 10). In this thesis, the terms local and municipal are often used interchangeably.

1.5.13. MUNICIPALITY

A municipality is a political subdivision that is constituted in terms of Sections 151 and 152 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and has substantial control of local affairs, including the powers to impose taxes or to exact labour for prescribed purposes. A municipality therefore refers to a local institution comprised of elected representatives and appointed officials and that functions within a specific geographical area to provide services to its local community. Although a municipality has a right to govern and administer on its own initiative, it is, in terms of Section 156(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), subject to constitutional provisions as well as national and provincial legislation. Regarding its obligation to provide services to communities, to promote social and economic development, to promote a safe and healthy environment, and to encourage the involvement of the communities in local matters, a municipality may not, in terms of Section 156(3) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), enact by-laws that conflict with national or provincial legislation.



1.5.14. PUBLIC ADMINISTRATION

Corson and Harris (1963: 12) are of the opinion that,

Public administration is ... formulating objectives and goals, working with the legislature, ... establishing and revising organizations, directing and supervising employees ..., determining work methods and procedures ... and exercising controls. It is the action part of government, the means by which the purposes and goals of government are realised.

Public administration is multi-disciplinary in nature and consists of numerous activities, processes or functions performed by public officials to promote the welfare of the community.

1.5.15. RACIAL CATEGORISATION

The use of racial categories in this research is unavoidable when describing government structures and policies in South Africa especially during the apartheid and post-apartheid era.

According to Census in Brief (1996), South Africa is made up of four main race groups *viz.* African, Indian, Coloured and White. "Black" people encompasses historically disadvantaged communities *viz.* African, Indian and Coloured communities. "White" people represents all communities made up of people of European descent.

1.5.16. RESTRUCTURING

Local government restructuring includes all deliberate and purposive courses of action on a national scale that are intended to lead to new or modified structures of local government, to significant arrangements for redistributing



responsibilities for some major development functions between the national government and local government units and to increased public participation in policy making and action at local level (United Nations 1997: vi).

The term restructuring will be used in this research to refer to change in local government structure that alters the manner in which local government structures work, interact and perform.

1.5.17. URBANIZATION

Urbanization is a process of population concentration (Berry 1981: 27):

It proceeds in two ways: the multiplication of the points of concentration and the increasing in size of individual concentrations ... Just as long as cities grow in size or multiply in number, urbanization is taking place. ... Urbanization is a process of becoming. It implies a movement ... from a state of less concentration to a state of more concentration.

Urbanization is understood primarily as population movement towards densely populated and non-agricultural settlements governed by some urban structure and administration.

1.6. STRUCTURE OF RESEARCH

The thesis is composed of ten (10) chapters. A literature study as well as empirical research have contributed towards the testing of the mentioned hypothesis.

Chapter one (1) is introductory and provides an orientation to the study. The problem is analyzed and the research hypothesis stated. The research approach and methodology are presented.

Chapter two (2) provides an insight into the concept of local government and the legislative framework governing it. The relationship between the different spheres of government is analyzed.

In Chapter three (3) the role and purpose of local government is outlined. Concerns regarding the restructuring of local government are raised. Effective and optimal local government restructuring must be approached in a multi-disciplinary manner involving generic administrative processes and the environment. The conclusion is drawn in this chapter that the application and adherence to specific principles in a multi-disciplinary manner should substantially enhance the effectiveness and efficiency of local government.

Chapter four (4) provides a historical perspective on the restructuring of local government in South Africa up to 1994. The emergence of local authorities as well as the development of local authorities for the urban areas populated by non-whites are addressed. The process of moving towards local government democratization, which culminated in the identification of the three phases of local government restructuring towards the final phase, is addressed.

Chapter five (5) examines the restructuring of local government in South Africa. This restructuring occurs in three well-defined phases in terms of the political agreements incorporated in the Local Government Transition Act, 1993 (Act 209 of 1993). The first or the pre-interim phase was the period from the commencement of the Act (2 February 1994) to the commencement of the interim phase, which began on the first day after the elections which were held on 1 November 1995, or afterwards for transitional councils, and will end with the implementation of the final model of local government. The pre-interim phase involved the creation of local government negotiation forums and transitional local government models, whilst the interim phase focused on the demarcation of boundaries for election purposes. Conclusion is drawn about areas of concern during these two phases.

Chapter six (6) focuses on the restructuring of local government in South Africa towards the final phase. The chapter traces the evolution of local



government to being a distinctive, interrelated, interdependent sphere of government in its own right. A critical analysis of the new local government system is provided.

In Chapter seven (7) the restructuring of local government in the Greater Pretoria Area in the pre-interim phase is discussed. The course of local government negotiations between the separate local authorities, which culminated in the signing of the 22 August 1994 Agreement between the negotiating parties, is dealt with. The restructuring of local government in the Greater Pretoria Area in accordance with transitional local government models is discussed.

Chapter eight (8) provides an introduction to the established local government structures for the Greater Pretoria Metropolitan Area in the interim phase. The status of local government in the Greater Pretoria Metropolitan Area in the interim phase is discussed by means of statistical analysis, focusing on political representation, staffing structures and financial and fiscal affairs. These mentioned factors will have to be taken into consideration in the determination of a local government category for the Greater Pretoria Metropolitan Area in the final restructuring phase.

Chapter nine (9) evaluates and applies the three (3) categories of local government as contained in the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) to the City of Tshwane. The final restructuring phase, which commenced on 5 December 2000 with the local government elections provides for a name change from the Greater Pretoria Metropolitan Area to the City of Tshwane Metropolitan Municipality. The local government restructuring process, which is discussed throughout the study proceeds to a critical evaluation in this chapter of the three (3) categories of local government to be applied specifically to the City of Tshwane in the final restructuring phase. The *status quo* is evaluated against legislative requirements, as well as against internationally accepted restructuring principles and experience.



Chapter ten (10) draws conclusions from the themes which emerged from the literature study. Appropriate and relevant recommendations are made on a local government category, which will ensure efficient and democratic service delivery to the community of the City of Tshwane, in the final restructuring phase.

1.7. CONCLUSION

This chapter has provided an orientation for the study. The problem statement has been analyzed and the research hypothesis stated. The research approach and methodology have been presented.

To eliminate the possibility of more than one meaning being attached to a specific word, a common source of reference has been provided that attributes an exact explanation to the technical language used throughout this thesis. Each chapter contained in the thesis has been described concisely in repetition.

The ensuing chapter will provide an insight into the concept of local government and the legislative framework governing it. The relationship between the different spheres of government will be analyzed.



CHAPTER 2

A CONCEPTUAL FRAMEWORK FOR LOCAL GOVERNMENT

2.1. INTRODUCTION

For the greatest part of their existence, human beings were nomads who stayed in one place only as long as they could find natural shelter, food and water. As time passed by, people started to stay in one place and construct dwellings after they had come to know how to produce food by cultivating plants and domesticating animals. The aforementioned developments made it possible for some people to undertake non-agricultural work and live in close proximity with others in restricted areas. This resulted in individuals and families no longer being self-sufficient but becoming dependent upon goods and services provided by others. Eventually the people became so dependent upon goods and services provided by others that they had to devise reliable arrangements for the provision of goods and services which were essential for closer settlement. The search for such arrangements led the self-appointed leaders of such settlements to instate sovereignty and government.

The provision of public services is directed through three spheres of government. In terms of Section 40 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), these three spheres of government are provided for, namely:

- (a) central or national;
- (b) provincial or regional; and
- (c) local or municipal.

The activity or process of implementing government policies with the explicit intention of improving the quality of life of the citizenry is referred to as public administration and also as public management. In South Africa, the perception which has been popularized is that public management is a part of public administration.



Public administration is comprised of numerous sub-fields. Municipal administration, which is one of the sub-fields is specifically concerned with the administration of municipal affairs by municipal officials within the local government sphere. Municipal administration, like public administration, is also a comprehensive field of activity, which is comprised of several sub-fields. Municipal service delivery, which is mainly concerned with the provision of services such as water, housing, health, transport and electricity is one such activity.

Municipal administration is part of the greater field of activity known as public administration. Therefore the theories and guidelines of public administration also apply to municipal administration and municipal service delivery.

In this chapter the origins and characteristics of urban areas that led to the establishment of principles of sovereignty and government, are explained. Co-operative government in the South African context is highlighted and the purpose and structure of local government as a direct provider of services and its ability to adapt to the legislative challenges of restructuring is also examined.

2.2. ORIGINS AND CHARACTERISTICS OF URBAN AREAS

Every urban area was originally a piece of farm-land set apart for closer settlement by people who were no longer farmers or who farmed on or cultivated only small pieces of land. When official recognition is granted for such closer settlement, the farm-land is subdivided into small pieces which are known as building stands or, in South Africa, erven (singular erf). These are the smallest pieces into which land may be divided (Cloete, 1997: 1).

As soon as a small number of dwellings and other buildings have been erected on such pieces of subdivided farm-land the small settlement becomes known as a hamlet or village. When the number of dwellings and other buildings increases substantially, the hamlet becomes a town and, if the

development continues, the town eventually becomes a city. When the urbanized area becomes so big that it contains a core city and a number of satellite towns, the area becomes known as a metropolitan area (Cloete, 1997: 2). For example the Pretoria metropolitan area has Pretoria as the core city and Akasia, Atteridgeville, Eersterust, Mamelodi, Laudium and Centurion as satellite towns and even cities.

A municipality is established when a hamlet/village, town or city obtains its own municipal authority usually a committee or council with appointed or elected members. The term *municipality* originates from the Latin *municipalis*, which referred to a city with some self-government, but subject to the central government of the Roman Empire (Clarke, 1969: 11). The Latin term *civitas* is the common etymological root for the English terms *civilisation* and *city* as well as the French term *citè*. Originally the word *civitas* was used to refer to a district of the Roman Empire and afterwards it was used to refer to a bishop's seat or cathedral city. Incorrect usage of the term *city* still takes place when the term is used to refer to a town which has a cathedral (Jackson 1967: 2). It is common usage now to refer to an urban area as a city only when the urban area is much larger than an ordinary town and has received official permission to be known as a city. For example, one refers to the town of Stellenbosch but the city of Cape Town, or the town of Standerton but the city of Pretoria.

Each urban area is established to serve one or more functions. For example, a village may come into existence where a church is built and a number of houses are erected around the church. In the same way, a coastal resort or a mining area may develop into a village, a town and eventually a city. Many South African towns started as religious centres which acquired trading functions or became educational and administrative centres. In the end, most villages and towns serve a number of economic, cultural, political and administrative functions for both the town's people and those who inhabit the surrounding rural area (Cloete, 1997: 3).

The characteristics of every urban area (this means every village, town and city) are that:



- (a) parts of it, known as suburbs, are reserved for division into building stands (generally referred to as erven) which are numbered and on which houses, churches and shops may be built;
- (b) parts are reserved for streets and sidewalks;
- (c) parts are set aside as parks, sports grounds and cemeteries;
- (d) parts are zoned as business areas and there is usually a central business district (generally known as the CBD);
- (e) parts are divided into industrial sites on which factories may be built; and
- (f) parts are set aside for the construction of public buildings such as schools, municipal offices, government buildings such as police stations, prisons, magistrates' offices, and railway stations (Craythorne, 1980: 1-14).

The orderly division of every urban area (or land-use zoning as it is called) is essential to enable large numbers of people to live and work comfortably yet close together in small areas. The orderly division of every urban area is performed by a type of government.

2.3. SOVEREIGNTY AND GOVERNMENT

There are essentially three types of government, which are divided into the supra-sovereign (national), the quasi-sovereign (provincial or state) and the infra-sovereign (local) governments. Supra-sovereign national governments exercise the most authority and power, have the most fully developed bureaucracies and attract the most public attention. Quasi-sovereign provincial or state governments are the major component parts of sovereign countries with a federal form of government (Humes & Martin, 1969: 27).

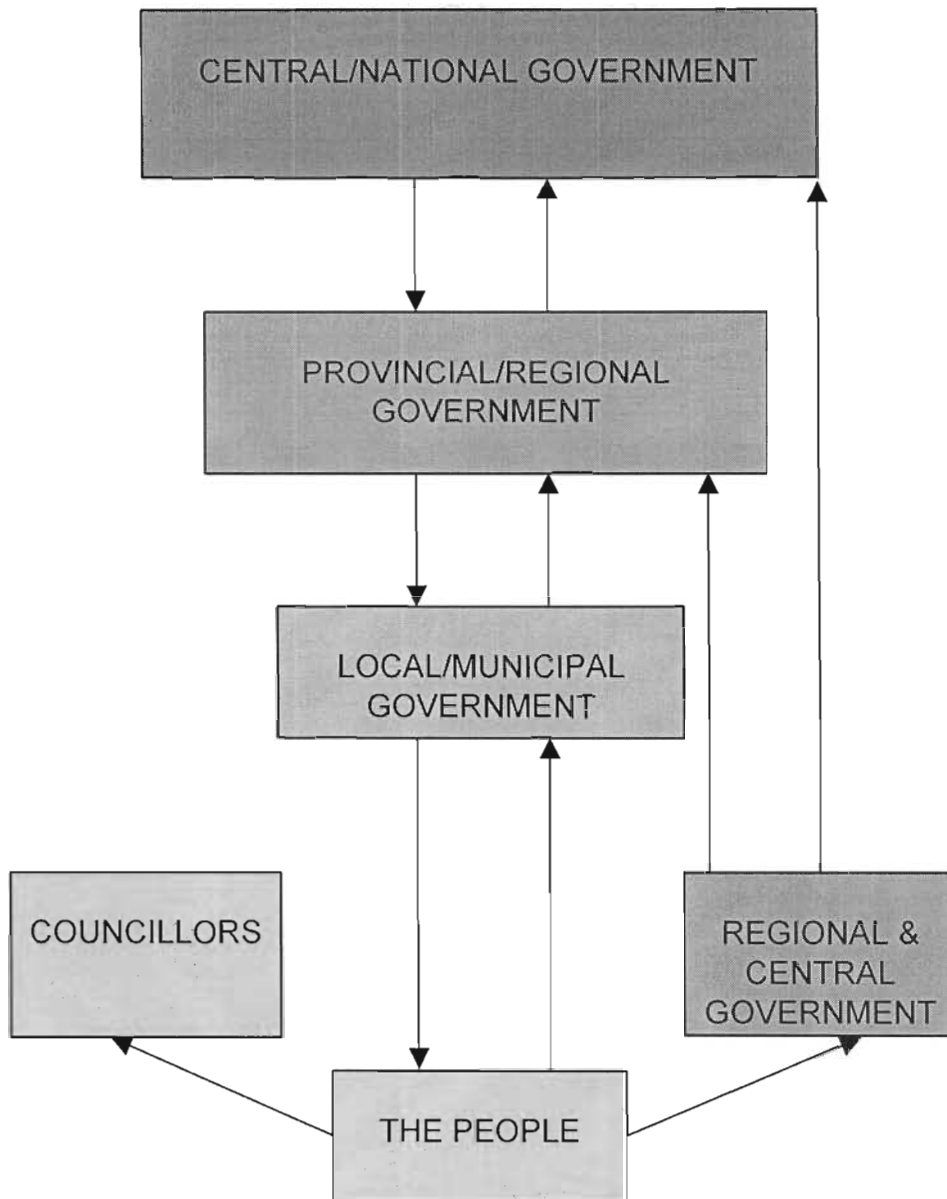
The essential principle of a federal form of government is that sovereignty, as the supreme political authority and power, is divided or shared between the national government (of the country as a whole) and the provincial or state government (of the major constituent geographical parts). Thus, the laws establishing and controlling local government are generally state laws and the administrative controls over local governments in countries with federal constitutions are usually exercised by state officials. From a local government viewpoint, then, both the state and the national governments are quasi-sovereign and are therefore not considered to be local governments. Local governments are the infra-sovereign geographical units contained within a sovereign nation or a quasi-sovereign provincial or state. They include intermediate units such as provinces and basic units such as municipalities (Jackson, 1967: 3-4).

National or central government therefore refers to the public entity which governs the whole country. In federal systems, this would include state or provincial governments. Local government unit or local authority refers to rural and urban political subdivisions below the national level which are constituted by law and have substantial control of local affairs, and which include counties, municipalities, cities, villages and others. The term excludes district or regional subdivisions of the national government that are set up solely for national administrative purposes. To place these types of government within the context of the thesis, a synopsis of the spheres of government as an intergovernmental relationship will follow.

2.4. SPHERES OF GOVERNMENT IN THE SOUTH AFRICAN CONTEXT

South Africa is, by tradition, a union with three spheres of government. The three spheres of government in the South African context are central/national, provincial/regional and local/municipal government. According to the White Paper on Local Government, 1998 (1998: 40-41), all spheres of government must co-operate with one another in mutual trust and good faith through fostering friendly relations. The three spheres of government are distinctive, interdependent and interrelated as is reflected in Figure 2.1.

FIGURE 2.1: SPHERES OF GOVERNMENT IN THE SOUTH AFRICAN CONTEXT (a)



(a) Source: *The Daily News*, 22 July 1994.



2.4.1. CENTRAL/NATIONAL GOVERNMENT

Central/national government is responsible for setting up the overall strategic framework for the economic and social development of the nation, and for all spheres of government. With reference to local government, national government ensures that local government operates within an enabling framework and is structured in such a way that it promotes the development of citizens, local communities and the nation (Section 41 of the Constitution of the Republic of South Africa, 1996; cf. also du Toit & van der Waldt, 1997: 207; cf. also White Paper on Local Government 1998: 39).

2.4.2. PROVINCIAL/REGIONAL GOVERNMENT

With reference to local government, provincial/regional government establishes municipalities and is entrusted with promoting the development of local government capacity so as to enable municipalities to perform their functions and manage their own affairs. Regional government has a key role in monitoring local government in order to ensure that high standards of public service and good government are maintained (Section 139 of the Constitution of the Republic of South Africa, 1996; cf. also White Paper on Local Government 1998: 41).

2.4.3. MUNICIPAL/LOCAL GOVERNMENT

Municipal/local government fulfills a major role in facilitating and promoting the following three important values which nurture democracies (Bekker & Jeffery, 1989: 1):

- (a) liberty - as local government is a vehicle for dispersing political power and catering for local variations;



- (b) partnership - as local government extends choice and individual involvement in the democratic process; and
- (c) efficiency - as local government, with its greater sensitivity to local conditions enables the matching of services to the needs and wishes of local communities.

Local government is that sphere of government deliberately created to bring government to the grass roots (Reddy, 1996: 3). National government is increasingly focusing on local government as a logical point of co-ordination and the necessary vehicle for the implementation of national policies and programmes. To facilitate the implementation of national policies and programmes, provincial governments are also decentralizing certain functions to local government. At the same time, local government is constitutionally obliged to participate in national and provincial development programmes (Section 154 of the Constitution of the Republic of South Africa 1996; cf. also Cloete 1998: 34-37).

It can, therefore, be deduced that the central, provincial and local spheres of government need to work together in harmony in order to achieve public goals, which include service delivery, successfully. The provision of public services is directed through the three spheres of government. The activity or process of implementing government policies with the explicit intention of improving the quality of life of the citizenry is referred to as public administration and needs a detailed explanation.

2.5. AN INTRODUCTION TO PUBLIC ADMINISTRATION

As is stated in the introduction, public administration is also referred to as public management. In South Africa, the perception that has been popularized is that public management is a part of public administration. Public administration is comprised of numerous sub-fields. Municipal administration, which is one such field, is specifically concerned with the administration of municipal affairs by municipal officials in the local government sphere.

Municipal administration, like public administration, is also a comprehensive field of activity which is comprised of several sub-fields. Municipal service delivery which is one such activity is mainly concerned with the provision of services such as water, housing, health, transport and electricity.

Municipal administration is part of the greater field activity known as public administration. Therefore, the theories and guidelines of public administration will also be applied to municipal administration and municipal service delivery.

2.5.1. DEFINING PUBLIC ADMINISTRATION

Public administration is a distinct field of activity and, as such, is part of the political life of society (Cloete, 1998: 91). It is imperative that a definition of public administration be provided for clarification in this context.

Van der Waldt & Du Toit (1997: 13) write:

public administration is concerned with handling public matters and the management of public institutions in such a way that resources are used efficiently to promote the general welfare of the public.

It can be deduced, that public administration involves a holistic approach to the delivery of goods and services for the benefit of the community it serves.

2.5.2. PUBLIC ADMINISTRATION APPROACHES

For the purposes of this discussion, two specific approaches to public administration are explained:

- (a) the traditional approach advocated by Cloete (1981: 2-4); and
- (b) the innovative approach advocated by Fox, Schwella and Wissink (1991: 2).



2.5.2.1. CLOETE: TRADITIONAL APPROACH

Cloete (1981: 4) asserts that:

public administration refers to the administrative processes ... which must be carried out and which are inextricably linked with the functional activities of the various public institutions, namely policy making, organization, financing, staffing, the development of work procedure and the exercising of control.

According to Cloete (1998: 85-87), public administration is comprised of the following aspects:

- (a) generic administrative and managerial;
- (b) auxiliary;
- (c) instrumental; and
- (d) functional (line) activities.

These are performed by public functionaries in public institutions to achieve institutional goals and to ensure the improved quality of life of the citizenry. These aspects, which are illustrated in Figure 2.2, will now be focused on.

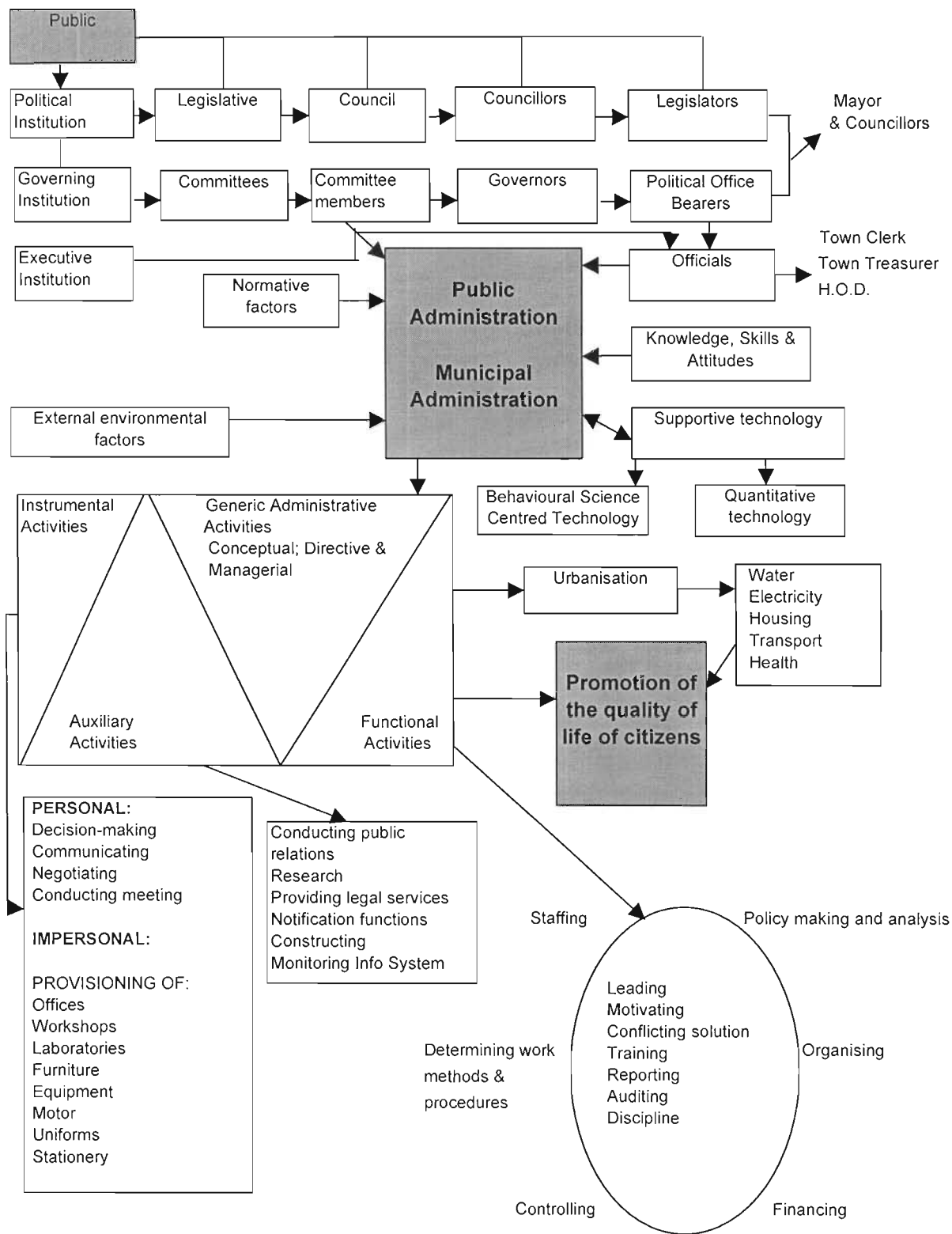
Cloete (1998: 86-87) asserts that the generic public administration approach has two dimensions:

- (i) Conceptual and directive functions

The conceptual and directive functions consist of:

- (a) policy implementation;
- (b) organizing;

FIGURE 2.2: CLOETE: TRADITIONAL APPROACH (a)



(a) Source: Adapted from 'Public administration and management', Cloete, 1998: 86-87.



- (c) financing;
- (d) staffing;
- (e) determining procedures; and
- (f) exercising control.

(ii) Delivery functions

A synopsis of these processes is presented below:

(i) POLICY IMPLEMENTATION

Policies provide the guidelines for the functioning of an organization. Policy implementation involves, *inter alia*, the following:

- (a) setting missions/objectives/goals;
- (b) planning, programming, marketing missions/objectives/goals; and
- (c) identifying and reporting shortcomings.

(ii) ORGANIZING

Owing to the magnitude and complexity of government activities, it is necessary to group individuals into a team to realize the same goals (Botes, 1994: 28). Organizing generally refers to delegation, co-ordination and effective lines of communication.

(iii) STAFFING

These processes relate specifically to the following (Cloete, 1998: 86-87):

- (a) leading, motivating, training, merit rating; and
- (b) maintaining discipline, counselling, reporting on personnel systems and individuals.

(iv) FINANCING

Organizations need funds to operate and in the core of a public organization the legislative body allocates funds, derived from taxes to such a public organization. According to Cloete (1989: 127), the process of financing in municipal administration entails numerous activities, such as:

- (a) preparation of draft estimates of income and expenditure;
- (b) costing/cost-benefit analysis; and
- (c) accounting; auditing and reporting.

(v) DETERMINING WORK METHODS AND PROCEDURES

Specific work methods and procedures will result in efficient work performance and that work will be done in the shortest time, using the minimum amount of labour and at the lowest cost (Cloete, 1981: 70-73).

(vi) CONTROLLING

Due to the fact that a public organization is working with public funds, control becomes an important aspect. The process of control in municipal administration entails numerous activities, *inter alia*,

- (a) applying standards prescribed;
- (b) checking on the quantity and quality of products;
- (c) internal auditing; and
- (d) reporting (feedback).

(vii) AUXILIARY FUNCTIONS AND INSTRUMENTAL ACTIVITIES

These are enabling functions which help or aid in the provision of the necessary support services to local authorities so that they may render improved and efficient services to the community (Cloete, 1986: 2). Within this



group are included, *inter alia*, the following types of activities (Cloete, 1991: 50):

- (a) research;
- (b) conducting public relations;
- (c) providing legal services;
- (d) notification functions; and
- (e) constructing and maintaining information systems – data collection, processing and retrieval.

The instrumental activities may be regarded as tangential because they are performed in conjunction with both the administrative and functional activities (Cloete 1991; 223). The instrumental activities include:

- (a) personal activities such as decision-making, communicating, conducting meetings and negotiating and
- (b) impersonal activities such as the provision of:
 - offices,
 - workshops,
 - laboratories,
 - furniture,
 - equipment,
 - motor and other transport,
 - uniforms, and
 - stationery.

(viii) FUNCTIONAL OR LINE ACTIVITIES

The functional activities undertaken by municipal institutions are determined by the physical and social conditions prevailing in the municipality and the local community, as well as the ideologies of the functionaries who are in power in legislative and governmental institutions. Examples of functional/line activities are as follows (Cloete, 1988: 86-87):



- (a) building roads;
- (b) nursing patients;
- (c) urbanization;
- (d) providing health services;
- (e) water and sanitation;
- (f) electricity;
- (g) transporting goods;
- (h) education;
- (i) foreign affairs;
- (j) environmental conservation; and
- (k) library services.

The generic administrative/managerial, functional (line) and auxiliary (instrumental) functions are necessary to achieve the goals of a local authority, meeting urban needs and the efficient and effective provision of goods and services such as water for the promotion of community welfare.

2.5.2.1.1. CRITICISM OF CLOETE'S APPROACH

Cloete's administrative process model still has a very strong influence on the theory and practice of public administration in South Africa today. However, there have been several criticisms of Cloete's approach. Fox *et al.* (1991: 4-11) discusses these in terms of reductionism, reification and relevance.

(i) REDUCTIONISM

One criticism is that the generic administrative process model reduces the complex phenomenon of public administration to the administrative process by equating public administration to the administrative process. The administrative process is then further reduced to the six generic functions of policy-making, organizing, financing, staffing, determining work methods and procedures and control. The logical consequence of this is that public

administration is reduced to these six administrative functions (Fox *et al.*, 1991: 4-11).

(ii) REIFICATION

Reification occurs when intellectual or abstract ideas are confused with reality. Exponents in public administration were exposed to the regulating practices of government when they worked as public officials themselves. As a result, practices in the South African civil services have been reified to the status of theory in Public Administration (Fox *et al.*, 1991: 4-11).

(iii) RELEVANCE

Another criticism is that the very nature of the generic administrative process inhibits critical and relevant theorizing about the relationship between the system of public administration and the society in which it operates. Cloete's administrative process model does not take into account the ever changing and troubled environment (political, economic, social, cultural and technological) of a society and the way in which this environment influences administrative activities (Fox *et al.*, 1991: 4-11).

2.5.2.2. SCHWELLA: INNOVATIVE APPROACH

With the traditional approach of Cloete in mind, attention will now be devoted to the innovative approach as set up by Schwella. Fox *et al.* (1991: 2) define public administration as:

- (a) that system of structure and processes;
- (b) operating within a particular society as environment;
- (c) with the objective of facilitating the formulation of appropriate governmental policy; and
- (d) the efficient execution of that policy.

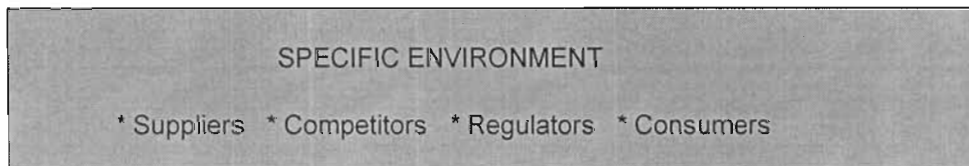
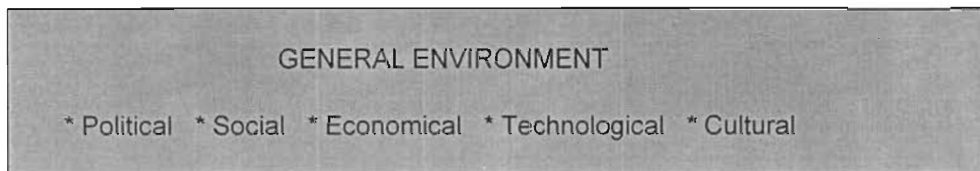
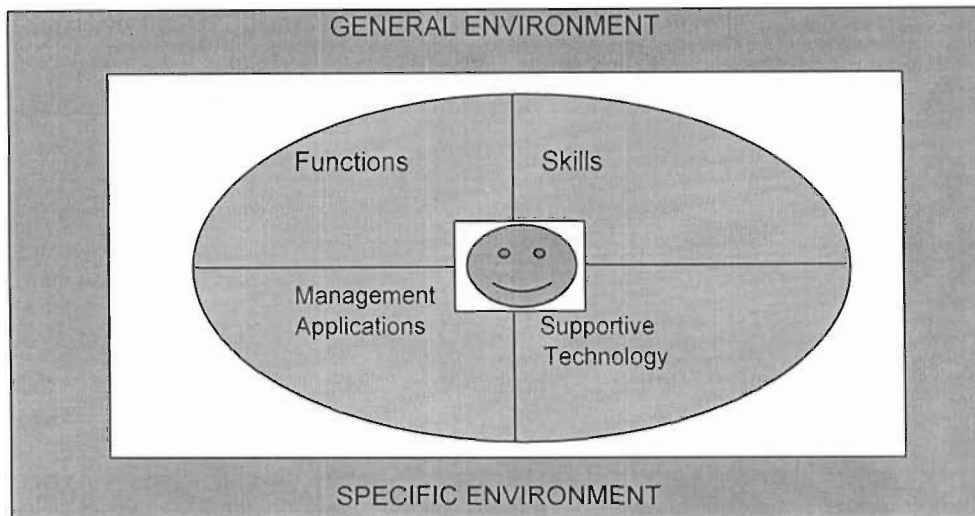
It is argued that management of public affairs is an integral and important aspect of public administration. The assessment of public management functions is dependent to a large degree on the environment it serves. It is for this reason that a public management model becomes necessary (Fox *et al.*, 1991: 1).

According to Fox *et al.* (1991: 2), the public management model stresses the importance of the environment as the foundation for the theory and practice of public management. Public management therefore attempts to incorporate a wide spectrum of management knowledge and skills into integrated and systematic approaches in order to improve the quality of particular aspects of public management. Examples include policy analysis, strategic management and organization development. Supportive technology and techniques provide tools and aids that may be used, when necessary, in conjunction with and in support of public management functions and skills and when using public management applications.

The public management environment consists of general and specific components (Fox *et al.*, 1991: 5). The general component includes the political, economic, social, cultural and technological aspects of the environment. The specific environment includes suppliers, regulators, competitors and consumers. Public management functions include policy-making, planning, organizing, leadership, motivation, control and evaluation (Fox *et al.*, 1991: 5).

Public management, like management generally, requires skills in competent decision-making, constructive negotiation and the successful management of conflict, change and bargaining. In exercising public management functions and skills, public managers can be assisted by supportive technological aids and techniques. Computer technology and information management are two such examples. In order to enhance the functioning of public management, areas of operation need to be constantly researched (Botes, 1994: 191-192; cf. also Fox *et al.*, 1991: 6). Figure 2.3 illustrates Schwella's Public Management Model.

FIGURE 2.3: SCHWELLA'S PUBLIC MANAGEMENT MODEL (a)



FUNCTIONS	SKILLS	APPLICATIONS
Policy-making Planning Organising Leading Control and and evaluation	Decision-making Communication Management of change Management of conflict Negotiation	Policy analysis Strategic management Organisation development
		SUPPORTIVE TECHNOLOGY AND TECHNIQUES
		Computer technology and information management. Techniques for public management.

(a) Source: *Public management*, Fox, Schwella and Wissink, 1991: 4.



The environment forms an integral part of all public management decisions and applications (Fox *et al.*, 1991: 18-20). The environment can be discussed in terms of the general environment, which includes the political, economic, social, cultural and technological environment, and the specific environment, which includes suppliers, regulators, competitors and consumers.

(i) GENERAL ENVIRONMENT

The general environment refers to all those factors that are external to an organization and that will have an influence on the management of an organization. According to Fox *et al.* (1991: 18) the components of the general environment can be identified as follows:

(a) Political environment

The political environment impacts on the political system to deal with fundamental political demands of the people:

- public managers need to be aware of the impact that the political system has on organizations;
- political ideas, philosophy and political ideology form the basis of the political environment; and
- public organizations are influenced by national power and process structures such as political parties, pressure and interest groups, political policy, governmental laws, acts and regulations, as well as political and executive authorities.

(b) Economic environment

The economic environment involves key issues such as national income, reducing poverty and unemployment, equitable distribution of wealth and job creation:



- the economic system of a society is the way in which society creates and distributes wealth;
- economic ideas, philosophy and ideology provide a basis for international and national economic structures and processes;
- national economic factors include the structure of the economy, patterns of economic growth, inflation trends, rates of exchange trends, balance of payment trends and saving and investment trends; and
- climatic conditions have to be taken into account since they influence the availability of land, water, mineral and energy resources as well as the international competitiveness of the national economy.

(c) Cultural environment

The cultural environment is intertwined with cultural beliefs, practices and customs:

- the cultural system of a society includes the basic beliefs, attitudes, role definitions and interactions of the society; and
- the family, religious institutions and educational institutions transmit cultural patterns from one generation to the next; they also redefine and build upon cultural values.

(d) Technological environment

The technological environment impacts on efficiency, effectiveness, speed, accuracy and precision:

- the technological environment refers to the use of machinery and processes to produce and distribute goods and services; and
- public managers need to consider the importance of the technological environment which influences their functioning in public organizations.



(e) Social environment

The social environment necessitates the provision of basic services in order to improve the quality of life of the community. For management and organizational purposes, the social environment includes trends regarding demographic characteristics of the population, trends affecting urbanization, human development and improvement in the social well-being of the people.

(ii) SPECIFIC ENVIRONMENT

According to Fox *et al.* (1991: 20-22) the specific environment is that part of the environment which directly influences the availability of resources to the organization. As such these environmental components are observable and directly experienced by the organization.

Fox *et al.* (1991: 21-23) has divided the specific environment into the following components:

(a) Regulators

Regulators mediate, control or regulate the relationships between the organization and its suppliers, consumers and competitors.

These institutions perform specific functions in accordance with the needs of the polity, the society or the economy as they perceive it.

(b) Suppliers

Suppliers produce, mobilize and allocate various kinds of resources to particular organizations. These financial resources are mobilized by means of taxes, levies or service charges and are then allocated to public organizations in accordance with political and policy priorities.



(c) Consumers

Consumers constitute the users of the products or services of the particular public organization. The consumers may voluntarily consume the services provided or may even be compelled to use the services provided.

(d) Competitors

Competitors consist of those societal institutions that compete for scarce resources with the particular public organization concerned.

It is important to note that this study uses a combination of both the traditional approach and the innovative approach.

2.5.2.3. AN ADAPTATION OF THE CLOETE-SHWELLA APPROACH

Local government must always take the environment it operates within into consideration. By using the key themes of the traditional and the innovative approaches, an adaptation of the Cloete-Schwella approach can be applied to place the restructuring of local government in perspective of the public administration environment.

Cloete stresses the following key generic administrative processes in public administration:

- (a) policy implementation,
- (b) organizing,
- (c) financing,
- (d) staffing,
- (e) work methods, and
- (f) procedures and control.



Schwella stresses the importance of the environment (general and specific) in public administration. The general environment includes the following aspects:

- (a) political,
- (b) economic,
- (c) cultural,
- (d) technological, and
- (e) social.

The specific environment is comprised of:

- (a) regulators,
- (b) suppliers,
- (c) consumers, and
- (d) competitors.

South Africa's continued democratization has brought about fundamental shifts in the accepted principles of and perspectives on government. The spheres of provincial, local and municipal systems management were and still are, to a large extent, central to many of the changes that have been brought about since the inception of the 1996 Constitution of the Republic of South Africa.

An increasing awareness within civil society and amongst politicians and officials of the urgent need to find workable solutions to the problems surrounding local government is currently counterbalanced by an inability to effectively address the issues at hand.

Local government is experiencing problems in managing and financially sustaining areas. This is also true of the Greater Pretoria Metropolitan Area (GPMA). System stress is indicative of systems experiencing attempts to alter the *status quo*. In a complex socio-economic, political, physical and institutional system such as the Gauteng Province, the demarcation of land and reorganization of structures, powers and functions is bound to impact on

the inhabitants of the province in many ways. Any changes to structures, powers and functions should therefore be effected in an accountable, rational, transparent and participatory manner.

2.5.3. NORMATIVE GUIDELINES OF PUBLIC ADMINISTRATION

The reputation and success of any sphere of government depends on the conduct of public functionaries. It is therefore necessary to lay down certain normative guidelines to serve as a framework within which officials can perform their duties (Cloete, 1988: 22-24).

According to Isaak (1975:5) the concept “normative” implies value-laden prescriptions which are based upon moral, ethical or value judgements. The normative foundations that should guide public officials in the performance of their duties are, *inter alia*,

- (a) democratic requirements;
- (b) moral and ethical norms;
- (c) human rights;
- (d) public accountability and transparency;
- (e) efficiency and effectiveness; and
- (f) response to public demands.

An exposition of the above-mentioned norms is provided below.

(a) DEMOCRACY

According to Cloete (1988: 24) the aim of democracy is to create conditions under which individuals will experience the greatest state of well-being. There should be consultation between government and the urban community to determine and ascertain urban needs, resulting in a harmonious atmosphere (Reddy, 1996: 119). In addition, citizens should have specific rights and liberties.

According to Stahl (1976: 271), public administration at every level must serve the public in a manner that strengthens the integrity and processes of democratic government. This fundamental principle has implications for public officials, *viz.*:

- that all people must be served, equally and impartially;
- that this must be achieved with full respect for and reliance on representative institutions; and
- that internal administration in public institutions must be consistent with these codes of behavior.

Democracy is a normative guideline, which should be adhered to in the restructuring of local government to ensure participation in the process of service delivery.

(b) ETHICAL NORMS

Ethics implies a moral code of conduct which distinguishes right from wrong and entails the practice of virtues such as courage, selflessness, honesty and justice in the performance of one's duties (Dwivedi & Engelbert, 1981: 153; cf. also Andrews, 1988: 33; cf. also Bayat & Meyer, 1994: 39). The ethical personal conduct of public functionaries is essential to promote a more professional ethos and a commitment to serve the people. In view this, a code of ethics is intended not merely as a set of standing rules for behaviour but rather as a guide to public servants to use their creativity and discretion to promote national priorities (Hanekom, Rowland & Bain, 1987: 163; cf. also Rosenbloom, 1989: 463; cf. also Skweyiya, 1996: 3-4).

According to Botes (1994: 20) public officials must adhere to the following acceptable standards when serving the public interest and executing public goals:

- (a) friendliness;
- (b) diligence;



- (c) respect for humanity;
- (d) humaneness (especially to senior citizens); and
- (e) patience.

(c) HUMAN RIGHTS

Section 10 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) provides that everyone has inherent dignity and the right to have their dignity respected and protected. In the same vein, freedom of choice allows anyone to reside in an urban or rural area of their choice.

This provision will be interpreted, in terms of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), as an individual's right to a structure of local government that will serve the best interest of the particular community. Local government is, therefore, expected to provide basic services within a local government structure that are affordable both to the household and to the country as a whole.

(d) PUBLIC ACCOUNTABILITY AND TRANSPARENCY

It is generally accepted that every political office-bearer and every public official should display a sense of responsibility when performing his or her official duties (Cloete, 1991: 62). Public officials are implementers of public policies. It is not surprising that the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) makes specific provision for public administration to be accountable.

Public institutions, therefore, play a vital role in the implementation of legislative guidelines for the restructuring of local government. Hanekom & Thornhill (1983: 184) identify public accountability as one of the prominent characteristics of twentieth century public administration.

Public administration cannot expect to command the respect of the population if it is carried out behind closed doors. In the case of justice, administration



must not only be carried out, it must be seen to be carried out (Bayat & Meyer, 1994: 40; cf. also Reddy, 1996: 120). Transparency, as reflected in Section 195 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) is a principle, that the new government has taken great pains to implement in order to achieve clean administration.

(e) EFFICIENCY AND EFFECTIVENESS

According to Cloete (1998: 110-111), a public institution exists for and on behalf of the community. The decisions and activities of public institutions should always be judged on the basis of their necessity.

The revenue of public institutions is mainly generated through service delivery. The needs of the community will always be greater than the resources available to satisfy those needs. It is important, that when restructuring of local government is effected, consideration be given by politicians and public functionaries to not impeding service delivery at the cost of restructuring. Priorities, therefore, need to be set and resources must be used sensibly in order to obtain optimal results.

