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Conference Proceedings

The Challenges of Local Government in South Africa

Editors:

Professor M.P Sebola

Professor J.P Tsheola

Professor K.G Phago

Dr S. Balkaran

South African Association of
Public Administration
and Management



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**The 2nd Annual Conference on the *Challenges of Local Government in
South Africa***

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EDITORS:

Professor M.P. Sebola

Department of Public Administration, University of Limpopo

Professor J.P. Tsheola

Department of Development Planning & Management, University of Limpopo

Professor K.G. Phago

Turfloop Graduate School of Leadership, University of Limpopo

Dr S. Balkaran

Department of Public Administration & Management, Tshwane University of Technology

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FOREWORD

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Publication decisions on each article were based on triple-blind peer review process of specialists with knowledge in the subject of local government in South Africa. The review process and Conference Proceedings were compiled in accordance with the Editorial Policy of the *Journal of Public Administration* published by SAAPAM.

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EDITORIAL: THE 21ST CENTURY CHALLENGES OF LOCAL GOVERNMENT IN SOUTH AFRICA

M.P. Sebola, University of Limpopo

J.P. Tsheola, University of Limpopo

K.G. Phago, University of Limpopo

S. Balkaran, Tshwane University of Technology

INTRODUCTION

This compilation does not seek for fundamentalist universality or truths; instead, it encourages pluriversal epistemic perspectives. Grosfoguel (2007: 221) argues that in the so-called post-independence era, the “colonial axis” remains inscribed in relation to domination, exploitation as well as in “the production of subjectivities and knowledge”. Citing from Frederick Cooper (2003), Ndlovu-Gatsheni (2007: 174) emphasizes that “meta-narratives of anti-colonialism and nationalism tended to obscure the nuances of colonial history”. In the modern/colonial world-system, the oppressed who are socially located in the subaltern position, are made “to think epistemically like the ones on the dominant positions” (Grosfoguel, 2007: 213). Whereas there can be no claim of epistemic populism “where knowledge produced from below is automatically an epistemic subaltern knowledge”, the latter perspectives are knowledge “coming from below that produces a critical perspective of hegemonic knowledge in the power relations involved” (Grosfoguel, 2007: 213). Africa is yet to attain emancipation, “complete capture and control” of its development; and, at each turn of history, the alternative path is “commissioned to the West” (Kazingizi, 2009: 5, 6). Indeed, the “mythology about the ‘decolonization of the world’ obscures the continuities between the colonial past and current global colonial/racial hierarchies and contributes to the invisibility of ‘coloniality’ today” (Grosfoguel, 2007: 220). Is there anything such as “post-apartheid” South Africa? Mkandawire (2011: 22) makes a sour but intrinsically valid point on the coloniality of knowledge which is gripping Africa, including South Africa, thus:

“With current focus on interest, greed, rent-seeking, etc. and institutions, much less attention is paid to ideas which are simply dismissed as camouflage for class material interest or are part of the metanarratives that are now held in contempt. ... The collapse of the educational system, the parlous state of Africa’s publishing industry and the academic rituals and traditions of footnoting and citation, the self-inflicted misrepresentation by the many buffoons that somehow strutted and fretted on the centre stage of African politics ... the cumulative effect of all this was tantamount to self-erasure”.

The constitutional responsibility given to local government in a democratic South Africa is complex and intricately interwoven with the unmasking, resisting and destroying the legacies of colonialism and apartheid. The rationale for giving this momentous responsibility for development to the local sphere of development is concocted around the notion of the local state of the point of contact between policy and society. The public experience policy in terms of their lived daily experiences at the micro-scale of existence. However, the total impact experienced by the public in their localities emanates from an idea or conceptualization of processes of change, including development. As evidenced through the evolution of concepts such public administration, sustainable development, public management and corruption, societal transformation involves deep slippages and opacity that entail thorough cognitive engagement for production of relevant knowledge. Mkandawire (2011) writes that there is copious volumes of knowledge which is, however, largely irrelevant for

Africa. The same logic is relevant to the knowledge that the local government in South Africa requires in order to pursue the goal of a local developmental state.