(f) RESPONSES TO PUBLIC DEMANDS

Historical developments in South Africa have resulted in imbalances among the various components of the total population. Recent changes have resulted in higher aspirations among those who had been relatively underprivileged. This has created certain expectations and demands resulting in the restructuring of local government in an attempt to address the imbalances of the past (Bayat & Meyer, 1994: 38). It is crucial that public functionaries adhere to and respect this normative guideline but in a framework that will maintain confidence in local government, promote professionalism and enhance infrastructure development and service delivery to the communities it serves.

2.6. CONCLUSION

The orderly division of every urban area (or land-use zoning as it is called) is essential to enable large numbers of people to live and work comfortably yet close together in small areas. For the maintenance of order, a type of government that sets standards is required. In Section 40 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), it is stated that the Government of the Republic is constituted as national, regional and local spheres of government.

The provision of public services is directed by the three spheres of government. Co-operative government is, of course, necessary. Central government, being responsible for the country as a whole, determines the policies for the restructuring of local government. Regional government sets the options for local government restructuring in accordance with central government policies. Local government, as the structure closest to the specific community it serves, determines the most viable option for restructuring and, in turn recommends the chosen option to central government. Central government enacts the option. The spheres of government are distinctive, interdependent and interrelated and therefore this can be referred to as co-operative government.

The activity or process of implementing government policies with the explicit intention of improving the quality of life of the citizenry is called public administration. Two approaches to public administration have been dealt with in this chapter. The one approach is the traditional approach advocated by Cloete and the second approach is the innovative approach advocated by Schwella. A combination of the Cloete-Schwella approach is recommended.

The impact of a combination of generic administrative activities with the impact of the environment on the restructuring of local government has been evaluated. The following chapter will place the role and purpose of local government in perspective.



CHAPTER 3

THE ROLE AND PURPOSE OF LOCAL GOVERNMENT

3.1. INTRODUCTION

The existence of local government has always been defended on the basis that it is a crucial aspect of the process of democratization and intensification of mass participation in the decision-making process. No political system is considered complete and democratic if it does not have a system of local government.

Local government serves a two-fold purpose. The first purpose is the administrative purpose of supplying goods and services; the other purpose is to represent and involve citizens in determining specific local public needs and how these local needs can be met. Local representative government is a process that spans and connects representation and administration at local levels within local government structures. In order to understand the function and structure of local government, it is important to define local government and understand the meaning of local government democracy and values. The significance of local government will be addressed. With these aspects of local government in mind, attention will be directed towards the typical structure of local government as the administrative structure of local government forms the basic framework where in local public policy is determined and implemented. Therefore attention will be directed to the composition of councils and their activities.

3.2. DEFINING A LOCAL GOVERNMENT

Local government is a product of devolution as a dimension of decentralization. Olowu (1988: 12) remarks:

There are two approaches to the definition of local government in the literature. One approach, which is usually adopted in comparative studies, is to regard all such national structures below the central government as local government. A second approach is more circumspect in that local governments are identified by certain defining characteristics. These characteristics usually focus on the following five attributes: legal personality, specified powers to perform a range of functions, substantial budgetary and staffing autonomy subject to limited central control, effective citizen participation and localness. These are regarded as essential to distinguish it from all other forms of local institutions and also ensure its organizational effectiveness.

These so-called essential features of local government are misleading. Not all local governments provide an opportunity for effective citizen participation. There are various issues to be considered. A number of questions arise. How is effective citizen participation determined? Is it determined in terms of electoral participation? Is citizen participation unique to local government? With these issues in mind it appears that the same problems afflict identifying legal personality as a feature of local government, for legal personality is not a monopoly of local government. Robson (1937: 574) defines local government from a legal point of view as follows:

In general, local government may be said to involve the conception of a territorial, non-sovereign community possessing the legal right and the necessary organization to regulate its own affairs. This, in turn, presupposes the existence of a local authority with power to act independent of external control as well as the participation of the local community in the administration of its own affairs...

Gomme (1987: 1-2) defines local government in the following manner:

Local government is that part of the whole government of a nation or state which is administered by authorities subordinate to the state authority, but elected independently of control by the state authority, by



qualified persons resident, or having property in certain localities, which localities have been formed by communities having common interests and common history...

Both Robson and Gomme seem to emphasize independence whilst local governments are actually not independent of central government control. Local governments enjoy only relative autonomy, due to the division of responsibilities for services between national and local government. It should be noted that the division of responsibilities is a political or policy issue. There are several preconditions that determine successful relationships between central and local government as indicated by the World Bank (1989: 88) and Heymans & Totemeyer (1988: 6). These are:

- (a) the need and urge for a strong system of local government in a democratic political environment;
- (b) that local government be allowed to play a vital role as a full partner in regional and national development;
- (c) a fair division of financial resources between central, regional and local bodies;
- (d) a fair division of human resources between central and local government;
- (e) formal and effective checks and balances between central and local government;
- (f) full and adequate consultation and a regular flow of accurate information at and between all levels;
- (g) the full participation of each citizen, irrespective of race and gender at all levels of administration and government – thus, the extension of democracy to all spheres of government;



- (h) political and social harmony;
- (i) defined legal relations between the different levels of government and the ability for local pressure on central government to change legislation;
- (j) trust and honesty as basic principles of government; and
- (k) openness to innovation.

Local governments should be seen as the cornerstones in the structure of a democratic political system since local government serves as a vehicle for intelligent and responsible citizenship on this particular level. Marshall's (1965: 1) definition seems to come closer to the real features of local government and identifies three distinct characteristics: "operation in a restricted geographical area within a nation or state; local election or selection; and the enjoyment of a measure of autonomy..."

Meyer (1978: 10) defines local government as follows:

Local democratic governing units within the unitary democratic system of this country, which are subordinate members of the government vested with prescribed, controlled governmental powers and sources of income to render specific local services and to develop, control and regulate the geographic, social and economic environment of defined local area.

One could argue that the weakness of Meyer's definition is that it includes democracy as an essential element of local government whilst a local government can exist without being democratic in the same way that a national government can exist in a country without that government being democratic. For instance, a government brought into power through a *coup de' etat* may be called repressive and undemocratic. It is thus also possible to refer to an undemocratic local government.

In spite of this weakness in Meyer's definition, it seems to capture the essence of local government, which is closely linked to the distinct characteristics identified by Marshall. The essence, therefore, is that local government is a government institution with limited legislative power and authority, which operates within clearly defined geographical and legal jurisdiction, within a nation or state. The defining feature of local government is the authority to enact legislation within the defined jurisdiction and therefore the enjoyment of a measure of autonomy. These characteristics of local government should be considered with the restructuring of local government so as to ensure that the purpose of local government is not overlooked.

3.2.1. LOCAL AUTHORITY

A local authority, sometimes also referred to as a municipal authority, is a term that refers to a rural and urban political subdivision below the national level which is constituted by law and has substantial control of local affairs, and which includes authorities in counties, municipalities, cities, villages and others. The term excludes district or regional subdivisions of the national government that are set up solely for national administrative purposes (United Nations, 1997: vi).

Local authorities are created to render services in defined geographical areas, primarily because of the inability of central government to attend in detail to all the requirements of society that have to be satisfied by a government institution. The range of urban services provided by local authorities in developing countries, more particularly in Africa, are, *inter alia*, parks, street cleaning, sanitation, refuse collection, road construction and maintenance, housing, water and sewerage, primary education, clinics, residential and industrial estates, planning and zoning, fire and ambulance services, camping sites and recreational services (Meyer, 1978: 12).

A local authority is thus a public institution functioning under the direction and control of an elected council but subject to the directives of the national and



provincial legislative and political executive institutions. A local authority is a corporate body which is a legal person and exists separately from and independently of the persons who head it. Local authorities are created to give residents of their area a say in the government and administration of local affairs and are vested with specific powers to enable them to make by-laws, which are not inconsistent with the legislation passed by Parliament and provincial legislatures. Local authorities are usually headed by councils consisting of elected members. In other words local authorities are intended to be democratic institutions which are responsive to real needs and the justifiable expectations of people. They are thus subject to public accountability and therefore, it is important to focus on local government democracy.

3.3. LOCAL GOVERNMENT DEMOCRACY

Local government is the third level of government deliberately created to bring government to the grass-roots population and gives the grass-roots population a sense of involvement in the political processes that control their daily lives. Democracy denotes a political system in which the eligible people participate actively not only in determining who governs them, but also in shaping the policy output of their government. The composition of a government is usually determined in free and fair elections supervised by an impartial body. Gildenhuys *et al* (1991: 124) are of the opinion that there are specific democratic values that can serve as guiding principles for local government management and development. These democratic values will, therefore, be analyzed.

3.3.1. LOCAL GOVERNMENT AND DEMOCRATIC VALUES

The reconciliation of conflict through local policy and decision-making identifies common collective needs and the equitable allocation and

application of scarce public resources amongst competing needs. As indicated in Gildenhuis *et al* (1991: 124), these values are as follows:

- (a) the application of resources must satisfy the collective needs of individuals. The object of local government is to serve individuals in communities. In democratic theory, local government exists for the sake of the individual and the individual does not exist to support the local government financially or otherwise;
- (b) direct participation in decision-making by citizens. This could be achieved through town meetings in small communities and through ratepayer associations, vigilante groups and social/political associations in larger communities. Direct or indirect public participation and decision making is an imperative for democratic local government;
- (c) valuing responsibility and accountability arising from the tenets of democracy. Councillors must be sensitive to public problems and needs, feel responsible for satisfying those needs and problems and realize their accountability to the public. This calls for frequent interaction between councillors and the electorate;
- (d) taking responsibility for management of programme effectiveness in order to ensure that needs are satisfied efficiently and effectively; and
- (e) social equity emanating from the tenets of democracy. The conventional and classical philosophy of local government and management revolves around the following: Do municipal services rendered by local authorities enhance social equity? One of the main principles of social equity is the maintenance of high ethical and moral standards.

The effective implementation of democratic values requires councillors and officials with integrity, which in turn demands fairness, reasonableness and honesty. Social equity may also demand that local government development should take place in such a manner that the rule of law will prevail (Cloete,

1993: 24 – 25). In the context of local government this means in accordance with Gildenhuis *et al* (1991: 125), that:

- (a) local authorities should not be allowed to exercise discretionary powers that are too wide and unrestrained and nor should they be allowed to act in an arbitrary manner;
- (b) all citizens should be equal under local law and should be treated equally in terms of such law;
- (c) the judiciary should function independently of local authorities and judges; and
- (d) magistrates should act as independent guardians to ensure that the rights and freedom of individuals are respected.

Social equity requires the support of well-known tenets of democracy. The objective of democracy is to create conditions under which each individual may achieve his greatest welfare and prosperity (Cloete, 1993: 25). The machinery of local government should be organized in such a way that it will allow mutual deliberation and consultation to attain the objectives of democracy. Caution should be exercised at all times to ensure that the interests of one group are not unfairly prejudiced or those of another unjustly favoured. Furthermore, there should be no secrecy in local government administration. The citizenry observing or investigating the particular activity should have the right and freedom to express their views on the matter. With democratic values in mind, it is important to focus on the significance of local government.

3.4. THE SIGNIFICANCE OF LOCAL GOVERNMENT

The existence of local government has always been defended on the basis that local government is a crucial aspect of the process of democratization



and intensification of mass participation in the decision-making process. It is furthermore argued that no political system is considered to be complete and democratic if it does not have a system of local government. (Mawhood, 1993: 66; cf. also Wraith, 1964: 118).

A number of reasons have been advanced as to why a system of local government is essential. These reasons are that it is:

- (a) training ground for mass political education;
- (b) training ground for political leadership; and
- (c) that it facilitates government accountability.

The aforementioned forms a crucial part of the need for the existence of local government. The role and purpose of local government is furthermore strengthened when these reasons for it are considered.

3.4.1. TRAINING GROUND FOR MASS POLITICAL EDUCATION

The system of local government has been advocated and supported as it is generally believed that the system of local government serves as a training ground and nursery school for mass political education and mobilization. In this regard Tocqueville (1935: 631) remarks as follows:

town meetings are to liberty what primary schools are to science: they bring it within the people's reach, they teach men how to use and how to enjoy.

Marshall (1965: 59) is more explicit stating the following:

a principal objective of local government is that it should foster healthy political understanding. The citizens learn to recognize the specious demagogue, to avoid electing the incompetent or corrupt

representative, to debate issues effectively, to relate expenditure to income, to think for tomorrow.

This does not imply that the mere existence of local government will automatically lead to the development, nourishment and maturation of a public spirit of political awareness and consciousness. Intensive political mobilization programmes must be introduced by these institutions to galvanize the public into active and meaningful political involvement. This will enable people to see the usefulness of local government and their role in the process of decision making. Conscious political work by local government councillors, carried out with the explicit and vowed aim of intensifying, accelerating and directing the participation of people in local politics lets the public sees local government as just another bureaucratic government institution (Holm, 1971: 61).

3.4.2. TRAINING GROUND FOR POLITICAL LEADERSHIP

Local government is essential as it provides training ground for political leadership, especially for those intending to venture into the arena of national politics, and in this regard Laski (1931: 31) remarks:

If members (M.P.'s) were, before their candidature was legal, required to serve three years on a local body, they would gain the feel of institutions so necessary to success.

There is some merit in this logic, but it cannot be logically deduced that legislators with some experience in local government politics are better national legislators than those without it. There is no doubt that participation in local government politics provide an opportunity for councillors to gain experience in the mechanics of politics such as the process of law-making and budgeting (Laski, 1931: 31). Letting councillors experience the mechanics of politics will impact on the restructuring of local government, as will be indicated in ensuing chapters.



3.4.3. FACILITATION OF GOVERNMENT ACCOUNTABILITY

Local government is generally seen as a defense mechanism against arbitrary power by government as it is a means whereby an unhealthy concentration of power at the centre is prevented. Local government, it is claimed, discourages the tyranny of the centralization of power and, in this regard Smith (1985: 27) states that:

There is some truth in the proposition that local democracy provides for greater accountability and control than field administration, public corporates and appointed agencies. The processes involved in local government make accountability more meaningful because of the elective elements linking bureaucrat and citizen. The political activities inherent in local government, i.e. elections, rule-making, political pressure, publicity and public debate – close the gap between the citizen and the administration and provide opportunities for grievances to be aired and wrong remedied.

Whilst the above may be true, there is a strong feeling that local government is, unfortunately, prone to corruption (Olowu, 1988: 12). Stewart (1983: 8) remarks in this regard:

Where such accusations are made, and justifiably so, they are made because of the very visibility of local governments. There is no official secret act guarding even routine decisions from public scrutiny. Committees of local authorities generally meet in public and their agendas are open in ways that would horrify civil servants or central politicians. The system is open and provides thereby correctives to reveal defects.

Commenting on the African situation with regard to complaints that local governments are prone to corruption, Olowu (1988: 20) observes that:



When the first books on corruption in African countries were published, they concentrated on the local government level. Local governments in some parts of Africa were described as a conspiracy against the public, an institution that is riddled with 'bribery, nepotism, politics and corruption.' Over the years, as more documentation on corruption in central governments has accumulated, it has become evident that corruption is a universal problem for all governments in all countries.

The argument is persuasive and has merit, for the central government is not only geographically distant but also psychologically and socially distant. In developing countries a physical infrastructure is necessary to facilitate communication between the central government and the people. A local government can therefore become a viable and flexible instrument for promoting and facilitating good governance and public accountability. Held (1987: 15) aptly comments in this regard that:

The affairs of government and national politics are not things many claim to understand, nor are they a source of sustained interest. Significantly, those closest to the centres of power and privilege are the ones who indicate the most interest in and are most favorable to political life. However, it may well be that those who express lack of interest in politics do so precisely because they experience 'politics' as remote, because they feel it does not directly touch their lives and/or that they are powerless to affect its course.

Local government may, therefore, assist to put some measure of power in the hands of the masses, thereby making the notion of government of the people, by the people, and for the people a little more realistic. Latib (1995: 8), in this regard, remarks:

Far too much attention has historically been placed on compliance and process ... what is needed is the building of a broader community perception of accountability ... This broader perspective implies that accountability should be based on an overall concept of governance.

This approach emphasizes not only political representation and the supremacy of political structures in the accountability process, but also interactive processes with civil society.

Conceptualized in this way, accountability becomes an integral component of the democratic process. Local government can go a long way to enriching accountability. Accountability may require extensive efforts to remove or at least reduce the cynicism of the 'ordinary' people, and the absolutely poor who see politics as a sophisticated game designed by a small clique of power holders to manipulate and cheat them (Holm, 1989). For the 'ordinary' people and the absolutely poor have come to believe that government by the majority is merely a tantalizing mask, an illusion, which masks what really happens in the body politic. The body politic is embodied in the structure of local government and will subsequently be discussed.

3.5. THE STRUCTURE OF LOCAL GOVERNMENT

The administrative structure of local government is the framework within which local public policy is determined and implemented. The structure of an organization not only determines the relationship between the organs but also its character and strength.

A distinction must be drawn between formal static structures and the more informal kinetic structures. The static structures may be reduced to a set of laws and an organizational chart, which diagrams the skeleton and organs. The informal structures, by contrast, form complex living bodies, which are best described in terms of what the body does rather than how it is made up. The Council and its committees as legislative authorities and, the Chief Executive Officer and staff as administrative authorities will therefore be discussed as the organs of deliberation and representation.

3.5.1. THE COUNCIL

The council is the main representative organ of local government. A council is an essential part of every unit of local representative government. The role of the council as a representative body varies with the evolution and the mechanics of the processes of local government in each country. The degree to which a local unit has a representative government depends largely on two factors. The one factor is the extent to which the membership of a council represents and is answerable to the public, and the other factor is the extent to which the council has the authority and power to define local policy objectives and to have these objectives implemented (Humes & Martin, 1969: 80-81).

A unit of local representative government has one or more representative organs with some authority to govern. Almost invariably one of these organs is the council, which offers the opportunity to discuss and give advice on local issues, but also has the responsibility for making decisions authorizing or directing the local staff to perform tasks. The council makes decisions by such acts as passing the budget, enacting ordinances and by-laws and making or approving appointments (Humes & Martin, 1969:82). The council approves and in many cases amends proposals submitted to it, and generally may take the initiative in making proposals. A council with decisive authority may take decisions regarding matters of overall policy objectives or of relatively more minor matters concerning the routine co-ordination of staff (Humes & Martin, 1969: 82).

The number of members of local councils varies, in general, with the population of the unit of local government. The size of councils, however, is also closely interrelated to their role in local government structures. The largeness or the smallness of the council affects its representative character, its effectiveness and the nature of its deliberations (Humes & Martin, 1969: 86).

Large councils must rely heavily on the executive organs, or on the committees of council or both, to be effective. A large council makes it possible to have more citizens participate in local government work, therefore making local government more representative and closer to the people. Size is a relatively minor factor in the determination of the representative character of a council; more important are the methods of selection and the degree to which the members of council can responsibly and effectively represent the will of the electorate. A council with a very small membership often allows little opportunity for the expression of minority opinions and may thus be at a disadvantage in knowing the thinking, desires and needs of the people (Humes & Martin, 1965: 86-88).

Private citizens appointed to the council are selected for a variety of reasons. Upon appointment to the council these private citizens are referred to as councillors. Councillors may be leading citizens who contribute wisdom to the discussions of council and stature to its public image. Councillors may also be political supporters of the party leadership, which controls the nomination, or they may represent minority groups whom it is politically advantageous to include on the council. Appointed councillors are frequently among the hardest workers in council activities (Laski, 1936: 87). Supporters of the appointment method of selecting councillors emphasize the importance of having some members who can afford to ignore the political pressures faced by those who must contest elections. Appointed members are more sensitive to the wishes of the political leadership responsible for their appointment than to public sentiment. Terms of office for a councilor, therefore, should be short enough to provide for electoral control, but long enough to provide time effective action and continuity (Steiner, 1956: 190).

3.5.1.1. THE COUNCIL CHAIRPERSON AND THE SECRETARY

No council can operate without a chairperson. The function of the chairperson is to promote and maintain orderly discussion within the council. The chairperson is responsible for order and his/her unique position of being the



focus of all remarks in the course of a council meeting provide him/her with ample opportunities for guiding the discussions (Wheare, 1955: 39-40).

The chairperson has some opportunity to influence council decisions by virtue of his/her participation in the developing of the agenda for the council session. Usually this is drawn up in co-operation with the secretary or clerk. The chairperson is in a crucial position to determine what items will be discussed and in what order. The chairperson moderates or controls the discussion (Wheare, 1955: 39-40). The chairperson exerts influence over the discussion and decisions by recognizing and encouraging speakers as well as by discouraging others, by the manner in which he accepts, defers and declines motions and amendments and even by the timing of calls for meetings. The chairperson is expected to exercise an impartial role. Council election is the general method for choosing a chairperson (Humes & Martin, 1969: 96).

A secretary of council has the task of recording the minutes, keeping the records and usually the actual preparing of the agenda. This official must work closely with the council chairperson and usually is in a strategic position to give the latter advice on the initiation and guidance of council deliberations. Usually the council secretary is a salaried full-time career official in the local administration. His/her knowledge of administration and his/her experience in local government make his/her advice valuable and therefore less likely to be ignored (Humes & Martin, 1969: 96-97).

3.5.2. THE EXECUTIVE COMMITTEE

Due to the limited size of the council it is difficult for the council as single structure to perform all the actions necessary within local government. Therefore certain supportive structures have been created to assist the council in the execution of its tasks. One of these structures is the Executive Committee.

The Executive Committee is an executive organ of a unit of local government that has the central overall task of directing, initiating and co-ordinating all or most of the activities of the unit. There are three essential, interdependent duties of an executive organ: initiation, integration and interpretation. An executive organ is expected to take the initiative in developing and implementing those measures, which are in the best interests of the public and those that are necessary for the efficient administration of local services. A second essential duty of an executive organ is integration; it is expected to integrate and co-ordinate all the various local activities into one effective whole. Another essential duty of an executive organ is interpretation for the making and implementing of policy is one continuous process of exposition. Policy objectives must be interpreted to those who help with implementation if the tasks are to be carried out meaningfully (Humes & Martin, 1969: 113-114).

The executive committee of a local government is a plural executive organ composed of elected persons. It is responsible to the council and generally has fewer than eight members. The elected persons on the executive committee are chosen by and from the council. The term of office of the elected executive committee members coincides with the term for the council (Urwick, 1957: 44-45).

The tasks of the executive committee could be divided according to two different points of view. The one viewpoint is from the side of the council to whom the executive committee is responsible; the other viewpoint is from the side of the staff for whose activities the executive committee is responsible. In the representative aspects of the process of local government, the executive committee is the steering committee of the council and is expected, along with the chief executive officer (to be discussed further on in the chapter), to provide overall initiative in the policy-making process. The executive committee also goes over the council agenda and makes recommendations on the items to be discussed and the final form of the proposals to be submitted to council. An executive committee generally has broad latitude to exercise discretion as long as decisions are in accord with policy as determined by the council. The executive committee usually also has a fairly

broad power to make decisions on matters which come up between council sessions and cannot be held over until a succeeding meeting. The executive committee is responsible for the overall co-ordinated implementation of the decisions of the council (Locke, 1957: 1-7).

The importance of the executive committee is demonstrated by the fact that the chairperson is almost invariably the most important single position in the local government structure from which the formulation, exposition and implementation of municipal policy can be influenced. The role of the executive committee chairperson is dependent on the extent of his executive power, both within the executive committee and in other capacities. It is inevitable that the collective power of the executive committee is focused to some extent on the chairman. The prerogatives of the chairperson as presiding officer of the executive committee meetings provide him/her with a natural opportunity to present ideas, guide discussions and influence decisions (Locke, 1957: 1-7). The capacity of the chairperson to focus this collective power in himself/herself is strengthened by the fact that he/she is usually accepted by most, if not all, of the executive committee members, as well as by the council, as the leader and representative of the executive committee.

The executive committee considers matter referred to it by the standing committees and special committees. An analysis of the functions and composition of these committees follows.

3.5.3. SPECIAL AND STANDING COMMITTEES OF COUNCIL

A distinction has to be made between standing committees and special committees. Special committees, or *ad hoc* committees, are appointed for a special task and their existence is expected to terminate upon completion of that task. A standing committee is a continuing body although its membership may change. A standing committee is considered to be permanent, at least until there is a general reorganization of the system of committees of a

council. Standing committees play the more important roles in the continuing process of local government (Laski, 1936: 82).

Most committees specialize in matters dealing with one particular geographical area, activity or management aspect of local government. The majority of council committees are set up to deal with matters affecting a particular purpose or activity, such as libraries, education or public health. Often the arrangement of these committees corresponds to a certain degree with the organization of the departments of the local authority. This arrangement along so-called vertical lines allows the education standing committee, for instance, to work closely with the education department. The decisions of the committees must receive the approval of the council (Wheare, 1955: 66). A council, through its leaders, may exercise its control over the committees in an informal manner, and much of the control over committee decisions may be exercised through informal contacts between committee and council leaders.

The size of the committee can vary considerably, but generally the size ranges between three and twenty members. An argument for the use of committees is that it enables fewer people than the whole council to be associated with a particular process. The workload of the council is passed on to smaller organs, which may more thoroughly assess relevant factors in making a decision. When the committees themselves are too large to deal with the volume of work presented to them, the committees tend to subdivide into smaller bodies or working groups. A committee may be used though, not just to enable fewer people to be associated with a particular process but also to enable more people to be associated with a particular process (Humes & Martin, 1969: 100-102). The smaller membership of a committee of council does not preclude the possibility of using committees as an opportunity to expand public participation in the representative governmental process.

The nominations of committee members are approved by councils. Councils whose committees consist mainly of council members generally have a small group prepare a list of which members should serve on which committees.



This small group is in some cases formally constituted as a special committee and usually consists of the most important individuals on the council with the council chairperson and majority party leadership usually having a key role in its deliberations. Usually a council member who has been selected to serve on a given committee continues in this position as long as he is re-elected to the council. The general practice is to include members from all parties represented on the council; however, committees are often packed with members of the majority party – either as a matter of patronage or to control decisions, or both (Robson, 1954: 39).

The committee chairperson and the secretary have positions of considerable importance. The chairperson is generally a senior or leading member of the committee who is selected by the committee itself or by the council. Once selected, a chairperson often continues to be re-elected to this post. To a large degree the effectiveness of the committee is dependent upon the chairperson's personality and ability, for the chairperson of a committee, like the chairperson of council, can do much to determine the scope of discussions and guide the conclusions of the group over which he presides. In some cases a committee chairperson may exercise more power in his relations with his committee than a council chairperson can with regard to the council as a whole (Humes & Martin, 1969: 102-103).

A committee secretary, in some cases the chief administrative officer or his/her assistants and, in many cases, a department head, renders advice, furnishes statistical information and explains and answers criticism concerning the working of the department. He/she has to undertake the execution of any work after obtaining the financial and administrative sanction of the committee.

The council and its committees form the political or legislative authority. To implement the decisions of the political or legislative authority, an administrative authority is required. The administrative authority is comprised of the Chief Executive Officer, departmental heads and staff members. These will be discussed below.



3.5.4. THE CHIEF EXECUTIVE OFFICER

In the past, the term Town Clerk was used to refer to the position of Chief Executive Officer. This created confusion as this person was seen as the clerk of the council.

The post of the chief executive officer is essentially and pre-eminently the focal point of a local government structure. He/she is the principal person co-ordinating the representative and staff aspects of the process of local government. As the focal point in the local government process, the chief executive officer works closely with the council in the development of policy and directs staff in implementing policies (Humes & Martin, 1969: 125-126). In many instances, he/she also aids the executive committee in co-ordinating these two aspects of government at a local level.

The chief executive officer does not only take the leading part in formulating ideas, but also has an important expository role as the mobilizer of support for proposals. As the focus for the development of the proposals, he/she is expected by the council and the public to ensure their favorable consideration. The effective chief executive officer, either directly or indirectly, must not only build up enough support in council so that his/her proposals are adopted but he/she must also develop sufficient support within the electorate so that he/she and those council members who support his/her proposals are re-elected to office (Ridley, 1959: 13). As the focal person charged with the co-ordination of the implementation of policy, he/she has the resources to find out about and thereafter explain the various technical aspects involved in carrying out decisions as well as how specific decisions will fit into overall local government policy (Humes & Martin, 1969: 127).

A decision of a representative organ remains practically meaningless until it is transformed into action. This indicates why the role of the chief executive officer as the head of the local staff is as important as his/her part in the formulation and exposition of decisions of the council and the executive committee. Invariably the use of executive power involves some exercise of



discretion. The amount of discretion exerted depends partially on national and local customs, partially on the laws pertaining to the local unit, and partially on the rapport existing between the local chief executive and the other governmental organs, including the organs of higher units as well as local representative organs and staff (Steiner, 1956: 190).

The local chief executive officer, as the apex of the administrative hierarchical pyramid, is charged with carrying out the overall policies made for the local unit by the organs of higher units of government or by local representative organs. He/she, often with the executive committee, therefore has the right and the duty to make such decisions as may be necessary to supplement and carry out the policies of higher units, or of local representative organs, or of both (Robson, 1954: 39). An essential aspect of this job is the duty to lead in preparing and controlling the execution of the budget. He/she has the duty to supervise the employees of local units, to co-ordinate their activities and to maintain their efficiency.

3.5.5. THE STAFF OF A LOCAL GOVERNMENT

The staff of a local government are the employees engaged in the preparation and the implementation of local policies. Local governments with more than a few employees divide their staff into departments, which constitute the major parts of the local staff structure. The primary consideration in the establishment of most departments is that they handle all matters affecting a particular purpose or activity or two or more closely related purposes or activities. For instance, a city might have a security department to deal with all matters affecting public security and a fire department to handle all fire fighting, or it might have a public safety department dealing with all police and fire matters. Other departments may be organized to handle such activities as public works, water supply, education and health. Such departments are also known as line departments (Jackson, 1959: 104).

Other departments are organized to deal with matters affecting one or more aspects of the management of local government activities. There may be, for instance, a finance department, a legal department, a records department, a personnel, or a building and supply department. These non-line departments deal with matters that affect all local activities and thus every one of the departments; sometimes these are called auxiliary or staff departments (Bromage, 1957: 313-324).

Whereas the line departments exist primarily to serve the public and a large proportion of their employees work outside of their headquarters, the non-line departments exist primarily to assist the other departments in carrying out their activities. The non-line departments affect matters pertaining to all the departments, especially finance, and are therefore in a strategic position to co-ordinate and sometimes to control the activities of local units.

3.5.6. THE DEPARTMENTAL HEADS

Among the most important positions on the staff are the heads of departments. Not only do department heads direct the work of the employees in their respective departments, they also play an important part in the preparation and in the actual making of the decisions which determine the policies affecting their departments (Humes & Martin, 1969: 155-156).

The department heads work in close conjunction with the representative organs not only in carrying out the decisions of the councils, the executive committee and the standing committees, but also in preparing the papers which lay the groundwork for the decisions made by these bodies. The department heads report directly to the chief executive officer (Humes & Martin, 1969: 155-157).

Departmental heads have responsibility for a specific discipline within a local authority. For example, the departmental head of finance will take responsibility for the administration of finances and the implementation of

financial policy within the local authority as derived from council resolutions. The departmental head of electricity will have the main responsibility for ensuring service delivery with regard to the electricity function.

3.6. CONCERNS IN RESTRUCTURING LOCAL GOVERNMENT

Effective and optimal local government restructuring must be approached in a multi-disciplinary way involving the generic administrative processes and the environment. Application and adherence to the following principles in a multi-disciplinary fashion should substantially enhance the effectiveness and efficiency of local government:

- (a) principles of good government;
- (b) principles of megapolitics;
- (c) constitutional and other legal principles;
- (d) the realities of the urban environment;
- (e) the impacts of the socio-political dimension; and
- (f) the principles of balanced application of all criteria.

The restructuring of local government should be done with the future in mind. Population growth, urbanization, the incidence of crime, economic development, technical developments and world-wide trends of privatization and decentralization of power should be recognized and incorporated in local government restructuring.

In addition, increasing international awareness of the environment makes it imperative that metropolitan areas are not separated from their rural linkages. Environmental management, including solid waste management and environmental protection, dictates that metropolitan areas should have some measure of control over adjacent rural areas.

3.6.1. PRINCIPLES OF GOOD GOVERNMENT

Good government is not an end in itself as it means the achieving of wider goals, such as social and political development, the alleviation of poverty, and the protection of the environment. Good government cannot be precisely defined. It is rather a set of ideas regarding the legitimacy, competence and accountability of government, about respect for human rights and the rule of law, which together add up to what most people expect from those who rule over them.

Good government is the essential framework within which business can flourish and provide economic prosperity, and ordinary citizens can seek to have their health, education and welfare needs met. Without good government, economic, social and political progress is difficult to achieve and impossible to guarantee.

There is no single blueprint for good government, only a set of principles that can be applied according to local circumstances. In an attempt to simplify responses to the above, the British Council explains the key elements of good government by stating that it (British Council, 1999: 18):

- (a) is accountable;
- (b) gives value for money;
- (c) is responsive;
- (d) is open;
- (e) observes standards;
- (f) offers information;
- (g) is fair;
- (h) observes rights;
- (i) is helpful; and
- (j) depends on consent.

The Consultative Business Movement in their report (Consultative Business Movement, 1993: 4) defines the following principles of good government for any government wherever it may be:

- (a) responsibility and accountability;
- (b) legitimacy;
- (c) efficiency;
- (d) inclusivity;
- (e) cost-effectiveness;
- (f) adherence to the Rule of Law;
- (g) accessibility and bringing government close to people; and
- (h) respect for individual liberty.

The report further underlines the following important issues that the South African government will have to address:

- (a) building one nation on the principles of strengths and unity in diversity by promoting liberty, non-racialism and democracy;
- (b) building a democratic culture where tolerance, openness and free expression will flourish;
- (c) developing legitimacy, accountability and credibility, where public administrations become the servants of the people;
- (d) establishing of equity in society and commencing of reconstruction;
- (e) establishing and maintaining an environment conducive to economic growth and development; and
- (f) making a massive effort to restore law and order and to build respect for security, public law and order in order to contain violence, crime and corruption.

Botha (1993: 25) defines local government as a mechanism for the promotion of three fundamental values:

- (a) freedom by distributing political power and providing for local variation;
- (b) participation by providing choice and individual involvement; and
- (c) effectiveness and efficiency by being close to people and providing for unique local goals.

Important trends, often overlooked by local politicians and administrators, are the world-wide trends towards decentralization of activities and the privatization of government. The main forces behind privatization may be summarized as being that it is (Savas, 1987: 45):

- (a) pragmatic: resulting in better government;
- (b) ideological: the need for less government;
- (c) commercial: more business and increasing global competitiveness;
and
- (d) populist: more choice in public services, building a better society.

Another emerging principle is that of 'cities without boundaries' implying that for every function there exists an optimal area of jurisdiction or functioning. Principles of good government can therefore be regarded as the following:

- (a) responsibility, transparency and accountability;
- (b) legitimacy;
- (c) effectiveness and efficiency, and economy of scale;
- (d) inclusivity;
- (e) adherence to the Rule of Law;
- (f) sustainability and consistency;
- (g) financial self-sufficiency;
- (h) accessibility;
- (i) respect for individual liberty;



- (j) community involvement;
- (k) responsiveness and flexibility;
- (l) empowerment and reconstruction; and
- (m) privatization, decentralization and devolution of power.

A review of the above literature and inputs has resulted in the proposal that, for local government restructuring to be effective and efficient, the results should be tested against the principles of good government.

3.6.2. PRINCIPLE OF MEGAPOLITICS AND INCREASING GLOBALIZATION

South Africa is part of the world and hence functions in an open system. Megatrends, or megapolitics (Davidson & Rees-Mogg, 1992: 34) thus also have an impact on the South African community. Davidson & Rees-Mogg (1992: 35) identify four major megapolitical factors, i.e. topography, climate, technology and microbes. The latter three are already affecting South Africa's position in relation to the world.

The climate severely affects our long-term ability to be self-sufficient with regard to food and water and could place a limit on population growth and development. The use of computers in the industrialization process has widened the gap between high technology and emerging countries, making the emerging countries less competitive and more subservient to high technology nations. More importantly however, the use of technology has made the cost of power (i.e. weapons) affordable, and hence has shifted the power base from a historically centralized system to a decentralized system. Africa is also currently under severe threat from microbes, including AIDS, hepatitis, malaria and tuberculosis.

Globalization, however much it is written about and debated, should never be underestimated and nor should the impact it has had on the South African situation. The world has indeed shrunk to a village in which South Africa's

every move, for example in the political and economic fields, is clearly visible and immediately becomes part of the global debate.

The impact of globalization has also been recognized in Section 2.6 of the White Paper on Local Government, March 1998, issued by the Department of Provincial Affairs and Constitutional Development:

No municipality can ignore the economic changes taking place in its locality, in the surrounding region, in the nation, and globally. The rise or decline of industries can have a marked impact on local income, employment and tax revenue.

Globalization, or the internationalization of capital, production, services and culture, has had, and will continue to have a major impact, in particular on metropolitan areas. The logic of transitional corporations, the fact that economic transactions and the integration of systems of production occur on a world-wide basis, and the rapid development of information technologies, have resulted in the emergence of the so-called 'global economy'. In this context large cities become the nodes or points of contact which connect economies across the globe.

The Growth, Employment and Redistribution (GEAR) strategy places greater emphasis on an export-oriented economy, and will lead to increased international openness and competition. The ultimate aim is to achieve internationally competitive industries and enhance economic growth and well-being. In the immediate term, municipalities will need to manage the consequences of globalisation – such as the restructuring and relocation of industries.

Local government has an interest in attracting investment based on promoting the comparative advantages of the area for competitive industries as well as supporting the growth of local enterprises. It will become increasingly important for municipalities to find the right balance between competition and co-operation among themselves. While some competition will improve both

efficiency and innovation, co-operation between South African municipalities is necessary to enhance the performance of the national economy as a whole, and to avoid damaging forms of competition between municipalities.

3.6.3. LEGAL PRINCIPLES

The Constitution of a country and other laws determine the legal framework and nature of local government structures. The analysis of the legal environment is important in assessing the viability of a metropolitan area and in determining various restructuring options. An overview and assessment of the legal environment in conjunction with other relevant factors will enable decision-makers to take informed strategic decisions regarding the future of the Greater Pretoria Metropolitan Area (GPMA).

The Constitution, national legislation, provincial legislation as well as by-laws guide the operations of local government and provide the framework for determining restructuring options. It is therefore important that these sources of authority be viewed holistically in assessing issues of demarcation. Any demarcation design should derive its authority from the above-mentioned sources of legality and competence.

The ideas and visions of the lawmakers are manifested in laws which do create a total vision of what future local government should look like and provide a framework for determining municipal areas and guidelines for administrative systems as well as procedures for administering local government issues. Laws are not prescriptive about determining municipal viability or exact administrative and governance systems. Legislation does not prescribe which administrative system is the best for a specified municipal area, but only provides a framework and therefore local government officials, politicians and other stakeholders should determine the correct and optimal design for a municipal system.



Restructuring assessment and the development of options are in essence a determination of the municipal system value chain. Laws provide a framework against which the system can be evaluated whilst true value realization is acquired through the application of strategy, structure and technology driven by a clear vision of a healthy metropolitan area. (Chapter 6 of this thesis contains a detailed discussion of the relevant legal issues pertaining to restructuring.)

3.6.4. THE URBAN ENVIRONMENT

Urban geographers use different ways to delimit urban populations, but often include the following criteria (Carter 1989: 6):

- (a) size of population;
- (b) density of population or housing;
- (c) predominant type of economic activity;
- (d) urban characteristics; and
- (e) administrative function or structure.

In addition, several systems of classification have been designed to classify towns and urban areas. Jones (1990: 21), however, concludes that, at best, these models are still crude, as the models ignore common sense criteria and suggest that the concept of region is trying to capture a relationship that is becoming outdated.

A metropolitan area in its strictest sense refers to a mother city (i.e. Cape Town with its dependent substructures for example Bellville and Parow). The Gauteng Province may be described as a conurbation, which initially was comprised of separate independent entities, but gradually grew into a massive integrated urban system (Van der Merwe, 1991: 53). The term metropolitan, however, is used widely in a loose format. For example, the World Bank (1993: 7) describes South Africa as follows:

Nowhere is this concentration of people and economic activity more visible than in the four metropolitan areas – the PWV complex, Cape Town, Durban and Port Elizabeth ... For South Africa, the reality of such demographic and economic concentrations is clear: without functioning cities, the ability to sustain overall economic recovery will be jeopardized. Designing a comprehensive urban strategy is therefore an important national priority for South Africa.

Jones (1990: 53) describes the vision of the future metropolis as follows:

The city of the future is already recognizable. It will be a city of suburbs, each more or less self-contained with its basic retail and public services, each with basically sound housing. There will be plenty of local, suburban jobs: an efficient highway system will provide good access to a wider variety of jobs across the city as a whole and to those services and social and recreational opportunities which cannot be obtained locally ... What can be wrong with it?

The restructuring of local government is not enough to ensure viable and sustainable urban areas. Managing the process of urbanization has become, and in the future will continue to be the critical factor for determining success.

3.6.5. THE SOCIO-POLITICAL DIMENSION

The principles of good government have already defined the desired state of affairs. Politicians and bureaucrats should, however, also be aware of the real needs and wants of the people. Berger (1988: 16) assumes that political interest for the middle classes are the same regardless of race. Political interests include:

- (a) preserving of orderly suburban life;
- (b) combating crime;
- (c) preserving income and avoiding higher taxation;

- (d) growing an efficient economy;
- (e) fostering a dependable civil service;
- (f) having a social service that works; and
- (g) ensuring a physically secure living and working environment.

With these political interests in mind, an analysis of the socio-political system is required.

3.6.5.1. A SOCIO-POLITICAL SYSTEM ANALYSIS

In the complex and interwoven field of local government and municipal systems management where there is a real or perceived effort to satisfy the needs and wants of people, there exists an increasing need to describe, evaluate and explain concepts of the urban system. To this extent the widely accepted model for socio-political systems analysis of David Easton can be applied as follows (Easton, 1965: 83):

(i) Minimal Concepts for a Systems Analysis

A systems analysis provides for a more inclusive, more flexible and more expansive theoretical structure than is available in other comparative approaches. According to Easton (1965: 84), a system is defined as "...any set of variables regardless of the degree of interrelationship among them". This definition is also useful in describing urban systems as it frees us from the need to argue about whether an urban system is really a system. The only question of importance about a set of variables is whether this set constitutes a useful one – does it help us to understand and explain some aspect of human behaviour of concern to us? Does it do so in the case of the system in question, in this case a urban system?

To be of maximum use in describing urban systems, a socio-political system can be designated as "those interactions through which values are authoritatively allocated for a society" (Easton, 1965: 84). This would then also hold true for an element of urban systems such as demarcation because



ultimately demarcation has to do with the allocation of societal values in the form of boundaries. The environment within which the system dynamically exists may be divided into two parts, the intra-societal and the extra-societal. The total environment is illustrated in Figure 2.4.

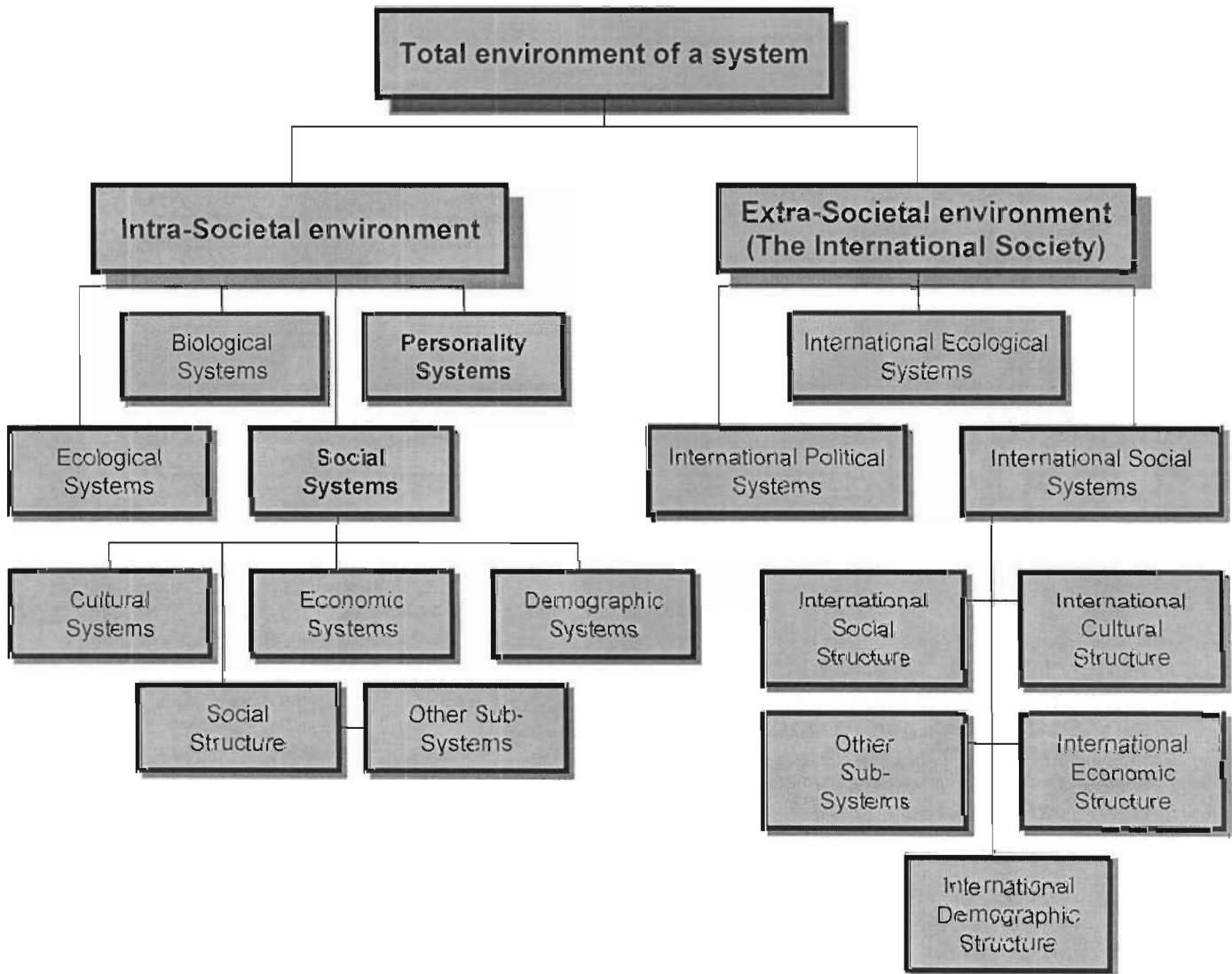
The intra-societal aspect consists of those systems that form part of society but are excluded from the system itself by our definition of the nature of interactions. Intra-societal systems would include such sets of behaviour, attitudes and ideas as might be called the economy, culture, social structure or personalities. They are functional segments of the society with respect to which the system (urban system) itself is a component. In a given society the systems other than the urban system constitute a source of many influences that create and shape the conditions under which the urban system itself must operate.

The second part of the environment – the extra societal – includes all those systems that lie outside the given society itself. They are functional components of an international society or what we might describe as the supra-society, a supra-system of which any single society is part. For the purposes of this thesis these elements are of importance as they constitute the elements of globalization and internationalization.

Together these two classes of systems (the intra – and extra-societal) may be described as the total environment of a system or the urban system. From these environmental sources arise influences that are of consequence for possible stresses on the urban system.

Disturbance is a concept that may be used to identify those influences from the total environment of the system that act upon it so that it is different after the stimulus from what it was before. Disturbances may be favourable with respect to the persistence of the system; others may be entirely neutral with respect to possible stress. Many disturbances can be expected to lead in the direction of system stress. As far as the model of Easton is concerned, the concept of system stress is fairly important. An urban system is recognized as

FIGURE 2.4: COMPONENTS OF THE TOTAL ENVIRONMENT OF A SYSTEM (a)



(a) Source: Adapted from 'A system analysis of political life', Easton, 1965: 83-84.

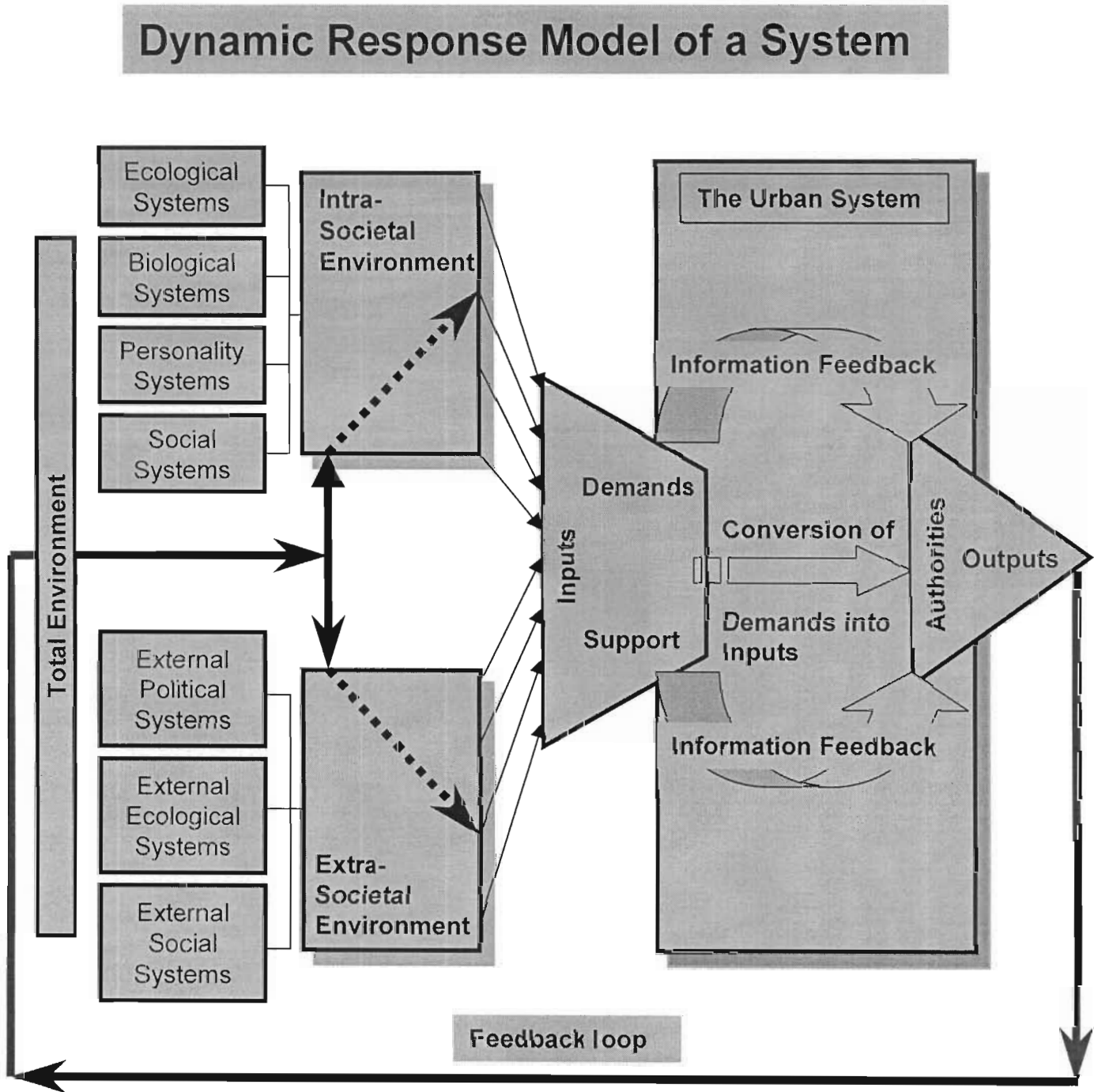
being a system by virtue of the fact that it contributes to the successful fulfillment of two functions. An urban system must be able to allocate values for the society it serves and it must manage to induce most members to accept these allocations as binding, at least for most of the time.

South African urban systems lack many of the qualitative elements of successful systems, which puts the systems under severe stress. South African society at large is expecting the urban systems to allocate values and be successful in sustaining that function but that very same society lacks the will to accept the allocations as binding.

(ii) Dynamic Response Model of an Urban System

From what has been explained above, it is clear that the urban system also needs description in terms of a dynamic response or flow model. Such a model not only illustrates the fact that the system allows for the implementation of plans, but also sensitizes us to the fact that what it does may dynamically influence each successive stage of behaviour. Figure 2.5 illustrates a dynamic response model of a system.

FIGURE 2.5: DYNAMIC RESPONSE MODEL OF A SYSTEM (a)



(a) Source: Adapted from 'A system analysis of political life', Easton, 1965: 83-84.

3.6.6. PRINCIPLES OF BALANCED APPLICATION OF ALL CRITERIA

The hypothesis presented is that for democratic and efficient restructuring of local government, the following principles should be taken into account.

- (a) the principle of good government: restructuring should enhance and assist governance;
- (b) the principle of megapolitics: restructuring should take cognisance of trends with respect to the shift of power from a central to a decentralized base;
- (c) the principles defined in the Constitution of the Republic of South Africa, 1996, (Act 108 of 1996) as well as the requirements of the statutory framework;
- (d) the demands, forces and realities of the modern South African urban environment;
- (e) the socio-political dimension: addressing the real needs and expectations of the people and emphasizing the system dynamics; and
- (f) the principle of balance: the variety of important criteria and principles of demarcation should be applied in a balanced way.

This section has presented important principles and perspectives that should be taken into account when considering the restructuring of local government.

3.7. CONCLUSION

Local government remains a sphere of government with limited legislative power and authority that operates within clearly defined geographical and



legal jurisdiction. The defining feature of local government is the authority to enact legislation within the defined jurisdiction.

Local government is comprised of a number of local authorities. Local authorities are created to render services in defined geographical areas, primarily because of the inability of central government to attend to all the detailed requirements of society that have to be satisfied by government institutions. The range of urban services provided by local authorities in developing countries, more particularly in Africa are, *inter alia*, parks, street cleaning, sanitation, refuse collection, road construction and maintenance, housing, water and sewerage, primary education, clinics, residential and industrial estates, planning and zoning, fire and ambulance services, camping sites and recreational services.

Local government is an essential link in the relationship between the government and the citizenry, especially because it is bound to particular geographical areas, and to the people who are affected by the problems that are peculiar to those areas. This enables local government to better understand and address these problems. Local governments are also instruments for greater community participation, because they have jurisdiction over fewer people than do higher levels of government. Consequently, they provide more channels and opportunities to utilize the talents, insights and creative abilities of individual citizens. These channels can also be referred to as the structure of local government which is comprised of various role players striving towards the common goal of delivering a service to the community. The council is the main organ within the structure of local government. A council is an essential part of every unit of local representative government.

Local government, then, is an essential instrument of national or state government which unites the people of a defined area in a common organization whose functions are essentially complementary to those of the central government and in the interests of the local residents since they satisfy common community needs. All communities have problems and needs which



are shared by their citizens and which can be alleviated only by their joint actions, generally through government. Just as government in general is the means by which all the people can do jointly what they cannot do, or cannot do as economically or as effectively, acting alone, so local government is the means by which the residents of a local community can together accomplish what neither the national or state government nor the individual residents can accomplish as adeptly alone.

The concerns regarding the restructuring of local government according to important principles and perspectives that should be taken into account have been presented. Efficient and democratic local government restructuring must be approached in a multi-disciplinary manner involving the generic administrative processes and the environment. Conclusion is drawn in this chapter, that the application and adherence to specific principles in a multi-disciplinary manner, should substantially enhance the effectiveness and efficiency of local government.

The following chapter provides a historical perspective on the restructuring of local government in South Africa up to 1994. The emergence of local authorities as well as the development of local authorities for the urban areas populated by non-whites, are addressed. The process towards local government democratization, which culminated in the identification of the three phases of local government restructuring towards the final phase, is addressed.



CHAPTER 4

THE RESTRUCTURING OF LOCAL GOVERNMENT IN SOUTH AFRICA: A HISTORICAL PERSPECTIVE UP TO 1994

4.1. INTRODUCTION

In comparison with the towns and cities of Europe, North Africa and Asia, the South African towns and cities are very young. When the Dutch started a settlement at the Cape of Good Hope on 6 April 1652, there were in southern Africa no communities similar to present-day villages, towns and cities. Cape Town was the first urban area to be established in southern Africa. As the European settlers moved eastwards and northwards, further urban areas were created: for example, Durban in 1828 when Chaka, King of the Zulu, ceded the site of Durban to Nataniel Isaacs; Pietermaritzburg as the capital of Natal in 1839; and Bloemfontein in 1846 as the administrative centre (capital) of the Orange Free State; Pretoria on 16 November 1855 as the capital of the Transvaal; and Johannesburg after the discovery of gold on the Witwatersrand in 1886. It is evident, then, that except for Cape Town, the urban areas in South Africa are young in comparison with European cities which were developed centuries ago.

The settlements which were more or less comparable with urban areas were the tribal settlements established by Africans in the territories which became known as Ciskei, Transkei, KwaZulu, Qwaqwa, Bophuthatswana, Venda, Gazankulu, KwaNdebele, Lebowa and KaNgwane. The tribal villages were half-way between urban areas known as villages, towns and cities on the one hand, and rural areas consisting of farm-land on the other hand.

For many years the white urban areas were small villages as most whites and blacks stayed on farms where they had to satisfy all their own needs. They had to provide their own water by carrying it in buckets to their houses from rivers, dams, wells or bore-holes. The people had to provide their own power for cooking and heating and, for this purpose, they had to collect firewood and



dung or they had to buy coal for their stoves and paraffin for their lamps and primus stoves. The people could obtain milk from the cows on the farm. They could slaughter their own animals for meat. They could grow their own vegetables, fruit and maize or other grains. The result was that people on farms were self-sufficient and could provide for most of their needs themselves or with the assistance of their relatives, neighbours and the owners of the farms.

As the number of people on farms increased there were no longer employment opportunities for all of them. As a result the whites and blacks in search of work started moving to white villages which grew into towns and eventually cities. Most whites could afford to obtain houses in those urban areas. The blacks, who were mostly unskilled labourers, stayed in parts of white urban areas where they could erect dwellings which they could afford. The areas inhabited by the blacks were originally referred to as *locations*, but afterwards they became known as *townships*. For example, the township south-west of Johannesburg became Soweto. The urban areas in South Africa outside the African “national states” usually consisted of separate sections inhabited by whites, Africans, coloureds or Indians, respectively.

4.2. EMERGENCE OF LOCAL AUTHORITIES

Local authorities as they are known today emerged gradually at the Cape of Good Hope after Jan van Riebeeck landed there on 6 April 1652. The urban area known as Cape Town developed gradually from a hamlet into a town and eventually into a city. For many years there was no distinction between the government and the administration of the settlement and that of the urban area. The whole settlement, including the urban area and surrounding farmland, was governed by the Commander (designated Governor after 1691), who was the top official at the Cape. The Commander/Governor was subject to directives from the Council of Seventeen, which directed the Dutch East India Company from its offices in the Netherlands. However, in the performance of his governmental and administrative functions, the

Commander/Governor had to take into consideration the decisions of his Council of Policy. This Council of Policy consisted of a few top officials of the Dutch East India Company doing duty under the supervision of the Commander/Governor of the Cape (Kaapse Plakkaatboek, 1944).

It has to be borne in mind that originally all the workers at the Cape were employees of the Dutch East India Company. Even the gardeners and farmers were officials. However, in 1657 soldiers released from the service of the company were allowed to become farmers and were referred to as *free burghers*. Some of the *free burghers* settled in the area which became known as Stellenbosch and this developed into an urban area. In 1682 the governor of the Cape decided to appoint four of the *free burghers* as *heemraden* for the Stellenbosch area. Their function was to settle quarrels amongst the *free burghers* about the boundaries of their farms and other local matters. In 1685 a *lanndrost* was appointed for the Stellenbosch area. The *heemraden* and the *lanndrost*, who served as the chairman, formed a council known as the *College of Landdrost and Heemraden*. The *lanndrost* was in fact the magistrate for the area entrusted to him. The *heemraden* could be compared with justices of the peace. What is significant is that the *College of Landdrost and Heemraden* of Stellenbosch was the first South African local authority comparable to present-day South African local authorities. Every significant urban area outside Cape Town in the Cape Colony had its own *College of Landdrost and Heemraden* (Venter, 1940). This institution was, in fact, more a rural than an urban local authority because the town in its area of jurisdiction was usually little more than a hamlet.

As Cape Town expanded, its inhabitants became dissatisfied with the fact that they had no local authority separate from the central authority for the settlement which was expanding beyond the boundaries of Cape Town. In 1779 the *free burghers* living in and near Cape Town submitted a petition signed by 500 of them to the Council of Seventeen which was the controlling body of the East India Company and was situated in the Netherlands. The petition asked for political reforms to give the *free burghers* a greater share in the government of the settlement. As a result of this petition, a committee of

the high court of justice was established in 1786 to serve as a local authority for Cape Town. This committee was indeed the first urban local authority in South Africa (Theal, 1919-1927).

After the British took control of the Cape in 1795, the committee of the high court of justice was replaced with the *burgher senate* consisting of six burghers appointed by the British governor. When the British handed the Cape back to the Dutch in 1802, the *burgher senate* was replaced in 1803 by the *raad der gemeente* (town council) (De Mist, 1802). The British replaced this council with the *burgher senate* when they occupied the Cape in 1806. This *burgher senate* was abolished on 26 December 1827. Cape Town then remained without a municipal council until it obtained its municipal board of 12 elected members in terms of the provisions of the *Cape Town Municipal Board Ordinance*, 1839 (Ordinance No. 4 of 1839).

In the meantime, the British authorities were taking steps to introduce responsible municipal government in the Cape in preparation for the granting of responsible parliamentary government to the colony. These steps culminated in the *Cape Municipal Ordinance*, 1836 (Ordinance No. 9 of 1836). All the towns in the Cape Colony, except Cape Town, obtained municipal councils in terms of this ordinance. Beaufort West was the first town to obtain a municipal council, on 3 February 1837. The ordinance afterwards served as the basis for the legislation establishing local authorities in Natal (Ordinance No. 5 of 1847), the Orange Free State (Ordinance No.1 of 1856) and the Transvaal (Act 11 of 1883).

Each of the four colonies which were united on 31 May 1910 to form the Union of South Africa had by that time developed its own distinctive system of local authorities. As municipal affairs were handled by provincial authorities from that date, the distinctive characteristics of the four systems were retained and further developed. However, the four systems had numerous common characteristics because they were based on Cape foundations. Popular participation through councils with elected members and financial

independence remained features of the municipal authorities developed in South Africa after 1836.

4.3. DEVELOPMENT OF LOCAL AUTHORITIES FOR THE URBAN AREAS POPULATED BY NON-WHITES

Blacks started settling in the urban areas controlled by White local authorities years ago. For many years the number of Whites and Blacks resident in South African urban areas were small. It was only in a small number of cities (Cape Town, Port Elizabeth, East London, Kimberley, Durban, Pietermaritzburg, Bloemfontein, Johannesburg and Pretoria) that considerable numbers of Whites and Blacks resided. Even so the populations were so small that the White local authorities, whose councillors and officials had gained knowledge and experience of municipal affairs over the years, managed to provide only for the essential needs of the people and, even then, low standards were maintained; for example gravel streets and bucket-system sewerage services were common (Cloete, 1986: 15).

After the First World War (1914-1918), Whites and Blacks started moving to urban areas in increasing numbers. It became clear that the White local authorities under the control of White municipal councils could no longer on their own provide essential services for Black people staying in urban areas. The first step towards giving the Blacks a say in the government and administration of their urban areas was taken in 1923 when Parliament passed the Blacks Urban Areas Act, 1923 (Act 21 of 1923).

4.3.1. BLACK URBAN AREAS

The Blacks Urban Areas Act, 1923 (Act 21 of 1923) provided that for every part of a White municipality with a substantial number of Black inhabitants (known as a location or Black township) a Black Advisory Board had to be established. The members of such a Black Advisory Board were either elected

by the Black residents or appointed by the White local authority. The function of such Black Advisory Boards was to advise the White local authority concerned on all regulations made by the White local authority for the administration of the locations or Black townships.

The Blacks Urban Areas Consolidation Act, 1945 (Act 25 of 1945), repealed Act 21 of 1923. However, Act 25 of 1945 again provided for Black Advisory Boards. A Black Advisory Board had to advise the White local authority concerned on regulations which the White local authority could make for the administration of the Black location or Black township and for the promotion of the interests of the Black inhabitants of the White municipality. Coloured persons resident in the Black locations or Black townships could also be elected as members of the Black Advisory Boards.

After the National Party came into power in 1948 it passed the Group Areas Act, 1950 (Act 41 of 1950), which was superseded by the Group Areas Act, 1957 (Act 77 of 1957), which was in turn superseded by the Group Areas Act, 1966 (Act 36 of 1966). These Acts were passed to enable the Government to establish separate residential areas for Whites, Blacks, Coloureds and Indians in every municipal area. One of the ultimate objectives of these Group Areas Acts, read together with the Blacks Urban Areas Act, 1945 (Act 25 of 1945), was that each population group would eventually provide for essential services in the municipal areas populated by its own members.

One of the reasons for establishing the Black Advisory Boards was that they should serve as training fields for Black persons in municipal government and administration. By 1961 it was agreed that the arrangements whereby Blacks could take part in municipal government and administration could be taken a step further. Accordingly the Urban Black Councils Act, 1961 (Act 79 of 1961), was passed by Parliament. This act provided for the establishment of Urban Black Councils to replace the Black Advisory Boards. An Urban Black Council had to consist of not less than six members elected by the Blacks resident in the Black township for which it was created. Under the control of the White



municipal authority concerned, an Urban Black Council could serve as the local authority for the Black township concerned.

The Black Affairs Administration Act, 1971 (Act 45 of 1971), provided for Administration Boards to take over the provision of services in the Black townships from White local authorities with effect from 1 July 1973. The Republic of South Africa was divided into 14 administrative areas for each of which an Administration Board was established. Each Administration Board area included a number of Black townships for each of which an Urban Black Council could be established. In 1977 Parliament passed the Community Councils Act, 1977 (Act 125 of 1977), which provided for the establishment of a Black Community Council for each Black township. A Community Council could take over from the Administration Board concerned the provision of municipal services in a particular Black urban area. The Black Advisory Boards, Urban Black Councils and Community Councils were created to give black people opportunities to gain knowledge and experience of municipal government and administration.

Parliament passed the Black Local Authorities Act, 1982 (Act 102 of 1982) to provide for the establishment of a fully-fledged municipal authority for each Black township. Each municipal authority, headed by a council consisting of elected members, replaced the community council previously established for that Black urban area. The Administration Boards that took over the provision of municipal services with effect from 1 July 1973 were retained as they could only gradually hand over the provision of municipal services to the Black local authorities.

Parliament passed the Black Communities Development Act, 1984 (Act 4 of 1984) in 1984, to provide for the Administration Boards to become Development Boards. This change made it clear that the Development Boards had to assist the municipal authorities created for the Black townships to become fully-fledged local authorities, which were, in all respects, the equals of White local authorities. The following table provides a summary of the



legislative and administrative provision for Urban Blacks over the period 1923 to 1982.

TABLE 1: LEGISLATIVE AND ADMINISTRATIVE PROVISIONS FOR URBAN BLACKS (1923-1982)

ACTS	INSTITUTIONS AND THEIR FUNCTIONS
Black (Urban Areas) Act 21 of 1923.	Black advisory boards to advise white local authorities on the administration of black townships.
Black (Urban Areas) Consolidation Act 25 of 1945 (repealing Act 21 of 1923).	Black advisory boards to serve the same functions as those stipulated by Act 21 of 1923.
Urban Black Councils Act 79 of 1961.	Urban black councils to which white local authorities could assign powers to perform functions of a local authority.
Black Affairs Administration Act 45 of 1971 (Amended to Black Communities Development Act 4 of 1984).	Black affairs administration boards (later renamed development boards) established for fourteen (14) regions. Took over the administration of black urban areas from the white local authorities. Continued to create urban black councils for urban areas. Development boards abolished in terms of the Abolition of Development Bodies Act 75 of 1986. Personnel and functions transferred to the then four (4) provincial administrations.
Community Councils Act 125 of 1977 (repealing Act 79 of 1961).	Community councils could be established for the urban areas by the administration boards.
Black Local Authorities Act 102 of 1982.	Black local authorities, the equivalent of white local authorities, could be established.

Black local authorities have been plagued by difficulties since their inception. Even though they have received more formal powers over the years, the fiscal inadequacies and political illegitimacy of these bodies has left them as ill-functioning and controversial institutions (Heymans & White, 1991: 7-8).



4.3.2. COLOURED AND INDIAN AREAS

As in the case of urban areas populated by Blacks, urban areas previously populated by Coloureds and Indians also formed part of the municipal areas governed by White municipal councils. However, section 25 of the Group Areas Act, 1950 (Act 41 of 1950), provided that a governing body could be established for every urban area inhabited by Coloureds and Indians. In a Coloured urban area, the members of the governing body had to be Coloureds. In an Indian urban area, the members of the governing body had to be Indians. These provisions of Act 41 of 1950 also appeared in the Group Areas Act, 1957 (Act 77 of 1957). However, Act 77 of 1957 was amended in 1962 to provide that for each urban area inhabited by Coloureds or Indians a consultative committee or management committee could be established. A consultative committee could only offer advice to the White municipal council about the provision of municipal services in the Coloured or Indian areas concerned. The White municipal council could delegate some of its powers to a management committee established for a Coloured or Indian area. The management committee was thus a higher level authority than a consultative committee. It was also indicated that the management committee of an Indian or Coloured urban area could eventually be replaced by a fully-fledged municipal council for the urban area concerned.

The provisions of Act 77 of 1957 as amended in 1962 were retained in the Group Areas Act, 1966 (Act 36 of 1966). To give effect to the provisions of these Acts concerning the establishment of consultative committees and management committees for Coloured or Indian urban areas, the provincial councils passed ordinances to allow for the establishment of consultative committees and management committees. Instead of consultative committees and management committees, the Provincial Council of Natal authorized the establishment of local affairs committees which had the same functions and powers as consultative and management committees in the other three provinces.



After 1962 a number of Coloured and Indian urban areas progressed from consultative, management or local affairs committees to fully-fledged municipal councils similar in all respects to the municipal councils existing in White urban areas. The Coloured and Indian people, however, also had to gain experience and knowledge of municipal affairs before they could obtain fully-fledged municipal authorities headed by elected Coloured or Indian members.

4.4. REGIONALISED STRUCTURES FOR LOCAL GOVERNMENT

The implementation of the Regional Services Councils Act, 1985 (No. 109 of 1985), changed local government in South Africa. Regional Services Councils (RSC's), which were introduced after 1985, had originally been intended as local extensions to facilitate co-operation between Whites, Coloureds and Indians only.

The 1985 Regional Services Council Act (Act 109 of 1985) therefore provided for Black local authorities to participate in Regional Services Councils (RSC's), by means of the establishment of a regional services council for each region. This was to be established by the provincial administrator after consultation with the Minister of Constitutional Development and Planning and the Minister of Finance and with the concurrence of the relevant members of the Ministers' Councils of the three Houses of Parliament. A regional services council had no authority over the municipal councils situated in the region for which it had been established; in other words, a regional services council was a local authority established for the purpose of providing specified municipal services on a regional scale.

According to the Regional Services Council Act, 1985 (No. 109 of 1985), Regional Services Councils (RSCs) were statutory multi-racial local government bodies which were to develop and provide services on a regional basis. This concept was claimed to provide for effective power-sharing at the local level without one group dominating another. A Regional Services Council



(RSC) consisted of local governments of all population groups within a certain area and the participating local authorities nominated their own representatives to serve on the council.

In essence, Regional Services Councils (RSC's) were to use money, raised by levying businesses, to remove backlogs in infrastructure in the townships. They were also to provide bulk services to all local authorities in a particular region (Humphries, 1988: 63). The Regional Services Council Act, 1985 (No. 109 of 1985) acknowledged that township residents were citizens of the wider city, rather than merely that part of it reserved for Blacks. As such they were entitled to share in its wealth, its municipal services and its decisions, since Black local authorities, as members of Regional Services Councils (RSCs), could share in deciding how revenue was to be spent. This Act thus sounded the deathknell of the doomed notion of separate urban citizenship.

As with previous reforms, these concessions preserved important assumptions of the past. Regional Services Councils (RSC's) aimed to strengthen racially separate Black local authorities. Race segregation, however, was retained and all participating local authorities were racially exclusive. While the law allowed Regional Services Councils (RSC's) to include homeland local governments, none did until the introduction of Joint Services Boards in Natal in 1991 included homeland areas in that province only. Government strategists saw Regional Services Councils (RSC's) as a way of strengthening apartheid local government by providing Black local authorities with the resources they needed to function adequately (Ufresence, 1993: 16).

Regional Services Councils preserved White control over decisions. Local governments were allocated votes on Regional Services Councils (RSC's) in proportion to the services they consumed rather than the number of people in their area. Since White areas were far more affluent, this ensured that they would command most of the votes. Black local authorities were offered a potential veto in a stipulation that decisions must be taken by a two-thirds majority but on no Regional Services Council (RSC) did the Black local



authorities ever gain the one-third of the votes needed to block decisions. The voting formula entrenched white dominance by using wealth, rather than race, as a criterion (Ufresearch, 1993: 16).

Laurence (1985: 11) notes that, owing to social unrest in many black townships, the unacceptability of the town councils was highlighted and this resulted in the near collapse in parts of South Africa of the government's attempt to institute a system of indirect rule in urban areas. This, in turn, placed the Regional Services Councils (RSC's) in the forefront of the political and ideological conflict being waged at local government level in the country (*The Citizen*: 30 May 1987; *Pretoria News*: 18 June 1987). Schlemmer (1985: 5) states that within the constitutional constraints of local government and the Group Areas Act, 1950 (No. 41 of 1950) black local authorities symbolized their inability to aspire beyond the township, both socially, residentially and politically.

The introduction of Regional Services Councils (RSC's) in the then Orange Free State, Cape and Transvaal, and Joint Service Boards (JSB's) in Natal saw a reversal of the self-sufficiency principle. These bodies, instead of providing a sound basis for urban financing, merely attempted to make black local authorities viable (Centre for Development Studies, 1990: 122). They were also seen as symbols of apartheid as they were directly linked to the ethnic local authorities established for the different race groups. It could be said that local government management and development during this era, with the exception of white local authorities was one of oppression, illegitimacy, inefficiency and fragmentation (Johnson, 1994: 3).

Amid all the political inequities, the Regional Services Council (RSC) concept was perceived by the government as a possible solution to allowing all population groups a vote in local government affairs. The principle of maximum devolution of power and decentralization of administration at local level as well as democracy were affected by these newly-created local government structures.



4.5. RESTRUCTURING OF LOCAL GOVERNMENT: 1990-1994

A first significant development towards obtaining unified urban areas and local authorities was the passing by Parliament of the Interim Measures for Local Government Act, 1991 (Act 128 of 1991) to provide for the joint performance of functions by two or more local authorities and their eventual mergers. However, it was soon obvious that this Act would not bring satisfactory results. Intensive deliberations among the various institutions and interest groups (particularly the Department of Local Government and the South African National Civic Organization (SANCO), as well as the association of local authorities) led to the repeal of Act 128 of 1991 by the Local Government Transition Act, 1993 (Act 209 of 1993). This Act provided for revised interim measures with a view to promoting the restructuring of local government. This Act led to the abolishment of Regional Services Councils and the replacement thereof by metropolitan councils, urban councils and rural councils.

Early in 1993 the South African National Civic Organization (SANCO) had persuaded the Minister of Local Government to establish a formal national Local Government Negotiating Forum (LGNF). This body served as the main negotiating forum on local government. Act 209 of 1993 was the result of a long and complicated process of negotiations to obtain integrated urban areas and local authorities.

4.5.1. COUNCIL FOR THE CO-ORDINATION OF LOCAL GOVERNMENT AFFAIRS

The 1990's saw some major changes in the political landscape of South Africa. Major political organizations, most notably the African National Congress (ANC), were unbanned by the new F.W. de Klerk administration. The National Party (NP) government committed itself to negotiating a new constitution with all participating parties.



The first major local government development in the 1990's was an investigation by the Council for the Co-ordination of Local Government Affairs, a statutory body, which existed to advise the then government on local government matters that required co-ordination. The Council for the Co-ordination of Local Government Affairs recommended that five alternative models of local government should be the focus of further discussion and negotiation:

- (a) separate local authorities for all population groups with own areas of jurisdiction, with the provision that racially separate cities would be allowed where financially viable;
- (b) a mini-Regional Services Council (RSC) with a joint administration constituted by autonomous local authorities and local bodies, which would take some decisions together;
- (c) a joint local authority constituted of neighbourhood Management Committees, on a non-racial basis;
- (d) a simple majoritarian model with or without protection for minorities; and
- (e) any other locally negotiated model.

The report, referred to as the Thornhill Report, made no specific provision for the introduction of a metropolitan model, but did mention that the second and third constitutional options could be applied on a metropolitan basis. It also, however, stated that a metropolitan government should be the outcome of the negotiating process in a particular area and not the starting point. It went on to say that the benefits of metropolitanization should be weighed up against the need for self-determination at community level and historical developments (Republic of South Africa, 1990: 10, 24-34, 47-48; Cameron, 1993: 427-429).

The National Party (NP) government did not formally accept or reject the Thornhill Report. It merely noted the report and stated that a new system of



local government would have to be negotiated with all interested parties. This would entail circulating the various models for further comment. Meanwhile, the National Party (NP) was busy developing its own constitutional proposals.

The Co-ordinating Council also undertook an investigation into metropolitan government in 1991. It proposed that Regional Services Council (RSC) functions and sources of finance in metropolitan areas could be taken over by proposed metropolitan bodies. The report (referred to as Thornhill II) examined five different methods of metropolitanization, namely co-operative agreements, Councils of Governments, amalgamation and one-level and two-level federations. It concluded that a single-tier or two-tier system would be most likely to be accepted. The final choice of metropolitan government should, however, be negotiated by all interested parties (Republic of South Africa, 1991a: 6-10, 39-40; Cameron, 1993: 429-430). As with Thornhill I, the National Party (NP) government merely noted the document and circulated it for comment.

In response to the state of chaos in many black townships due to the rent and services boycott, the resignation of councillors and the impending collapse of many services, the government felt it could not wait until constitutional negotiations had been concluded and promulgated in the Interim Measures for Local Government Act of 1991. In terms of the said Act, existing local authorities could negotiate joint service rendering and even a new single local authority (Cameron, 1992: 33-38). However, for a number of reasons, the Interim Measures for Local Government Act of 1991 was rejected by the African National Congress (ANC) and South African National Civic Organization (SANCO) as not being a legitimate instrument for restructuring apartheid cities. These reasons were as follows:

- (a) It contained no guiding principles on which new local government structures could be based.



- (b) It provided for the continuance of existing racially-based local government structures (through the amalgamation of existing racially-based local government structures).
- (c) The Act of 1991 did not force local authorities to enter into local negotiations.
- (d) Negotiations did take place and resulted in a variety of negative consequences for residents of black townships, including one-sided rationalization of Black Local Authority (BLA) staff, non-negotiated tariff increases, suspension of services and evictions (African National Congress, 1991; South African National Civic Organization, 1993).

Multi-party negotiations took place in 1992 and 1993, which ultimately culminated in the passing of the Constitution of the Republic of South Africa (Act 200 of 1993).

4.5.2. CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA ACT (ACT 200 OF 1993)

The Constitution was known as the Interim Constitution of the Republic of South Africa and included a number of power-sharing mechanisms to protect minority rights. The way forward regarding the Interim Constitution was that the Constitutional Assembly had to adopt a final constitution with a two-thirds majority within two years.

Provision was made in the Interim Constitution for a three-tier system, namely central, provincial and local government. At a central level, a 400-member National Assembly and 90-member Senate were established. In terms of power-sharing arrangements, all parties which gained more than 20 seats in the National Assembly were entitled to Cabinet seats in proportion to the number of seats held. Because of these power-sharing arrangements the government was referred to as the Government of National Unity (GNU).



Provision was also made for nine provinces in the new Constitution. Power-sharing arrangements similar to those at central level existed at the provincial executive level.

Elections for central and provincial governments were held in April 1994. The African National Congress (ANC) with 62,65% of the vote became the majority party in the Government of National Unity (GNU). The National Party (NP) and Inkatha Freedom Party (IFP) received sufficient votes to be represented on the executive. The African National Congress (ANC) won seven of the nine provinces, the National Party (NP) one and the Inkatha Freedom Party (IFP) one.

The Interim Constitution displayed many features of federalism, such as a senate representing provincial interests, a schedule of provincial powers (including local government) and a Constitutional Court as the final arbitrator of intergovernmental conflict. However, parliament had relatively extensive overriding powers over the provinces, which negated some of the federal principles.

It was at local government level that the National Party (NP) managed to entrench most power-sharing provisions. The National Party's (NP's) strategy was that minority interests, in particular those of whites, could be protected through decentralization to local authorities. There was realisation that the National Party (NP) would lose control over the central state and strong local authorities were seen as important checks and balances on any future black central government (National Party, 1991).

The major black organization in the country, the African National Congress (ANC), was originally committed to a highly centralist state. The African National Congress (ANC) originally envisaged delegation of powers from central to local government only for the purposes of more effective administration and democratic participation (as cited in *The South*, 6-12 July 1989). After the organization was unbanned, the African National Congress (ANC) formulated a more comprehensive local government policy which made

provision for autonomous local authorities (Centre for Development Studies, 1990). However, the African National Congress (ANC) still favoured a more centralist vision of local government. Extensive devolution was seen as a mechanism to protect white privilege and to prevent the essential redistribution needed to ameliorate inequalities caused by apartheid. Strong central government was regarded as the most effective guarantee of the realisation of 'second generation rights' which include the right to health, nutrition and shelter (Lodge, 1988: 19).

The local government negotiations, therefore, were largely deliberations between the National Party's (NP's) decentralized vision and the African National Congress's (ANC's) centralist vision and the end result was a compromise between these two contending positions. The details will be discussed later in this chapter, but it must be mentioned that Chapter 10 of the Constitution made provision (at least nominally) for autonomous local government.

4.5.3. LOCAL GOVERNMENT NEGOTIATING FORUM (LGNF)

Preliminary discussions took place in 1993 with the then Minister of Local Government, on national housing, local government and the provision of municipal services, as well as the desirability of holding joint discussions with organized local government with a view to establishing a local government forum (Lourens, 1993: 24). This led to the formation of the Local Government Negotiation Forum (LGNF), which was established to deal with the democratization of local government as well as the ongoing rent and services boycotts.

On 22 March 1993 the Local Government Negotiation Forum (LGNF) was established as a bilateral forum between a statutory delegation consisting of representatives of the central, provincial and organized local government on the one hand and the South African National Civic Organization (SANCO) (the non-statutory delegation) on the other hand. The terms of reference of the

Local Government Negotiation Forum (LGNF) were to try to compile and analyze the necessary data and, in close co-operation with and within the framework of the national negotiating process, to seek agreement between the two delegations on the procedure for and substance of the restructuring of local government (Local Government Negotiation Forum (a), 1993: 7). The mission of the Forum was “to contribute to the democratization of local government and the bringing about of a democratic, non-racial, non-sexist and financially viable local government system” (Local Government Negotiation Forum, 1993a: 4).

The Forum consisted of 60 members, 30 of whom were nominated by statutory local government bodies and 30 by non-statutory bodies with an interest in local government. The Local Government Negotiation Forum (LGNF) operated according to the two-sided formula, with half of the representatives being drawn from the statutory side and the other half from the non-statutory side (Local Government Negotiation Forum, 1993a: 4). The statutory delegation consisted of representatives of central, provincial and local government. These representatives were drawn from the central government’s Department of Local Government, the four provincial administrations’ Departments of Local Government, the United Municipal Executive (UME), the Major Cities Association and the National Committee of Local Government Associations (NCOLGA). The non-statutory side was represented by the South African National Civic Organization (SANCO), whose constituent civics had spearheaded rent and service boycotts. Furthermore, political parties were specifically excluded from the Local Government Negotiation Forum (LGNF). The official reason for this was that political parties could participate in the Multi-Party Negotiating Forum (MPNF) which was negotiating the Constitution at Kempton Park, where local government interest groups were excluded. However, Robinson (1995: 10) says that this was a strategic decision by the African National Congress (ANC) alliance to keep smaller political parties out. In reality, a number of senior African National Congress (ANC) local government department members were also South African National Civic Organization (SANCO) delegates (Cameron, 1994: 7). Members of the South African Municipal



Workers Union (SAMWU) were also included in the South African National Civic Organization (SANCO) delegation.

TABLE 2: COMPOSITION OF THE LOCAL GOVERNMENT NEGOTIATION FORUM (LGNF) (a)

<p>Statutory members (50%)</p> <ul style="list-style-type: none"> • Department of Local Government • Four Provinces (Local Government) • United Municipal Executive • Transvaal Municipal Association • Major Cities Association • Association of Management Committees <p>Non-statutory members (50%)</p> <ul style="list-style-type: none"> • South African National Civics Organization (SANCO) • African National Congress (ANC) • National Party (NP) • Democratic Party (DP) <p>Management Committee</p> <ul style="list-style-type: none"> • Considered new members

(a) Source: *Local Government Negotiation Forum (LGNF)(a)*, 1993: 8.

The Local Government Negotiation Forum (LGNF) functioned under the dual chairmanship of the Deputy Minister of Local Government, Y. Makda, from the statutory group, and, on behalf of the non-statutory group, D. Tsenoli, deputy chairperson of the South African National Civic Organization (SANCO). Each of the delegations had five technical advisors to provide assistance on policy making and analysis. A management committee (Mancom) consisting of two co-chairpersons and ten members of the Local Government Negotiation Forum (LGNF) (five from each delegation) dealt with the management of



Forum business on a daily basis (Local Government Negotiation Forum (a), 1993: 8). The Local Government Negotiation Forum (LGNF) only met three times:

- (a) at its inception on 22 March 1993 when it appointed a full-time secretariat and three working groups charged with the formulation of draft agreements on outstanding issues and with working out the technical detail of agreements (Local Government Negotiation Forum (LGNF)(a), 1993); and
- (b) on 30 June 1993 when it approved an interim progress report submitted by the various working groups and its Mancom (Local Government Negotiation Forum (LGNF)(b), 1993);
- (c) on 18 November 1993 when it ratified the final agreements reached in the form of the above-mentioned documents (Local Government Negotiation Forum (LGNF)(c), 1993).

The technical working groups appointed were a legal and constitutional working group; a services and finance working group; and a management, administration and training working group (Local Government Negotiation Forum (LGNF) (a), 1993: 8).

The working groups conducted most of the bargaining and negotiations on the rationalisation of local government in their respective *ad hoc* task teams and in the Mancom. Initially the working groups and their task teams met twice a week on average, but the process had to be streamlined because of the costs involved (which were borne by the State) and time constraints. Initially the Mancom met infrequently, but during the last three months of the negotiations it took over the work of the three working groups and convened virtually every week until most of the outstanding issues were resolved (Cloete, 1995: 5).

The different stakeholders were initially adamant on their respective policy viewpoints, but were eventually compelled to find compromises because of time constraints. There were some unresolved issues which were negotiated



at the Multi Party Negotiation Forum (MPNF) in bilaterals between the National Party (NP) government and the African National Congress (ANC). It is in these bilaterals that some of the bruising battles over the future of local government were fought. Indeed, at one stage it looked as if the inability to reach consensus about local government was going to derail the entire constitutional process (Cameron, 1994). There was concern that Local Government Minister, Tertius Delpport (who had replaced Wessels), with his insistence upon the entrenchment of minority rights, was going to destroy local government. A non-statutory interviewee said that Minister Delpport had threatened to scrap the entire constitutional process by arguing that without an interim local government deal there could be no interim constitution and, as a corollary, no national elections (Robinson, 1995: 16). They eventually came up with the model for local government reform, namely the Local Government Transition Act, 1993 (Act 209 of 1993).