It is in this context that the SAAPAM Limpopo Chapter convened its Second Annual Conference on “the challenges of local government in South Africa”. Publication decisions on each article were based on triple-blind peer review process of specialists with knowledge in the subject of local government in South Africa. The review process and Conference Proceedings were compiled in accordance with the Editorial Policy of the *Journal of Public Administration* published by SAAPAM. The SAAPAM Limpopo Chapter is the provincial chapter of the well-established and esteemed academic association of the South African Association of Public Administration and Management, which draws together experts in subjects of public administration, development management and local government, among others. For years, SAAPAM has used its accredited *Journal of Public Administration* to serve the goal of knowledge exchange between academics, researchers and practitioners beyond South Africa’s borders. This Conference Proceedings is published online in order to be as accessible to as many academics, researchers and practitioners interested in South Africa’s local government, as possible. As the saying goes, knowledge is power; and, local government will require such power to win vies against coloniality lest the developmental mandate is deferred eternally.

KNOWLEDGE POWER: STRUGGLES AND VIES OF DECOLONIALITY

There exists no prior experience of a similar society that had experienced coloniality to the extent that South Africa endured, which adopted specific local government strategies that could now provide lessons for locally driven development. Given the enormity of the development task constitutionally accorded to local government in South Africa, could it be argued that the state was clumsy in making such a determination? It appears that unmasking, resisting and destroying the matrices of global coloniality entails an overt national political agenda and campaign (Grosfoguel, 2007; Ndlovu-Gatsheni, 2007), rather than a deferral to local government in the guise of people-centeredness, state-public partnership or public participation for exercise of active citizenry (Alloggio & Thomas, 2013). Criticising the most recent National Development Plan’s call for civic virtues of sacrifice amidst the expectation of an active citizenry, Alloggio & Thomas (2013: 109) conclude that the majority of such citizens are ill-equipped to make such sacrifices because they are the same people who suffered “the worst forms of injustice under apartheid” who are presently required to be responsible for their own failures and, therefore, for their transcendence and transformation in the harshness of post-apartheid coloniality. Indeed, the abolition of colonialism and apartheid by itself does not obliterate lived experiences and matrices of existence of coloniality and apartheid. To this extent, vexed questions need to be posed as to how is local government expected to carry-out its constitutional developmental mandate in the unforgiving circumstances of coloniality of being, power and knowledge? The answers to these questions cannot be straightforward fundamentalist universality and truths. It should be expected that there will be complexity and pluriversal perspectives on these questions. However, the local government’s pragmatic developmental mandate entails production of applied knowledge that could be immediately usable in the localities. Universities and research institutions have always held a special place in the production of knowledge for regional and local economic development (Woodward, Figueiredo, & Guimaraes, 2006; Youtie, & Shapira, 2008; Mkadawire, 2011; Tilak, 2011).

Knowledge production entail vies and struggles for domination. Mkandawire (2011: 25) writes eloquently that “the ravages of the consultancy syndrome that rewards reports over peer-reviewed academic papers, against the repressive practices and criminal negligence of their respective national governments and against the pressures for the commercialization of educational systems” have taken over hold of knowledge production. Western global designs have relied on epistemic strategy that hides away the location of the subject of enunciation in order to expand coloniality and to construct dominant hierarchies of “superior and inferior knowledge and, thus, of superior and inferior people around the world” (Grosfoguel, 2007: 214). In this context, copious knowledge that is presently at the disposal of local government in South Africa is equally irrelevant. In agreement with Cooper (2003), Ndlovu-Gatsheni (2007: 174) points out that “binaries of colonizer/colonized and domination/resistance, which began as useful devices for opening up questions of power, ended up constraining more complex scholarly interpretations of how power was deployed, engaged, contested, deflected and appropriated”. In a similar way, conceptualization does not escape the “location in the power structures ... (of) the class, sexual, gender, spiritual, linguistic, geographical, and racial hierarchies of the ‘modern/colonial capitalist/patriarchal world-system’ ... (because) “knowledges are always situated” (Grosfoguel, 2007: 213). It is in the same context that the SAAPAM Limpopo Chapter has hoped to make a contribution to the pluriversal epistemic tradition of knowledge production. These situations of knowledge production are, however, problematic as they are amenable to labelling, variously as “afro-centric epistemology”, “geopolitics of knowledge”, “body-politics of knowledge” and so on (Grosfoguel, 2007). All fundamentalisms, whether Eurocentric, Third Worldist or anti-European, assume that “there is only one sole epistemic tradition from which to achieve Truth and Universality” (Grosfoguel, 2007: 212). It is not the hope of this compilation to be the custodian of all knowledge relating to challenges of local government in South Africa. However, the significance of this contribution lies in the epistemic social and geographic location of the researchers, academic and practitioners who enunciate the knowledge on the challenges of local government in South Africa.

It should not be surprising that most of the knowledge available is unusable for Africa (Mkandawire, 2011) because the continent was characterized over different periods in history as “people without writing”, “people without history”, “people without development” and, now, “people without democracy” (Grosfoguel, 2007: 214). It is in this characterization that the epistemological tradition informing the hegemonic perspective on development in Africa and South Africa, in particular, has to be tested. Hegemonic conceptualization of Africa’s and South Africa’s development is in no small way, part of the global designs articulated to the simultaneous production and reproduction ... (of) the global racial/ethnic hierarchy of Europeans and non-Europeans” (Grosfoguel, 2007: 214). Along with the concept of “invention of tradition”, Ndlovu-Gatsheni (2007: 175) cites Ranger and Hobsbawn’s (1983) theory that colonialism left behind two ambiguous legacies of “invented traditions” that have continued to influence the ruling class culture as well as the traditional African cultural features reinvented during colonialism, to the extent that a return to an original African culture faces the ironic risk of embracing a set of colonial inventions. So, local government in South Africa is faced with developmental challenges that cannot be conceptualized in accord with the prevalent societal values, cultural virtues and morality. The existing “colonial situation” refers to “the cultural, political, sexual, spiritual, epistemic and economic oppression/exploitation of subordinate racialized/ethnic groups by dominant racialized/ethnic groups with or without the existence of colonial administrations” (Grosfoguel, 2007: 220) which engulfs localities in South Africa, providing complex matrices of coloniality within which local

government is challenged to be developmental. Indeed, “returning to the source is not possible ... (because) “the sovereignty of the lost ‘Self’ of the colonies cannot be restored” (Spivak, 1994 cited in Ndlovu-Gatsheni, 2007: 175-176). That is, the colonized will carry a painful nostalgia of a lost origin because historical and cultural effects of colonialism are irreversible” (Spivak, 1994 cited in Ndlovu-Gatsheni, 2007: 175-176). In practice, coloniality is characterized by both continuities and discontinuities. However, entry into a definition and/or description and practice of development for Africa and South Africa, in particular, without critical pluriversal epistemic examination will remain partial, as knowledge itself.

These concepts of colonial hegemony, mimicry and hybridity are helpful in drawing insight into the formulation of the meaning of knowledge, as applied to Africa and South Africa, in particular. Just as in the ambivalence of the construction of colonial hegemony, development as one of its products involves terrain of “slippages, excesses and contradictions” (Ndlovu-Gatsheni, 2007: 175). Mimicry involves the “menace” of double articulation and vision, which is “a complex strategy of reform, regulation and discipline, which appropriate the ‘Other’ as it visualized power” (Ndlovu-Gatsheni, 2007: 175). Hybridity is a strategic reversal of the process of domination through disavowal wherein the production of discriminatory identities secured the pure and original identity of authority (Bhabha, 1994 cited in Ndlovu-Gatsheni, 2007: 175). Experiences are ambiguous because coloniality elicited ambiguous conduct as a “‘historical anthropology of cultural confrontation – of domination and reaction, struggle and innovation’ and that its impact ‘altered everyone and everything involved’” (Comaroff & Comaroff, 1991: 34 cited in Ndlovu-Gatsheni, 2007: 176). It does appear that “the struggles of the dominated were purely ideological for they necessarily involved an effort to control the cultural terms by which the world was ordered and power legitimized” (Comaroff & Comaroff, 1991: 34 cited in Ndlovu-Gatsheni, 2007: 175-177). Is the notion of a National Development Planning appropriate for South Africa’s local developmental government merely for its prioritization of active citizenry as a new approach? How new is the NDP’s new approach? Allogio & Thomas’ (2013) special volume on the National Development Plan responds in the negative. How else is the local government supposed to address developmental challenges within the context of coloniality where the nation-state is consumed in the coloniality of knowledge? Articles in this compilation are attempting to unmask the challenges of local government in South Africa ranging from coloniality of local context, corruption, partnerships, public participation, integrated development planning, environmental planning and knowledge production by universities.