4.5.4. THE LOCAL GOVERNMENT DEMOCRATIZATION PROCESS

Local government was formally democratized and restructured through the provisions of Chapter 10 of the Interim Constitution and the Local Government Transition Act (LGTA), which was promulgated on 2 February 1994. The local government restructuring process was divided into three phases.

- (a) The first or the pre-interim phase was the period from the commencement of the Act (2 February 1994) to the commencement of the interim phase, which commenced on the first day after the elections were held for transitional councils as contemplated in Section 9 (Section 1 (xi)) of the Act). This phase was regulated in Part IV of the Act. During this period regard would also be given to the Agreement (Local Government Transition Act, 1993: Part IV). The pre-interim phase commenced from the promulgation of the Local Government Transition Act, 1993 (Act 209 of 1993) (February 1994) and continued until the elections in November 1995.

- (b) The second or interim phase commenced, as stated, on the day after the elections for transitional councils as contemplated in Section 9 of the Act and ended with the implementation of final arrangements to be enacted by a competent legislative authority. This meant the introduction of the final model of local government which was envisaged as taking place in 1999. This phase was to be regulated in Part V of the Act and regard will also be given to the Constitution and the Agreement (Local Government Transition Act, 1993: Part V).

In terms of the provisions of Chapter 10 of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993) the municipal councils established after the elections to be held on 1 November 1995 or afterwards (KwaZulu-Natal on 26 June 1996 and in the Western Cape on 2 May 1996) would be metropolitan councils, urban councils (known as city or town councils) and rural area councils. In every metropolitan area there would be an overarching metropolitan council to perform specific functions for the whole area and a number of councils for the substructures of the metropolitan area.

- (c) The third phase was the final phase, which would be governed by the provisions of the final Constitution. There is no reference to this phase in the Act (Cloete, 1995: 6).

The Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), and the Local Government Transition Act, 1993 (Act 209 of 1993), have formally activated the restructuring of local government in South Africa, so that the country can embark on the final democratized dispensation for local government.

4.6. CONCLUSION

Local authorities became essential institutions long before the Union of South Africa was established on 31 May 1910. From that date, a variety of local



government systems were established in the four provinces which acted on their own albeit under the provisions of Acts passed by Parliament. It was at local government level that the apartheid value system manifested itself most forcefully. This was where laws separated racial communities in every sphere of life and where whites enjoyed privileges at the expense of other racial communities. It is hence not surprising that the first signs of apartheid being untenable as a political value system manifested at local government level. During the early eighties, social and economic pressure resulted in the breakdown of spatial ordering of different racial groups. It then became clear that the apartheid objectives of racially pure families and communities were not viable.

The implementation of the Regional Services Councils Act, 1985 (No. 109 of 1985), changed local government in South Africa. The Regional Services Council Act (Act 109 of 1985) provided for Black local authorities to participate in Regional Services Councils by means of the establishment of a regional services council for each region. These were to be established by the provincial administrator after consultation with the Minister of Constitutional Development and Planning and the Minister of Finance and with the concurrence of the relevant members of the Ministers' Councils of the three Houses of Parliament. A Regional Services Council had no authority over the municipal councils situated in the region for which it had been established; in other words a Regional Services Council was a local authority established for the purpose of providing specified municipal services on a regional scale.

After 1985 anti-apartheid political resistance at local community levels in South Africa led to such an escalation of conflict that government was obliged to declare a state of emergency to restore law and order. The intensity of the conflict at local government level and the virtual deadlock that resulted contributed substantially to the demise of apartheid. Toward the end of 1992, the two major conflicting parties at local government level, namely the National Party and the African National Congress decided to settle their differences in a more peaceful manner.



On 22 March 1993 the Local Government Negotiation Forum was established as a bilateral forum between a statutory delegation consisting of representatives of the central, provincial and organized local government on the one hand and South African National Civic Organization (the non-statutory delegation) on the other hand. The terms of reference of the Local Government Negotiation Forum were to try to compile and analyze the necessary data and, in close co-operation with and within the framework of the national negotiating process, to seek agreement between the two delegations on the procedure for and substance of the restructuring of local government. The Local Government Negotiation Forum eventually came up with the model for local government restructuring, namely the Local Government Transition Act, 1993 (Act 209 of 1993).

In terms of the political agreements incorporated in the Local Government Transition Act, 1993 (Act 209 of 1993), local government restructuring would occur in three well-defined phases. The first or the pre-interim phase was the period from the commencement of the Act (2 February 1994) to the commencement of the interim phase, on the first day after the elections which were held on 1 November 1995 or afterwards (KwaZulu-Natal on 26 June 1996 and in the Western Cape in May 1996) for transitional councils. This phase was to end with the implementation of the final model of local government. The following chapter will evaluate the restructuring of local government in the pre-interim – and interim phase, by evaluating the legislation promulgated during this phase.

CHAPTER 5

THE RESTRUCTURING OF LOCAL GOVERNMENT IN SOUTH AFRICA IN THE PRE-INTERIM AND INTERIM PHASES

5.1. INTRODUCTION

The Local Government Transition Act (LGTA), 1993 (Act 209 of 1993) determines that the first or the pre-interim phase was the period from the commencement of the Local Government Transition Act, (Act 209 of 1993) being 2 February 1994, to the commencement of the interim phase, which began on the first day after the elections were held for transitional councils as contemplated in Section 9 (Section 1 (xi)) of the Act). This phase is regulated in Part IV of the Act. During this period, regard was expected to be given to the Agreement (Local Government Transition Act, 1993: Part IV). The pre-interim phase commenced after the promulgation of the Local Government Transition Act, 1993 (Act 209 of 1993) (February 1994) and lasted until the elections in November 1995.

The Local Government Transition Act (Act 209 of 1993) determined that the second or interim phase commenced, as stated, on the day after the elections for transitional councils as contemplated in Section 9 of the Act and ends with the implementation of final arrangements to be enacted by a competent legislative authority. This phase is regulated in Part V of the Act and regard is also paid to the Constitution and the Agreement (Local Government Transition Act, 1993: Part V).

In terms of the provisions of Chapter 10 of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), the municipal councils established after the elections (now commencing to the interim phase) held on 1 November 1995 or afterwards (KwaZulu-Natal on 26 June 1996 and in the Western Cape on 2 May 1996) were to be metropolitan councils, urban councils (known as city or town councils) and rural area councils. In every metropolitan area there would be an overarching metropolitan council to perform specific functions for



the whole area and a number of councils for the substructures of the metropolitan area.

The Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), and the Local Government Transition Act, 1993 (Act 209 of 1993), have formally activated the restructuring of local government in South Africa, so that the country could embark on the final democratized dispensation for local government.

5.2. APPLICATION OF THE LOCAL GOVERNMENT TRANSITION ACT (ACT 209 OF 1993) IN THE PRE-INTERIM PHASE

Part I of the Local Government Transition Act (Act 209 of 1993), also referred to as the Act or LGTA, dealt with its application. The Act was only applicable to South African local government bodies. It was made applicable to self-governing territories (SGT). It did not apply to the Transkei, Bophuthatswana, Venda, Ciskei (TBVC) states until their reincorporation into South Africa.

5.2.1. APPOINTED COUNCILS

Part IV of the Local Government Transition Act (Act 209 of 1993) made provision for abolishing racially-based local authorities in urban areas and replacing them with non-racial Transitional Local Councils (TLC's). Furthermore, in metropolitan areas, a two-tier system was introduced. Transitional Metropolitan Councils (TMC's) replaced Regional Services Councils (RSC's). Primary Local Authorities (PLA's) in metropolitan areas were called Transitional Metropolitan Substructures (TMS's).

One of the most controversial features of the pre-interim phase was that councillors were appointed on a fifty-fifty basis from statutory and non-statutory components. The non-statutory side of the Local Government Negotiation Forum (LGNF) had proposed that the existing racially-based

structures were illegitimate and needed to be replaced without delay. On this side, there were problems in holding local elections before national elections.

Boundaries still had to be demarcated, voters' rolls had to be drawn up, wards had to be delimited and national agreement on the electoral system still had to be reached (Botha, 1993: 4). Furthermore, technical studies on the electoral process indicated that a period of at least twelve months would have to elapse after the national elections, in order to allow time to prepare for municipal elections (Local Government Negotiation Forum (LGNF), 1993b: 26-28).

There was also concern on the statutory side that, if no local government deal was reached, the new government would, after the 1994 national elections, simply abolish existing local authorities on the grounds that these racially-based structures were unconstitutional. The statutory side therefore acquiesced to the concept of nominated councillors on the condition that elections be held within a specific period after the national elections (Major Cities, 1993a). Another motivation for this deal was that it involved a commitment by the South African National Civic Organization (SANCO) to get its affiliates to start persuading township residents to begin paying rent again (Botha, 1993: 4-5).

It was therefore agreed that appointed councillors were to be nominated on a fifty-fifty basis due to the fact that:

- (a) this would facilitate participation by sectors of society which had in the past been excluded from the local government process; and
- (b) continuity of knowledge and experience would thereby be facilitated (Local Government Negotiation Forum (LGNF), 1993b: 23-24).



5.2.2. LOCAL NEGOTIATED FORUMS

The first stage of restructuring of local government involved the creation of forums. Schedule 1 of the Local Government Transition Act of 1993 (LGTA) made provision for the creation of local government forums for each “economically and historically” bound area, ranging from a stand-alone town with or without satellites to a complex metropolis. Criteria for the establishment of a forum included commercial and industrial linkages, daily commuting patterns, provision of services within the area, and the areas of jurisdiction of local government bodies, including areas of jurisdiction of such government bodies, if any, as existed before 1971. Before a forum could formally operate, it had to be formally recognized by the Administrator of the province concerned. When the Administrator received a proposal for a forum area, he could either confirm the proposed area or refer it to the relevant demarcation board, which would investigate and make written recommendations to the Administrator, who would then make a decision.

Forums had to be established that represented statutory and non-statutory organizations on a fifty-fifty basis between. The statutory component was comprised of members of existing local government bodies, or persons representing bodies or organizations, such as ratepayers’ associations approved by the forum as part of such a component. The non-statutory side was comprised of those who were not part of the statutory forum and had a vested interest in the political restructuring of local government. These included political organizations such as the ANC and the Pan Africanist Congress (PAC), as well as civic organizations such as SANCO. Membership of the forums had to be in accordance with the principles of inclusivity and representativity. Other bodies could be given observer status. This would include local chambers of commerce and industry and supplier bodies such as Eskom.

The definition of who precisely was statutory or non-statutory led to bad feeling in a number of forums and delayed the introduction of transitional councils in many areas. Loosely worded legislation enabled the National Party



(NP), Democratic Party (DP) and, in a few instances, the Afrikaner Weerstandsbeweging (AWB) to claim membership of non-statutory organizations (Motshekga, 1994: 16). There was also a proliferation of National Party (NP)-orientated civic organisations which attained seats in some areas on local negotiating forums. This led to complaints from the African National Congress (ANC) that the statutory side was trying to load the non-statutory side (Christianson, 1994:32). This was, however, counterbalanced by the fact that, in some towns, existing councillors defected to the African National Congress (ANC), which in turn bolstered the African National Congress (ANC) strength on the statutory as well as the non-statutory side. There were also complaints from some organisations that they were excluded from forums (De Beer & Lourens, 1995: 171).

It is realistic for political parties to attempt to maximise their voting strength in a situation like this, so the manipulation of forum membership was not entirely unexpected. However, the important point is that it led, as Cloete (1995: 12) points out, to tension and conflict in local communities. Such conflict over membership diverted forums away from their central objective of negotiating a new model for local government (De Beer & Lourens, 1995: 171).

The major functions of the forums included negotiating the following issues:

- (a) which transitional model was to be applied and its function;
- (b) the number of seats on the new transitional council, taking the existing number of seats as a departure point; and
- (c) which councillors were to be nominated to the new transitional council. This included looking at which incumbent councillors would be renominated and which councillors from the non-statutory side would be appointed on the basis of the fifty-fifty agreement.



5.2.3 TRANSITIONAL MODELS

A forum could establish:

- (a) a Transitional Local Council (TLC) for non-metropolitan areas;
- (b) a Transitional Metropolitan Council (TMC) with Transitional Metropolitan Substructures (TMS's) for metropolitan areas; and
- (c) Local Government Co-ordinating Committees (LGCC's), which could be negotiated for non-metropolitan areas.

Transitional Local Councils (TLC's) and Transitional Metropolitan Substructures (TMS's) replaced existing local authorities and assumed all of their functions. In the case of Local Government Co-ordinating Committees (LGCC's), their powers and functions had to include:

- (a) ensuring citizen access to certain basic services such as water, refuse removal, health services, roads and stormwater drainage;
- (b) receipt of not less than 10% of the rates of the individual local government bodies for the improvement and restoration of services;
- (c) the determination of the total number of seats in such a Local Government Co-ordinating Committee (LGCC); and
- (d) the nomination of persons as members of Local Government Co-ordinating Committees (LGCC's).

Local Government Co-ordinating Committees (LGCC's) continued to coexist with existing local authorities which were not abolished. This was a compromise reached in bilaterals between the African National Congress (ANC) and the right-wing Transvaal Municipal Association (TMA) and then between the African National Congress (ANC) and Conservative Party (CP). It was seen as a way of drawing the white right wing, which had previously threatened to disrupt the local government restructuring process because of



its opposition to racially integrated councils, into the interim phase (*Afrikaner Volksfront* 1993). The Transvaal Municipal Association (TMA) had questioned the legitimacy of the Local Government Negotiation Forum (LGNF), particularly the authority of the South African National Civic Organization (SANCO). The Local Government Negotiation Forum (LGNF) was said to be unrepresentative of all local decisions and consequently the right wing refused to implement the Local Government Negotiation Forum's (LGNF's) decisions in many towns (De Beer & Lourens, 1995: 120-121; Robinson, 1995: 14-15).

The Local Government Co-ordinating Committee (LGCC) may have been a sensible way of placating the right wing in late 1993. However, after the 1994 elections, when majority support for the African National Congress (ANC) had been expressed and the military threat from the right wing had receded, the Local Government Co-ordinating Committee (LGCC) looked increasingly like an own affairs/general affairs anachronism from the 1980's. The Local Government Co-ordinating Committees (LGCC's) were used in some provinces in the pre-interim phase but not introduced in the Western Cape.

Forums were obliged to notify the Administrator or provincial committee of the results of the negotiation for a pre-interim model within 90 days after the activation of the Local Government Transition Act (LGTA). If agreement was not reached within this time (or an allowed extension), the Administrator or provincial committee could, within 30 days, institute a process of independent mediation in order to reach an agreement. If this did not provide an agreement, the administrator had to appoint, in metro forums, a Transitional Metropolitan Council (TMC) and Transitional Metropolitan Substructures (TMS's); and in non-metro forums

- (a) in cases which were constituted of Grade 9 or higher level authorities, either a Transitional Local Council (TLC) or Local Government Co-ordinating Committee (LGCC) or

(b) in cases where such non-metro forums had a Grade 8 or lower local authority in their area, a Local Government Co-ordinating Committee (LGCC) only.

The Administrator could also refer disputed pre-interim model boundaries to the demarcation board for consideration. Forum decisions were supposed to be reached by consensus or, if this was not possible, by a two-thirds absolute majority of both statutory and non-statutory delegations.

What soon became clear was that the 90-day deadline for forums to reach negotiated settlements was unrealistic and very few areas managed to achieve it. The statutory/non-statutory conflict has already been mentioned as one reason for this delay. The Local Government Transition Act (LGTA) placed great emphasis on local negotiations to reach solutions, and if there was not goodwill or political will to achieve negotiated settlements, consensus could not be and was not reached. In addition, setting up forums involved a rather complex technical process which also led to delays.

Another reason for the slow progress was the delay in the transfer of powers from central government to the provinces after the elections. This meant that provinces did not have the powers to approve local government forum areas or Transitional Local Council (TLC) boundaries. It was only on 1 July 1994 that the administration of most of the provisions of the Local Government Transition Act (LGTA) was assigned to provinces (Cameron & Stone, 1995: 50). This meant provinces was initially unable to impose their authority upon towns which were not negotiating at all or not negotiating in good faith (De Beer & Lourens, 1995: 171).

This forced an amendment to the Local Government Transition Act (LGTA) extending the original deadline for the forums to reach negotiated settlements from 2 May until 30 November 1994. According to the then Minister of Provincial Affairs and Constitutional Development, by September 1994 some 443 potential forum areas had been identified and 329 had been established of which 274 were formally agreed. Some 151 had submitted agreements; of



these, Port Elizabeth was formally proclaimed (Republic of South Africa (RSA) 1994, Debates of National Assembly, 19 September: Col. 1624). By May 1995, 484 TLC's had been set up, of which 465 were functioning (Republic of South Africa (RSA) 1995, Debates of National Assembly: Col. 565-566). It also needs to be noted that not all promulgated Transitional Local Councils (TLC's) were non-racial. Robinson (1995: 20) points out that there are certain Natal stand-alone white towns without a black population. A similar situation exists in respect of certain Western Cape towns.

While appointed councils were perhaps a necessary evil accompanying a rather messy restructuring process, it was clear by the latter part of 1995 that they had reached the end of their lifespan. Part of the problem was that many councillors were temporary, in that they had little realistic chance of being elected. This contributed to their being

- (a) no long-term commitment to or vision of the future growth of local authorities in areas such as the promotion of Reconstruction and Development Programme (RDP) projects;
- (b) an unwillingness to take unpopular decisions; and
- (c) deliberate attempts to delay the elections by some councillors so that they could continue receiving allowances.

Furthermore, the statutory/non-statutory divide polarized many local authorities, making effective action impossible. This acrimony increased as the election date drew nearer. Finally, and perhaps fundamentally, many pre-interim councils were established largely on the basis of existing local boundaries. While the statutory/non-statutory distinction meant that councillors were more racially representative, many White Local Authorities (WLA) remained White Local Authorities, and many Black Local Authorities (BLA) remained black local authorities in areas of jurisdiction.



5.2.4 EXEMPTIONS FROM THE PRE-INTERIM PHASE

Part III of the Local Government Transition Act (LGTA) dealt with exemptions from the pre-interim phase. Exemptions could be granted if the Administrator or provincial committee was satisfied that such a local government body was non-racial and inclusive and had brought about stability of local government through effective government, orderly financial management and a single local government administration. The major reason for this provision was to preserve successful agreements reached under the Interim Measures of Local Government Act, which also made provision for non-racial local government but, as pointed out, for a variety of reasons was regarded as unsatisfactory by the African National Congress (ANC) and the South African National Civic Organization (SANCO) alliance.

The provision appears to have been abused. In the Western Cape some of the areas that were exempted were stand-alone white towns and not areas which had reached agreement under the Interim Measures Act. In some cases such decisions were taken against the recommendation of the Demarcation Board, which recommended that such areas be incorporated into non-racial authorities.

5.2.5 PROVINCIAL COMMITTEES

Part II of the Local Government Transition Act (LGTA) made provision for the establishment of Provincial Committees for Local Government in each province. Members were supposed to be broadly representative of major stakeholders in each province and have knowledge of matters concerning local government. They were there to supervise and implement the new local government system in conjunction with the Administrator. (In practice it was the provincial Members of the Executive Committees (MEC's) for Local Government who performed the Administrators' role.) All actions taken by the Administrator(s) in terms of the Act had to be in conjunction with the relevant provincial committee. Disputes between a provincial committee and an



Administrator had to be referred to the Electoral Court, established in terms of Section 4 of the Local Government Transition Act (LGTA), for consideration.

The non-statutory side of the Local Government Negotiation Forum (LGNF) had pushed for a system of provincial committees because of the concern that the National Party (NP)-appointed Provincial Administrator (prior to the 1994 national and provincial elections) would restructure local government unilaterally. Provincial committees were operational during the pre-interim and the interim phases, until they were abolished in 1996.

5.2.6. DEMARCATION BOARDS

The Interim Constitution made no specific provisions pertaining to demarcation. Demarcation of local government boundaries was regulated by the Local Government Transition Act (LGTA). Part VII of the Local Government Transition Act (LGTA) made provision for the establishment of a local government demarcation board in each province. The board's functions were:

at the request of the Administrator, to investigate and make recommendations in writing to him or her regarding any demarcation, redemarcation, or withdrawal of the demarcation of any areas pertaining to local government affairs, including the area of any negotiating forum and the area of jurisdiction of any local government body, transitional council or transitional metropolitan substructure and the delimitation of wards within the area of jurisdiction of any local government body, transitional council or transitional metropolitan substructure and the delimitation of wards within the area of jurisdiction of any local government body, transitional council or transitional metropolitan substructure (Section 11(6)(a)).

The board was comprised of a chairperson, vice-chairperson and ordinary members of the board. The board members were appointed by the



Administrator (in conjunction with the relevant provincial committee) and in accordance with the criteria listed in Schedule 5 of the Local Government Transition Act (LGTA) (Sections 11(2) and (3)). Schedule 5 stated the following:

- (a) The chairperson of the board shall be a person with extensive experience in law or matters relating to local government.
- (b) The other members of the board shall jointly have knowledge of
 - 1. rural, town and regional planning
 - 2. development economics, including development needs of local communities
 - 3. municipal finance
 - 4. municipal services and administration
 - 5. other disciplines and skills as may be necessary.
- (c) The membership of the board shall be structured in such a manner as to be balanced, representative, non-racial and gender inclusive.

All demarcation boards were established in the first half of 1994, with the exception of KwaZulu-Natal where the Boards became operational in September 1994 (Election Task Group 1996: 65).

Section 11(6)(b) states that, when a board makes recommendations to the Administrator, it should take into account the criteria listed in Schedule 6. These criteria are as follows:

- (a) topographical and physical characteristics of the area concerned;
- (b) population distribution within the area concerned;
- (c) existing demarcation of the areas pertaining to local government affairs and services, including existing areas of local government bodies and areas existing before 1971 as areas of such local government bodies (if



- any), as well as areas of regional services councils and joint service boards;
- (d) existing and potential land usage, town and transport planning, including industrial, business, commercial and residential usage and planning;
 - (e) economy, functionality, efficiency and financial viability with regard to the administration and rendering of services within the area concerned;
 - (f) development potential in relation to the availability of sufficient land for a reasonably foreseeable period to meet the spatial needs of the existing and potential residents of the proposed area for their residential, business, recreational and amenity use;
 - (g) interdependence of and community of interest between residents in respect of residency, work, commuting and recreation; and
 - (h) the integrated urban economy as dictated by commercial, industrial and residential linkages.

The principle of a demarcation board was not a new one. A single National Demarcation Board for Local Government Areas had been established in November 1985. The Minister of Constitutional Development and Planning appointed the members. The main function of the National Demarcation Board for Local Government Areas was to advise the Provincial Administrators on the demarcation of the area of jurisdictions of Regional Services Councils (RSC's) and Local Authorities (LA's) (De Beer and Lourens, 1995: 51-52; Cameron, 1991: 252).

5.2.7. CATEGORIES OF LOCAL GOVERNMENT

Section 174(2) of the Interim Constitution made provision for categories of metropolitan, urban and rural local governments with powers, functions and

structures differentiated according to considerations of demography, economy, physical and environmental conditions and other factors which justified or necessitated such categories. These categories were established in terms of legislation (the Local Government Transition Act).

The important point is that provision was made for three discrete types of local government – metropolitan, urban and rural. These categories of metropolitan, urban and rural government were not well-defined in the Constitution or the Local Government Transition Act (LGTA).

5.2.7.1. METROPOLITAN GOVERNMENT

The only type of metropolitan government that was seriously debated in both the Local Government Negotiation Forum (LGNF) and political circles was the two-tier system. The National Party (NP) government, supported by many smaller local white local authorities, promoted the concept of weak metropolitan government. This was apparent in the government's draft Local Government Bill of April 1993, which saw the proposed powers of metros approximating those of Regional Services Councils (RSC's). Furthermore, it was proposed that municipal authorities themselves ought to decide which functions would be performed jointly. As Minister Delport (1993: 20) noted, "The municipal authority as it developed traditionally ought to be retained as the basic and primary local government authority". The government's concern was that strong metros with extensive powers and functions could be controlled by the African National Congress (ANC), who were likely to adopt policies inimical to white suburbanites, such as extensive taxation and the locating of low-income housing in affluent areas. However, given past residential patterns, there was a fair chance that whites could control a not insubstantial number of local authorities, in particular the wealthier ones.

This model of strong local authorities/ weak metros was rejected by both the Major Cities Association and the African National Congress (ANC). The Major Cities (1993a) rejected any attempt to forestall possible metropolitan options



by providing for a weak model only. It rejected the primary emphasis on lower-tier councils. The Major Cities were progressive, partly because of the strong Democratic Party (DP) influence in both the Cape Town and Johannesburg municipalities. This led to Major Cities supporting the African National Congress (ANC) on some issues. While equity was part of the Major Cities' motivation, another major concern was that the negative externalities were borne mainly by its constituent members. Experience has shown that smaller suburbs in metropolitan areas have been reluctant to pay their full share of metropolitan costs. For example, in the Western Cape, the Cape Town City Council (CTCC) provided regional facilities such as the maintenance of mountains, beaches, museums and the Central Business District (CBD). Citizens from other local authorities derived the benefit of these without paying their way. Also, the Cape Town City Council (CTCC) heavily subsidized low-income housing, while other local authorities derived the benefit thereof, as the Cape Town City Council (CTCC) tenants both worked and shopped in the areas of such municipalities and contributed to their economic growth.

The Major Cities also felt that a co-ordinated metropolitan approach was needed for city-wide issues such as transport, land-use planning and urbanization. Previous attempts to co-ordinate these on a voluntary basis among local authorities had floundered because of the reluctance of smaller bodies to surrender their sovereignty. It was therefore clear that the voluntary measures proposed in the Act were not acceptable to the Major Cities, whose members institutionally bore the brunt of the costs of metropolitan fragmentation. Weak metropolitan authorities were also clearly unacceptable to the African National Congress (ANC), which favoured strong metropolitan government. The African National Congress (ANC) policy document in May 1992 stated:

The key issues facing our cities – disparities in service provision, rapid urban growth, the housing crisis and inefficient apartheid city structure – cannot be effectively addressed by lower-tier authorities, whose focus is too small. The African National Congress (ANC) believes that the metropolitan tier would be an appropriate tier to address these issues.



This tier will control primary sources of urban finance and be responsible for allocating funds for development and services. It will coordinate the provision of city-wide services and allow democratic control over broader development decisions. It will set the policy framework for that metropolitan area, within which the lower tier(s) will operate (African National Congress (ANC), 1992: 6).

Although favouring a strong metropolitan government, the African National Congress (ANC) was still, nevertheless, committed to a two-tier system, albeit with weak lower-tier structures. The government's April 1993 Bill was drawn up independently of the Local Government Negotiation Forum (LGNF), which led to fierce opposition from the Forum. This led to the Forum accepting the principle of a differentiated approach to metropolitan councils at its plenary on 30 June 1993 (Local Government Negotiation Forum (LGNF) 1993b: 20). However, greater detail was still needed in this regard. The Local Government Negotiation Forum (LGNF) subsequently appointed a task team on metropolitan government. Representatives of the Major Cities Association put forward a memorandum entitled *Towards a national approach towards metropolitan government* (1993b) to the task team. It was argued in this document that the Local Government Transition Act (LGTA) should provide specifically for metropolitan government and clearly define metropolitan and local powers, functions and duties. A metropolitan area was defined as follows:

- (a) The area is extensively developed/urbanized. It has more than one central business district, industrial area and concentration of employment.
- (b) Economically, the area forms a functional unit, which comprises various smaller units, which are interdependent economically and in respect of services.
- (c) The area is densely populated, and there is intense movement of people, goods and services within the area.

(d) The area has multiple local government jurisdictions.

(e) The area is generally perceived as being separate from nearby rural areas.

The report stated that the size, structure, composition, functions and powers of the metro council and administration of the metro were issues that needed to be discussed by the Local Government Negotiation Forum (LGNF), as did the question of finance and, in particular, the question of redistribution.

The only type of metropolitan government that was considered was a two-tier system. The Major Cities framework was accepted by the task team and ultimately the Forum (Local Government Negotiation Forum (LGNF) 1993a; Non-statutory Report).

After further negotiations, provision was made for the negotiation of the powers of the Transitional Metropolitan Councils (TMC's) in the pre-interim period in the 11 October 1993 draft of the Bill, provided that the powers, duties and functions of such structures should at least be the powers, duties and functions of the Regional Services Councils (RSC's). This was clearly an advance on the government's previous position that all metropolitan functions should be negotiated. This had been unacceptable to the non-statutory forum, which argued that the minimum powers, duties and functions of Transitional Metropolitan Councils (TMC's) and Transitional Metropolitan Substructures (TMS's) should be defined by legislation, and not by local negotiating forums (Local Government Negotiation Forum (LGNF) 1993b; Non-statutory Report).

Another interest group in the metropolitan debate consisted of representatives of cities and towns situated on the periphery of major cities. Such municipalities lived in the constant shadow of "Big Brother", and the fear that they would be swallowed up by their larger neighbours was a constant concern. In September 1993, representatives of these peripheral areas met as a Working Group to discuss metropolitan government. Powerful support was expressed for a "bottom-up" approach: metropolitan governments should be appointed from the ranks of constituent local authorities and the functions and



powers of such governments should be decided upon by member local authorities. It was also felt that the metro should provide fewer rather than more functions and that local negotiating forums of constituent local authorities, and not metropolitan forums, should be involved in the appointment of members to the metropolitan councils (Lourens, 1993: 50-52).

This response was unacceptable to both the Major Cities and the African National Congress (ANC) which, as has been pointed out, favoured strong metropolitan government and also wanted metropolitan, and not local, forums deciding on the appointment of members to Transitional Metropolitan Councils (TMC's). In fact, an agreement had already been reached in this regard. Nevertheless, there was a last-minute attempt by certain Western Cape suburban authorities to push the "bottom-up" approach into legislation. An eleventh-hour meeting with Minister Delport saw an attempt to change the Bill in accordance with the "bottom-up" approach. The African National Congress (ANC), however, rejected what it perceived to be an underhand approach (local government negotiations had already been concluded and some of the African National Congress (ANC) negotiators were already on holiday), and the original deal stood (Lourens, 1993: 50-52).

Section 174(2) made provision for metropolitan government. Part I of the Local Government Transition Act (LGTA) defined the "metropolitan area" as any area:

- (a) comprising the areas of jurisdiction of multiple local governments;
 - (b) which is densely populated and has an intense movement of people, goods and services within the area;
 - (c) which is extensively developed or urbanized and has more than one central business district, industrial area and concentration of employment;
- and



(d) which, economically, forms a functional unit comprised of various smaller units that are interdependent economically and in respect of services.

This definition was virtually identical to the Major Cities definition which had been proposed to the Local Government Negotiation Forum (LGNF) (Major Cities, 1993b). The only difference was that the clause “the area is generally perceived as being separate from nearby rural areas” was in the Major Cities definition but was not included in the Local Government Transition Act (LGTA) definition.

Furthermore, in the Local Government Transition Act (LGTA), provision was made for Transitional Metropolitan Councils (TMC's) with at least the powers and duties of Regional Services Councils (RSC's). However, this was not mandatory – it depended upon the Transitional Metropolitan Council (TMC) concerned, as this had the discretion to decide which functions it would adopt. This was to ensure that Transitional Metropolitan Councils (TMC's) were not overloaded with new functions which they might lack the capacity to perform. Such metro activities would replace Regional Services Councils (RSC's) and assume their two levies. They would also have the power to claim levies and tariffs from Transitional Metropolitan Substructures (TMS's) in respect of any of their functions. Finally, provision was made for an equitable contribution from any constituent Transitional Metropolitan Substructure (TMS) based on the gross or rates income of such Transitional Metropolitan Substructures (TMS's). Furthermore, metropolitan forums would decide on the appointment of members to metropolitan and local forums. In fact, local forums in metropolitan areas had no legal status and were only advisory to metropolitan forums.

It was clear that the thorny issue of metropolitan-local relationships had not been resolved at national level in the pre-interim phase, but it was left to the discretion of the local negotiating forums. The metropolitan government legislation can best be described as a combination of a “top-down” and “bottom-up” approach. The official Local Government Negotiation Forum (LGNF) information brochure described the process as follows: “A



simultaneous approach will be followed, with the metropolitan forum negotiating all relevant matters pertaining to the metropolitan council and its substructures as a package deal” (Local Government Negotiation Forum (LGNF), 1994a: 8-9).

5.3. INTERIM PHASE: ELECTED COUNCILS

The interim phase commenced with elections for the Transitional Metropolitan Councils (TMC's), Transitional Metropolitan Substructures (TMS's), Transitional Local Councils (TLC's) and rural local government structures. Section 179(1) of the Interim Constitution stated that local government elections had to take place at intervals of not less than three and not more than five years, provided that the first local government elections took place on the same day. However, the Constitution was amended to allow for staggered elections as KwaZulu-Natal and Western Cape provinces were not ready because of demarcation disputes.

For these first elections, 40% of the councillors were elected by proportional representation, while the remaining 60% were elected on a ward basis. The 60% ward representation was further divided: half of these councillors (50%) represented traditional white local authority areas, including coloured and Indian areas, whereas the other half (50%) represented areas outside the jurisdiction of white local authorities, which were in mainly black local authority areas.

At a metropolitan level, the 40% proportional representation provision also applied. However, the other 60% had to be nominated by Transitional Metropolitan Substructures (TMS's) from within their own ranks on a *pro rata* basis, according to their respective number of registered voters. This formula was one of the compromises reached between the National Party (NP) government and the African National Congress (ANC) in bilaterals. The National Party (NP) originally wanted power-sharing arrangements based on property ownership and the financial loading of wards.



While the African National Congress (ANC) was not opposed to minority overrepresentation in principle, it was against financial criteria being used in this regard. The formula was a power-sharing agreement reached to overrepresent whites on a non-financial basis, particularly in the erstwhile Transvaal and Orange Free State provinces, where, in some areas, they formed only 5-10% of the local electorate (Cameron 1994: 25-28). According to Cloete (1994: 15), this was one of the “most difficult settlements to achieve”.

It also needs to be stressed that the emphasis was on protecting minorities, not racial groups. For example, the provision ended up overrepresenting whites in many city councils in most provinces. However, in the Western Cape, where black people are in the minority, they were the beneficiaries of this clause and accordingly were overrepresented on local councils.

A major complaint against this provision was that it enshrined racism in the constitution. No racial provision existed at central government level, so why should such a provision exist at local government level? It was argued that this provision would exacerbate relations between coloureds and Indians on the one hand and black people on the other. All these groups had suffered under apartheid, so why should coloureds and Indians be lumped with whites, as part of the “oppressor camp”? (Republic of South Africa (RSA) 1993b; Debates: 2 December: Col. 15907).

The other major complaint was that it distorted voting representation within transitional local councils. For example, for the elections the category ratio of white local authority to black local authority voters was 4 to 1 in Beaufort-West, in Oudtshoorn 9 to 1, and in Robertson 5,5 to 1 (Western Cape Demarcation Board, 1995d).

5.3.1. VOTER QUALIFICATIONS

To vote in the local government elections one had to be:



- (a) a natural (as opposed to a juristic) person;
- (b) eligible to vote in terms of Section 6 of the Interim Constitution, that is a South African citizen (or franchised in terms of the Act), over the age of 18 and not subject to normal statutory disqualifications (such as being criminal or insane);
- (c) ordinarily resident within the area of jurisdiction of a local government, or under law liable for the payment of rates, rent, service charges or levies to the local government concerned; and
- (d) registered on the voters' roll of the local government concerned (Section 179(3) of the Interim Constitution, Schedule 4 of the Local Government Transition Act (LGTA)).

A voter was only entitled to one vote per local government (Section 179(4)). If people owned properties in different local governments, they were entitled to a vote in each of those local jurisdictions, with the proviso that they could exercise only one vote for any one local government. One vote could, however, entail the marking of two or three ballot papers, representing the proportional and ward components of a vote.

There was no reference to the juristic vote (which had previously existed in the Cape Province) or qualified franchise (as proposed by the National Party (NP)). As Cloete (1994: 15) points out, the local franchise was a "victory" for the South African National Civic Organization (SANCO), which had fought very hard to normalize voting qualifications in line with global trends.

No person was qualified to become a local government councillor if he or she was not eligible as a local government voter, was a member of the National Assembly or the Senate, was not qualified to become a member of the National Assembly, was an employee of local government (although provincial executive councils could, under certain circumstances, exempt an individual

from this last disqualification) or was disqualified in terms of any other law (Section 179 (5)).

5.3.2. POWERS AND FUNCTIONS OF LOCAL GOVERNMENTS

In terms of the Interim Constitution, local governments could be assigned powers and functions which were necessary to provide services for the maintenance and promotion of the well-being of all persons within their areas (Section 175(2)). Section 175(3) stated:

Local governments shall, to the extent determined in any applicable law, make provision for access, by all persons residing within their boundaries, to water, sanitation, transportation facilities, electricity, primary health care, education, housing and a secure environment, provided that such services and amenities are rendered in a sustainable manner and are physically practicable.

This provision must be regarded as a legal commitment for local governments to provide services to their constituencies, although it was still subject to the question of affordability.

Section 175(1) stated that the powers, functions and structures of local government should be determined by law of a competent authority. Section 175(4) gave local government the power to make by-laws not inconsistent with the Constitution, parliament or applicable provincial law. These provisions indicated that the hierarchical intergovernmental system had been retained in the Interim Constitution. Local government remained the lowest cog of the intergovernmental system, and was subject to national and provincial control.



5.3.3. DECISION-MAKING

Provision was made for weighted majorities in decision-making in Section 176 of the Interim Constitution. Such provisions were a watered-down compromise between the power-sharing proposals of the National Party (NP) and the African National Congress (ANC). Such provisions also appeared in the Local Government Transition Act (LGTA), which meant that these power-sharing clauses covered both the pre-interim and the interim periods. These power-sharing arrangements involved the following:

- (a) Budgetary decisions had to be taken by a two-thirds majority of all council members.
- (b) Town planning decisions had to be taken by an absolute majority of all council members.

Section 177 made provision for power-sharing in the composition of the executive council which had to be constituted on a proportional basis. Decisions had to be taken by consensus or, failing that, by two thirds of all its members.

The non-statutory group in the Local Government Negotiation Forum (LGNF) agreed to these power-sharing arrangements because of its belief that special majorities were a more effective way of power-sharing than provisions based on wealth or the ownership of property (African National Congress (ANC), 1993).

5.3.4. ADMINISTRATION

Section 178 of the Interim Constitution stated:

A local government shall ensure that its administration is based on sound principles of public administration, good government and public



accountability, so as to render efficient services to persons within its area of jurisdiction and effective administration of its affairs.

However, there was little clarity in either the Constitution or the Local Government Transition Act (LGTA) on how the restructuring of local government would lead to efficient administration, particularly in black areas which had been characterized by maladministration and corruption (Heymans & White, 1991: 12-20).

5.3.5. WARD COUNCILS

Provision was made in Section 175(6) of the Interim Constitution for the delegation of specified functions to submunicipal entities within municipal boundaries. Such entities were commonly known as ward councils. The aim of ward councils was to facilitate the provision or administration of services, the adherence to municipal by-laws and, more generally, the promotion of good governance. The assignment of such functions should not be inconsistent with an Act of parliament or an applicable law, nor should it diminish the accountability of such local governments.

The National Party (NP) pushed strongly for ward councils with extensive functions, powers and taxing powers during the negotiation phase. Its strategy was that whites' interests could be protected through decentralization to such councils. Even within the context of integrated local authorities, most ward councils, given past residential patterns, would be primarily white. With their own budgets and sources of revenue, whites could continue living in exclusive areas and not contribute significantly to the upliftment of poorer black areas in cities and towns (Cameron, 1994: 36).

This model was unequivocally rejected by the non-statutory grouping of the Local Government Negotiation Forum (LGNF) because it was obviously seen as a way of preserving white privilege (Local Government Negotiation Forum (LGNF) (Non-statutory 1993(c)).



The concept of stronger ward councils was dropped after the National Party and African National Congress (NP/ANC) bilaterals in late 1993. A much weaker version of ward councils appeared in the Constitution. They did not have taxing powers, nor exclusive functions.

5.3.6. RURAL LOCAL GOVERNMENT

The principle of separate rural local government was accepted in the Interim Constitution. The Local Government Transition Act (LGTA) was initially silent on the issue of rural local government. Section 10(3)(1) did state that existing Regional Services Councils (RSC's) and Joint Services Boards (JSB's) could be replaced by a body known as a service council, subregional council or district council.

Most rural areas have traditionally not had local government structures. The resultant absence of negotiating forums made the central government decide that the pre-interim phase should not be applied strictly in rural areas (Republic of South Africa (RSA), 1994; Debates of National Assembly: 19 September 1994 Col. 1591). Some Transitional Local Councils (TLC's) did include rural areas within their boundaries but this was the exception rather than the norm (McIntosh, 1995: 418).

It was however, decided that the entire country would be served by local government in the interim phase. Accordingly, a 1995 amendment to the Local Government Transition Act (LGTA) made provision for the establishment of rural local government structures. Provision was made for a two-tier structure. The upper-tier would be the district council (regional councils in KwaZulu Natal). It consisted of indirectly elected representatives of Transitional Local Councils (TLC's), Transitional Representative Councils (TRC's), Transitional Rural Councils (TRC's) and directly elected representatives from so-called remaining areas. District councils largely conformed to the boundaries of Regional Services Councils (RSC's) (except that some of the independent homelands that had been reincorporated into South Africa were previously not



covered by Regional Services Councils (RSC's)). This meant Transitional Local Councils (TLC's) would fall within the geographical jurisdiction of district councils. District councils did not, however, have any authority over the functioning of Transitional Local Councils (TLC's). District councils also assumed taxing powers in the form of the regional services levy.

At a lower tier level, provision was made for a menu of options. A Transitional Rural Council was a fully-fledged local government structure elected on the 60% ward and 40% proportional representation formula. A Transitional Representative Council had political representation only and had no executive powers. It was elected on a proportional representation formula only. "Remaining areas" were areas that were not covered by any primary local government structure. They were elected on a proportional representation formula at district council level only. Provinces had the discretion to decide on which of these local government models they wish to adopt.

In Transitional Representative Councils and "remaining areas" options, provision was made for nominated interest-group representation at district council level, with the proviso that there would be a maximum of 10% seats per group and on condition that interest groups did not exceed 20% of the total number of seats. The four interest groups were farmers, landowners or levy payers; farm labourers; women; and traditional leaders. Section 182 of the Interim Constitution also made provision for traditional leaders of communities who observed a system of indigenous law and resided on land within the area of jurisdiction of an elected local government to be members of that local government. Traditional leaders were also eligible for election to any office of such elected local government.

The tradition of weak rural local government and the lack of revenue-raising capacity in rural areas (particularly at primary levels) has led to observers being sceptical of whether the national and provincial government's commitment to strong rural local government will be sustained (McIntosh, 1995: 413).

5.3.7. THE CONSTITUTIONAL STATUS OF LOCAL GOVERNMENT

The National Party (NP) argued during the Multi-Part Negotiating Forum (MPNF) deliberations that local government should become an exclusively provincial function. This was consistent with the National Party's (NP's) policy of maximum devolution of power and would form part of the checks and balances of central government powers (National Party (NP), 1991).

The African National Congress (ANC) on the other hand, favoured local governments becoming a concurrent function, shared between central and provincial government. The African National Congress (ANC) in exile had a traditionally centralised view of the state. While they softened this view during the negotiating phase, they still believed that central government should have the power to intervene in local authorities' affairs directly, to ensure that such structures conformed to national development policy and did not become "islands of privilege in a sea of poverty" (African National Congress (ANC), 1993).