Decoloniality cannot be expected to be smooth sailing. To this extent, submissive reception and endurance of the coloniality of knowledge implies that the victim offers no moral and/or physical resistance to the tyrants’ devilish outrages and scorn (Douglass, 2009). That is, if Africa accepts that its societies are uniformly corrupt, as measured through the crucibles set by alien cultural values and moralities, then such a status quo of coloniality of knowledge will persist. Coloniality of knowledge too entails a struggle of resistance. It is in this context that “the crisis of the African university is closely related to the crisis of development” (Mkandawire, 2011: 25). The limits of Africa cannot be freed from oppression without costs borne through labour, suffering and sacrifice (Douglass, 2009). Dascal (2007) identifies the “colonization of the mind” as one of the most prominent varieties of the subtle and lasting manifestation of colonialism. That is, the eradication of the “visible forms of political colonialism” left a legacy of the most damaging “epistemic violence” involving “the taking possession and control of its victims’ minds” (Dascal, 2007). Development in Africa and South Africa is intricately intertwined with deep paradoxes of the possibility and/or impossibility of

complete decoloniality of the mind (Dascal, 2007; Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011).

ISSUES OF LOCAL GOVERNMENT IN SOUTH AFRICA

This compilation provides 23 articles out of the 68 papers read at the Conference. The first contribution by Tsheola, Ledwaba & Mabila discusses the matrices of coloniality within which the challenges of South Africa's local government should be interrogated. This article incites nuance framing that questions the relevance and appropriateness of the public policy mandates for local government, given the context of coloniality and the impending struggles of decoloniality. The inevitable conclusion it makes is that decoloniality requires an unambiguous political program that is led through national state activism because development for societies such as that of South Africa cannot be contemplated within the matrices of coloniality. That is, the giving of the developmental mandate and exercise of active citizenship responsibilities to the local government is an unwarranted deferral of obligation to unmask, resist and destroy coloniality.

The conceptual framework of local government integrated crisis management for regionalism is analysed in the second contribution by Ramokgadi. The article follows international tendency by drawing lessons learned from military experiences, knowledge and skills related to crisis intervention and management. The article reflects on the historical evolution of disaster management policies in South Africa with specific focus on divergences and convergences in local government structures, institutional machineries, political leadership and interoperability. Munzhedzi & Phago discusses the limitations of Ward Committees as one of the vehicles for the provision of public participation in South Africa's local governance. Ward committees were also considered with a particular aim which is not limited, to identifying and discussing local needs, helping communities to prioritise their needs, formulating proposals for the solution of identified local needs, determining the extent to which communities can satisfy their needs on a self-help basis, and developing a plan of action for their community areas. However, questions may be asked about their relevance in the local government sphere in South Africa. This is an attempt to highlight the limitations of ward committee system in the South African municipalities as an initiative intended to enhance public participation.

Balkaran points to the unused potential occasioned by gender inequality in the municipal power structures and relations. The narrative on local government's institutionalised responsibility to enhance gender equality with initiatives that support women's empowerment cannot be separated from associated developmental state theories. This article explores transformatory leadership at executive council, mayoral and senior management levels in the five District and twenty-five Local Municipalities in Limpopo Province. Nkuna questions performance management for local government to establish if it were a system, model or measurement. The argument is put forward in a critical perspective that exposes the variety of conceptualisations that practitioners are confronted with while attempting to develop such systems. He argues that transferring systems that have worked well in closed business like organisations will remain another management fad that will haunt the much anticipated developmental local government in South Africa for times to come.