The Minister of Provincial Affairs and Constitutional Development (PACD) from 1994 to 1996 was Roelf Meyer, who was a National Party (NP) representative in the Government of National Unity (GNU). He viewed his role as being to co-ordinate, facilitate and oversee local government (Republic of South Africa (RSA), 1994; Debates of National Assembly: 19 September 1994 Col. 1024). The African National Congress (ANC), on the other hand, viewed this as being too restrictive and argued that central government should have the right to intervene in local government, a concurrent function, in order to ensure that the national interest was served (Col. 1647). The Portfolio Standing Committee on Constitutional Affairs was concerned about the limited resources devoted to local government and recommended the creation of a new branch of local government within the Provincial Affairs and Constitutional Development Department (Col. 1671). This expressed a more general concern that perhaps insufficient attention had been given to local government as a national priority (McIntosh, 1995: 415). This branch was subsequently established.



Section 174(5) of the Interim Constitution made provision for central and provincial legislation which fundamentally affected local government to be put to organized local government for comment. As has been pointed out, even White Local Authorities (WLA's), which had been far more powerful than Black Local Authorities (BLA's), had had their powers eroded by central and provincial governments in the past. However, concern was expressed that these provisions were too vague to protect local government. Section 174(3), which stated "that a local government shall be autonomous and within the limits prescribed by or under law shall be entitled to regulate its affairs" came under similar attack. It was alleged that it was contradictory to say that a legislative body should be autonomous, but give it freedom only in so far as laws made by other bodies allowed. Also the question had been posed as to how local government could be an autonomous level of government, yet also a Schedule 6 (provincial) power (Free State Municipal Association, 1995; Christianson, 1994: 28-29).

The reasons for these contradictory clauses are partly to be found in the compromise reached at Kempton Park between the National Party (NP), which was pushing for maximum devolution of power, and the African National Congress (ANC), which wished to see central control over local authorities. The haste with which the Interim Constitution was put together also led to poorly framed legislation. In reality, the Interim Constitution did not substantially improve the constitutional position of local government.

5.4. EVALUATING THE LOCAL GOVERNMENT NEGOTIATION FORUM AND THE LOCAL GOVERNMENT TRANSITION ACT (ACT 209 OF 1993)

In evaluating the Local Government Negotiation Forum and the Local Government Transition Act (Act 209 of 1993) certain areas of concern have been identified. They include:



5.4.1. REPRESENTATIVITY

Both the then Minister Delport, and his South African National Civic Organization (SANCO) counterpart, Thozamile Botha, conceded that the Local Government Negotiation Forum (LGNF) was not fully representative. The absence of important stakeholders such as the Democratic Party (DP), Inkatha Freedom Party (IFP) and Pan Africanist Congress (PAC) was recognized as an important stumbling block (Cloete, 1994: 16; Cameron, 1994: 67-68).

5.4.2. ACCOUNTABILITY

There were complaints that there was insufficient report-back to constituencies about progress at the Local Government Negotiation Forum (LGNF). Both statutory and non-statutory constituencies complained that the speed of the negotiations at the Local Government Negotiation Forum (LGNF) was too fast and that constituencies were not being carried with them (Cameron, 1994: 68-69).

5.4.3. LACK OF GUIDELINES

The Local Government Negotiation Forum (LGNF) was kept at arm's length by the government. A Local Government Negotiation Forum (LGNF) adviser, asserted that, for various reasons, the Cabinet was unable or unwilling to approve the progress in the Local Government Negotiation Forum (LGNF) and to issue policy guidelines to negotiators. This delayed the process for considerable periods, as the statutory representatives could not commit themselves without authorization from their principals (Cloete, 1995: 32). This led to another problem, namely a lack of direction and consensus among the various component members of the statutory delegation. This forced officials to take the lead, and even exceed their mandates in order to make progress (Cloete, 1994: 16).

5.4.4. HETEROGENEITY *VERSUS* HOMOGENEITY OF DELEGATIONS

The heterogeneity of the statutory delegation was identified as a major problem when it came to providing a common policy position (Cloete, 1994: 16). There were representatives from central, provincial and local governments as well as members of the National Party (NP), Conservative Party (CP) and Democratic Party (DP).

Conversely, the South African National Civic Organization (SANCO) was a more homogeneous caucus, with fewer interests to please. Cloete (1994: 16) suggests that it was, in every respect, better prepared for negotiating sessions. Indeed, the non-statutory delegation had excellent research back-up such as the Johannesburg-based non-governmental (NGO), Planact. The rather fissiparous statutory delegation had no comparable research back-up.

5.4.5. THE LOCAL GOVERNMENT TRANSITION ACT (LGTA) – POORLY FRAMED LEGISLATION

The Local Government Transition Act (LGTA) has turned out to be a difficult piece of legislation to implement. There were cumbersome and ambiguous clauses which made local government practitioners' lives very difficult. This was partly due to the fact that the legal and constitutional framework for local government was a product of last-minute effort (Christianson, 1994: 28).

Local government was only dealt with at a relatively late stage of the multiparty negotiations. A senior Local Government Negotiation Forum (LGNF) (non-statutory) negotiator, Thozamile Botha, remarked that local government was forgotten when discussions at the World Trade Centre took place. It was not addressed in the earlier constitutional discussions. As late as September 1993, the Technical Committee on the Constitution reported that no contact had been made with the Local Government Negotiation Forum (LGNF) (*Cape Times*: 29 September 1993).



5.4.6. METROPOLITAN GOVERNMENT

Besides these general criticisms, one can also express specific concerns that metropolitan government was not dealt with adequately at the Local Government Negotiation Forum (LGNF). There are cogent criticisms suggesting that the Local Government Transition Act (LGTA) was aimed primarily at stand-alone urban areas where the problem was to combine single white local authorities and black local authorities. The complexity of metropolitan areas and the issue of rural areas were not covered adequately by the Act. For example, Simkins (1993) states that the Local Government Negotiation Forum (LGNF) approach seemed more or less workable in a relatively short time for smaller places, but not cities.

5.5. CONCLUSION

In evaluating the Local Government Negotiating Forum and the application of the Local Government Transition Act (Act 209 of 1993) in the pre-interim and interim phase, one must accept that this process was flawed, but one must not lose sight of the fact that over 80 years of municipal apartheid needed to be negotiated. This process led to momentous decisions that fundamentally altered the shape of South African local government between 1994 and 1996.

What also needs to be stressed is that the demarcation process took place in highly-politicized circumstances. The pre-interim process involved the creation of local government negotiating forums and transitional local government models. Party political fighting bedevilled the creation of functioning pre-interim local government models. Likewise, the interim phase was about the demarcation of boundaries for election purposes. Temperatures began to rise as political parties began pushing particular boundary configurations which they thought would be to their electoral advantage.

The system of metropolitan government was also, in many respects, an unsatisfactory political compromise. The definition of a metropolitan area and

the nature of metropolitan-local relationships were amongst the issues which became areas of serious political contestation.

Chapter 6 focuses on the main local government features of the Final Constitution which was certified and signed in December 1996. Certain provisions of the Final Constitution came into effect on 4 February 1997, and a preliminary analysis of the operation of these new provisions will be undertaken. While both Constitutions had chapters on local government, there were significant differences between them which will be discussed. The chapter will also examine the relevant provisions of the Local Government Transition Act Second Amendment Act which was promulgated in November 1996 and the eminence of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998).



CHAPTER 6

RESTRUCTURING OF LOCAL GOVERNMENT IN SOUTH AFRICA TOWARDS THE FINAL PHASE

6.1. INTRODUCTION

This chapter will examine the evolution of the Final Constitution and its main provisions. What is important is the change from a three-level hierarchical intergovernmental system to a three-sphere system. The notion of a sphere must be looked at within the context of co-operative governance, which makes each sphere of government distinctive, interdependent and interrelated. This has uplifted local government from a subordinate level to being a significant sphere in its own right.

The main features of the local government chapter in the final Constitution are discussed. These include the constitutionally entrenched functions and powers of local government, the objectives and development duties of municipalities, the establishment of municipalities, the demarcation of boundaries and transitional arrangements. This chapter also evaluates the new local government system. It then examines the concept of co-operative governance.

6.2. EMERGENCE OF THE FINAL CONSTITUTION

The Interim Constitution was drawn up with the involvement of all political parties. The results of the country's first national elections showed that many of these parties were not representative. In addition, technical experts, academics, and lawyers played a greater role in drafting the Interim Constitution than was the case with the Final Constitution, where elected politicians played a more dominant role (Van der Westhuizen, 1996). In terms of the Interim Constitution, the Constitutional Assembly (consisting of the National Assembly and the Senate) had to adopt a Final Constitution with a



two-thirds majority within two years. What the Interim Constitution makers did agree upon were 34 fixed constitutional principles to which both the Interim and Final Constitution makers had to adhere and which had to be certified by the Constitutional Court. These included general provisions such as a three-level government system, separation of powers, commitment to a democratic system of government and a Bill of Rights. The Constitutional Assembly interpreted these principles as being precisely that and not rules of law (Constitutional Talk 11, 1996: 7).

The Constitutional Assembly divided itself into six theme committees, each of which was assisted by a small committee of experts. The whole process went through a 30- to 40-person body called the Constitutional Committee and later its subcommittee, and the end product was eventually adopted by the Constitutional Committee (Van der Westhuizen, 1996; Constitutional Talk, Special Edition, 1996).

Provision was made for the general public as well as organized lobby groups to make oral and written submissions to the Constitutional Assembly. There were almost two million submissions although, in reality, unless the submissions approximated to the ideas of the major political parties, the ANC in particular, they did not influence the final outcome. Notwithstanding this, organized local government was far more influential and active in drawing up the local government chapter than had been the case with the Interim Constitution. This was due to the credibility and legitimacy that local government had acquired after the country's first non-racial local government elections (De Villiers, 1997: 2-3).

The Final Constitution is also, for the most part, less detailed than the Interim Constitution. The latter made provision for a variety of power-sharing clauses valid for the interim period only as part of the historical compromise between the African National Congress (ANC) and the National Party (NP). These power-sharing clauses have largely fallen away in the final phase. The Constitutional Court found in September 1996 that the first text submitted to it by the Constitutional Assembly did not comply fully with constitutional



principles. This included the chapter on local government. The Constitutional Assembly subsequently redrafted the Constitution, and the second text was certified by the Constitutional Court in December 1996. This culminated in the promulgation of the Constitution of the Republic of South Africa, Act 108 of 1996 (hereafter referred to as the Constitution).

6.3. CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, ACT 108 OF 1996

The 1996 Constitution, like its 1993 predecessor, makes the Constitution the supreme law of the Republic of South Africa and any law inconsistent with the Constitution is invalid (Section 2). The Bill of Rights forms the cornerstone of the Constitution (Chapter 2). In the Constitution, provision is made for a three-sphere system of government comprised of national, provincial and local spheres which are distinctive, interdependent and interrelated (Section 40). The principle of co-operative governance underpins intergovernmental relations. Section 41 of the Constitution states that all spheres of government must:

- (a) respect the constitutional status, institutions, powers and functions of government in these spheres;
- (b) not assume any powers or functions except those conferred on them in terms of the Constitution;
- (c) exercise their power and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere;
- (d) co-operate with one another in mutual trust and good faith; and
- (e) avoid legal proceedings against one another.

This concept of co-operative governance was not included in the Interim Constitution. Although partially borrowed from German experience, it is a *sui generis* attempt to develop South Africa's approach to intergovernmental relationships. The term 'sphere' is meant to indicate a shift towards a less hierarchical system of intergovernmental relations. The Interim Constitution did not significantly depart from the country's historical hierarchical intergovernmental relationships, in terms of which local government was rather tightly circumscribed by national and provincial government.

Parliament consists of the National Assembly and the National Council of Provinces (NCOP) (Section 42 of the Constitution). The legislative authority of the national sphere of government is vested in parliament (Section 43 of the Constitution). The directly elected National Assembly considers all national legislation (Section 55 and 73 of the Constitution). The National Council of Provinces (NCOP) is comprised of a single delegation from each province, consisting of ten delegates of whom four are *de facto* rotating delegates (Section 60 of the Constitution). These special delegates can be from the provincial executive or legislative bodies and can ensure that respective provincial concerns are taken into account when considering matters. In practice, the National Council of Provinces' (NCOP's) powers are likely to be restricted to delaying Bills affecting provinces (Section 76 of the Constitution). The National Council of Provinces (NCOP) has replaced the Senate and is intended to play a more focused provincial role than its predecessor.

The legislative authority of a province is vested in the elected provincial legislature. Provinces can pass legislation with regard to any matter within a functional area listed in Schedule 4 (functional areas of concurrent national and provincial legislative competence) and Schedule 5 (functional areas of exclusive provincial legislative competence) and other matters assigned to the provinces by national legislation (Section 104 of the Constitution). Schedule 4 matters can be legislated by both parliament and provincial legislatures, with the former authority having an overriding power in certain instances (Section 146 of the Constitution).

The Constitutional Court is the highest court for all constitutional matters and has the power to decide on disputes between organs of state in the national or provincial spheres when these disputes concern the constitutional status, powers and functions of any of these organs of state (Section 167 of the Constitution). The Interim Constitution vested provinces with certain functions (Schedule 6 of the Constitution) which, in practice, because of extensive override mechanisms, were in fact concurrent powers. Certain provinces clamoured for more extensive powers in the Final Constitution, hence the introduction of exclusive Schedule 5 functions. The latter functions are, however, largely not significant in nature.

What is particularly important, is that local government, which was a provincial function in terms of the Interim Constitution, has been promoted to being a sphere of government in its own right. The chapter will address this sphere of government.

6.3.1. LOCAL GOVERNMENT

As with the Interim Constitution, a chapter in the Final Constitution deals with local government. The entire chapter on local government was initially referred back to the Constitutional Assembly by the Constitutional Court on the grounds that the first text was too vague on how it should function. In particular, the Court requested greater detail about differing municipal structures, legislative processes and finances. This was rectified in the second text which was approved by the Constitutional Court.

Section 151 (1) of the Constitution states that the local sphere of government consists of municipalities, which must be established for the whole of the country. Local government is now the generic term for all third-sphere bodies, while the individual structures are referred to as municipalities (replacing the commonly used term of local authorities). Of particular importance are Sections 151(3) and (4) of the Constitution. Section 151(3) states that a municipality has the right to govern, on its own initiative, the local government

affairs of the community it serves subject to national and provincial legislation as provided for in the Constitution. Section 151(4) states that national or provincial government may not compromise or impede a municipality's right or ability to exercise its powers or perform its functions. These clauses indicate a fundamental shift away from the system of provincial control of local government which has characterized South Africa's intergovernmental system since 1910.

This argument can be developed further by examining Section 156(1) of the Constitution, which gives municipalities executive authority and the right to administer the local government assigned to them by national or provincial legislation. Local government has constitutionally guaranteed functions and, although local government may be regulated by the national or the provincial government, this must be done in a way that does not compromise its ability or right to govern.

Section 155(6) of the Constitution states that provinces, by legislative or other methods, must provide for the monitoring and support of local government in the provinces and promote the development of local government capacity to enable municipalities to perform their functions and manage their own affairs. Provinces now have to perform a technical support role and improve municipalities' capacity. Monitoring does not imply interventionist powers on the part of the provinces. It indicates a power of oversight, to observe or keep under review. Monitoring should also determine what type of capacity needs to be built. Municipalities will be the primary repositories of legislative and executive authority in relation to local government matters. The national and provincial governments must be considered as secondary repositories in this regard (Gauntlett & Breitenbach, 1997: 41). At least, this was the intention of the Constitution framers although it will probably take a Constitutional Court judgement to provide greater clarity in this regard.

Section 139 of the Constitution deals with provincial supervision of local government. Section 139(1) states that when a municipality cannot or does not fulfil an executive obligation in terms of legislation, the relevant provincial

executive may intervene by taking any appropriate steps to ensure fulfilment of the obligation. Such steps include issuing a directive to the Municipal Council, describing the extent of the failure to fulfil its obligation and stating any steps required if it is to meet its obligation, and assuming responsibility for the relevant obligation in that municipality to the extent necessary:

- (a) to maintain essential national standards or meet established minimum standards for the rendering of a service;
- (b) to prevent that Municipal Council from taking unreasonable action that is prejudicial to the interests of another municipality or to the province as a whole; and
- (c) to maintain economic unity.

However, if a provincial executive intervenes in a municipality in terms of Subsection 1(b):

- (a) the intervention must end unless it is approved by the Cabinet member responsible for local government affairs within 14 days of the intervention;
- (b) notice of the intervention must be tabled in the provincial legislation in the National Council of Provinces within 14 days of their respective first sittings after the intervention began;
- (c) the intervention must end unless it is approved by the Council within 30 days of its first sitting after the intervention began; and
- (d) the Council must review the intervention regularly and make any appropriate recommendations to the Provincial executive.

National legislation may regulate the process established by this section in terms of the emergence clause that deals with the non-performance of local government. There are sufficient checks and balances to ensure that



intervention of this nature will be used sparingly and, when used, will be of short duration in that the specific consent of both the Minister of Provincial Affairs and Constitutional Development (PACD) and the National Council of Provinces (NCOP) (where local government is represented) is required for specific interventions. This provision also makes it difficult for the Inkatha Freedom Party (IFP)-controlled KwaZulu-Natal province and the National Party (NP)-controlled Western Cape province to discipline African National Congress (ANC)-controlled municipalities in their respective provinces, as the National Council of Provinces (NCOP) will be predominantly African National Congress (ANC)-controlled.

A second qualification is that Section 139 of the Constitution is limited to cases where a municipality cannot or does not fulfil an executive obligation in terms of legislation. Section 139 does not, however, apply to cases where the executive obligation derives directly from the Constitution.

A more general limitation of provincial powers is the fact that provinces have a constitutional obligation to support the capacity of local government. If a municipality is unable to fulfil an executive function, a municipality could claim that the province has failed in its constitutional obligation to improve the capacity of local government. The problem here is that provinces themselves are suffering from lack of capacity. Weak leadership and management (in particular financial management), the early retirement of skilled staff (Department of Public Service and Administration: The Provincial Review Report, 1997) and unskilled affirmative action appointees have contributed to a haemorrhaging of provincial capacity.

The Constitutional Court has, in terms of the Constitution, held that provincial governments' powers of supervision, monitoring and support are not insubstantial. According to the Court:

Taken together, these competencies are considerable and facilitate a measure of provincial government control over the manner in which municipalities administer these matters in Part B of Schedule 4 and 5.

This control is not purely administrative. It could encompass control over municipal legislation to the extent that such legislation impacts on the manner of administration of local government matters (cited in Gauntlett & Breitenbach, 1997: 36).

This is a rather sanguine view of provincial powers over local government, which does not appear to be borne out by early experience of the new Constitution. This experience suggests that municipalities are exercising considerably more powers and functions compared to provinces than was the case hitherto. A final point is that any residual matter regarding local government not dealt with in the Constitution may be prescribed by national or provincial legislation within the framework of national legislation (Constitution of the Republic of South Africa, 1996 (Act 108 of 1996): Section 164).

6.3.2. OBJECTIVES AND DEVELOPMENT DUTIES OF MUNICIPALITIES

This elevated status does not mean that local government has *carte blanche* when deciding local priorities. This is clear from a reading of Sections 152 and 153 of the Constitution. Section 152(1) states that the objectives of local government are:

- (a) to provide democratic and accountable government for local communities;
- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment; and
- (e) to encourage the involvement of communities and community organisations in matters of local government.

Section 152(2) of the Constitution states that a municipality must strive, within its financial and administrative capacity, to achieve the objectives set out in Subsection 1.

Section 153 of the Constitution deals with the development duties of municipalities. It states that a municipality must:

- (a) structure and manage its administrative and budgeting and planning processes, to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- (b) participate in national and provincial development programmes.

These development provisions must be read in conjunction with Section 95 of the Constitution (which lists the basic values and principles governing public administration). This states that public administration must be development orientated. The role of local government has to shift from the traditional role of local service delivery and administration to local socio-economic development (Fitzgerald *et al.*, 1995). Economic development, in particular, is an important new local government function.

Firstly, reference can also be made to the Development Facilitation Act (DFA) of 1995 (Act 45 of 1995), which lists in detail a set of principles for land development as well as land development objectives (LDO's), including development strategies, to be applied by local government. These LDO's can also include economic development goals (Department of Constitutional Development, 1997a). Secondly, in terms of the amendment to the Local Government Transition Act (LGTA), both Metropolitan Councils (MC's) and Metropolitan Local Councils (MLC's) previously Transitional Metropolitan Substructures (TMS's)) are required to formulate and implement Integrated Development Plans (IDP's). The Metropolitan Council (MC) must formulate and implement a metropolitan Integrated Development Plan (IDP) incorporating metropolitan land use planning, transport planning, infrastructure planning and the promotion of integrated economic development. Metropolitan Local Councils (MLC's) must formulate and implement similar plans at local level in accordance with the metropolitan Integrated Development Plan (IDP).



Furthermore, the constitutional obligations of local government to meet basic needs in terms of Section 153(a) of the Constitution must be seen in the light of the extensive infrastructural backlog. Some four million people have access to untreated water; eight million have minimal sanitation; seventeen million have no electricity and eight million have no formal road access to residential areas (Moosa, 1997a).

Section 153 of the Constitution means that, although local government has constitutionally listed functions, it is, to a certain extent limited in the way it exercises these functions. Local government is already participating in national development programmes, in particular the Reconstruction and Development Programme (RDP) and the Growth, Employment and Redistribution (GEAR) strategy, so Section 153(b) is not a novel innovation. There have been concerns that the tribunals created in terms of the Development Facilitation Act (DFA) could erode the autonomy of municipalities (Centre for Policy Studies, 1996). There are also concerns that new water and electricity legislation could lead to local government losing these functions, along with their sources of revenue, to envisaged statutory single-purpose bodies.

These clauses are, nevertheless, an improvement upon the Interim Constitution, which said little about the purposes of local government except for a rather vague commitment to its making provision for services to persons within its area of jurisdiction (Section 175(2) and (3) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)).

6.3.3. ESTABLISHMENT OF MUNICIPALITIES

The first constitutional text did not deal in any detail with the establishment of municipalities and the different categories thereof and was rejected by the Constitutional Court because it did not provide a framework for the structure of local government. The drafters of the Final Constitution, however, kept this deliberately vague in order to ensure that structures should follow function;



that is, the role and purpose of local government should be established before structures were established (*Mail and Guardian*, September 1996: 13-19). The attempt to introduce flexible structures had been influenced by the experience of the Interim Constitution, which made provision for fixed categories of metropolitan, urban and rural local governments (Section 174(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)). This had led to numerous demarcation disputes around issues such as the differences between metropolitan and stand-alone urban areas. There were even some rural pockets within metropolitan areas lobbying for separate rural local government structures. There were also demarcation disputes between stand-alone towns and their surrounding rural areas. The listing of these different categories certainly precluded the introduction of the city/surrounding rural hinterland model which had been used in other countries.

The formulators of the Constitution thus formulated a less vague chapter, which nevertheless still provided sufficient flexibility for local government policymakers when it came to the establishment of local structures. Section 155 of the second constitutional text made provision for the following categories of municipalities:

- (a) Category A: A municipality that has exclusive municipal executive and legislative authority in its area;
- (b) Category B: A municipality that shares municipal executive and legislative authority in its area with a Category C municipality within whose area it falls; and
- (c) Category C: A municipality that has municipal executive and legislative authority in an area that includes more than one municipality.

Section 155(2) of the Constitution states that national legislation must define the different types of municipality that may be established within each category. This implies that central government must provide a menu of options in each category. This must be read in conjunction with Section

155(3)(a) of the Constitution, which states that national legislation must establish the criteria for determining when an area should have a single Category A municipality or when it should have municipalities from both Categories B and C.

Provinces must determine the type of municipalities to be established in the respective areas (Section 155(5) of the Constitution of the Republic of South Africa, 1996 (act 108 of 1996)). They can choose from the menu of options bearing in mind the criteria provided for in national legislation.

Section 245(4) of the Interim Constitution, however, preserves existing local government structures for three years from the date they were elected except in accordance with an Act of parliament further regulating the local government transition process or by way of proclamation in the Provincial Gazette by the premier of a province acting in consultation with the Minister of Provincial Affairs and Constitutional Development.

6.3.4. DEMARCATION OF BOUNDARIES

The intention of national government was to have a further re-demarcation of boundaries for municipal elections. The argument is that many boundaries were created for elections in the interim period only. The concern of the Minister of Provincial Affairs and Constitutional Development is that there are too many municipalities, many of which are not viable; that the two-tier system in both metropolitan and rural areas has led to a costly, unintelligible and inefficient division of functions and powers, and that there has not been a proper demarcation of boundaries in rural areas (Provincial Affairs and Constitutional Development (PACD), 1997(a): 34).

The Final Constitution states that national legislation must establish criteria and procedures for the determination of municipal boundaries by an independent authority (Section 155(3)(b) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)). However, during the interim phase,

these criteria and procedures were laid down in the Local Government Transition Act (LGTA), which guided the demarcation process during this phase. The Interim Constitution did not make any provision in this regard. As has been pointed out, demarcation disputes did, however, delay the holding of elections in both KwaZulu-Natal and the Western Cape provinces. There was a feeling within the Ministry of Provincial Affairs and Constitutional Development that the ability of political parties to manipulate the demarcation process to their advantage should be minimized; in particular the ability of provincial Members of the Executive Committees (MEC's) for Local Government to gerrymander boundaries should be prevented – this, as has been pointed out, had been a major cause of the delaying of the previous elections (Election Task Group, 1996: 67-68). The cost of protracted court cases around demarcation disputes was another concern.

This led to a change in the way members were appointed to provincial demarcation boards via the 1996 amendment to the Local Government Transition Act (LGTA). Previously, demarcation boards had been appointed by the ex-Provincial Administrators (in effect Members of the Executive Committees (MEC's) for Local Government) in conjunction with provincial committees and on the basis of expertise. There was the requirement that the membership should be structured in such a way as to be balanced, representative, non-racial and gender inclusive. There was also no limitation on numbers. In the terms of the 1996 amendment, provision was made for a six-person municipal demarcation board in each province. Two members were to be appointed by the provincial Member of the Executive Committee (MEC) for Local Government, two by the Minister of Provincial Affairs and Constitutional Development, and the remaining two by the relevant provincial municipal organization. In addition, provision was made for a national demarcation board consisting of nine members appointed by the Minister of Provincial Affairs and Constitutional Development. Requirements about expertise and the need for a balanced membership remained in place.

Previously, demarcation board decisions had had to be considered by the Provincial Administrator (the Member of the Executive Committee (MEC) for

Local Government in practice) in conjunction with the provincial committee. If consensus was not reached, the matter went to a Special Electoral Court for decisions. In terms of the Local Government Transition Act (LGTA) amendment, if a Member of the Executive Committee does not act in accordance with the recommendations of the municipal demarcation board, the matter is referred to the national demarcation board for a final decision.

The motivation behind this new method of appointment was to try to ensure that no single politician had the authority to appoint the demarcation board on his or her own. This was intended to facilitate the reaching of (political) consensus in demarcation boards between what, in effect, could be mandated representatives of the different spheres of government. This system was also intended to prevent further conflicts between boards and provincial Members of the Executive Committees that might delay future elections.

There were strong feelings in technical local government circles, which were supported by some legal opinions, that the new system of demarcation boards was unconstitutional. Because members could be appointed by political parties or bodies with a direct interest in the matter, they could not be construed as being independent, as required by the Constitution. In particular, the concern was that municipal and national demarcation boards would become politicised, with members being appointed on the basis of political connections and not expertise. (The criteria in this respect are wide enough to permit political appointments to be made under the guise of technical appointments.) Furthermore, such political appointees could push the mandated positions of their appointing masters.

The Local Government Transition Act Second Amendment Act, 1996 (Act 97 of 1996), also added an extra criterion, "the will of the community". The reason for this is not clear, but this amendment was apparently pushed through by the Portfolio Committee on Constitutional Affairs. This amendment also reduces the powers of the Members of the Executive Committees and increases those of the national Minister of Provincial Affairs and Constitutional Development. The Interim Constitution did not specifically mention



demarcation boards; these were regulated by the Local Government Transition Act (LGTA). The Member of the Executive Committee could appoint members of demarcation boards (although this had to be in conjunction with the provincial committee). A Member of the Executive Committee now can only appoint one third of a demarcation board's membership; he or she is obliged to accept their reports otherwise the report goes to a national demarcation board appointed by the Minister of Provincial Affairs and Constitutional Development for a final decision. During the White Paper process, the government was persuaded by the argument that these boards could be unconstitutional and commissioned research on various demarcation options (Cameron, 1997a; 1997b). In early 1998, legislation establishing a new independent national board to replace the system of national and provincial boards was being drafted.

Another important development is the promulgation of the Electoral Commission Act of 1996 (Act 51 of 1996). The Constitution states that the Electoral Commission must manage elections for national, provincial and municipal legislative bodies in accordance with national legislation and ensure that they are fair and free (Section 190). The Electoral Commission Act of 1996 (Act 51 of 1996) gives the Commission the power to demarcate wards in the local sphere of government, or to cause them to be demarcated. This removes the power to demarcate wards from the demarcation boards, although the Commission could delegate this responsibility to boards. These boards are now responsible for the demarcation of outer boundaries and the Commission for the delimitation of wards.

At a theoretical level it could be argued that the function of outer boundary demarcation is to create optimally sized, viable municipalities which can upgrade service capacity and promote economic development, while ward demarcation is primarily about the identification of voting districts for election purposes. Given that demarcation was largely subordinate to election purposes in 1995, it makes sense to elevate it out of the sphere of elections and into an important field in its own right.



In practice, the splitting of functions will require a great deal of co-ordination between the Electoral Commission and the demarcation boards. There is already evidence that this is not happening. The Commission is already identifying voting districts based on census statistics, before outer boundary demarcation has commenced. There is the danger that this could pre-empt, or at least complicate, the work of the demarcation boards. Identifying wards on different criteria from outer boundaries is problematic because the possibility exists that future outer boundary demarcations could cut across such voting districts.

6.3.5. TRANSITIONAL ARRANGEMENTS

Schedule 6 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) deals with transitional arrangements. Certain clauses of the Interim Constitution have been retained. Section 26(1) of Schedule 6 states that, notwithstanding the provisions of Sections 151, 155, 156 and 157 of the new Constitution, the provisions of the Local Government Transition Act (LGTA), as may be amended from time to time by national legislation, consistent with the new Constitution, remain in force until 30 April 1999 or until repealed. The Constitutional Court has interpreted Section 26(1)(c) to mean that the Local Government Transition Act (LGTA) is not subject to Sections 151, 155, 156 and 157 of the 1996 Constitution until 30 April 1999 or until the Local Government Transition Act (LGTA) is repealed.

Another important transitional provision is the section in the Local Government Transition Act Second Amendment Act, 1996 (Act 97 of 1996) which is an exhaustive list of the powers and functions of both Metropolitan Councils (MC's) and Metropolitan Local Councils (MLC's) (Schedules 2a and 2b). The provision not only freezes existing structures, but (unlike the Constitution) details the functions of different types of municipalities. These schedules also deal with certain matters which are not listed in the Constitution. In addition, this amendment makes provision for a relatively strong Metropolitan Council

(MC), although Metropolitan Local Councils (MLC's) did not have insignificant powers before.

However, Metropolitan Councils (MC's) and Metropolitan Local Councils (MLC's) may agree on the reallocation of powers and duties listed in Schedule 2 and 2a, provided that in the reallocation of powers the issues of practicability, technological advisability and economic and financial efficiency are taken into consideration. This provision was included in order to preserve locally negotiated powers agreements (Metropolitan Restructuring Forum (MRF): 1996).

This amendment also changed the designation of lower-tier authorities from Transitional Metropolitan Substructures (TMS's) to Metropolitan Local Councils (MLC's). The subservient status inherent in the Transitional Metropolitan Substructure (TMS) designation had been a source of resentment amongst many local authorities and this name change was intended to reflect a less subservient role. Whether this change was more than symbolic is a moot point, given current government attempts to abolish lower-tier structures. The 1996 amendments to the Local Government Transition Act have also reduced the powers of provincial Members of the Executive Committees (MEC's). The power to make proclamations regulating local government transition has lapsed. Admittedly, these powers had to be exercised in conjunction with the multi-party provincial committee, but this amendment is, nevertheless, a diminution of the Member of the Executive Committee's (MEC's') powers. A Member of the Executive Committee may now amend or repeal proclamations and regulations, but only in concurrence with the Minister of Provincial and Constitutional Development (Section 10 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)).

6.4. THE WHITE PAPER ON LOCAL GOVERNMENT

The government released the White Paper on Local Government in March 1998. The rationale for the White Paper was that, while a great deal of

attention had been focused on deracializing local government and establishing democratic and non-racial authorities, it was time to start looking at the wide spectrum of policy matters facing local government. The Constitution of 1996 lays down only the broad outlines of local government. The policy details have to be filled in by the White Paper and legislation based on the White Paper (Provincial Affairs and Constitutional Development 1997a: 1-2). A three phase process to develop the new local government policy framework was followed:

- Phase 1: Discussion document – This document provided an overview of the major issues and strategic questions to be answered in policy. This document was released in early 1997 (Provincial Affairs and Constitutional Development 1997a).
- Phase 2: Green Paper – This phase involved extensive research into international and South African experience with reference to the discussion document. This phase also provided certain policy options. The Green Paper was published in October 1997 (Provincial Affairs and Constitutional Development 1997b: 3).
- Phase 3: White Paper – The White Paper of March 1998 attempted to identify the necessary policy choices with regard to the options set out in the Green Paper.

New local government legislation based on the White Paper has been promulgated, being the Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

6.5. LOCAL GOVERNMENT MUNICIPAL STRUCTURES ACT, ACT 117 OF 1998

The Local Government Municipal Structures Act, 1998 (Act 117 of 1998) was signed by the President on 18 December 1998. The Demarcation Act, 1998



(Act 27 of 1998), becomes effective on the date on which the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) comes into effect.

Chapter 1 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) provides for:

- a) the establishment of local authorities in accordance with the requirements relating to categories and types of local authorities;
- b) the establishment of criteria for determining the category of local authorities to be established in an area;
- c) the definition of the types of local authorities that may be established within each category;
- d) a division of powers and functions between categories of local authorities;
- e) the regulation of internal systems, the structures and office-bearers of local authorities; and
- f) appropriate electoral systems and matters related thereto.

As the exclusion discretion regarding outer boundaries of local authorities lies with the Demarcation Board, stakeholders should concentrate on ensuring that, firstly, the right category of local authority and, secondly, the right type of local authority is designated for their area.

6.5.1. CATEGORIES OF LOCAL AUTHORITIES

In terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), it is stated that an area must have a single Category A local authority if the area can reasonably be regarded as:



- a) a conurbation featuring:
 - (i) areas of high population density;
 - (ii) an intense movement of people, goods and services;
 - (iii) extensive development; and
 - (iv) multiple business districts and industrial areas;
- b) a centre of economic activity with a complex and diverse economy;
- c) a single area for which integrated development planning is desirable; and
- d) having strong interdependent social and economic linkages between its constituent units.

Section 3 requires areas that do not comply with Section 2 to have local authorities from both Categories B and C as described in the Constitution, 1996 (Act 108 of 1996).

The importance hereof is that, once an area complies with the criteria stated in Section 2, it must have a Category A local authority. Category A local authorities are what is commonly referred to as single cities and have exclusive legislative and executive powers (Section 155 of the Constitution, Act 108 of 1996).

Section 4 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) empowers the Minister responsible for local government to apply the criteria set out in Section 2 to decide what category local authority an area should have. The Minister may, however, only determine that an area has a Category A local authority after consultation with the MEC for local government in the province concerned, the Demarcation Board, the South African Local Government Association and organised local government in the province. The decision of the Minister must be made public in the Government Gazette.

6.6. CO-OPERATIVE GOVERNANCE

The term co-operative governance is a new and recurrent term in the legislation for local government. The concept of co-operative governance is not clear and needs to be developed as the Constitution evolves.

What can be said, is that, firstly, each sphere of government has its own area of competency (distinctiveness), subject to the Constitution, and areas where it must co-operate with one or more other spheres of government (interrelatedness and interdependency). Secondly, the idea of governance is meant to indicate that the government does not run and regulate society on its own. Government has to consult with civil society, which includes labour, business and civics, when making policy (Boraine, 1996: 75-76). A senior African National Congress (ANC) negotiator has stated that co-operative governance reflects the fact that the country cannot afford a political culture of confrontation between different spheres of government (Gordhan, 1996: 10).

The idea of co-operative governance seem to have been drawn from the German system of *Bundestreue* although it has been adapted to South Africa's *sui generis* conditions (Van der Westhuizen, 1996: 22). It is worth examining the German system briefly in this regard. De Villiers (1995: 6) defines *Bundestreue* as the duty of national and regional governments within a federal state to take each other's interests into account in the exercise of their respective responsibilities. Each level of government is, therefore, under an obligation to use its powers in a way that will not be harmful to the other. *Bundestreue* is an unwritten constitutional norm and is not formally part of the Constitution, although it is an inherent part of the substantive constitutional law of the nation. The German Constitutional Court has played a pivotal role in developing *Bundestreue* as a constitutional norm. Nevertheless, the legal basis of *Bundestreue* is disputed and is sometimes unclear (De Villiers, 1995: 9-20). Co-operative governance is, therefore, a somewhat nebulous concept and its essence will inevitably have to be interpreted by the Constitutional Court.



A major difference between Germany and South Africa is that *Bundestreue* refers to a bipartite relationship between the federal and state governments, while in South Africa it is a tripartite relationship involving national, provincial and local spheres. Finally, despite the emphasis on co-operative relationships, the German Constitution's commitment to uniformity of living standards has led to greater centralization, due to the need for such uniform standards (Bulmer, 1991: 104-114). The South African equivalent of uniform living standards is basic needs. Similar calls for uniform basic needs could well lead to greater centralization in South Africa.

6.7. CONCLUSION

This chapter has traced the evolution of local government towards becoming a distinctive, interdependent, interrelated sphere in its own right. The second part of the chapter contains a critical analysis of the new local government system. In order to comprehend the evolution of local government, it is important to understand the reasoning behind the empowering of local government.

During the negotiations for the Interim Constitution, the National Party (NP) wanted local government to be an exclusive provincial power. Its strategy was that minority interests, in particular those of whites, could be protected through decentralization to provinces and/or local government. Strong local government with extensive powers and functions was seen as an important check and balance on any future African National Congress (ANC)-controlled government. Historically the African National Congress (ANC) had a more centralist vision of local government. Extensive devolution was seen as a mechanism to protect white privilege and to prevent the essential redistribution needed to ameliorate inequalities caused by apartheid. This led to the Interim Constitution being criticized for including contradictory clauses on local government autonomy. In reality, local government powers did not improve substantially. The hierarchical relationship still persisted.



The Final Constitution has elevated the powers of local government significantly. Yacoob (1996: 41-43) points out that a disparate local government empowerment lobby played a significant role in this regard. This debate cut through the centralist-provincialist dispute, with both sides pushing for more powers and local government only playing a role with respect to which level of government would control it. Within the National Party (NP), there was still a pro-local government lobby and a strong pro-local government lobby also developed within the African National Congress (ANC). This was supported by strong technical submissions from organised local government. Yacoob (1996: 41-43) states that the local government chapter was a settlement, not between political parties, but between different tendencies which existed in all parties. While the local government lobby did not achieve everything it had hoped for, it certainly won major concessions for the local sphere of government.

The reasons for the promotion of local government were that, firstly, the African National Congresses (ANC's) fear of white-controlled local authorities becoming the last bulwarks of apartheid had largely dissipated with the creation of non-racial boundaries and an African National Congress victory in most of the major municipalities. The African National Congress local government lobby grew accordingly.

A second reason for local government's greater status was the growing view that cities must be seen not only as service-delivery agents, but rather as dynamic areas for economic, social and cultural development. Cities are seen as arenas for economic competition in the global marketplace. Cities are where the majority of the country's Gross Domestic Product (GDP) is generated, and they need to be globally competitive in order to prosper. The arguments are that, given this critical need, cities should largely be masters of their own destiny and should not be shackled by unnecessary provincial controls that may reduce competitiveness.

The third reason was that strong local government was seen as a way of empowering people. The Constitution lays heavy emphasis on participatory



governance, namely involving civil society in decision-making. It was felt that local government, being the sphere of government closest to the person in the street, was ideally situated to perform this role.

The fourth reason was a political one. The African National Congress (ANC) had failed to win two of the provinces, namely KwaZulu-Natal (won by the Inkatha Freedom Party (IFP)) and the Western Cape (won by the National Party (NP)). The African National Congress (ANC's) support was significantly higher in metropolitan areas and large towns in these provinces, as evidenced by the fact that they won all the major cities/towns in KwaZulu-Natal as well as the Cape Town Municipality in the Western Cape. By upgrading local government at the expense of provinces, they could strengthen their support at the expense of the opposition-controlled provinces. Yet this step was not only about the behaviour of opposition provincial politicians. There was also concern that the African National Congress (ANC) provincial Members of the Executive Committees (MEC's) of Local Governments were adopting actions inimical to local government, such as the gerrymandering of the Transitional Metropolitan Substructure (TMS's) boundaries.

A final reason was the administrative capacity of provinces. Some provinces are entirely new creations; some are struggling to amalgamate former homeland administrations with parts of the old white provincial administrations. Voluntary retirement programmes have further eroded the skill base, while affirmative action appointees are, in many cases, still trying to find their feet (Department of Public Service and Administration: The Provincial Review Report, 1997). Local government, despite going through a disruptive reorganization in some cases, is still generally in a better state than provincial administrations. Many municipalities have not offered voluntary retrenchment programmes, so there has not been the same haemorrhaging of skills. The current capacity of provinces was taken into account when drawing up the Constitution.

Credit must be given to the architects of the new local government system. The idea of enabling local government is a noble one. However, doubt must

be expressed about the ability of local government to perform its new constitutional role.

The crucial problem, hinges on the ability of local government to deliver co-operative governance within the complex categorization of local government for the final dispensation. The following chapters will evaluate the adaptation and practical problems experienced by local government in the City of Tshwane, referred to as the Greater Pretoria Area up to the interim phase, in the evolution of local government since proclamation of the Local Government Transition Act, 1993 (Act 209 of 1993).

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 Roodeplaat (*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 Roodeplaat 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
- (c) the Northern Pretoria Metropolitan Council,

was officially inaugurated.

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).

CHAPTER 8

AN INTRODUCTION TO THE GREATER PRETORIA METROPOLITAN AREA IN THE INTERIM PHASE (1 NOVEMBER 1995 UP TO 5 DECEMBER 2000)

8.1. INTRODUCTION

On 1 November 1995 the interim phase commenced when the communities within the greater Pretoria area elected their political representatives on 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:

- (d) the Town Council of Centurion;
- (e) the City Council of Pretoria; and
- (f) the Northern Pretoria Metropolitan Council,

was officially inaugurated.

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 the interim phase into perspective. In this chapter the status of local government in the Greater Pretoria Area (GPA) in the interim phase will be discussed, by means of statistical analyses focussing on political representation, staffing structures, and financial and fiscal affairs.



8.2. LOCAL SPHERE OF GOVERNMENT IN THE INTERIM PHASE

The local sphere of government in South Africa in the interim phase has been structured into 839 local authorities. These local authorities have been divided as follows:

- (a) six (6) metropolitan councils with collectively 24 metropolitan local authorities;
- (b) 42 regional councils/district councils;
- (c) 440 local authorities; and
- (d) 327 representative councils (Sutcliff, 1998: 2).

These local authorities are the products of the second phase of the restructuring of local government, the first being the establishment of appointed “pre-interim” local authorities. Local elections during 1995 and 1996 led to these “interim” local authorities.

Six metropolitan areas are existent in the Republic of South Africa (Official Local Government Yearbook, 1998: 17), namely:

- (a) the Cape metropolitan;
- (b) the Greater Johannesburg;
- (c) the Greater Durban;
- (d) the Greater Pretoria;
- (e) the Lekoa Vaal; and
- (f) Khayalami.

These will be restructured in terms of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) for the “final phase”.

8.3. PRETORIA IN NATIONAL SOCIO-ECONOMIC CONTEXT

Pretoria is one of South Africa’s four largest metropolitan areas, with an estimated 1995 population within the greater Pretoria metropolitan area of

1 678 800, and a functional area population of 2 431 000 (Greater Pretoria Metropolitan Council, 1996; Centre for Developmental Education, 1995). Table 3 provides a comparison with figures for the other metropolises (*Official South African Local Government Yearbook*, 1997/98: 228).

TABLE 3: POPULATIONS OF THE LARGEST SA METROPOLITAN AREAS (a)

AREA	1995 POPULATION
Witwatersrand	5 484 000
Durban	3 215 000
Pretoria	2 431 000
Cape Town	2 279 000

(a) Source: *Greater Pretoria Metropolitan Council Land Development Objectives*, 1997: 7.

In terms of location, Pretoria is one of the two major metropolitan complexes in the Province of Gauteng, the other being Johannesburg. Commuters often either live in Johannesburg and work in Pretoria, or *vice versa*, underlining the interdependence of the Gauteng metropolitan system, and the need for Gauteng-based co-ordination between the various elements of that system (Greater Pretoria Metropolitan Council Land Development Objectives, 1997: 7).

Given that approximately 33% of the road network in the greater Pretoria area is geared towards high volume and rapid movement of traffic, it can be assumed that an intensive movement of people, goods and services is facilitated both internally and externally. It must also be noted that a large volume of commuter traffic enters the Pretoria area from outside its boundaries, especially from the Garankuwa and Mabopane regions (Municipal Demarcation Board, 28 June 1999: Annexure A).


TABLE 4: PEAK HOUR PUBLIC TRANSPORT NODAL SPLIT (a)

MODE	ACTUAL	PERCENTAGE
Rail passengers	34 000	35%
Bus passengers	30 000	31%
Taxi passengers	33 000	34%
TOTAL	97 000	100%
Passengers per 1000 population	64	

(a) Source: *Municipal Demarcation Board*, 28 June 1999: Annexure A.

Pretoria is also an “inter-provincial” metropole, with over a hundred thousand commuters (in 1994) arriving daily for work in Pretoria from adjacent settlements in the Northwest and Mpumalanga provinces (e.g. Winterveld and the former KwaNdebele areas). This suggests a potential special national government interest in the future development of the Pretoria metropolitan area (Greater Pretoria Metropolitan Council Land Development Objectives, 1997: 8).

Pretoria’s local economy is not quite as diverse as the other major metropolitan areas. It shows a strong bias towards the services sector, which employs some 46% of workers (in comparison the equivalent figures for Johannesburg, Durban and Cape Town are 34%, 31% and 30%). This partially reflects the strong public sector bias of employment in Pretoria, the administrative capital of the country as well as home to several national government institutions (*Official South African Local Government Yearbook*, 1997/98).

During the late 1980’s and early 1990’s, Pretoria’s rate of economic and employment growth (in the latter case 30% growth between 1985 and 1991) were amongst the highest in the country, being three times those of Cape Town and equivalent to those of Durban. By 1998, however, Central Statistic Services’ indicators suggest a slow-down in Pretoria’s comparative rate of economic growth, with the value of new buildings being completed in the area,



for example, now being less than half the equivalent completions in either Cape Town or Durban. This negative recent trend (reinforced, for example, by the closure of ISCOR and layoffs in other industries) suggests a need for Pretoria's leadership to prioritize economic development, a conclusion that they themselves have already collectively reached through the Greater Pretoria Metropolitan Council's (GPMC's) land development objective processes (Greater Pretoria Metropolitan Council Land Development Objectives, 1997).

8.3.1. BROAD DIMENSIONS OF METROPOLITAN GOVERNMENT

The greater Pretoria metropolitan area had an estimated 1995 population of some 1,68 million, most of whom (1,12 million) lived within the central metropolitan local authority area – the largest of the three within the greater Pretoria metropolitan area (see Table 5). The other two metropolitan local authorities are much smaller (*Official South African Local Government Yearbook*, 1997/98: 228-229).

TABLE 5: POPULATION IN THE GPMC AREA AND METROPOLITAN LOCAL AUTHORITY AREAS (a)

LOCAL AUTHORITY	1993 POP.	%	1995 POP.	%	Estimated 2000 POP.	%
Soshanguve	370 000		400 383		864 000	
Akasia	19 821		21 773		27 545	
Subtotal	394 821	24,92	422 156	25,15	891 545	37,65
Pretoria	508 115		521 184		556 360	
Atteridgeville	194 000		206 710		242 000	
Mamelodi	328 352		357 168		439 410	
Eersterust	20 770		31 905		37 940	
Subtotal	1 060 237	66,93	1 117 067	66,54	1 275 710	53,87
Centurion	106 762		116 324		175 095	
Laudium	22 278		23 252		25 880	
Subtotal	129 040	8,15	139 576	8,31	200 975	8,49
TOTAL	1 584 098	100	1 678 799	100	2 368 230	100

(a) Source: *Greater Pretoria Metropolitan Council Land Development Objectives*, 1997: 15.

The interim shape of local government boundaries reflected considerable residual effects from past patterns of local government. The outer perimeter of the greater Pretoria metropolitan area was, for example, influenced by concepts of regional services council areas and the outcome of negotiations over provincial boundaries. Hence, the northern Pretoria metropolitan boundary parallels the Gauteng province boundary, when there are, in fact, a significant number of Pretoria's commuters beyond these boundaries. The central metropolitan local authority boundary was also largely a reflection of the aggregation of the former Pretoria and Atteridgeville, Mamelodi and Eersterust, and the southern metropolitan local authority area, for example, was largely the result of the segregation of the former Centurion with Laudium (McCarthy, 1998: 28).

8.3.2. FINANCIAL STATUS OF LOCAL AUTHORITIES IN THE GREATER PRETORIA AREA

In gross financial terms, the greater Pretoria area appears to be viable with a per capita rate of local authority income comparable to that of Durban. The most unusual characteristic in Pretoria's finances relates to metropolitan council and metropolitan local authority relationships, and some indication of the relative dominance of the central metropolitan local authority can be gauged from the total income figures for 1996/97 of the various councils. The preliminary indicators of relative financial scale are shown in Table 6 below (based upon figures provided by the Department of Finance). These figures reflect a somewhat smaller role for the Greater Pretoria Metropolitan Council (GPMC) than might otherwise be determined from the summary budgets supplied by the Greater Pretoria Metropolitan Council (GPMC) and metropolitan local authorities and this, in turn, is a reflection of various roles that were performed by local authorities on an agency basis on behalf of the Greater Pretoria Metropolitan Council (GPMC). These discrepancies do not, however, affect the broad points which are made here (Department of Finance, 1998: 8).

TABLE 6: COMPARATIVE 1996/97 (NON-LOAN BASED) INCOME FIGURES FOR THE FOUR PRETORIA LOCAL AUTHORITIES
(a)

LOCAL AUTHORITY	1996/97 BUDGET INCOME 'R'-MILLION
GPMC	482 M
Central	2 539 M
Southern	383 M
Northern	330 M
TOTAL	3 734 M

(a) Source: *Official South African Local Government Yearbook*, 1997/98: 228-248).



Even in the context of this comparison, the central metropolitan local authority is in order-of-magnitude larger than the other two metropolitan local authorities, not only in population but also in budgetary terms. Moreover, its budget is significantly larger than the Greater Pretoria Metropolitan Council's (GPMC's), which is a situation unparalleled elsewhere in the country (in Durban the metropolitan council budget is several times larger than that of its largest metropolitan local authority – the northern central local authority). Even if somewhat different calculations are made of total budget size, based upon the summary budgets supplied by the various local authorities, the central metropolitan local authority emerges as significantly larger than the Greater Pretoria Metropolitan Council (GPMC) (McCarthy, 1998: 29).

The aspect of relative scale has led to some confusion in the perceptions of both insiders and outsiders as to what the "Pretoria Council" actually is – the Greater Pretoria Metropolitan Council (GPMC) or the central metropolitan local authority, the latter often being described in general discourse in Pretoria as the "Pretoria Council". In the interim, in functional terms, the Greater Pretoria Metropolitan Council (GPMC) tended to perform many of the development roles in lower income areas and the central metropolitan local authority engaged in a mix of functions, including many systems maintenance functions in the more developed areas. This dualism was unlikely to provide a durable solution to the longer term challenges of metropolitan/local government in Pretoria, and a degree of boundary realignment and reallocation of functions began to appear necessary over time (Greater Pretoria Metropolitan Council, April 1998).

8.3.3. COUNCILLOR REPRESENTATION

The interim system for electing councillors consisted of 40% proportional representation and 60% "first-past-the-post" ward candidates. The number of councillors that made up the metropolitan local authorities were:

- (a) South (20);



- (b) Central (70); and
- (c) North (30) (*Official South African Local Government Yearbook*, 1997/98: 228–248).

Twenty four of these councillors (eighteen (18) from the central -, four (4) from the northern and two (2) from the southern metropolitan local authority) sat on the Greater Pretoria Metropolitan Council (GPMC) together with sixteen (16) other Greater Pretoria Metropolitan Council (GPMC) councillors elected via proportional representation, making up a Greater Pretoria Metropolitan Council (GPMC) of 40. All four councils had elected mayors and deputy mayors and elected executive committees (McCarthy, 1998: 29). There were 72 wards in the interim resulting in a councillor to population ratio of about one to 12 000. The latter figure was nearly four times the national average, which is one to 3 405. Although it was higher than in many cities, it was not largely out of line with the national pattern in metropolitan areas, where densities allowed higher numbers of people per councillor (a comparative figure for Durban was about 7 000) (McCarthy, 1998: 29).

8.3.4. HUMAN RESOURCE STRUCTURES

The organizational systems of the human resource structures of the different local authorities varied, each having their own organograms. Perhaps the most striking feature of these, given the comparable sizes of the Greater Pretoria Metropolitan Council (GPMC) and the central metropolitan local authority, was the relative simplicity and flatness of local authority structures, which made significant use of outsourcing (indeed, the Greater Pretoria Metropolitan Council's (GPMC's) salary bill comprised only some 10% of operating expenditure in comparison with the central metropolitan local authority's 38% in 1996/97) (*Official South African Local Government Yearbook*, 1997/98: 568-636).

Moreover, in common with most other South African metropolitan areas, major elements of Pretoria's local governmental system had inherited something of



an old-fashioned “British Civil Service” *modus operandi*, adapted via layers of apartheid structuring, and subsequent amalgamations of apartheid sub-components and, (uneven) affirmative action practices (Cloete, 1997: 33).

Subcontracting and public-private partnerships were, however, operating, and in the Greater Pretoria Metropolitan Council (GPMC) in particular, there was also a strong thrust towards strategic planning, which appeared to be heading towards the type of developmental goals envisaged in the White Paper on Local Government, 1998.

An innovative development in the interim in Pretoria was the emergence of a Chief Executives Committee (CECOM), where the four local authorities’ chief executives and their senior aides met regularly to discuss matters of common interest, including, for example, the implications of the White Paper on Local Government, 1998, for their city. This resulted, *inter alia*, in some very useful working documents relevant to the future of metropolitan/local government in Greater Pretoria (Greater Pretoria Metropolitan Council Institutional Working Group, 1998).

8.3.5. DETAILED FINANCIAL ANALYSIS AND TRENDS

In 1996/97 the various local authorities in Pretoria had a capital expenditure (CAPEX) of R870 million, which increased to R1 312 million in 1997/98, whilst operating expenditures (OPEX) of R3 260 million in 1996/97 rose to R3 578 million in 1997/98 (see Table 7, columns 3 and 4). The more rapid rise of CAPEX than OPEX was a healthy trend, reflecting a movement towards more developmental priorities (Department of Finance, 1998: 6).

In order to gain some understanding of the budgetary relationships between the metropolitan council and the local authorities, the proportion of total CAPEX of all four local authorities shared by each was calculated, with the process repeated for OPEX (Table 7, columns 5 and 6). As can be seen, the proportion of CAPEX spent by the metropolitan council was decreasing, which



was a worrying trend given its developmental orientation. In terms of OPEX, the metropolitan council's very slim 10% of total reflected its flat management and lean staffing structures in comparison with local authorities and there appeared to be no deviation in this pattern over time.

8.3.5.1. SALARIES

Examining the relationship between salaries and OPEX in Table 5, it can be seen that metropolitan local authorities' salary bills accounted for between 30% and 38% in 1996/97, with not much change in 1997/98. The Greater Pretoria Metropolitan Council had remarkably low salary proportions – 10% in 1996/97 and 12% in 1997/98 – reflecting its modern approach of slim bureaucracy with considerable outsourcing.

TABLE 7: FINANCIAL DETAILS: PRETORIA 1996/97 AND 1997/98 (a)

MC/MLA 1996/97 (R000s)	STATE FUNDS	CAPEX	OPEX	CAPEX/ AREA TOTAL	OPEX/ AREA TOTAL	SALA- RIES/ OPEX	SALA- RIES	LEVIES	RATES OR SITE RENTS	RATES PER REG. VOTER 'R'
GTR PTA	46 133	310 000	343 555	35,62%	10,54%	10,2%	35 000	307 422		
Central	115 576	437 349	2 299 743	50,26%	70,54%	38,0%	873 220		386 494	925
Northern	52 633	69 570	251 019	7,99%	7,70%	30,0%	75 220		31 476	295
Centurion	26 283	53 313	366 224	6,13%	11,23%	30,9%	113 000		110 300	1 692
MLATOT	240 625	560 232	2 916 986	64,38%	89,46%	36,4%	1 061 440		528 270	
TOTAL		870 232	3 260 541			33,6%	1 096 440		528 270	895
1997/98										
GTR PTA	34 133	317 859	368 448	24,22%	10,30%	12,53%	46 180	334 315		
Central	109 922	721 334	2 473 493	54,97%	69,13%	36,38%	899 966		666 200	1 594
Northern	119 210	196 589	310 135	14,98%	8,67%	29,97%	92 932		37 150	348
Centurion	21 807	76 390	425 950	5,82%	11,90%	32,27%	137 455		135 977	2 086
MLATOT	285 072	994 313	3 209 578	75,78%	89,70%	35,22%	1 130 353		839 327	
TOTAL		1 312 172	3 578 026			32,88%	1 176 533		839 327	1 423

(a) Source: *Department of Finance, 1998: 6.*



8.3.6. LEVIES AND RATES

Table 8 shows that, whilst levies and rates were important to the metropolitan council (82% of total budget in 1996/97 dropping to 49% in 1997/98), this did not apply to metropolitan local authorities where the proportion varied between 7% and 27%.

TABLE 8: FINANCIAL CALCULATIONS: PRETORIA 1996/97 AND 1997/98 (a)

MC/MLA (R000s)	STATE FUNDS/ CAPEX + OPEX 1996/7	OPEX + CAPEX 1996/7	LEVIES+ RATES/ OPEX + CAPEX 1996/7	STATE FUNDS/ CAPEX + OPEX 1997/8	OPEX + CAPEX 1997/8	LEVIES+ RATES/ OPEX + CAPEX 1997/8
GTR PTA	12,3	374 555	82,08%	4,9	686 307	48,71%
Central	1,7	6 679 092	5,79%	3,4	3 194 827	20,85%
Northern	16,4	320 589	9,82%	23,5	506 724	7,33%
Centurion	6,3	419 537	26,29%	4,3	502 340	27,07%
TMSSTOT	6,9	3 477 218	15,19%	6,8	4 203 891	19,97%
TOTAL		4 130 773	12,79		4 890 198	17,16%

(a) Source: *Department of Finance*, 1998: 8.

8.3.7. INTERGOVERNMENTAL TRANSFERS OF FUNDS

Although the Greater Pretoria Metropolitan Council did not have a rate base *per se*, all local authorities added a 10% surcharge to the rates they collected, and remitted this to the Greater Pretoria Metropolitan Council. Tables 9A and 9B show some of the intergovernmental transfers of funds, although they do not include funds paid by metropolitan local authorities to the metropolitan council and do not differentiate between provincial or national origins of funds.



**TABLE 9A: INTERGOVERNMENTAL TRANSFER OF FUNDS: GPA
1996/1997(a)**

GOVERNMENT STRUCTURE	LOCAL AUTHORITY – METRO	METRO – LOCAL AUTHORITY	PROVINCE – LOCAL AUTHORITY	CENTRAL – LOCAL AUTHORITY
Akasia (North)		47 924 000	2 260 000 Subsidy 36 517 500 IGG # 13 855 826 Grants & Subsidy	
Central (Pretoria Council)		103 167 000	44 099 028 Subsidy	
Centurion (South)		12 000 000	4 203 932 Subsidy 11 354 257 Grants & Subsidy	10 725 000 RDP
Metro	Part of 16 132 722		20 000 000 Subsidy* 16 132 722 (Part of)*	10 000 000 Transport levy

(a) Source: *Greater Pretoria Metropolitan Council*, 30 June 1997.

* From National Revenue Fund, via Province.

The intergovernmental grant has two portions, one from provincial local government to the metropolitan council and a second from a 10% surcharge on ratable property. This is transferred to the metropolitan council.



TABLE 9B: INTERGOVERNMENTAL TRANSFER OF FUNDS: GPA
1997/1998 (a)

GOVERNMENT STRUCTURE	LOCAL AUTHORITY – METRO	METRO – LOCAL AUTHORITY	PROVINCE – LOCAL AUTHORITY	CENTRAL – LOCAL AUTHORITY
Akasia (North)		99 934 000	2 600 000 Subsidy 38 004 180 IGG 47 885 000 Grants & Subsidy	30 719 974 RDP
Central (Pretoria Council)		133 010 000	46 221 956 Subsidy 57 100 000 Grants & Subsidy	6 600 000 RDP
Centurion (South)		12 000 000	3 375 000 Subsidy 9 530 073 Grants & Subsidy	8 902 400 RDP
Metro	Part of 16 133 000		18 000 000 Prov. Subsidy Part of 16 133 000	

(a) Source: *Greater Pretoria Metropolitan Council*, 30 June 1997.

8.3.8. ANALYSIS OF WARDS AND VOTERS

In order to establish the extent to which relative equity in spending and in representation existed in Pretoria, various characteristics of wards within the local authorities have been compared (See Tables 7, 10 and 11).

Table 10 highlights two main points:

- (a) the average size of wards varied greatly between local authorities from 5 432 in the south metropolitan local authority to 9 951 in the north metropolitan local authority, with the general result that poorer people's votes tended to count less; and
- (b) the range of sizes of wards within local authorities was great, so that the smallest ward in the central metropolitan local authority was about a tenth

of the largest, for example, and the smallest ward in the north metropolitan local authority was less than a twentieth of the largest in size.

Table 11 also illustrates racially-related differences. In the 1995 elections, there were an equal number of A and B wards per local authority. However, these may not have been equal in size in terms of the number of voters. In Pretoria a major area for concern was the north metropolitan local authority, where the number of registered voters in A wards was about one tenth of that applicable in B wards (McCarthy, 1998: 32).

One indicator of the relative economic welfare of local authorities was the *per capita* rates collected. As noted in column 10 of Table 7, there were radical variations in such figures with *per capita* income in the northern metropolitan local authority being only one fifth or less of the other metropolitan local authorities. Clearly these considerations would have to be re-addressed in any re-demarcation of wards and local authorities in the future.

TABLE 10: VOTER STATISTICS BY WARD: GPA 1995 (a)

MLA	#	REG. AVE-RAGE	REG. MIN.	REG. MAX.	RANGE	REG. SUM	VOTER AVE-RAGE	VOTER MIN.	VOTE MAX.	RANGE	VOTER SUM
PC	42	9 951	1 484	18 423	16 939	417 956	5 116	666	12 408	11 742	214 899
PCE	12	5 432	4 183	6 584	2 401	65 187	3 500	1 774	4 458	2 684	42 000
PN	18	5 932	604	12 130	11 526	106 792	3 174	341	6 195	5 854	57 142
PTA		8 193	604	18 423	17 819	589 935	4 361	341	12 408	12 067	314 041

(a) Source: McCarthy, 1998: 32.

(PC: Central Pretoria, PCE: Centurion, PN: Northern Pretoria)

TABLE 11: A VS B NUMBERS AND VOTES BY WARD: GPA 1995 (a)

MLA	A REGISTERED	B REGISTERED	A/B REG.	A VOTES	B VOTES	A/B VOTES
PC	226 079	191 877	1,18	115 683	99 216	1,17
PCE	65 187	-	-	42 000	-	-
PN	11 175	95 617	0,12	7 194	49 948	0,14
GRAND TOTAL	302 441	287 494	1,05	164 877	149 164	1,105

(a) Source: McCarthy, 1998: 31.



8.4. CONCLUSION

Greater Pretoria as the capital city of South Africa, is the northern portion of the Gauteng Province. When compared with the other existing metropolitan areas, it is clear that Pretoria, could be regarded as a medium-sized metropolitan area. Pretoria in the interim phase was regarded as the fourth largest metropolitan area in South Africa.

For the efficient functioning of the city, Pretoria has a large network of road and rail facilities and services. Within Pretoria an intense movement of people, goods and services takes place on a daily basis, which indicates that it operates as an entity and that it requires integrated development planning. A large volume of commuter traffic enters the Pretoria area from outside its boundaries, especially from the Garankuwa and Mabopane regions.

The Greater Pretoria area has the highest *per capita* capital expenditure in Gauteng. The Pretoria area also has the highest operating and income *per capita* ratios for all local authorities in Gauteng. Whilst levies and rates were important to the metropolitan council (82% of total budget in 1996/97 dropping to 49% in 1997/98) this did not apply to metropolitan local authorities where the proportion varied between 7% and 27%. All these factors would have to be taken into consideration when evaluating the *status quo* in order to determine a local government category for the Greater Pretoria Area.

In order to substantiate a specific local government category for the Greater Pretoria Area in the final phase the proposed categories of local government as contained in the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) will be evaluated in the Greater Pretoria context. Comparison will be drawn with experience in the United States of America, where there is a wider range of city sizes available than in the Republic of South Africa. The experience will be used to evaluate the local government categories on the basis of key principles advanced by David Crombie's "Who Does What" advisory panel on the restructuring of local government in Toronto, Canada in

order to substantiate a local government category for the Greater Pretoria Area.

CHAPTER 9

EVALUATING THE THREE CATEGORIES OF LOCAL GOVERNMENT FOR THE FINAL RESTRUCTURING PHASE IN THE CITY OF TSHWANE

9.1. INTRODUCTION

The Local Government Transition Act, 1993 (Act 209 of 1993) determined that the second or interim phase commenced, as stated, on the day after the elections for transitional councils as contemplated in Section 9 of the Act and ends with the implementation of final arrangements to be enacted by a competent legislative authority. 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 was officially inaugurated.

In terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), local authorities will be divided into three categories for the final phase. This chapter will evaluate the three categories of local government by practical application to the City of Tshwane. Comparison will be drawn with experience in the United States of America, where there is a wider range of city sizes available than in the Republic of South Africa. The experience will be used to evaluate the local government categories on the basis of key principles advanced by David Crombie's "Who Does What" advisory panel on the restructuring of local government in Toronto, Canada in order to substantiate a local government category for the City of Tshwane.

The Greater Pretoria Area, will from this chapter forward, be referred to as the City of Tshwane when referred to in the final restructuring phase. The name change will be effected with the commencement of the final restructuring



phase after the local government elections on 5 December 2000 in the City of Tshwane.

9.2. CATEGORIES OF LOCAL AUTHORITIES

In terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) on the categories of local authorities, it is stated that an area must have a single Category A local authority if the area can reasonably be regarded as:

- a) a conurbation featuring:
 - (i) areas of high population density;
 - (ii) an intense movement of people, goods and services;
 - (iii) extensive development; and
 - (iv) multiple business districts and industrial areas;
- b) a centre of economic activity with a complex and diverse economy;
- c) a single area for which integrated development planning is desirable; and
- d) having strong interdependent social and economic linkages between its constituent units.

The importance hereof is that once an area complies with the criteria stated in Section 2 it must have a Category A local authority. Category A local authorities are what is commonly referred to as single cities and have exclusive legislative and executive powers (Section 155 of the Constitution, Act 108 of 1996).

Section 3 requires areas that do not comply with Section 2 to have local authorities of both Categories B and C as described in the Constitution, 1996 (Act 108 of 1996).



9.3. EVALUATING A CATEGORY A LOCAL GOVERNMENT: INTERPRETATION OF THE CRITERIA FOR THE IDENTIFICATION OF THE NODAL POINTS

Sections 4 and 5 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) state that the Minister must declare which areas are metropolitan areas, and that the Minister must identify the nodal points of the metropolitan area, but must leave the determination of the outer boundaries of such areas to the Demarcation Board. (A nodal point is defined by the Demarcation Board (28 June 1999: 11) as the nearest intersection to the main civic centre of the urban conurbation under consideration.) Section 2 of the Act effectively defines what may qualify as a metropolitan area. An area must have a single category A local authority if that area can reasonably be regarded as:

- a) a conurbation featuring –
 - (i) areas of high population density;
 - (ii) an intense movement of people, goods and services;
 - (iii) extensive development; and
 - (iv) multiple business districts and industrial areas.
- b) a centre of economic activity with a complex and diverse economy;
- c) a single area for which integrated development planning is desirable; and
- d) having strong interdependent social and economic linkages between its constituent units.

The clear use of the term “and” at two points within the section indicates that any area which does not fulfil all of these criteria must form part of a district council (category C) area (section 3), with primary local authorities (category B) as well as the district council (section 3), except for situations in which primary local authorities are not viable (section 6). It is concluded that, in order for any area to be deemed metropolitan in terms of the Act, it must clearly fulfil



all of its provisions. But conversely, if an area does reasonably fulfil all of these criteria, then it must be declared metropolitan.

There is little doubt that if these criteria were limited to the points stated in (a) and (b), most of Gauteng could be said to form a single metropole. However, the addition of points (c) and (d) make for a rather different argument. In other words, (c) and (d) will assist the Minister in arriving at the limits of the list of metropolitan areas, as well as in assessing whether or not multiple metropolitan category A local authorities should exist in areas of great urban complexity, such as much of Gauteng. It is therefore important to examine the specific wording of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) in greater detail. (The interpretation is based on legislation as the primary point of reference combined with a common understanding of the law.)

(a) a conurbation featuring:

In its own right, the use of the term conurbation to head this group of subcriteria has substantial implications. Ashworth's *Encyclopaedia of Planning* (1997: 48) notes that this term was first used to describe a continuously built up area. Ashworth gives examples of the largest British urban areas to illustrate this. The key elements thus appear to be both size and continuity of urban development and some of the sub-elements of subsection (a) assist in this regard.

(i) areas of high population density:

What high population density means in South Africa is potentially contestable. At a minimum, a liberal (the term simply implies the opposite of strict and has no political connotation) interpretation of this point would suggest that a metropolitan area must show the presence of several higher density areas. A more strict interpretation would require that a category A local authority must include reasonably substantial areas of unusually high population density by



typical South African urban standards, not merely small pockets of high density.

(ii) an intense movement of people, goods and services:

This subcriterion can be criticized in the grounds of its unclear expression. The concept, which it nevertheless clearly suggests, is that of a range of intensities of movement, whether of people, goods or services. It thus suggests that below a certain point on a range of movement density scale, an area cannot be regarded as metropolitan.

Strict application of this criterion requires quantitative data. However, the data will be of no use without knowing at what point a break in the intensity of movement would separate a metropolitan from a non-metropolitan area. It seems probable that such a break would be difficult to identify, or might separate only the very largest urban areas in the country from the rest. One would seek such a break then at the top of the scale of movement intensity.

A more liberal interpretation would probably require only a sense that movement intensity could be satisfactorily separated from the ordinary urban circumstances of the large number of busy towns in the country in the effort to identify the metropolitan areas. In other words, one would look for the break at the lower end of the scale.

(iii) extensive development:

This subcriterion appears to indicate two closely-related concepts, one of scale – a very small urban area could not have a category A local authority, and one of continuity of development. The issue of scale is addressed again under criterion (b) below. The subcriterion also appears to require that a Category A local authority area must be more or less continuously developed, that is it leads to the expectation that a Category A area will have a built environment with relatively fewer significant breaks in its continuity. In this



sense it adds to the notion of a conurbation in the general definition in criterion (a).

The criterion cannot mean that the area should have no breaks in its built environment, since that would imply the separation of local government between many former townships and the cities with which they closely interact. To do this is clearly not the intention of this legislation, following as it does in the path of the Local Government Transition Act, 1993 (Act 209 of 1993). What is required is to interpret the degree to which breaks in the continuous built environment would be acceptable.

It would appear that this criterion would tend to exclude from the definition of a metropolitan area areas with multiple well-separated urban environments, which might be regarded as conurbations on the grounds of their interdependence and strong movement patterns, but in which substantial separation suggests the impossibility of regarding them as suited to metropolitan government. An example might be found in the Northwest Province complex of Stilfontein-Klerksdorp-Orkney, which increasingly appears to function as a single and fairly large urban complex, but in which the requirement of extensive development cannot be said to be met.

(iv) multiple business districts and industrial areas:

The very essence of a conurbation is that it is not an urban area with a single business district. The term suggests an extensive urban environment with many different business centres and industrial areas. The subcriteria make explicit such an urban form as a requirement for recognition as a metropolitan area.

What could be considered multiplicity is an issue. The use of the term multiple is suggestive of more than merely two, though that point could be debated. The subcriterion would also appear to require that the conurbation have multiple industrial areas to qualify as a metropolitan area.



The key difficulty in the application of the criterion will lie in the question of the relative scale of the various business districts. A small neighbourhood shopping centre, such as may be found distinct from a town centre even in fairly small towns, cannot be what is intended by business districts. What makes a conurbation is the inclusion of several business districts, which can be recognised as having substantial weight, sometimes competing with a central business district in aspects of their functions. A multiplicity of business districts of considerable scale must be intended. For example, in East London, which certainly has multiple industrial areas, the question would be whether there is a business district which can, in any sense, be admitted as one of a set of multiple districts in addition to the central business district. The range of views on the application of this criterion must revolve primarily around what constitutes the necessary scale of several business districts for the area containing them to be considered a metropolitan area.

In sum, criterion (a) requires a number of fairly strictly defined features to be present before an urban area can be regarded as a potential metropolitan area. These are that it must be large, with significant areas of high population density, contain a very high level of movement, and be a more or less continuous and extensive urban environment, as well as contain many centres of business and industry.

(b) a centre of economic activity with a complex and diverse economy

Like other criteria, this item establishes two necessary conditions for the recognition of metropolitan areas: they must form centres of economic activity as well as having a complex and diverse economy. Whilst it is true that many towns may be regarded as centres within restricted areas, for example Bronkhorstspuit would be regarded as a centre of its district economy, no one would regard such towns as the epicentres of major sectors of economic activity, or of particular regional economies. The links of such towns with the wider national and international economy are, in almost all cases, mediated through financial institutions and other economic actors whose bases rest only



in the larger cities. Thus the notion of the centre of economic activity implies a reasonably substantial scale. The more liberal interpretation would suggest that those regional centres which link regional economies to the nation and the world might qualify on this point as metropolitan areas; the more strict interpretation would suggest that very few South African cities really form centres of economic activity which connect the sectors of activity and which connect the country to the world across a wide range of activities.

The second aspect of the criterion is that of the complex and diverse economy. To some extent this is a matter of scale in that typical urban areas tend to have increasing economic complexity in relation to their size. Thus this criterion adds to the weight of criterion (a)(iii) in so far as this aspect is concerned.

It may be noted that none of the criteria in Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) specifically require that a metropolitan area be of a particular size. However, the criteria demand a conurbation, meaning typically something very large. Extensive development certainly also implies that the metropolitan area is large and the notion of complexity implies questions of scale.

Thus the emphasis of the criteria seems to lie again on the largest of the urban areas in the country, and a strict interpretation would seem to require caution in including at this stage too wide a range of cities in the list of recommended metropolitan areas. However, there is nothing explicit to enforce this sense and a more liberal interpretation might, once again, be possible.

The second aspect of subsection (c) has to do with a diversity of the urban economy. As with intensity of movement, this point suggests a continuum of diversity. Similarly, it would appear that a stricter interpretation would place the emphasis on the greatest extremes of diversity, meaning that only those urban economies with a maximum diversity of activities can qualify as metropolitan areas. Alternatively, a more liberal interpretation would suggest

that something beyond the simpler urban economies would imply diversity. The latter approach would exclude the purely mining or agricultural service economies, but admit those urban areas with a spread of industrial, commercial, educational and other activities as potentially metropolitan. The difficulty in that approach might lie in the fact that specific South African towns of moderate size do contain a range of commercial, industrial and other activities – and the legislature would appear to have been inclined to include those within the category A list.

(c) a single area for which integrated development planning is desirable:

There is a key reason for arguing that this criterion affects the identification of appropriate metropolitan areas in terms of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998). The point may be expressed as a question, “How large an area can usefully be incorporated into integrated development planning processes?”

There is no fixed answer to this question. However, it can reasonably be stated that with present capacities, experience (including experience of participation in planning on the part of the people) and technologies, it would not be feasible, for example, for the whole Gauteng urban complex to form the subject of a single integrated development planning process.

(d) having strong interdependent social and economic linkages between its constituent units:

Every part of each urban area has social and economic linkages with all other parts of the urban complex. However, there is no doubt whatsoever that there is great variety in the strength of these linkages.

It is at this point that it appears that the Minister, in applying the criteria and declaring the nodes of category A local areas, needs to be mindful of the provisions of the Municipal Demarcation Act, 1998 (Act 27 of 1998)

concerning boundaries. The reason is that if the Minister were entirely to ignore the provision of the Municipal Demarcation Act, 1998 (Act 27 of 1998), it could make the task of the Demarcation Board practically impossible.

9.3.1. APPLICATION OF THE CRITERIA FOR THE IDENTIFICATION OF THE NODAL POINTS

The following section provides a summary of eleven conurbations researched in South Africa for each of the criteria laid down in terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), which defines Category A local authorities. The analysis is based on a single year's data drawn from three major sources: the 1998/99 local authority budgets as approved by the Department of Finance; Project Viability quarterly reports for the 1998/99 financial year; and data relating to taxable capacity supplied directly by the individual local authorities.

(a)(i) A conurbation featuring areas of high population density

The eleven conurbations researched vary in terms of population size. Greater Cape Town, Johannesburg and Durban are all larger than 2,5 million people followed by the Greater East Rand and Pretoria at over 1,2 million people. Except for Greater Bloemfontein and Richard's Bay, all urban conurbations have average densities of well over 1000 persons per square kilometre.

In order to further distinguish areas of high population, each conurbation was examined in terms of areas where, within 25 kilometres of the conurbation's nodal point, the enumerator areas had densities of over 5000 persons per square kilometre. The Greater East Rand, Johannesburg, Durban and Cape Town had over 100 square kilometres where such densities were found.

TABLE 12: A CONURBATION FEATURING AREAS OF HIGH POPULATION DENSITY (a)

Local authority	Population	Rank	Area (km ²)	Population density	Rank	Residential density	Rank
Cape Town	2 557 456	1	2155.60	1186.42	7	117.11	4
Johannesburg	2 521 352	2	1386.48	1818.53	2	148.42	2
Durban	2 519 992	3	1362.08	1850.11	1	137.63	3
East Rand	1 708 550	4	1198.95	1425.04	4	166.61	1
Pretoria	1 238 127	5	1 164.24	1 063.45	9	44.02	7
Port Elizabeth	942 077	6	636.06	1481.11	3	58.40	5
Vereeniging	607 372	7	563.15	1078.53	8	53.42	6
Bloemfontein	512 057	8	598.39	855.72	10	19.93	10
East London	409 330	9	311.95	1312.17	5	25.32	8
Pietermaritzburg	399 781	10	324.51	1231.95	6	24.27	9
Richard's Bay	98 740	11	339.17	291.12	11		11

(a) Source: *Department of Finance, 1999.*

(a)(ii) A conurbation featuring an intense movement of people, goods and services

A second set of indices were developed using the 1995 October household surveys which indicated the origin-destination flows of commuters in each of the major urban conurbations. A similar situation to that obtaining for urban densities was found, although it is clear that, in Gauteng conurbations, there is significant movement between and within the urban conurbations.

TABLE 13: A CONURBATION FEATURING AN INTENSE MOVEMENT OF PEOPLE, GOODS AND SERVICES(a)

Local authority	Destination of commuters	Rank	Internal movement of commuters	Rank	%
Johannesburg	790 271	1	396 756	4	52%
East Rand	652 219	2	565 979	1	87%
Pretoria	554 881	3	346 198	5	62%
Cape Town	491 403	4	462 063	2	94%
Durban	457 292	5	455 809	3	99%
Vereeniging	197 902	6	191 619	6	97%
Richard's Bay	127 812	7	105 349	9	82%
Pietermaritzburg	125 400	8	116 643	8	93%
Port Elizabeth	120 440	9	118 493	7	91%
East London	87 306	10	87 306	10	110%
Bloemfontein	77 472	11	77 472	11	110%

(a) Source: *Department of Finance, 1999.*

(a)(iii)&(iv) A conurbation featuring extensive development, featuring multiple business districts and industrial areas and a single area for which integrated development planning is desirable

Using satellite imagery showing different land uses, each of the urban conurbations has been broken down into various land uses. The following table indicates how each urban conurbation ranks in terms of major land use and the extent of development.



TABLE 14: A CONURBATION FEATURING EXTENSIVE DEVELOPMENT
(a)

Local authority	Residential	Rank	Industrial Transport Commercial	Rank	Mines	Water-bodies	Other	Total land cover (km ²)
Cape Town	485.03	2	63.81	3	3.27	53.70	1535.51	2141.32
Johannesburg	531.34	1	79.09	2	55.88	14.09	703.85	1384.24
Durban	467.01	3	61/13	4	1.81	2.52	804.99	1337.46
East Rand	362.90	4	81.94	1	42.61	35.86	673.39	1196.70
Pretoria	329.41	5	47.63	6	4.41	4.73	760.98	1147.17
Port Elizabeth	192.06	6	37.36	8	3.09	24.27	374.25	631.03
Bloemfontein	90.19	9	48.26	5	0.00	0.21	459.72	598.39
Vereeniging	114.01	8	43.88	7	4.15	3.47	387.76	553.27
Richards Bay	31.90	11	10.30	11	1.60	63.74	226.70	334.25
Pietermaritzburg	114.28	7	15.95	9	0.20	15.07	178.99	324.49
East London	66.98	10	15.89	10	0.21	4.87	223.86	311.81

(a) Source: *Department of Finance*, 1999.

(b) A centre of economic activity

The following table indicates the number of people identified in the 1996 Census as being economically active and the proportions who were employed and unemployed. Significant differences are found between each of the urban conurbations.

TABLE 15: A CENTRE OF ECONOMIC ACTIVITY (a)

Local authority	Employed	%	Unemployed	%	Total	Rank
Johannesburg	889 139	70.89	365 031	29.10	1 254 200	1
Cape Town	888 938	80.34	217 574	19.66	1 106 512	2
Durban	750 647	68.70	341 936	31.30	1 092 583	3
East Rand	573 429	68	269 818	32	843 247	4
Pretoria	458 173	79.62	117 265	20.38	575 438	5
Port Elizabeth	232 025	63.10	135 679	36.90	367 704	6
Vereeniging	161 804	62.71	96 221	37.29	258 025	7
Bloemfontein	144 410	69.94	62 078	30.06	206 488	8
Pietermaritzburg	113 082	65.79	58 804	34.21	171 886	9
East London	108 266	63.97	60 985	36.03	169 251	10
Richards Bay	35 807	83.55	7 051	16.45	42 858	11

(a) Source: *Department of Finance, 1999.*

(c) A complex and diverse economy

The number of persons employed in the finance sector provides a good measure of the degree to which an economy is complex and diverse. In addition, numbers employed in the primary and secondary sectors is also a useful measure of complexity and diversity.

TABLE 16: A COMPLEX AND DIVERSE ECONOMY (a)

Local authority	Agriculture, mining, manufacturing	Rank	Utilities, Construction	Rank	Trade, Transport	Rank	Finance	Rank	Total	Rank
Johannesburg	120 832	3	74 596	2	203 769	1	141 553	1	913 866	1
Cape Town	194 077	1	75 634	1	189 687	2	106 851	2	901 959	2
Durban	164 336	2	51 622	4	143 570	3	63 892	5	762 715	3
East Rand	116 055	4	51 680	3	135 035	4	67 546	4	586 078	4
Pretoria	47 388	6	29 575	5	95 584	5	71 353	3	468 203	5
Port Elizabeth	49 819	5	13 870	7	41 012	6	15 574	6	235 415	6
Vereeniging	40 361	7	13 886	6	29 703	7	13 018	7	164 389	7
Bloemfontein	18 050	10	10 802	8	29 523	8	10 472	8	146 699	8
Pietermaritzburg	18 634	9	6 808	10	18 552	10	10 008	9	114 765	9
East London	21 717	8	7 119	9	19 269	9	6 872	10	110 522	10
Richards Bay	7 429	11	1 893	11	6 677	11	2 570	11	36 285	11

(a) Source: *Department of Finance, 1999.*

Further measures of the effects of a complex and diverse economy may be found simply through examining the size of local governments in the various conurbations as indicated in the following table.

TABLE 17: LOCAL AUTHORITY BUDGETS (a)

Local authority	Salaries 1998/99	Operating budget 1998/99	Capital budget 1998/99
Johannesburg	1 664 273 000	8 448 407 000	484 643 000
Durban	1 634 760 664	6 788 127 150	1 571 544 540
Cape Town	1 906 910 667	6 660 396 617	1 482 014 888
Pretoria	1 288 024 425	5 938 949 510	817 382 786
Port Elizabeth	531 336 952	1 839 864 804	330 595 866
East Rand	739 400 006	3 161 741 639	711 731 147
Vereeniging	270 200 769	1 124 341 558	113 255 197
Pietermaritzburg	227 078 238	896 626 069	219 288 112
Bloemfontein	183 542 870	632 417 580	157 171 195
East London	180 149 360	614 840 687	278 580 970
Richards Bay	90 335 533	449 013 592	104 360 520

(a) Source: *Department of Finance*, 1999.

9.3.2. EVALUATION OF FINDINGS

Significant differences between the eleven nodal points in terms of size, scale and intensity of economic activity became apparent in the research. From the research, only three nodal points complied with all the criteria needed to be classified as a Category A local authority in terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), namely Greater Johannesburg, Cape Town and Durban. The City of Tshwane, however, does not fulfil all the criteria needed to be classified as a Category A local authority mainly because it reflects a below average population density which impacts negatively on the evaluation criteria used to define a Category A local authority.

The assumption can thus be made that, due to the fact that the City of Tshwane cannot be regarded as a definite Category A local authority, it may be dealt with in accordance with Section 3 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998). Section 3 of the Act stipulates that areas that do not comply with Section 2 (Category A local authorities), must

have local authorities from both Categories B and C as described in the Constitution, 1996 (Act 108 of 1996).

9.4. EVALUATING A COMBINED CATEGORY B/C LOCAL GOVERNMENT

The proposed Category B/C local government was the local government dispensation in the Greater Pretoria Area in the interim phase. The Greater Pretoria Metropolitan Council (GPMC) as a Category C local authority, fulfilled a large scale service delivery function in the three geographic local authorities, as Category B local authorities, namely the City Council of Pretoria, the Town Council of Centurion and the Northern Pretoria Metropolitan Substructure, in the Greater Pretoria Area.

In addition, the Greater Pretoria Metropolitan Council (GPMC) also fulfilled a co-ordinating function within the area by means of a matrix structure. The various local authorities were responsible for the retailing of services to consumers within their own geographic areas by means of their own distribution networks. The service delivery functions as well as the relation between the Greater Pretoria Metropolitan Council (GPMC) and the three local authorities was determined by legislation, being Schedule 2 of the Local Government Transition Act, Second Amendment Act of 1996.