Another sour challenge for local government is raised by Basdeo & Sibanda through the dilemmas of unfunded mandates which are given by the national state. These authors argue that unfunded mandates reflect systemic weaknesses of decentralised or federal allocation of powers and functions. Although there are

principled objections, unfunded mandates remain constitutional. Given the wide incidence of unfunded mandates the critical question arises as to how in a decentralised system, one level of government can impose mandates with cost implications on another. They question how is it constitutionally justifiable? Mashamaite outlines elements of effective local government accountability. The article concludes that in order to improve accountability in South African local governments, institutional bodies meant to enhance accountability should be evaluated continuously to assess their effectiveness.

Corruption has been in the news headlines in recent years; and, Matlala & Dintwe tackle the issues of procurement fraud red flags in the corporate model of municipal governance. The many municipalities that have had qualified audit reports for financial mismanagement, fraud, corruption and have been placed under administration, attest to some of the effects. Apart from the reactive measures such as investigation and prosecution of the perpetrators, there is a need to develop the required capacity for the early detection and implementation of preventative measures to deal with procurement fraud. The authors argue that if not effectively dealt with, the escalation of procurement fraud could have very adverse impacts on corporate governance in the South African municipalities; hence, it is imperative to use all available avenues including red flags to detect incidents of fraud.

Bogopa describes the challenges of local government in South Africa. It is the aim of this empirical study to investigate performance management in local government in order to ascertain the nexuses between performance management, corruption, skills shortages, political deployment and accountability as features that have direct or indirect link to municipal performance. The article will also suggest measures which if implemented, could see local government being the ideal choice of employment for various people. Lekubu revises issues pertinent to corruption in South Africa's municipalities; whereas Theletsane explores leadership crisis as one of the important components that explain the prevalence of corrupt action. Lekubu suggests that a major problem facing many municipalities is the small revenue base in the poorer areas. This is largely a structural problem that cannot be blamed on councillors and municipal officials. However, all efforts to overcome this stumbling block are being undermined by three key factors that are wholly avoidable: corruption, financial mismanagement and the appointment of senior officials solely on the basis of political connectivity and/or employment equity considerations. Municipal Managers tend to be under-qualified, overpaid and consequently do not perform. Theletsane addresses issues related to corruption and good governance in the South African municipalities as a leadership crisis. Failure of leadership and resultant corruption are a consequence of break down in discipline. Despite municipalities claims that they are fully committed to promoting democracy and human rights, many people in South Africa are denied an opportunity to participate meaningfully in policy formulation and other important activities that directly affect their lives. Although some municipalities have achieved commendable progress, it is a fact that municipalities are still experiencing a serious development crisis. The article further analyse corruption within municipalities and the impact it has on good governance. The issue of corruption in municipalities is indeed important to address not only because it is a "buzzword", but also because it destroys the social and moral fibre of a society.

A democratic South Africa has put in place a variety of measure to deter, prevent and arrest corruption, including asset recovery. Montesh discusses the latter as instruments for the fight against corruption. He argues that asset recovery is a vital part of the war against corruption. It hits the corrupt where it hurts most - the pocket. But most importantly, forfeiture is a vital weapon to take the profit out of corruption. This is especially

important in economically motivated crime where deterrence is low at the moment. Tsheola, Nembambula & Mtsweni raise epistemological question on the commonly accepted conceptualization of corruption. This article seeks to question the general acceptance of the hegemonic conception of corruption cast against South Africa's local government and to argue that some of the activities that are cast through this conceptualization may in practice be providing the opportunity for emancipation and development of former colonies. That is, the hegemonic conceptualization of corruption needs to be questioned and tested for its integrity and validity within the South African cultural values and morality matrices, which are inherently issues of "nostalgic" coloniality rather than pure African tradition. The conception of "clean saintly government" is value-laden; and, the key problem is that South Africa is trapped in such conceptualization of corruption as a crucible litmus test, to the extent that the strive to attain the perceived cleanliness or saintliness could as well be a deferral of the developmental mandate of the local government.

Manyaka & Madzivhandila, frame vexed questioning that teases out the emotive issues of the general lax and satisfaction with the implementation of integrated development planning for service delivery. The article argues that whereas the concept of IDP was introduced essentially to ensure effective and efficient service delivery, it is ineffectively implemented resulting in unresponsive, ineffective and inefficient service delivery in South Africa municipalities. The purpose of this article is therefore to examine the implementation of IDP in South African municipalities in order to determine whether it serve its intended objective of service delivery improvement. The article concludes by proposing measures for optimising the implementation for service delivery purpose.

Tau posits the Integrated Development Plan as the vehicle for local government service delivery. This article focuses on the IDP as an implementation vehicle within municipalities to deliver services to the people of South Africa. It is very much pivotal that we bear in mind that municipalities are the government closest to the people, and as a result have an obligation to delivery services as the custodian of IDP. The IDP is an implementation vehicle in the sense that it guides municipal officials and municipal stakeholders to prioritize and deliver goods and services to the people. In this article, the author follows the qualitative approach where descriptive data will be produced. The processes of integrated development planning provisions for the participation of government department are examined by Maloka & Mashamaite. This article argues that there is a need for sector department's participation in the municipal planning processes in order for Limpopo Province to realise the level of integration it seeks to achieve. Therefore, the purpose of this article is to evaluate and analyse the role and importance of participation of government departments in the integrated development planning.

Mamabolo analyses the role of Municipal Service Partnerships in addressing service delivery backlogs. Municipalities are therefore under enormous pressure to accelerate service delivery to their communities in order to effect socio-economic transformation as per the Municipal Service Partnerships (MSPs) that have been introduced as a mechanism for optimising service delivery. It is within this context that the article seeks to assess the effects of MSPs on service delivery in South African municipalities in order to identify issues and challenges inherited in these partnerships. The article will argue from the policy implementation perspective to expose the MSPs failure to ensure proper service delivery within municipalities. It will conclude by proposing measures for optimising the alternative of MSPs as mechanisms of service delivery in South Africa. Ramoroka addresses public participation from the perspective of local government addressing safety and fear of crime in

their areas of jurisdiction. This article argues that the Crime Prevention through Environmental Design (CPTED) tool can be used effectively and efficiently to reduce and prevent crime within the congested urban areas, whilst simultaneously reducing the costs associated with the policing and security services. Theoretically, the article argues that local governments could adopt the CPTED principles of surveillance and visibility, territoriality, access and escape routes, image and aesthetics and target hardening within congested urban landscapes. The article concludes that local governments could use their legislative provisions to mobilize popular community participation in building defensible and safe urban environments.

From a social media perspective, Ndou & Sebola interrogate the possibility of democratic governance through public participation. This article centres an argument across the notion that if the role of social media is well defined and applied appropriately in municipal planning and management practices it can enhance democratic governance in South Africa. It seeks to provide a conceptual analysis on the use of social media, such as blogs, micro-blogs or electronic social networks, as tools for enhancing democratic governance. The article collects literature on the impact of social media in democratic credibility of government and relates it to a South African local government practice. The article concludes that adaptation to these tools could broaden the democracy agenda of local government in the sense that it will improve public participation and represent the collective good of the society in government action.

Nkuna examines the effectiveness of community participation in giving pragmatic effect to the local government turnaround strategy. This article takes issue on the extent to which contextualization of community participation, more specifically in identifying the community itself, has become a factor in ensuring the effectiveness of the implementation of the Local Government Turnaround Strategy (LGTAS) in South Africa. The author adopts the view of the tenants of the systems thinking with a postmodern bias as an ontological base. Eventually a complex reflexive argument that vied along the lines of critical thinking in that context will never be static. The management of environmental protection through public participation is discussed by Mzini. The article reports on the assistance provided to the School on matters of illegal dumping in the surrounding. Littering and illegal dumping are seen as deleterious side-effect and worldwide public health problem. Legislation at the different levels of government supports the implementation of waste mitigation plans; and, the article concedes that public participation is critical to the success of environmental management.

Modipane & Sebola proposes a safety determination for disaster flood hazards tool for use by local government. This article argues that a combination of social and technical knowledge of disaster flood zones will enable South African municipalities to be able to handle disaster flood zone problems. Disaster flood hazard is a phenomenon that threatens people's social, economic and environmental systems with an exception of loss or damage to property. Finally, Tsheola & Maphatane question former Bantustan Universities' capabilities to produce relevant usable knowledge for local government's developmental mandate. There is a momentous amount of knowledge in the world today; however, much of it, if not all, is irrelevant and unusable for Africa. There is no historical example of a country that had successfully traversed the same route of decoloniality as what South Africa's local government is expected to trot. South Africa's local government is accorded a constitutional responsibility to be developmental, and the knowledge that is supposed to be used is not traditionally African. Perhaps, it should be asked if there was any knowledge that is uninfected by the colonial encounters in Africa. Presently, South Africa's local government practices are swamped by the consultancy syndrome, driven by "experts" who are trained alien lenses for profiteering, rather than for the decolonial

transformation of society. The question that becomes necessary relates to the role of the former Bantustan Universities in the production of relevant knowledge for local government in South Africa.