The three local authorities were unequal in size and consequently used disparate volumes of services contributing to different service charges to consumers. There were differences between the policies of the respective three local authorities leading to different service standards with regard to supply, operation, maintenance, standardization and approach. Limited resources, such as a lack of funding, expertise and historical inequities, impeded effective service delivery.



9.4.1. INTERVIEW FRAMEWORK

In order to develop a local government category that will address the current deficiencies and problems (referred to in Chapter Five (5) of this study) prevailing in the institutional structure of metropolitan local government in the Greater Pretoria Metropolitan Area, interviews with management officials from the Greater Pretoria Metropolitan Council, the City Council of Pretoria, the Town Council of Centurion and the Northern Pretoria Metropolitan Substructure were conducted in the interim phase. These officials were separately interviewed at pre-arranged sessions lasting for two (2) to three (3) hours at a time.

A request was made to the officials to be frank about their experience of service delivery in the four mentioned structures in the interim phase. An opportunity was extended to volunteer information, which further elucidated the subject matter concerned. In return complete confidentiality in respect of name and rank was guaranteed. In this manner, I believe that success in obtaining an accurate picture of the actual problems and deficiencies prevailing in the interim institutional structure, has been achieved.

The essence of the questions posed and a summary of the answers received follows.

(a) Lines of communication

It appears that the lines of communication between the category B local authorities and the category C local authorities are too long for effective and efficient performance of all the actions relating and incidental to the execution and management of bulk services in the Greater Pretoria Metropolitan Area (GPMA). The deficiency appears to be a direct consequence of the interim institutional framework.



(b) Unnecessary delays in decision-making

It appears that procedures, which are in place and probably necessitated by the present institutional framework, cause unnecessary and serious delays in the decision-making process, which lead to inefficiency in planning, designing and execution of projects and budgetary allocations and controls.

(c) Responsibility without authority

The procedures in place in the present institutional framework transfer responsibility to the Category B local authority with respect to bulk services without the delegation of the necessary authority to manage them.

(d) Variations in priorities

It seems that differences in priorities exist between the various Category B local authorities and the Category C local authority with respect to the allocation of funds relating to the execution and management of bulk services. This appears to be a direct result of the present institutional framework.

Different councils allocate their funds according to their own priorities some of which require funds simultaneously from another local authority, which in turn allocates funds according to its own priorities. These competition priorities result in inefficiencies of allocation of scarce resources.

(e) Budgeting procedures causes delays

The budgeting procedures with all their related allocations, appear to cause significant delays due to the interim institutional framework.

(f) Organizational problems

Especially in the execution of projects, it appears that organizational lines between Category B and C local authorities tend to cross or fade away



causing serious concern and confusion. The legal doctrine of agency and its consequences seems to fade away within concomitant actual or perceived organizational problems.

(g) Cross-subsidization

Cross subsidization is contrary to accepted economic principles, since it results in sub-optimal allocation of resources.

(h) Organizational framework

The organizational framework of the local authorities is composed of too many functions. This causes inter-functional delays in communication and execution of tasks. It particularly occurs within levels of the top structure.

(i) Bureaucracy

Partly due to historical reasons and partly due to the interim institutional framework, over-regulation and the proliferation of bureaucratic procedures stifle initiative and reduce staff motivation. As a result, these factors cause serious economic inefficiencies.

(j) Quadruplication of functions, posts and costs

The interim institutional framework, which consists of four local authorities, has basically the same or a similar organizational structure which entails, in general, quadruplication of institutions, organizations and functional posts. The principle of economies of scale suggests that inefficiencies exist in the interim organizational framework.

(k) Execution and control dualism

It appears that the execution of certain projects and the control thereof resides in different institutions in the interim institutional framework. Consequently the



opportunity for conflict is real and actually occurs or is presumed to occur leading to inefficiencies.

(l) Executive non-participation

It appears that the executive of the Category C local authority is too remote from the operating activities of the Category B local authorities. Consequently, the relationship between the local authorities is perceived as effective non-participation.

(m) Absence of economies of scale

The interim institutional framework does not encourage economies of scale and is perceived to be inefficient.

9.4.2. INTERVIEW SUMMARY

The interim institutional framework for Greater Pretoria has been regarded as not ideal and not-contributing to the legislative mandate to provide services in an effective and efficient manner to the consumer and the rate payer. Against the information obtained from the interviews, the following conclusions can be reached:

- (a) the service delivery functions of local authorities are duplicated;
- (b) the current administrative systems tends to be cumbersome;
- (c) some role players feel threatened by the possibility of a redistribution of functions;
- (d) interaction between technical and political decision-making must improve;
- (e) the standard of service delivery is non-consistent;
- (f) uncertainty about the future of structures and cumbersome administrative systems result in frustration and the loss of expertise; and
- (g) non-payment must be addressed.

The consequences of all the above-mentioned deficiencies regarding the interim institutional framework are frustration of the workforce, especially at the middle and top management levels which leads to demotivation with its concomitant negativity and lack of initiative. The demotivation and negativity of personnel results in economic deficiency and sub optimality, which leads to consumers paying higher prices for services and receiving lower levels of service than those to which they otherwise would have been entitled.

9.5. EVALUATING LOCAL GOVERNMENT CATEGORIES ACCORDING TO RESTRUCTURING PRINCIPLES

The future of local government in the greater Toronto area was the subject of intense debate amongst the various role players following the release of the Golden Report under the chairmanship of Anne Golden during January 1996 and the election of a new provincial government with a clear mandate to cut taxes and restructure metropolitan government in Ontario (Greater Toronto Area Task Force, 1996: 2).

The report focused on the restructuring of local government in accordance with the restructuring principles compiled by the “Who Does What Panel”, chaired by David Crombie (Office of the Premier, 1997: 5). The following four principles were deployed by the “Who Does What Panel” in its deliberations, namely:

(a) Democracy, accountability and responsiveness:

Municipal government is a democratic institution fundamental to local political decision-making. Its structure should be as understandable as possible to promote public access, participation and accountability. It should respect and accommodate diversity and be responsive to the needs and preferences of the communities (Crombie, 1996: 34).

(b) Fairness:

The structure should ensure that costs and benefits are shared fairly across the entire community (Crombie, 1996: 34).

(c) Efficiency:

The structure should allow services to be delivered by the lowest level of government that has the capacity to do so effectively. It should also be more cost-effective than the current system, delivering maximum value with available resources (Crombie, 1996: 34).

(d) Co-ordination:

The structure should encompass the interests of the entire community. It should support the strategic co-ordination of certain key services and foster an approach to decision-making, which integrates economic, environmental and social considerations (Crombie, 1996: 34).

With respect to the first principle it argues in favour of individual local authorities on the basis that smaller local governments are more accountable, more responsive and more attuned to communities and neighbourhoods, while larger local governments are more susceptible to special interests and are less controllable. From the point of view of efficiency, larger local governments generally have higher unit costs than smaller local governments; there are diseconomies of management scale, greater resistance to innovation and legislative reform and amalgamations do not produce lower cost local government (Government of Ontario, 1996: 34).

9.5.1. APPLICATION OF PRINCIPLES

The consideration of democracy, accountability and responsiveness principles, emphasizes the difficulty larger local governments (over one million

population) face in sustaining viable democratic processes. The three United States single cities with populations of over two million have faced particularly intractable problems. Two of the three (New York and Los Angeles) are contending with advancing secession movements, sparked by the belief that remote city halls were ignoring local neighborhood needs. The third single city (Chicago) has lost almost one million residents, who have seceded (Staley, 1992: 13).

As far as the efficiency principle is concerned, the United States experience points to substantially higher costs for cities in the population range of over one million. These cost penalties are typically in the 20 percent to 40 percent range and can exceed 100 percent in the case of amalgamated local authorities. For residents and businesses of these larger cities, cost premiums mean higher property taxes and lower service levels (Sancton, 1996: 113).

(a) Smaller government units are more accountable:

Smaller governments tend to be more accountable and responsive to their citizenry. They are more accountable to citizens, because the individual citizen has more “voice” in a smaller governmental unit. For example, a voter’s voice in a city of 100 000 population is ten times as strong as in a city of 1 000 000. Bigger government is more remote from the electorate and is by definition, less accountable and less responsive (Tonks, 1996: 38).

(b) Smaller governments are more responsive:

As governments increase in size, processes and communications necessarily become more bureaucratized (more rigid). As government processes become more rigid, they become less understandable to the individual citizen. This discourages people from addressing issues with their government. This less effective and efficient feedback process often results in smaller problems escalating into crises, as it is only when circumstances become unbearable that citizens have sufficient impetus to deal with the overly complex processes typical of more remote governments. With a less efficient and effective

feedback system, the quality of government services is likely to decline (Staley, 1992: 13).

(c) Larger governments are more susceptible to special interests:

The latter is true for three reasons. Firstly, special interests have the financial resources to hire professional advocates (such as lobbyists) to learn, understand and manipulate the rigid processes of larger governments. Conversely, individual citizens and neighborhood groups rarely have the financial resources to hire professional advocates. Secondly, there are economies of scale with respect to political advocacy; it is simpler and less expensive for special interests to influence a larger government than multiple smaller governments. Thirdly, the more diffuse voice of the electorate makes larger government more susceptible to special interest influence (Government of Ontario, 1996: 54).

(d) Smaller governments are more attuned to communities and neighborhoods:

Regional governments are necessarily more sensitive to broader geographic issues than local, community or neighborhood issues. This is because regional governments include a larger number of communities, which diminishes the voice of each such community in the political process. Individual, neighborhood and community issues are likely to be less effectively addressed by larger, rather than smaller governments. As a result, regional governments are not appropriate for local government (Sancton, 1996: 24).

(e) Large governments are less controllable:

Larger governments tend to be more difficult for policy makers to control. As governments become larger, elected officials must rely to a greater degree on their staff and are less well positioned to effectively exercise their oversight function (City of Mississauga, 1997: 10).



(f) Diseconomies of management scale:

As governments increase in size they require additional layers of management and support personnel, further increasing costs. One important variant of economies of scale is diseconomies of scale in management. As the size of a provision unit increases, beyond some point scale economies attained as a technical matter of production may be offset by management difficulties that multiply as the provision unit attempts to organize more production in house (Sancton, 1998: 42).

(g) Greater resistance to legislative restructuring:

Larger governments are more difficult for legislatures to restructure. Larger governments are able to marshal considerable political and financial support to maintain the status quo (Government of Ontario, 1996: 65).

9.5.2. LOCAL GOVERNMENT SECESSION TREND

The political disenfranchisement that occurs when governments are too large is feeding a growing local authority secession movement. Strong secession movements had begun in two of the three United States single cities (cities with more than two million population) in 1996.

The New York borough of Staten Island is well advanced in its secession process and plan to establish itself as an independent city (population of 400 000). Proponents predict a binding referendum before the end of the decade (United States Census Bureau, 1996: 33). A secession effort has begun in the San Fernando Valley of Los Angeles, which would create a new city of more than one million people, decreasing the population of Los Angeles to two million. State legislation to facilitate the secession process was narrowly defeated in 1996 and will be reconsidered (United States Census Bureau, 1996: 35).

A consequence of diluted democracy is that governments in larger United States cities have generally been less successful in delivering quality public services to their residents. This has contributed, along with other factors, to virtual population haemorrhages (Sancton, 1998: 51). Chicago, the only United States city of more than two million that is not facing a secession drive, has lost nearly one million residents since 1950 (United States Census Bureau, 1996: 36).

The local authority secession movement should be considered in the context of its daunting challenges. Local government enabling legislation tends to require more than 50 percent majority referendum results and favourable local authority boundary commission decisions, in addition to well financed advocacy campaigns by larger government to prelude secession.

9.5.3. LOCAL GOVERNMENT ACCESSIBILITY

In each community there are both local and regional public policy issues. Local issues are most competently addressed by local governments, and regional issues by regional co-ordinating bodies. The single city model, however, leaves residents without local government.

The stronger city governments proposed by the mayoral model would be more accountable and responsive to their electorates than the amalgamated regional metropolitan governments. Consequently, these cities would respect and accommodate diversity and be responsive to the needs of communities and neighbourhoods more than would one metropolitan wide government. Cities averaging 400 000 population are, by definition, more accessible to their residents than an amalgamated regional government of over one million population (Staley, 1992: 10).

The single city approach to governing within the metropolitan area is anti-democratic. More remote government is not more democratic government; on the contrary it is less democratic. To paraphrase Abraham Lincoln:

“Government of the people, by the people and for the people is government that is closer to the people.”

9.5.4. COST EFFICIENCY OF GOVERNMENT AMALGAMATIONS

The evidence is clear that amalgamated governments are not more cost efficient. For example, a number of city-county amalgamations have occurred in the United States of America. In each case, the amalgamated government represents only a part of the metropolitan area. United States amalgamated cities of more than one million population spend 112 percent more *per capita* than amalgamated cities with 500 000 to 1 000 000 residents, 152 percent more than amalgamated cities with 100 000 to 500 000 residents and 38 percent more than the average amalgamated city (United States Census Bureau, 1996: 8).

During the 1950's and 1960's, United States primary and secondary school districts consolidated on an unprecedented basis. In each of these decades, the number of school districts was reduced by half. Costs per pupil rose from 45 percent to 80 percent more in the decades of consolidation than in the decades before and after (United States Department of Education, 1997: 10-14).

During the 1960's and 1970's, United States transit agencies went through unprecedented consolidations. Transit costs per kilometer increased 42 percent per decade during the consolidation period, compared to eight percent and 14 percent increases in the decades before and after (inflation adjusted) (United States Public Transit Association, 1997: 44).

The research indicates that local government amalgamations do not save money, either in the United States or elsewhere. As Sancton (1996: 113) also stresses, “There is no academic evidence to suggest that consolidation produces savings”.

9.5.5. INCREASED COST ESCALATION

Where governments merge, unit costs in the amalgamated government migrate to the highest unit cost in the pre-existing government cost structure. This is illustrated by the largest component of municipal costs, employee wages and benefits. Successive collective agreements can be expected to increase the compensation of local government employees to the level of the highest paid workforce of the pre-existing cities (Sancton, 1996; 56-57).

Downward convergence in labour rates is unprecedented. There is also a convergence of collective agreement work rules towards the least productive provisions, which further increases the unit costs of government services, though less obviously (Sjouquist, 1982: 15).

In the longer run, unit costs are likely to rise at a greater rate in amalgamated governments. Again, employee compensation can drive this dynamic. Government employee labour rates are established through an arbitrary and political non-market process. In addition, labour disputes are more disruptive to regional governments than local governments. The larger number of residents impacted on by strikes in larger jurisdictions increases the political pressure on elected officials to settle, skewing the balance of power in favor of the trade unions (Sjouquist, 1982: 16).

Moreover, local government amalgamation's purported cost efficiency advantages relate almost entirely to administrative costs. Administrative costs represent a relatively small percentage of local authority budgets, approximately 10-15 percent. Delivering maximum value with available resources requires even greater attention to the direct costs of service delivery that constitute between 85-90 percent of local government operating costs. The comparative return is illustrated by a KPMG study that estimated maximum savings from amalgamation in the Hamilton-Wentworth region, Canada, at two percent. The savings from alternative service delivery approaches, which would not require amalgamation, were estimated at from 15 to 30 percent (Sancton, 1998: 33).



But the research demonstrates that even comparatively insignificant administrative cost savings do not survive the restructuring from projection to reality. A frequently advanced example contends that an amalgamated metropolitan government would employ a single fire chief instead of the interim four local authority fire chiefs in the Greater Pretoria Area. It is likely, however, that a new single city fire chief would be installed over the present four city chiefs, who would become ward chiefs.

Despite the evidence to the contrary, the Toronto Metropolitan Council, has suggested that amalgamation would save up to \$208 million annually (Tonks, 1996: 18). But a substantial portion of metropolitan savings would be achieved through such measures as achieving industry staffing ratios, application of best practices, workforce flexibility, and competitive tendering. Such productivity improvements are not the result of amalgamation; they are rather better management practices that could be achieved by any local government, large or small, but they are more likely to be achieved by smaller, rather than larger local governments.

The performance of the more remote metropolitan government reinforces the case for not-amalgamating into one large single city. There is virtually no reasonable prospect that amalgamation into a single city would be more cost-effective and would deliver maximum value with available resources.

9.6. CONCLUSION

With the application of the categorization criteria set out in Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), the City of Tshwane cannot definitely be regarded as a Category A local authority. The City of Tshwane does not comply with all the criteria attached to a single city in terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

From the interviews conducted on the interim institutional dispensation in the Greater Pretoria Area, being a combined Category B and C local authority (metropolitan government with three local authorities), it is apparent that this institutional category does not meet with the approval of the senior functionaries directly involved with the daily operation and maintenance of service delivery in the Greater Pretoria Area. It is perceived as an ineffective local government model, not-contributing to efficient service delivery to the taxpayers.

The international case study on Toronto has indicated that merging of local authorities into a single city, Category A local authority, has been proven by the Greater Toronto Area Task Force in consultation with the Government of Ontario to be a solution to their current problems. An analysis of the four restructuring principles advanced by David Crombie, chairperson of the “Who Does What Panel” for the Government of Ontario, however, indicates that larger local governments (over one million population) face difficulty in sustaining viable democratic processes. The three United States single cities with populations over two million have faced particularly intractable problems. Two of the three (New York and Los Angeles) are contending with advancing secession movements, sparked by the belief that remote city halls were ignoring local neighborhood needs. The third single city (Chicago) has lost almost one million residents who have seceded. Table 18 draws a comparative analysis of the impacts of the two metropolitan government approaches evaluated in this chapter.

TABLE 18: COMPARATIVE IMPACTS OF TWO METROPOLITAN GOVERNMENT APPROACHES

Principles	Category A model (Single city):	Category C model:
	Metropolitan council-local authorities amalgamation	Separate local authorities
Democracy	Less democratic	More democratic
Efficiency	Less efficient	More efficient

The single city model will dilute democracy, creating government that is more remote and therefore less accountable and responsive to its electorate. Moreover, the single city is inconsistent with the efficiency principle in that amalgamated local governments tend to be more costly than smaller governments.

The single city approach with respect to governance inside the metropolitan area is not only inconsistent with its approach outside the metropolitan area, but is at odds with the general world-wide trend towards more democratic institutions, devolution, decentralization, market-driven government and customer-orientated government. In the longer run, implementation of a single city is likely dilute democracy within metropolitan areas. A future provincial government, professing less of a commitment to smaller government and less dependent electorally on constituencies outside the metropolitan area could be expected to impose a similar model there thus making local government a structure of the past.

Based on the findings in this chapter conclusion will be drawn in Chapter Ten (10). Recommendations will be made on a category of local government that will ensure that the restructuring principles of democracy and efficiency are met.



CHAPTER 10

CONCLUSION AND RECOMMENDATION: THE RESTRUCTURING OF LOCAL GOVERNMENT WITH SPECIFIC REFERENCE TO THE CITY OF TSHWANE

10.1. INTRODUCTION

This research seeks to build a conceptual framework that can assist in guiding the process of local government restructuring and the impact thereof on the community it serves. The framework emphasizes looking beyond the legislative framework and evaluating the restructuring of local government to include all deliberate and purposive courses of action that are intended to lead to new or modified systems of local government, to significant arrangements for redistributing responsibilities for major developmental functions (for example, service delivery and infrastructure development), and to increased public participation in policy-making and action at a local level.

In order to meet the objectives of this investigation, a literature study was undertaken. Salient themes regarding the restructuring of local government were located in existing legislation, public administration texts, in management theories and in research studies.

The aims of this study as discussed in Chapter one (1) were to:

- a) analyze the emergence of local government in South Africa, which contributed to the manifestation of the apartheid value system and the separation of racial communities;
- b) clarify the need for local government restructuring to address imbalances and inequities of past legislation;
- c) identify the administrative and legislative processes which culminated in the formulation of a legislative local government restructuring model;



- d) assess the impact of the local government restructuring model on local authorities, with specific reference to the City of Tshwane; and
- e) identify and evaluate international restructuring principles and experience against South African local government restructuring, with specific reference to the City of Tshwane and to draw conclusion.

In achieving these five research objectives, the aim of this thesis was to recommend a local government category for the City of Tshwane, which would ensure that the intended purpose of local government restructuring was met in an efficient and democratic manner.

Information regarding all of the above-mentioned objectives is contained in the preceding chapters:

The hypothesis and definitions of key terms are presented in Chapter one (1). The context in which the restructuring of local government is discussed throughout the study is also given effect to here.

Chapter two (2) provides an insight into the concept of local government and the legislative framework governing it. The relationship between the different spheres of government is analyzed.

In Chapter three (3) the role and purpose of local government is outlined. Concerns regarding the restructuring of local government are raised. Effective and optimal local government restructuring must be approached in a multi-disciplinary manner involving generic administrative processes and the environment. The conclusion is reached in this chapter that the application of and adherence to specific principles in a multi-disciplinary manner should substantially enhance the effectiveness and efficiency of local government.

Chapter four (4) provides a historical perspective on the restructuring of local government in South Africa up to 1994. The emergence of local authorities as well as the development of local authorities for urban areas populated by non-



whites, are addressed. The progress towards local government democratization, which culminated in the identification of the three phases of local government restructuring leading to the final phase, is addressed.

Chapter five (5) examines the restructuring of local government in South Africa, which was to occur in three well-defined phases in terms of the political agreements incorporated in the Local Government Transition Act, 1993 (Act 209 of 1993). The first or the pre-interim phase was the period from the commencement of the Act (2 February 1994) to the commencement of the interim phase, which started on the first day after the elections which were held on 1 November 1995 or afterwards for transitional councils and ended with the implementation of the final model of local government. The pre-interim phase involved the creation of local government negotiation forums and transitional local government models, whilst the interim phase focused on the demarcation of boundaries for election purposes. Conclusions were drawn about areas of concern during these two phases.

Chapter six (6) focuses on the restructuring of local government in South Africa as the country moves towards the final phase. The chapter traces the evolution of local government towards being a distinctive, interrelated, interdependent sphere of government in its own right. A critical analysis of the new local government system is provided.

In Chapter seven (7) the restructuring of local government in the Greater Pretoria Area in the pre-interim phase is discussed. The course of local government negotiations between the separate local authorities, which culminated in the signing of the 22 August 1994 Agreement between the negotiating parties, is dealt with. The most important experience of the new direction is felt to have been the practicing of the principle of “consensus politics” as a new approach to decision-making in South Africa. The restructuring of local government in the Greater Pretoria Area in accordance with transitional local government models is discussed.



Chapter eight (8) provides an introduction to the established local government structures for the Greater Pretoria Metropolitan Area in the interim phase. The status of local government in the Greater Pretoria Metropolitan Area in the interim phase is discussed by means of statistical analysis, focusing on political representation, staffing structures and financial and fiscal affairs. These mentioned factors will have to be taken into consideration when determining a local government category for the Greater Pretoria Metropolitan Area in the final restructuring phase.

Chapter nine (9) evaluates and applies the three (3) categories of local government as contained in the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) to the City of Tshwane. The final restructuring phase, which commenced on 5 December 2000 with the local government elections provided for a name change from the Greater Pretoria Metropolitan Area to the City of Tshwane Metropolitan Municipality. The local government restructuring process, which is discussed throughout the study, culminates in a critical evaluation in this chapter of the three (3) categories of local government to be applied specifically to the City of Tshwane in the final restructuring phase. The *status quo* is evaluated against legislative requirements and empirical research findings, as well as against internationally accepted restructuring principles and experience.

This chapter, will draw conclusions from the themes which have emerged from the literature and empirical study. Finally, appropriate and relevant recommendations will be discussed.

10.2. PROVING THE HYPOTHESIS

The literature study provided a background for the restructuring of local government in South Africa and, specifically, the City of Tshwane. The broader issues covered in the literature study culminated in the critical evaluation of the local government categories for the final restructuring phase to be applied specifically to the City of Tshwane. Data was processed,

measured and presented by using structured questionnaires and various statistical analyses.

The findings of the studies have contributed to proving the stated hypothesis as set out in Chapter one (1) as correct:

*The **hypothesis** of this study is therefore, that effective restructuring of local government according to the prescribed categorization of local government for the final restructuring phase, with specific reference to the City of Tshwane, requires the evaluation of the status quo against the legislative requirements and internationally accepted restructuring principles and experience to ensure the implementation of a category of local government that will ensure democratic and efficient service delivery to the community of the City of Tshwane Metropolitan Municipality.*

In the context of the evaluation of eleven conurbations (Chapter 9) in terms of the criteria contained in Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), the City of Tshwane cannot be regarded as a definite Category A local authority, since it does not comply with all the features needed to be regarded as a Category A local authority or a single city. From the research only three (3) nodal points complied with all the criteria needed to be classified as a Category A local authority in terms of Section 2 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), namely Greater Johannesburg, Cape Town and Durban. The City of Tshwane, however, does not fulfill all of the criteria needed to be classified as a Category A local authority mainly because it reflects a below average population density which impacts negatively on the evaluation criteria used to define a Category A local authority.

A combined Category B and C local government category established in the Greater Pretoria Metropolitan Area on 12 December 1995 (Chapter 7) has proved not to be the solution for efficient service delivery within the final local government dispensation. This became apparent after interviews were



conducted on the *status quo* with senior management at the four local authorities within the Greater Pretoria Metropolitan Area in the interim phase (Chapter 9). The interim institutional framework for the Greater Pretoria Metropolitan Area is not regarded as ideal or as contributing to the legislative mandate to provide services in an effective and efficient manner to the consumer and the ratepayer. The consequences of the identified deficiencies regarding the interim institutional framework are frustration of the workforce, especially at middle and top management levels, which leads to demotivation with concomitant negativity and lack of initiative. The demotivation and negativity of personnel results in economic deficiency and sub optimality, which leads to consumers paying higher prices for services and receiving lower levels of service than those to which they otherwise would have been entitled.

Due to both the above-mentioned categories not being proven as definite positive categories for the City of Tshwane in the final restructuring phase, comparisons were drawn with experience in the United States of America where there is a wider range of city sizes available than in the Republic of South Africa (Chapter 9). The experience was used to evaluate the local authority categories on the basis of key principles advanced by David Crombie's "Who Does What" advisory panel on the restructuring of local government in Toronto, Canada, in order to substantiate a local government category for the City of Tshwane in the final restructuring phase.

The key principles argue in favour of individual local authorities on the basis that smaller local governments are more accountable, more responsive and more attuned to communities and neighbourhoods, while larger local governments are more susceptible to special interests and are less controllable. The consideration of democracy emphasizes the difficulty larger local governments (over one million population) face in sustaining viable democratic processes and accordant democratic service delivery. From the point of view of efficiency, larger local governments generally have higher unit costs than smaller local governments; there are diseconomies of management scale, greater resistance to innovation and legislative reform and amalgamations do not produce lower cost local government.



The hypothesis can therefore be regarded as correct, because it only became apparent after evaluating the *status quo* in the Greater Pretoria Metropolitan Area in the interim phase against the prescribed categorization of local government for the final restructuring phase, that neither a Category A nor a combined Category B/C local government model will contribute to efficient and democratic service delivery in the City of Tshwane in the final restructuring phase.

The challenge is thus to find a local government category that will accommodate growth inside and outside the City of Tshwane without encouraging sprawl and allowing for the co-ordination of regional services over a wider area.

10.3. RECOMMENDATIONS

The recommendations will be discussed under two sub-headings, namely:

1. recommendations based on the methodology of the study; and
2. recommendations based on the results of the study.

10.3.1. RECOMMENDATIONS BASED ON THE METHODOLOGY OF THE STUDY

The following recommendations are proposed:

10.3.1.1. FURTHER RESEARCH AND STUDIES

It is recommended that further research and studies be conducted to assess the impact of the local government category implemented in the City of Tshwane in the final restructuring phase especially with regard to efficient and democratic service delivery, infrastructural development and financial

sustainability. Results of these studies need to be integrated with the author's findings.

10.3.1.2. GEOGRAPHICAL LIMITATION

The study should be replicated with other local government structures in South Africa. The impact of local government categorization in the final restructuring phase with regard to efficient and democratic service delivery, infrastructure development and financial sustainability should be assessed.

10.3.1.3. TIME FRAME

Subsequent research needs to be undertaken in view of the implementation of the final categories for local government after 5 December 2000 in South Africa. The aim of this exercise would be to determine whether the purpose of local government has been successfully met after implementation of the various local government categories. For example have service delivery, infrastructural development and financial sustainability remained static or have they changed?

10.3.2. RECOMMENDATIONS BASED ON THE RESULTS OF THE STUDY

The recommended local government category for the City of Tshwane in the final restructuring phase is premised on less local government and strengthened local authorities that will preserve local community identity for residents and businesses and promote the efficient use of resources. In order to ensure efficient and democratic regional service delivery, the establishment of a City of Tshwane Services Board (CTSB) is recommended.

10.3.2.1. LOCAL AUTHORITIES

The maintenance of the three interim phase local authorities, the City Council of Pretoria, the Town Council of Centurion and the Northern Pretoria Metropolitan Substructure, is recommended. The local authorities serve approximately 150 000 to 200 000 inhabitants in each region and provide services at offices which are accessible to the majority of the community.

Local authorities are the cornerstone of local government in South Africa. Local authorities allow citizens to deal directly with their elected representatives and to shape the attitudes, the image and even the future of the neighbourhoods where they live. Strong, accountable and cost-effective local authorities that are understandable to the citizens are important. A local government category needs to be based on the following principles:

a) Responsiveness:

Local authorities that are closest to the citizens they serve are able to provide the highest level of service. Service delivery should meet diversity, growth and changing economic conditions in each distinct local authority.

b) Accessibility and accountability:

Citizens should deal with only one level of local government to resolve municipal service problems.

c) Effectiveness and efficiency:

Services should be delivered efficiently and effectively.

d) Economy:

Services should be delivered at the lowest cost.

e) Liveable communities:

Services delivered at the local level should foster safe, healthy and liveable communities.

f) Impact of services:

Municipal services that impact on local residents should be controlled by local authorities.

g) Equity:

A fundamental quality of life for all citizens through the sharing of financial resources should be ensured.

The establishment of three autonomous, empowered and accountable local authorities will improve decision-making so as to respond better to the needs of local communities. Services at local level need to be delivered simply, cost-effectively and without overlap.

In order to co-ordinate the delivery of regional services, it is recommended that the interim phase Greater Pretoria Metropolitan Council be eliminated and replaced by a City of Tshwane Services Board.

10.3.2.2. CITY OF TSHWANE SERVICES BOARD

The City of Tshwane Services Board (CTSB) will serve as an independent body established to serve the City of Tshwane by co-ordinating regional service delivery. Until now, local authorities have been reluctant to enter into formalized arrangements for cross-service co-ordination. Instead, they have co-operated on individual services, or individual problem areas. A legislated mandate would give the City of Tshwane Services Board the authority to

overcome this reluctance and co-ordinate services across the City of Tshwane.

10.3.2.2.1. MEMBERSHIP OF THE CITY OF TSHWANE SERVICES BOARD

The size and composition of a board should reflect what the board is to do, and for whom. Its size, generally, should be limited – not so small as to make it unrepresentative, nor so large that decision-making is difficult. More important than the absolute size, though, is whether the size is appropriate to the responsibilities and authority. A board with only a single responsibility can be small. If the responsibilities extend to a number of areas, then a larger board may be desired.

The City of Tshwane Services Board should have a number of duties. The options for size, composition and method of selecting members, therefore, are numerous. Among the options are:

- (a) parity;
- (b) representation by population;
- (c) modifications of the first two to correct inequities; and
- (d) provincial-local authority representation.

(A) Parity:

Parity would give each local authority the same number of members on the board – either one or two. This system treats the local authorities as shareholders and clients and treats each as an equal partner. It does not recognize differences in population or inability to pay. Larger local authorities do not get more benefits, nor do they pay more than smaller ones. If costs are not shared equally, participants will feel “pay” and “say” are not balanced.



(B) Representation by population:

Membership based on population would correct the perceived inequities of the parity scheme. A system based on representation by population would have to be adjusted over time to reflect changes in population.

(C) Modification to address inequities:

Both the parity and some representation by population models produce inequities. These inequities can be addressed in a number of ways.

Quorum provisions could be legislated so that members attending and participating in a meeting must represent local authorities with more than two-thirds of the population of the City of Tshwane. A two-thirds requirement could also be used for voting. To be carried, a proposal would need the support of members representing two-thirds of the City of Tshwane's population. Another variation would be a requirement that two-thirds of the members vote in favour of a motion for it to be carried, regardless of the population they represent. This would be easier to achieve.

(D) Provincial participation:

As provincial and local government roles are clarified, the province will still have interests and be involved in the issues affecting the City of Tshwane, including issues that may be the responsibility of the City of Tshwane Services Board.

For example, the Department of Transportation will continue to have broad interests in City of Tshwane transportation issues since the City of Tshwane is connected to the broader provincial transportation network. The province will continue to manage provincial highways that are part of the City of Tshwane transportation system.

Provincial participation may not be consistent with the government's goal of reducing duplication, overlap and provincial-local government entanglement. It may, however, be appropriate that the first members of the City of Tshwane Services Board, or perhaps just the first chair of the board, be selected by the province. This would allow the board to get up and running more quickly and would demonstrate the government's commitment to the establishment of the City of Tshwane Services Board. Following an initial term of office, the provincially appointed members could be replaced by locally appointed members. This initial term could end with the local government elections in 2005, or at an appropriate time before then.

10.3.2.2.2. OTHER CONSIDERATIONS

A number of other issues should be considered when determining the size and composition of the City of Tshwane Services Board. One is whether to maintain the City of Tshwane boundaries, and another is the relationship between the City of Tshwane Services Board and local authorities outside the City of Tshwane that receive or participate in cross-boundary services. It is, however, proposed that local authorities on the edge of the City of Tshwane should be able to participate in service co-ordination when it makes sense for them to do so. They could do this as customers who buy the service or as participants in the decision-making process.

Another consideration is how the members are selected.

- (a) The legislation should describe members by title. For example, it could specify that heads of local authorities would sit on the board.
- (b) Local authorities could appoint members with the legislation describing who can or cannot be appointed. For example, it could say that any person could be appointed, or any council member, or any person except a council member.

- (c) The minister could appoint members from among local authority nominees.

If heads of local authorities are named to the City of Tshwane Services Board by legislation, the City of Tshwane Services Board could appear to be a level of government. Restricting membership to people not on local authorities raises a question of accountability, particularly if the City of Tshwane Services Board is required to recover its costs from local authorities. Provincial participation in the selection of members might be inconsistent with the apparent consensus that the City of Tshwane Services Board should be a board serving local government.

10.3.2.2.3. SERVICE RESPONSIBILITY OF THE CITY OF TSHWANE SERVICES BOARD

Co-ordination is needed for services that cross local authority boundaries and are by nature City of Tshwane-wide. They are generally considered to be:

- (a) inter-local authority transit;
- (b) environmental services, including water supply and water pollution control;
- (c) solid waste disposal;
- (d) electricity provision; and
- (e) economic development, including tourism promotion.

The City of Tshwane Services Board should generally co-ordinate and plan services and not deliver them. The City of Tshwane Services Board could play a number of roles in the delivery of each of the services, including:

- (a) strategic planning;
- (b) co-ordination;
- (c) management;
- (d) delivery;
- (e) dispute resolution; and
- (f) capital generation.

**(A) Strategic planning:**

The City of Tshwane Services Board would establish the necessary direction for meeting future City of Tshwane service needs. It would use long-range plans that have already been developed for the City of Tshwane, including the land development objective document. Plans already developed, or to be developed, for specific services such as transportation, water, sewers and electricity, would be used by the board to create a City of Tshwane perspective on infrastructural planning. By co-ordinating internal servicing plans with cross-boundary servicing plans, the City of Tshwane Services Board would help to set infrastructural priorities that would benefit the entire area.

(B) Co-ordination:

Even if the City of Tshwane had all the services it needs, it would still be important to make sure those services were used in the most beneficial way for the whole region. The City of Tshwane Services Board could play a role in making sure there are appropriate linkages between existing local services.

Co-ordination would also be important, for example, in the area of economic development. A public-private partnership is being developed to promote and market the City of Tshwane. These marketing activities, however, need to be co-ordinated with overall growth management plans for the City of Tshwane. The City of Tshwane Services Board could play that role. The City of Tshwane Services Board could also co-ordinate the public sector financial contribution to the partnership.

The City of Tshwane Services Board could play a stronger, more regulatory co-ordinating role if local authorities were required to submit short and long-term infrastructural plans to the City of Tshwane Services Board regularly for approval. The City of Tshwane Services Board would confirm or amend these plans based on its own strategic servicing plan.

(C) Management:

If the City of Tshwane Services Board were given responsibility for managing these services, it would determine the servicing standards, make sure the standards were met and decide on the best delivery method. Initially, local authorities could continue to deliver the services. As servicing needs changed, the City of Tshwane Services Board would decide who should deliver them – the public sector, the private sector, or a combination of the two.

To successfully manage these services, the City of Tshwane Services Board would probably have to own the infrastructure, with services being delivered under contract. The contract sets out performance standards for the contractor, but the local authority owns the facilities.

(D) Delivery:

The City of Tshwane Services Board could deliver as well as manage these services. It would then be responsible for all aspects of the service, including delivery, operating and capital financing and setting standards and rates. The City of Tshwane Services Board would have a monopoly and no other local authority or private sector agency would be able to deliver the same services in the City of Tshwane.

(E) Dispute resolution:

The City of Tshwane Services Board could instead be a dispute resolution agency for servicing. Member upper-tier local authorities would bring servicing disputes to the City of Tshwane Services Board for disposition. The City of Tshwane Services Board would be able to consider the issue, ask for additional studies or analyses and make binding decisions.



(F.) Capital generation:

The City of Tshwane Services Board could assist in the servicing of the City of Tshwane by helping local authorities obtain capital funding for service development. By using the financial base of the entire City of Tshwane, the City of Tshwane Services Board could get a better rate for long-term borrowing for infrastructure. The City of Tshwane Services Board could also arrange for local authorities within the City of Tshwane to make short-term loans to each other for servicing projects.

10.3.2.2.4. FINANCING THE CITY OF TSHWANE SERVICES BOARD

The City of Tshwane Services Board may incur both administrative and service delivery costs. Eventually, it would decide for itself how to recover those costs, but it is important to decide how initial expenses should be shared.

Initially, routine administrative expenses could be shared equally, with each local authority paying 20 percent of the cost of the board. As the board's responsibility grows, local authorities could be made to pay greater or lesser shares depending on the relative benefits they enjoyed.

If the City of Tshwane Services Board eventually delivers or manages services delivered to end users, board costs could be recovered through user fees or the fare box. The City of Tshwane Services Board could also recover costs from member local authorities based on their ability to pay, population or assessment, or on the level of service or use of the services in the local authority.

The City of Tshwane Services Board could mix a number of approaches depending on the nature of the services being delivered. The City of Tshwane Services Board might decide to recover costs that cannot be covered by fares directly from member local authorities. Each might pay an equal share, or a

share based on their share of service provided, ridership, assessment or a combination of these.

10.3.2.2.5. RELATIONSHIPS

Another consideration is the relationship that the City of Tshwane Services Board would have with member local authorities, other local authorities, the public and the province. If the City of Tshwane Services Board is going to be successful as a co-ordinating body, the member local authorities must be committed to making it successful. One way to ensure commitment is by requiring that all local authorities in the City of Tshwane be members. One drawback to locally-established boards is that members can dissolve the board or opt out. If the City of Tshwane Services Board is to fulfil its role, opting out cannot be allowed.

The relationship between the City of Tshwane Services Board and the public could vary greatly depending on the board's responsibilities. For example, if the board assumes responsibility for area-wide transport, it would have a direct relationship with the public.

The board would also have a relationship with the province. It might play a role in representing the City of Tshwane servicing interests in discussions with the province, when, for example, the province is developing standards and benchmarks for servicing.

10.3.2.2.6. SUB-COMMITTEES

If the City of Tshwane Services Board has responsibility for services that extend beyond the City boundaries, the affected local authorities would have an interest in the board's decisions. This interest could be addressed in a number of ways.



Firstly, the City of Tshwane Services Board membership could be limited to City of Tshwane local authorities. Other local authorities outside the boundaries would become service purchasers and would have no direct role in the decision-making process. They could choose to form a purchasers' group or co-operative to represent their interests.

Another option would be to establish a core City of Tshwane Services Board which could set up sub-committees for selected services, which would include representatives of the local authorities that purchase the service. The composition of these committees could be established in legislation to ensure that all local authorities that receive the services are represented.

Different approaches could be used at different times as the City of Tshwane Services Board is established. Following an initial term of office, the provincially-appointed members could be replaced by locally appointed members. This initial term could end with the local authority elections, or at an appropriate time before then.

The City of Tshwane Services Board could also be given the ability to assume additional responsibilities. This would permit local authorities and the board to modify the role and purpose of the board over time to reflect changing circumstances.

The timing of the establishment of the City of Tshwane Services Board generally will be important to ensure a smooth transition of responsibility to the City of Tshwane Services Board from the local authorities or the province.

10.3.2.2.7. COMBINING THE OPTIONS

A wide range of organizational models could be developed for a City of Tshwane Services Board. The table following (Table 19) sets out various options described above. These options could be combined in a number of different ways to define a City of Tshwane Services Board.



A legislative framework will be needed to establish and empower the City of Tshwane Services Board. That framework will have to be flexible to allow the board to grow and change as it transforms itself from a provincially-initiated agency to a locally-orientated body.

The City of Tshwane Services Board, if wisely designed, will not only improve fairness and co-ordination, but will also be more responsive, accountable and efficient thereby contributing to co-operative governance. The public will be best served if the City of Tshwane Services Board design includes these features:

(a) Accountability:

The board must be accountable to the constituent local authorities. Board members should be local elected officials, appointed by their local authorities. A board constituted in this manner would substantially improve the likelihood that the City of Tshwane Services Board and local government policies will be co-ordinated. The alternative of a separately elected board would create an unco-ordinated public policy framework that would encourage disagreements between elected officials at the two levels of government. A separately elected board would also be more likely to seek expansion of City of Tshwane Services Board powers at the expense of the cities and re-establishing service duplications.

(b) Limited powers and co-ordination:

Provisions should be adopted to limit the City of Tshwane Services Board authority to specific regional powers. This will reduce the potential for service duplication to evolve. The City of Tshwane Services Board's powers should be expanded only as agreed upon by the constituent local authorities.



(c) Limitation on administrative staff size:

Provisions should be adopted to establish and maintain the administrative staff size at the City of Tshwane Services Board to the minimum level required to provide the required quality and quantity of service.

(d) Provisions to guarantee efficiency:

The City of Tshwane Services Board should be required to contract for all of its core services and have no operating personnel. Contracts might be with constituent cities, other publicly owned organizations, private non-profit organisations or with private firms through competitive tendering.

TABLE 19: OPTIONS FOR THE ORGANIZATION OF THE CITY OF TSHWANE SERVICES BOARD

Membership	Chair of Committee	Determination of responsibility	Services	Responsibilities	Finance
<ul style="list-style-type: none"> Parity – 1 member for each of the metropolitan local authorities in jurisdiction. Representation by population – 1 member per 300 000. Representation by population – 1 member per 400 000. Representation by population – 1 member per 500 000. Sub-committees for services beyond GPA: <ul style="list-style-type: none"> - Legislated; - Discretionary. Membership includes local authorities beyond GPA. 	<ul style="list-style-type: none"> Selected by members from among the members. Appointed by the province in addition to members. First chair appointed by province with subsequent chairs appointed by members. 	<ul style="list-style-type: none"> Province defines authority of GPSB. Province describes responsibility and permits GPSB to request additional responsibility. Province establishes GPSB and permits local authorities to assign additional responsibilities to board. 		<ul style="list-style-type: none"> Strategic planning; creation, maintenance of infrastructural plans. Service co-ordination; ensuring the co-ordination of locally delivered services. Management responsibility for service; standards, compliance, enforcement. Service delivery responsibility. Dispute resolution; arbitrating disputes between member municipalities in respect of service needs. 	<ul style="list-style-type: none"> Funding formula established by legislation. Initial funding formula established in legislation, GPSB could vary over time. Funding formula established by GPSB. One or more formulae depending on number of services i.e. different for different services. Different voting requirements for different aspects of finance – capital (2/3) versus operating (1/2) equal shares for all financing. Full cost recovery from end user.

(e) No direct taxing or assessment authority:

The City of Tshwane Services Board administration and services should be financed by user fees and assessments ratified (not imposed upon) the constituent cities. This will ensure greater accountability and co-ordination of regional and local policies.

The combination of certain options will depend on the preferences of the stakeholders involved in the City of Tshwane Services Board.

10.3.2.2.8. DIVISION OF POWERS AND DUTIES BETWEEN THE CITY OF TSHWANE SERVICES BOARD AND THE LOCAL AUTHORITIES

The basis for the division of powers and duties between the City of Tshwane Services Board and the local authorities should be as follows:

(a) Regional *versus* local:

Matters that may best be co-ordinated regionally, for example, roads, regional parks and regional planning, should be allocated to the City of Tshwane Services Board while local roads and parks remain under the jurisdiction of the local authorities.

(b) Wholesale *versus* retail:

Many functions that are most efficiently performed on a large scale could be managed by the City of Tshwane Services Board, such as water purification, sewage treatment and waste disposal. The provision of these services to the ultimate consumer in the form of water distribution and billing, sewage collection and billing and waste collection should be managed by the local authorities.

(c) Services to people across local authority boundaries versus service to property and from buildings:

The City of Tshwane Services Board's major responsibility would be the provision of social services (area wide) including fire, ambulance services and public transport while local authorities dealt with services to properties, including the supply of water, electricity, zoning and the inspection of buildings. Services provided from buildings such as health services, culture, recreation and community liaison would also be the responsibility of local authorities. Table 20 depicts the proposed functional division between the City of Tshwane Services Board and the three local authorities.



TABLE 20: FUNCTIONAL DIVISION BETWEEN THE CITY OF TSHWANE SERVICES BOARD AND THE THREE LOCAL AUTHORITIES

LOCAL GOVERNMENT FUNCTION	CITY OF TSHWANE SERVICES BOARD	LOCAL AUTHORITIES
<p>1. Water supply and environmental protection 1.1 The provision of water</p> <p>2. Waste water treatment and Conveyance</p> <p>2.1 Purification of waste water</p> <p>3. Solid waste management</p> <p>4. Integrated environmental Management</p> <p>5. Electricity supply 5.1 Power generation</p>	<ul style="list-style-type: none"> • Water system planning • Water service development • Engineering of water system components • Construction of water system components • Water system operation and maintenance (bulk) • Rietvleidam and purification works • Acquisition and supply of water • Sale of water to clients • Planning of sewerage systems • Sewerage service development • Engineering of sewerage systems • Construction of system components • Project Planning • Departmental construction control • Sewerage system operation and maintenance (bulk) • Planning of purification works • Engineering of purification works • Construction of purification works • Operation of purification works • Maintenance of purification works • Laboratory services • Collection and removal of solid waste • Disposal of solid waste • Planning and engineering of operational facilities (bulk) • Water pollution control • Noise control • Environmental protection • Operation of power plant <ul style="list-style-type: none"> - Pretoria West - Rooiwal 	<p>(Autonomous and delegated functions)</p> <ul style="list-style-type: none"> • To operate and maintain water conveyance systems • To issue accounts for water usage • To supply information on water usage • To repair and replace components • To operate and maintain sewerage conveyance systems • To maintain norms and standards • Project planning • Local construction control • To operate and control sewerage conveyance systems • To capture and analyze maintenance information • To repair and replace components • To liaise with the community • To collect solid waste • Disposal of solid waste • To attend to street reserves • To attend to vacant stands • To operate and maintain garden refuse sites • To provide a household refuse removal service • To provide a general refuse removal service • To manage rubbish littering • To manage noise control • To provide information and encourage joint actions • To maintain developing areas • To process geographical information • To supply a programming service • The operating and maintenance of computer services • Secondary power supply and management • Power consumption service • To provide a power maintenance service • To provide an engineering service at power stations



<p>5.2 Primary power distribution</p>	<ul style="list-style-type: none"> • Network planning • Network data handling • Personnel assignment • Network project execution • Maintenance engineering 	<ul style="list-style-type: none"> • To provide an administrative service • To provide a power development service • To provide a power operating service • To provide a power generating service • To provide and maintain a central control room
<p>5.3 Secondary power distribution</p>		<ul style="list-style-type: none"> • To provide a general maintenance service • To provide a mechanical service • To provide and maintain turbines and related equipment • To provide and maintain an assembly and maintenance workshop • To maintain external plant and equipment • To execute network projects • To provide a tariff and consumption service • To provide a power connecting service • To provide an installation and inspection service • To provide a client information service • To provide an emergency maintenance service • To provide a protecting service • To provide an H.T. measuring service • To provide a service testing service • To provide a power interruption service • To provide a lighting service • To install traffic lights • To install street lights • The maintenance of street and traffic lights • To provide a meter reading service • The installation and maintenance of optical cable communication • The supply and maintenance of fibre equipment • The supply and maintenance of cables • Financial support • Payment services • Human resource support • Secondary budget control • Training • Drawing office facilities
<p>5.4 Power management</p>	<ul style="list-style-type: none"> • Tariff services • Operations engineering • Operation systems • Power system control • Power system supply • Connections supply 	
<p>5.5 Power user services</p>	<ul style="list-style-type: none"> • Marketing of power • Urban development 	
<p>5.6 Delivery of electro-technical services</p>	<ul style="list-style-type: none"> • Electronic services • Testing support services • Lighting service • Power measurement service • Land line communication service 	



<p>6.3 Development and operation of the transport network</p>	<ul style="list-style-type: none"> • Maintenance of operational plan • Co-ordination of elements in the road reserves of metropolitan roads • Project management 	
<p>6.4 Engineering of transport system Components</p>	<ul style="list-style-type: none"> • Roads planning (metropolitan roads) • Storm water system planning (metropolitan system) • Planning of special engineering work • Design of system and structures (metropolitan system) • Tender process and quotations • Development control (metropolitan system) • Departmental construction • Construction by contractors • Construction by developers 	
<p>7. Promotion of harmonious Urban Development</p>	<ul style="list-style-type: none"> • Guideline planning • Physical development service (architecture, urban design and quantity surveying) • Surveying and cartographic services 	<ul style="list-style-type: none"> • Guideline planning • Land use rights • Physical development control • Urban development control • Land surveying • Financial and administrative control • Personnel and logistical services • Information service • To control and manage land use applications • To control and manage township planning schemes • To provide a physical development service • To manage urban development • To handle building applications • To supply information. • To provide a health service for the local community • Nursing service • Professional medical service • Supply and maintenance of clinics • Information service • Management and control .
<p>8. Promotion of community health</p>	<ul style="list-style-type: none"> • Primary health service (policy formulation) • Professional health service • Health information and training service • Environmental health service (policy formulation) • Mental health service (policy formulation) 	



<p>9. Community safety and orderliness 9.1 Fire and ambulance services</p>	<ul style="list-style-type: none"> • Education and liaison services • Fire safety • Fire operational and rescue • Fire and emergency medical services • Fire and incident pre-planning 	<ul style="list-style-type: none"> • To provide and maintain a reporting centre • To promote preparedness • To provide and maintain a fire and ambulance service • To implement and maintain a fire safety system • To provide a fire brigade and operational rescue service • To provide an ambulance and emergency medical aid service • Fire prevention planning • To provide a support service • Financial and administrative management service • Human resource support • Operational logistical service • Control room service • Operational disaster management • To monitor and control local community areas • Data collecting and information supply • To provide a traffic safety system • To manage and monitor policing • To provide a patrol action service • To provide a radio control and information system • To perform environment investigations • To provide and maintain a radio control office • To monitor and control operational planning • To manage and control road traffic incidents • To provide road traffic information • To undertake general investigations • To provide and maintain security services • To provide a crime prevention service • To provide a licensing service • To provide a vehicle registration service • To provide a service for road worthiness • To provide a drivers' license testing service • To provide a service for the issuing of trade licenses
<p>9.2 107 Emergency number</p>	<ul style="list-style-type: none"> • Control centre service (107 number) • Information systems 	
<p>9.3 Disaster management</p>	<ul style="list-style-type: none"> • Disaster handling • Government and private sector preparedness • Integrated emergency management 	



9.4 Traffic matters	<ul style="list-style-type: none"> Residential area preparedness 	
	<ul style="list-style-type: none"> Traffic helicopter Tow-in service Traffic control policing Public transport policing Road traffic bureau Traffic education 	
9.5 Law enforcement	<ul style="list-style-type: none"> Metro law enforcement 	
9.6 Security services	<ul style="list-style-type: none"> Operational security services Crime investigation Security evaluation services 	
9.7 Licensing service	<ul style="list-style-type: none"> Test centre - vehicle road-worthiness - drivers' licenses (more than one local council) 	
10. Property valuation service		
10.1 Property tax base determination	<ul style="list-style-type: none"> Valuation role Ad-hoc valuations Evidence to Valuation Board 	<ul style="list-style-type: none"> To value property in local context To administer applicable legislation
10.2 Valuation of Council goods	<ul style="list-style-type: none"> Negotiations with regard to acquisition and alienation of goods Specialised valuations Training Expert evidence to Supreme Court 	
10.3 Advice to other departments and Organisations	<ul style="list-style-type: none"> Negotiations with regard to township establishments Negotiations with regard to compensation claims (ordinances) Advice to departments/directorates and other Councils Contributions by Sport Clubs External liaison with other organisations 	
10.4 Special projects	<ul style="list-style-type: none"> Collection and processing of information Pre-feasibility studies Negotiations with developers 	
11. Trade and industry		
11.1 Tourism	<ul style="list-style-type: none"> Tourism climate Tourism infrastructure 	
11.2 Products and services of Councils	<ul style="list-style-type: none"> Products and service information Consultation 	

<p>12. Culture and recreation</p> <p>12.1 Museums</p> <p>12.2 Community libraries</p> <p>12.3 Recreation</p> <p>12.4 Horticultural site development</p> <p>12.5 Community culture liaison</p>	<ul style="list-style-type: none"> • Resource development • Exhibitions • Education and information services • Inter-disciplinary activities • Outreach actions • Community library services at main library • Mobile library service • Depot library service • Professional support service to departments • Sport • Resorts and caravan parks • Swimming pools • Nature areas and reserves • Trails • Trim parks • Recreation centres • Sports fields • Recreation facilities • Parks • Traffic islands • Gardens of remembrance • Decorations • Street trees • Cultural development of metropolitan significance • Stakeholders 	<ul style="list-style-type: none"> • To provide and manage libraries • To provide and maintain recreation facilities • Community liaison • To maintain parks and open spaces • To provide information • To market and maintain museums • To provide art and culture support services • To provide and maintain mobile libraries • To provide and maintain sports facilities • To provide an environmental education service • To manage and maintain caravan parks and resorts • To manage and maintain swimming pools • To manage and maintain nature reserves • To maintain walk routes and trim parks • To develop and maintain gardens • Financial and administrative management • Cemetery maintenance • Landscape planning
<p>13. Fresh produce market</p>	<ul style="list-style-type: none"> • Facility service • Marketing service • Operating service 	<ul style="list-style-type: none"> • Product control and management • Financial management • Logistical services • Maintenance of store facilities
<p>14. Economic Development</p>	<ul style="list-style-type: none"> • Economic base research • Industrial, technical and investment promotion • Trade promotion • Promotion of small, medium and micro-enterprises • Economic empowerment • Community empowerment 	<ul style="list-style-type: none"> • SMME support
<p>15. Public transport services</p>	<ul style="list-style-type: none"> ◆ Bus Service - Operational execution - Operational planning 	
<p>16. Wonderboom Airport</p>	<ul style="list-style-type: none"> ◆ Facility management ◆ Operational Execution 	

10.4. CONCLUSION

In democratic systems of government, local government is an independent form and tier of government consisting of autonomous local authorities as the

constitutional institutions through which the residents of a city, town or area govern themselves and deal with local interests within the national framework of the state. Autonomous local authorities are, therefore, fully-fledged government institutions with legislative and executive powers. The autonomous fiscal powers of local authorities are a critical determinant of local autonomy.

As a universal feature of modern democratic systems of government, autonomous local authorities play an important role in bringing government closer to the people, promoting responsible political participation, providing certain functions and services at a local level and protecting basic freedoms. Directly elected, autonomous local governments must be protected as a basic democratic right in any new constitutional dispensation.

A new system of local government, like central and regional systems of government, has to make provision for democratic, political participation, the elimination and prevention of group domination, the protection of minorities, a free and independent community life, the elimination of discrimination, the taking into account of the right to freedom of association and a commitment to negotiation as a method of change.

Affordability is a prerequisite for any new system of local government in South Africa. This means that a new local government system must be efficient and cost-effective and must contribute towards administrative rationalization, improved manpower utilization and savings for local authorities and the public. This involves, *inter alia*, the sharing of resources and the rationalization of management and administration. Under no circumstances must the provision of essential services be disrupted or the present expert staff of local authorities be disadvantaged or lost.

Local government is a fully-fledged level of government and negotiations on establishing a new constitutional dispensation for South Africa must take place in

respect of local government, and at a local government level. South Africans have the right to play a role in determining the future of their towns and cities.

The choice of a local government category must adhere to the restructuring principles of democracy, accountability, responsiveness, fairness and efficiency. A combined Category B and C model has been proven not to be workable in the City of Tshwane. The City of Tshwane does not comply with all the criteria to be categorized as a Category A local authority. It is, therefore, recommended that individual Category B local authorities with a City of Tshwane Services Board to replace the Category C local authority to co-ordinate the delivery of regional services be established in the City of Tshwane. This local government category comprised of a City of Tshwane Services Board and autonomous local authorities, complies with the restructuring principles of democracy, accountability, responsiveness, fairness and efficiency.

BIBLIOGRAPHY

1. PUBLISHED SOURCES

1.1. BOOKS

African National Congress (ANC). 1992. *Ready to govern: ANC policy guidelines for a democratic South Africa*. Johannesburg.

Andrews, Y. 1988. *The personnel function*. Pretoria: Haum Educational Publishers.

Bayat, M.S. & Meyer, I.H. 1994. *Public administration: Concepts, theory and practice*. Pretoria: Southern Book Publishers.

Ballinger, M. 1969. *From Union to apartheid*. Cape Town: Juta.

Bekker, S. & Jeffery, A. 1989. *Local Government in urban South Africa: A normative approach*. Durban: Centre for Social and Development Studies, University of Natal.

Berger, P.L. 1988. *A future South Africa: Visions, strategies and realities*. Cape Town: Human & Rosseau.

Berry, B.J.L. 1981. *Comparative urbanization: Divergent paths in the twentieth century*. London: Macmillan Press.

Botes, P. 1994. *Aspects of supervision: A guide for the contemporary public management*. Halfway House: Southern Book Publishers.

Botes, P.S. 1997. *Aspects of supervision: A guide for the contemporary Public Manager*. Halfway House: Southern.

Bromage, A.W. 1957. *Introduction to municipal government and administration*. New York: Appleton.

Bulmer, S. 1991. Efficiency, democracy and West German federalism: a critical analysis. In C. Jeffery & P. Savigear (Eds), *German federalism today*. Leicester: Leicester University Press, 103-119.

Cameron, R.G. & Stone, A.B. 1995. *Serving the public: A guide for practitioners and students*. Pretoria: J.L. van Schaik.

Carter, H. 1989. *The study of urban geography*. (Third Edition). Edward Arnold: London.

Clarke, J.J. 1969. *Outlines of local government of the United Kingdom*. London: Pitman.

Cloete, F. 1995. *Local government transformation in South Africa*. Pretoria: J.L. van Schaik.

Cloete, J.J.N. 1981. *Introduction to Public Administration*. Pretoria: J.L. van Schaik.

Cloete, J.J.N. 1986. *Towns and cities: Their government and administration*. Pretoria, J.L. van Schaik.

Cloete, J.J.N. 1988. *Public administration and management*. Pretoria: J.L. van Schaik.

Cloete, J.J.N. 1989. *South African local government and administration*. Pretoria: J.L. van Schaik.

Cloete, J.J.N. 1991. *Public administration and management*. Pretoria: J.L. van Schaik.

Cloete, J.J.N. 1993. *Towns and cities: Their government and administration*. Pretoria, J.L. van Schaik.

Cloete, J.J.N. 1994. *Public administration and management*. Pretoria: Van Schaik.

Cloete, F. 1995. *Transformation of South African local government*. Pretoria, J.L. van Schaik.

Cloete, J.J.N. 1997. *South African municipal government and administration*. Pretoria: J.L. van Schaik.

Cloete, J.J.N. 1998. *Public administration and management*. Pretoria: J.L. van Schaik.

Corson, J.J. & Harris, J.P. 1963. *Public administration in modern society*. New York: McGraw-Hill.

Craythorne, D.L. 1980. *Municipal administration*. Cape Town: Juta.

Craythorne, D.L. 1990. *Municipal administration – A handbook*. Cape Town: Juta & Co. Ltd.

Craythorne, D.L. 1994. *Municipal administration – A handbook (Cumulative supplement to the Third Edition)*. Kenwyn: Juta.

Crombie, D. 1996. *Restructuring principles: Who does what advisory panel*. Toronto: Howard Press.

Davidson, J.D. & Rees-Mogg, W. 1992. *The great reckoning: How the world will change in the depression of the 1990's*. Sidgwick & Jackson: London.

De Beer, J. & Lourens, L. 1995. *Local government: the road to democracy*. Midrand: Educom.

De Mist, J.A. 1802. *Memorandum on the Cape of Good Hope*. Cape Town: Van Riebeeck Society.

De Villiers, B. 1995. *Bundestreue: the soul of an intergovernmental partnership*. Occasional paper. Johannesburg: Konrad Adenauer Stiftung.

De Villiers, B. 1997. *Local and provincial intergovernmental relations: a comparative analysis*. Occasional paper. Johannesburg: Konrad Adenauer Stiftung.

Du Toit, D.F.P. & Van der Walt, G. 1997. *Public Management: The grassroots*. Kenwyn: Juta Academic.

Easton, D. 1965. *A system analysis of political life*. John Wiley & Sons.

Fitzgerald, P., McLennan, A. & Munslow, B. (Eds). 1995. *Managing sustainable development in South Africa*. Cape Town: Oxford University Press.

Fox, W.; Schwella, E. & Wissink, H.F.. 1991. *Public management*. Kenwyn: Juta & Co. Ltd..

Gauntlett, J.J. & Breitenbach, A. 1997. *Ex Parte: The Western Cape Local Government Association. In Re: Aspects of the status of local government under the Constitution of the Republic of South Africa*. Cape Town.

Gildenhuys, H.; Fox, W. & Wissink, H.. 1991. *Public macro organization*. Kenwyn: Juta.

Hanekom, S.X. Rowland, R.W. & Bain, E.G. 1987. *Key aspects of Public Administration*. Halfway House: Southern Book Publishers.

Hanekom, S.X. & Thornhill, C. 1983. *Public Administration in contemporary society: A South African Perspective*. Cape Town: Southern Book Publishers.

Held, D. 1987. *Models of democracy*. London: Polity Press.

Holm, J.D. 1971. *Dimensions of mass politics*. Boulder: Westview Press.

Holm, J.D. 1989. *Elections and democracy in Botswana*. In J. Holm and P. Molutsi. *Democracy in Botswana*. Ohio: Ohio University Press.

Humes, S. Martin, E. 1969. *The structure of local government: a comparative survey of 81 countries*. The Hague: International Union of Local Authorities.

Heymans, C. & Totemeyer, G. 1988. *Government by the people? The politics of local government in South Africa*. Kenwyn: Juta & Co. Ltd.

Humphries, R. 1988. Intermediate state responses to the Black local authority legitimacy crisis. In C. Heymans & G. Totemeyer (Eds.), *Government by the people*. Johannesburg, Juta, 105-118.

Isaak, A.A. 1975. *Scope and methods of political science*. Illinois: The Dorsey Press.

Jackson, A.O. 1959. *'n Ondersoek na oorsake en gevolge van die intog van naturelle vanuit Suid-Rhodesië na die Unie en die metodes en roetes wat gevolg word*. Pretoria.

Jackson, R. 1967. *The machinery of local government*. London: Macmillan.

Johnson, K. 1994. *Urban governance: The South African experience*. Cape Town, Inlogov.

Jones, E. 1990. *Metropolis: The world's greatest cities*. Oxford University Press: Oxford.

Kaapse Plakkaatboek. 1944. *South Africa: 1652-1707*. Cape Town: Jeffreys.

Laski, H. 1931. *Democracy in crisis*. Chapel Hill.

Laski, H.J. 1936. *Faith, reason and civilisation: an essay in historical analysis*. London: Gollancz.

Latib, S. 1995. *Accountability*. In F. Cloete and J. Mokgoro (eds). *Policies for public service transformation*. Kenwyn: Juta & Co. Ltd..

Levine, H.M. 1982. *Political issues debated: An introduction to politics*. New Jersey: Prentice – Hall.

Lipson, L. 1970. *The great issues of politics: An introduction to political science*. New York: Prentice – Hall.

Locke, J. 1957. *Civil government*. London.

Locke, J. 1965. *Two treatises on government*. Edited by Peter Laslett. New York: New American Library.

Macridis, R.C. 1980. *Contemporary political ideologies: Movements and regimes*. Massachusetts: Winthrop Publishers.

Marshall, A. 1965. *Financial administration of local government*. London: George Allen and Unwin.

Mawhood, P. 1993. *Local government in the Third World: Experience of decentralization in tropical Africa*. South Africa: Africa Institute of South Africa.

Meyer, J. 1978. *Local government law – Volume 1 – General principles*. Durban, Butterworth.

National Party (NP). 1991. *Constitutional rule in a participatory democracy: the National Party's framework for a democratic South Africa*. Pretoria.

Olowu, D. 1988. *African local governments as instruments of economic and social development*. The Hague: International Union of Local Authorities.

Ready, R.K. 1967. *The Administrator's job: Issues and dilemmas*. New York: McGraw – Hill.

Reddy, P.S. 1996. *Readings in local government management and development – A Southern African perspective*. Cape Town: Juta & Co. Ltd..

Ridley, F.F. 1959. *Studies in politics*. London.

Robson, W.A. 1954. *The development of local government*. London: Allen & Unwin.

Robson, W. 1937. *The development of local government*. London: Allen and Unwin.

Rosenbloom, D.H. 1989. *Public Administration: Understanding management, politics and law in the public sector*. Singapore: McGraw – Hill.

Sancton, A. 1996. *Reducing costs by consolidating municipalites*. United States of America.

Sancton, A. 1998. *Canadian Public Administration*. United States of America.

Savas, E.S. 1987. *Privatising the public sector: How to shrink government*. New Jersey: Catham House.

Sjoquist, D.A. 1982. *The effect of the number of local governments on central city expenditures*. Washington D.C.

Smith, B.C. 1985. *Decentralisation: the territorial dimension of the state*. London: George Allen & Unwin.

South African National Civic Organisation (SANCO). 1993. *Transitional measures for local government*. Johannesburg.

Speed, J. 1971. *Municipal administration in South Africa*. Durban: Natal Municipal Association.

Stahl, G. 1976. *Public personnel administration*. New York: Harper Row Publishers, Inc.

- Steiner, G.A. 1956. *Government's role in economic life*. New York: McGraw-Hill.
- Stewart, J. 1983. *Local government: The conditions of local choice*. London: George Allen & Unwin.
- Theal, G.M. 1927. *History of South Africa: 1919-1927*. London.
- Thucydides, S. 1951. *The history of the Peloponnesian war*. Edited and translated by Sir Richard Livingston. Oxford: Oxford University Press.
- Tonks, A. 1996. *Estimated savings and benefits from integration in brief*. Canada: Metropolitan Toronto.
- Tocqueville, A. 1935. *Democracy in America*. London: Fontana.
- Urwick, L.F. 1957. *Leadership in the twentieth century*. London: Pitman.
- Van der Waldt, G. & du Toit, D.F.P. 1997. *Managing for excellence in the public sector*. Kenwyn: Juta & Co. Ltd..
- Van der Waldt, G. & Helmbold, R. 1995. *The Constitution and a new public administration*. Cape Town: Juta & Company.
- Venter, P.J. 1940. *Archives history yearbook for South African history: Landdros en heemrade: 1682-1827*. Cape Town.
- Venter, A. (ed.). 1998. *Government and politics in the new South Africa*. Johannesburg: J.L. van Schaik.
- Vosloo, W.B., Kotze, D.A. & Jeppe, W.J.O. 1974. *Local government in South Africa*. Cape Town: Academica.
-

Wheare, K.C. 1955. *Federal government*. London: Oxford University Press.

Wit, D. 1953. *Comparative political institutions*. New York: Henry Holt.

World Bank. 1989. *Strengthening local governments in Sub-Saharan Africa*. Washington DC, Economic Development Institute.

World Bank. 1993. *Financing the metropolitan areas of South Africa*. Washington.

Wraith, R. 1964. *Local government in West Africa*. London: Allen & Unwin.

1.2. JOURNALS AND PERIODICALS

Centre for Policy Studies. 1996. *Synopsis*, 1.

Christianson, D. 1994. Local government: the loser. *Indicator SA*, 11(4): 27-32.

Cameron, R.G. 1991. An analysis of the structure and functioning of Coloured and Indian local authorities since the introduction of the tricameral parliament. *Politikon*, Vol. 18, no. 1.

Cameron, R.G. 1993. Regional Services Councils in South Africa: past, present and future. *Public Administration*, 71(3): 417-439.

Delport, T. 1993. Non-racial municipal elections: a priority. *Policy Review*, 6(4): 14-29.

Dwivedi, O.P. & Engelbrecht, E.A. 1981. Education and training for values and ethics in the public service. An international perspective. *Public Personnel Management*. Vol. 10, No. 1.

Heymans, C. & White, R. 1991. Playing politics without the power: The state of black local government in South Africa of the 1980/90s. *Politikon*. Vol. 18 no. 1.

Laurence, P. 1985. The collapse of indirect rule. *Indicator SA*, 2(4), 10-15.

Lodge, T. 1988. The Lusaka amendments. *Leadership*, 7(4): 17-20.

McIntosh, A. 1995. The rural local government question in South Africa: prospects for locally based development. *Development Southern Africa*, 12(3): 413-422.

Schlemmer, L. 1985. South Africa's urban crisis: The need for fundamental solutions. *Indicator South Africa*, 3 (1), 1-6.

1.3. ENCYCLOPEDIA

Ashworths, P. 1997. *Encyclopaedia of planning*. London: British Publishers.

Collier's Encyclopedia, 1973. United States of America: Crowell-Collier Educational Corporation.

1.4. GOVERNMENT PUBLICATIONS

1.4.1. ACTS OF PARLIAMENT

Act 11 of 1883. Townships: Local Boards.

Black Affairs Administration Act, 1971 (Act 45 of 1971).

Black Communities Development Act, 1984 (Act 4 of 1984).

Black Local Authorities Act, 1982 (Act 102 of 1982).

Blacks Urban Areas Act, 1923 (Act 21 of 1923).

Blacks Urban Areas Consolidation Act, 1945 (Act 25 of 1945).

Cape Municipal Boards Ordinance, 1847 (Ordinance 5 of 1847).

Cape Municipal Ordinance, 1836 (Ordinance 9 of 1836).

Cape Town Municipal Board Ordinance, 1839 (Ordinance 4 of 1839).

Community Councils Act, 1977 (Act 125 of 1977).

Constitution of the Republic of South Africa, 1993 (Act 200 of 1993).

Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).

Development Facilitation Act, 1995 (Act 45 of 1995).

Electoral Commission Act, 1996 (Act 51 of 1996).

General Notice No. 401, Gauteng Provincial Gazette Extra-ordinary, 10 October 1997.

General Notice No. 6396, Gauteng Provincial Gazette Extra-ordinary, 13 September 2000.

Group Areas Act, 1950 (Act 41 of 1950).

Group Areas Act, 1957 (Act 77 of 1957).

Group Areas Act, 1966 (Act 36 of 1966).

Interim Measures for Local Government Act, 1991 (Act 128 of 1991).

Local Government Municipal Demarcation Act, 1998 (Act 27 of 1998).

Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

Local Government Transition Act, 1993 (Act 209 of 1993).

Local Government Transition Act, Second Amendment Act, 1996 (Act 97 of 1996).

Municipal Corporations Ordinance, 1856 (Ordinance 1 of 1856).

Municipal Demarcation Act, 1998 (Act 27 of 1998).

Premier Proclamation 35, 1995, Provincial Gazette No. 59, 4 August 1995.

Premier Proclamation 38, Provincial Gazette No. 5061, 8 December 1995.

Regional Services Councils Act, 1985 (Act 109 of 1985).

Urban Black Councils Act, 1961 (Act 79 of 1961).

2. UNPUBLISHED SOURCES

2.1. OFFICIAL PUBLICATIONS AND CORRESPONDENCE

Afrikaner Volksfront. 1993. *Quo vadis?* Pretoria: Local Government.

Department of Constitutional Development (DCD). 1997a. *Integrated development planning for local authorities: a user-friendly guide*. Pretoria.

Centre for Development Studies. 1990. *Municipal finance: In local government and planning for a democratic South Africa*. Cape Town: University of the Western Cape.

Election Task Group. 1996. *Local government elections in South Africa 1995/1996*. Johannesburg.

Local Government Negotiating Forum (LGNF). 1993a. *The Constitution of the Local Government Negotiating Forum*. Johannesburg.

White Paper on Local Government. March 1998.

2.2. DISCUSSION DOCUMENTS

City Council of Pretoria. 26 February 1992. *Agenda: Establishment of a multi-party negotiating forum for a new democratic dispensation in the greater Pretoria region.* Pretoria: City Council of Pretoria Secretariat.

City Council of Pretoria Executive Committee: Agenda. 10 April 1996.

City of Mississauga, *Response to "Developing a framework for a Greater Toronto Services Board", a Discussion Paper submitted by Milt Farrow, Special Advisor to the Minister of Municipal Affairs and Housing, Mississauga, 26 February 1997.*

Free State Municipal Association. 1995. *Draft proposals with regard to that part of the new Constitution which will deal with local government.* Bloemfontein.

Greater Pretoria Metropolitan Negotiation Forum. 17 June 1992. *Agenda: Pilot meeting of the Greater Pretoria Metropolitan Negotiating Forum.* Pretoria: City Council of Pretoria Secretariat.

Greater Pretoria Metropolitan Negotiation Forum. 15 September 1993. *Agenda: Establishment of the Greater Pretoria Metropolitan Negotiating Forum.* Pretoria: City Council of Pretoria Secretariat.

Greater Pretoria Metropolitan Negotiation Forum. 4 May 1994. *Agenda: Negotiating a new local government.* Pretoria: City Council of Pretoria Secretariat.

Greater Pretoria Metropolitan Negotiating Forum. 22 August 1994. *Agenda: Adopting: Annexure F.* Pretoria: City Council of Pretoria Secretariat.

Greater Pretoria Metropolitan Council. 26 March 1996. *Agenda: Principles and criteria for the division of powers and functions*. Pretoria: GPMC Secretariat.

Greater Pretoria Metropolitan Council. 11 April 1996. *Agenda: Determination of cut-off points for the operational execution of metropolitan functions*. Pretoria: GPMC Secretariat.

Greater Pretoria Metropolitan Council. 26 April 1996. *Agenda: Report of the Metro Working Group on the role division between the metropolitan council and the local authorities*. Pretoria: GPMC Secretariat.

Greater Pretoria Metropolitan Council. 30 June 1997. *Agenda: Budget for the 1997/98 financial year*. Pretoria: GPMC Secretariat.

Greater Pretoria Metropolitan Council. 30 June 1998. *Agenda: Budget for the 1998/99 financial year*. Pretoria: GPMC Secretariat.

Local Government Negotiation Forum. 1993(a). *Agenda for the launch of the Local Government Negotiation Forum and Management Committee on 22 March 1993*. Johannesburg: Local Government Negotiation Forum Secretariat.

Local Government Negotiation Forum. 1993(b). *Agenda for the meeting of the Local Government Negotiation Forum on 18 November 1993*. Johannesburg: Local Government Negotiation Forum Secretariat.

Local Government Negotiating Forum (LGNF). 1993b. *Agenda for the second meeting of the Local Government Negotiating Forum*. Johannesburg.

Local Government Negotiating Forum (LGNF). 1993c. *Proposals from the non-statutory delegation*. Johannesburg.

McCarthy, J. *Pretoria and Durban Metropolitan Area: Case Study*. Discussion document for local authorities. June 1998. Pretoria: Department of Constitutional Development.

Provincial Affairs and Constitutional Development Department (PACD). 1997a. Provincial Affairs and Constitutional Development Ministry and the White Paper Working Committee. *South Africa's local government: a discussion document. Towards a White Paper on Local Government in South Africa*. Pretoria: Government Printer.

Provincial Affairs and Constitutional Development Department (PACD). 1997b. *Green Paper on local government*. Pretoria: Government Printer.

2.3. REPORTS

African National Congress (ANC). 1991. *Statement of the African National Congress on the Interim Measures for Local Government Bill*. Johannesburg.

African National Congress (ANC). 1993. Western Cape: Local and Regional Government Commission. *Comments on the LGNF proposals to be included in the Interim Constitution*. Cape Town.

Cameron, R.G. 1994. *The local government negotiating process in South Africa*. Unpublished paper. Cape Town.

Cameron, R.G. 1997a. *Implications of functional boundaries for the final model of local government*. Research Study for the Local Government Green Paper process. Cape Town.

Cameron, R.G. 1997b. *A framework for local government boundary demarcation*. Research Study for the Local Government Green Paper process. Cape Town.

Cloete, F. 1994. *Local government transformation of South Africa*. Unpublished paper. Stellenbosch.

Constitutional Talk 11. 1996. Constitutional Assembly.

Constitutional Talk – Special Edition. 1996. Constitutional Assembly.

Consultative Business Movement. 1993. *Report*.

Department of Provincial Affairs and Constitutional Development. 1999. *Quarterly reports: Project Viability*. Johannesburg: Gaffney Publishers.

Department of Public Service and Administration. 1997. *The Provincial Review Report*. Pretoria.

Fourie, P & Pretorius, J.G. 1997. *A study into the restructuring of water works for the GPA*. Pretoria.

Greater Pretoria Metropolitan Council. 1997. *Land Development Objectives*. Pretoria, GPMC.

Greater Pretoria Metropolitan Council. 1998. *Institutional Working Group: Report on transformation*. Pretoria, GPMC.

Greater Toronto Area Task Force, *Greater Toronto: Report of the GTA Task Force*, Toronto, January 1996.

Local Government Negotiating Forum (LGNF). 1994a. *New dispensation for local government*. Johannesburg.

Major Cities Association. 1993a. *Comments by the Major Cities Association on government's proposal with regard to a Local Government Reform Act*. Johannesburg.

Major Cities Association. 1993b. *Towards a national approach towards metropolitan government*. Johannesburg.

Municipal Demarcation Board. 28 June 1999. *An integrated framework of nodal points for metropolitan and district council areas in South Africa: A preliminary framework*. Pretoria.

Office of the Premier, *Who Does What: A new partnership for taxpayers*, Toronto, 1 May 1997.

Republic of South Africa (RSA) 1990. *Report and recommendations of the Investigating Committee into a system of local government for South Africa* (Thornhill Report). Pretoria: Government Printer.

Republic of South Africa (RSA) 1991a. *Report and recommendations of the Investigating Committee into a system of local government for South Africa on key aspects of metropolitan government* (Thornhill Report II). Pretoria: Government Printer.

Staley, S. 1992. *Bigger is not better: The virtues of decentralized local government: Policy analysis*. Washington D.C.

Sutcliff, M. Dr. June 1998. *Further research into metropolitan government systems: Current realities and responses to the White Paper on Local Government*. Pretoria: Department of Constitutional Development.

Ufresearch. March 1993. *Strong local government in South Africa: Exploring the options*. Johannesburg: Development Strategy and Policy Unit of the Urban Foundation.

United Nations. 1997. *Local Government Reform: Analysis of experience in selected countries*. New York: United Nations.

United States Department of Education. 1997. *Analysis of U.S. Department of Education*. United States of America.

United States Public Transit Association. 1997. *Analysis of American Public Transit Association Data*. United States of America

Van der Merwe, A. March 1991. *Integrated urban systems*. Pretoria: City Council of Pretoria.

World Bank, 1994. *Governance and civil service reform: A regional program*. Finding of the World Bank. Number 23. August 1994. Washington D.C.

Yacoob, Z. 1996. *Local government in the new Constitution*. In: National Interim Consultative Body for Organised Local Government Conference, 'Local government in the new Constitution'. Bloemfontein.

Zybrands, W. 1995. *A perspective on local government in the new South Africa*. Pretoria: ABSA Banks.

2.4. WORKSHOPS, SEMINARS, CONFERENCES AND PROJECTS

Boraine, A. 1996. Untitled paper presented at the National Interim Consultative Body for Organised Local Government Conference, 'Local government in the new Constitution'. Bloemfontein.

Botha, T. 1993. Address given at the Second Annual Conference of Freloga. Gauteng: Randburg.

Cameron, R.G. 1992. *Beyond apartheid? An evaluation of the National Party's local government constitutional proposals*. Paper presented at the Annual Conference of the International Associate of Schools and Institutes of Administration (IASIA), Vienna.

Davidson, I. 1994. *Metropolitan government: Meeting the challenges of the future*. An address by Chairman: Major Cities' Association at the Local Government Summit held at the world Trade Centre, Kempton Park. 20 January 1994.

Gomme, G.L. 1987. *Lectures on the principles of local government: Delivered at the London School of Economics, Lent Term, 1987*. London: Westminster Constable.

Gordhan, P. 1996. *Local government in the new constitution*. Overview of the Constitution of the Republic of South Africa. Paper presented at National Interim Consultative Body for Organised Local Government Conference. Bloemfontein.

Lourens, F.C. 1993. *Presidential address of the second annual conference of Tralogo*. Randburg.

Motshekga, M. 1994. *The ABC of local government: a practical guide to local negotiations*. Paper presented at the Tripartite Alliance and SANCO Conference on the Local Government Transition Act, Johannesburg.

Robinson, J. 1995. *Transformation spaces: spatiality and re-mapping the apartheid city*. Paper presented at the Centre of African Studies Seminar. University of Cape Town, Cape Town.

Van der Westhuizen, J. 1996. *Constitutional innovations in the new Constitution*. Paper presented at the National Interim Consultative Body for Organised Local Government Conference 'Local government in the new Constitution'. Bloemfontein.

2.5. SPEECHES AND DEBATES

Moosa, V.A. 1997a. *Appropriation Bill. Debates of Parliament*. (Hansard), Col. 2782-2859. Cape Town: Government Printer.

Republic of South Africa (RSA). 1993b. *Debates of Parliament*. (Hansard). Cape Town: Government Printer.

Republic of South Africa (RSA). 1994/1995. *Debates of National Assembly*. (Hansard). Cape Town: Government Printer.

Skweyiya, Z. 1 July 1996. *Speech on professionalism and ethos in the public service*. University of Durban-Westville, Durban.

2.6. DISSERTATIONS AND THESES

Cameron, R.G. 1991. *Local government policy in South Africa, 1980-1989 (with specific reference to the Western Cape): devolution, delegation, deconcentration or centralisation?* Unpublished PhD thesis, University of Cape Town.

2.7. NEWSLETTERS AND PAMPHLETS

A new dispensation for Greater Pretoria. 1994. An information letter to all officials from the Chief Executive/ Town Clerk of Pretoria, J.N. Redelinghuijs. 30 August 1994.

Atteridgeville Newsletter. A newsletter of the City Council of Atteridgeville. Joint negotiating forum formed for Atteridgeville and Pretoria. Vol. 9, No. 1, January 1992.

Atteridgeville Newsletter. A newsletter of the City Council of Atteridgeville. Negotiating forum for Pretoria Metropolitan Area envisaged. Vol. 9, No. 6, June/July 1992.

Atteridgeville Newsletter. A Newsletter of the City Council of Atteridgeville. New dispensation for local government. Vol. 11, No. 9, September/October 1994.

Toria Ya Rona. A personnel newsletter of the City Council of Pretoria. Die nuwe Raad is great om Pretoria te laat blink. Vol. 13, No. 7, November/December 1995.

Toria Ya Rona. A personnel newsletter of the City Council of Pretoria. Agreement on division of functions between Greater Pretoria Metropolitan Council and substructures. Vol. 14, No. 3, April/May 1996.

2.8. NEWSPAPERS

Business Day. 1994. ANC asks SANCO council members to stand down. 20 December 1994. Johannesburg.

Business Day. 1995. Pretoria's metropolitan council inaugurated. 13 December 1995. Johannesburg.

Cape Times. 1993. Contact in the Local Government Negotiation Forum. Cape Town.

Mail and Guardian. 1996. Restructuring of local authorities. 13-19 September 1996.

Metro. 1994. Die nuwe bedeling is nou hier. 9 September 1994. Pretoria.

Pretoria News. 1987. RSC conflict. 18 June 1987. Pretoria.

Pretoria News. 1993. Blueprint for new local structure. 3 August 1993. Pretoria.

Pretoria News. 1993. Brave new world: Accord for non-racial rule for city. 3 December 1993. Pretoria.

Pretoria News. 1994. New council dispensation slammed. 24 February 1994. Pretoria.

Pretoria News. 1994. Shape of things to come in city. 18 May 1994. Pretoria.

Pretoria News. 1994. Dispute over new mayor. 25 May 1994. Pretoria.

Pretoria News. 1994. Asro rejects R8 tariff hike. 5 August 1994. Pretoria.

Pretoria News. 1994. Non-racial government arrives: New Pretoria born. 23 August 1994. Pretoria.

Pretoria News. 1994. New local councils face civics crisis. 20 September 1994. Pretoria.

Pretoria News. 1994. Municipal changes essential in new South Africa. 27 October 1994. Pretoria.

Pretoria News. 1994. Arrears: Roelf Meyer agrees with city council. 29 November 1994. Pretoria.

Pretoria News. 1995. Greater Pretoria in place. 9 December 1995. Pretoria.

Pretoria News. 1996. Council accepts report on division of functions. 7 March 1996. Pretoria.

Sowetan. 1994. Implement Local Act. 11 July 1994. Johannesburg.

The Citizen. 1987. Regional Services Councils in the forefront? 30 May 1987. Johannesburg.

The South. 1989. Delegation of powers: ANC. 6-12 July 1989. Johannesburg.

The Star. 1993. Urban foundation reports. 13 June 1993. Johannesburg.

The Star. 1995. Local government negotiations. 1 November 1995. Johannesburg.

2.9. SURVEYS AND STATISTICS

Census in Brief. 1996. *The people of South Africa: Population census*. Statistics South Africa.

Centre for Developmental Education (CDE). 1995. *Geographical statistics*. Pretoria.

Department of Finance. 1998. *Financial Statistics on local government*. Pretoria.

Department of Finance. 1999. *Municipal budgets for the 1998/99 financial year*. Pretoria.

Department of Provincial Affairs and Constitutional Development, 1996. *Official South African Local Government Yearbook 1995/96*. Johannesburg, Gaffney Publishers.

Department of Provincial Affairs and Constitutional Development, 1997. *Official South African Local Government Yearbook 1996/97*. Johannesburg, Gaffney Publishers.

Department of Provincial Affairs and Constitutional Development, 1998. *Official South African Local Government Yearbook 1997/98*. Johannesburg, Gaffney Publishers.

United States Census Bureau. 1996. *Statistical information*. United States of America.

Western Cape Demarcation Board. 1995d. *Unpublished statistics*. Cape Town.



2.10. INTERNET

British Council. *What is good government?* (wwwDocument – 13/01/1999, 21:55)

URL <http://www.britcoun.org/exhibition/goodgov/index.htm>

Government of Ontario. 1996. *Municipal government in Ontario*, www. gov. on. ca.