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THE ROLE OF LOCAL GOVERNMENT: DEVOLUTION, DEVELOPMENT, PUBLIC PARTICIPATION AND COLONIALITY IN A DEMOCRATIC SOUTH AFRICA*J.P. Tsheola**M.D. Ledwaba**C. Mabila**University of Limpopo***ABSTRACT**

The discourse of the role of local government in South Africa has readily accepted the constitutional developmental mandate and activation of popular public participation as given, therefore being captivated by the rhetoric of capacity tests that did not allow for the framing of questions of relevance and appropriateness of these responsibilities for that sphere of government. This article cautions that the historicity of development entails complex matrices involving legacies of slavery, colonialism, neo-colonialism, imperialism, apartheid capitalism, state capitalism, neoliberalism and globalization, which unfold at the local scale through the publics' lived everyday experiences, organized through principles of race, gender, ethnicity and such other divisive tendencies, especially for developing countries. The developmental responsibility given to local government in South Africa is, therefore, more than just a matter of capacity and active citizenry tests; instead, it encompasses struggles for unmasking, resisting and destroying a complex myriad of forces and processes that define everyday lived experiences of "coloniality of being, power and knowledge". This article incites nuance framing that questions the relevance and appropriateness of the public policy mandates for local government, given the context of coloniality and the impending struggles of decoloniality. The inevitable conclusion it makes is that decoloniality requires an unambiguous political program that is led through national state activism because development for societies such as that of South Africa cannot be contemplated within the matrices of coloniality. That is, the giving of the developmental mandate and exercise of active citizenship responsibilities to the local government is an unwarranted deferral of obligation to unmask, resist and destroy coloniality.

INTRODUCTION

The argument of this article is best introduced through the philosophical debate about Africa having to run while others are walking. Mkandawire (2011: 1) argues that "Africa's quest for 'catch-up' and economic development dates as far back, at least, as its humiliating encounter with the West which led to enslavement and colonization". In this context of "development", the discourse of local government's constitutional developmental mandate in South Africa which is captivated by the rhetoric of lack of capacity should be seen to condone matrices of poorly framed questioning. Often, the conclusions are frustratingly predictable as the cries of "lack of capacity" have grown louder over the recent past. Unsurprisingly, policy prescriptions have uniformly been dominated by "an endless process of reinventing the proverbial or capacity/building exercises" (Mkandawire, 2011: 21), yet in vain. This article does not seek to underrate the significance of local government capacity and active citizenry tests; however, it rejects the shallowness of framing of capacity questions for carrying out the constitutional developmental mandate and for enforcing popular participation of the exercise of

citizenship. Development and participation are themselves slippery buzzwords and the determination of local government capacity as a static phenomenon will remain a futile “atheoretical” exercise. If there is, as it is, no universal replicability nor general consensus on the meaning and desirability of “development” (Mkandawire, 2011), how definitive is the developmental mandate for local government in the context of coloniality of being, power and knowledge? Given the difficulty of the oxymoron of development as societal vision, historical process of socio-economic transformation and political enhancement of institutions and organizations, how relevant and appropriate is the deferral of the developmental mandate and the exercise of active citizenry to local government sphere?

Historically, the notion of development was itself met with cognitive suspicions as expressed in tomes such as “the myth of development”, “development in crisis”, “the rise and fall of development”, “the impasse of development” and “post-development” (Mkandawire, 2011: 5), among others. The historicity of development entails complex matrices of slavery, colonialism, neo-colonialism, apartheid capitalism, state capitalism, neoliberalism and globalization which unfold at the local scale through the publics’ lived everyday experiences, organized through principles of race, gender, ethnicity and so on for most developing countries (Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011; Mkandawire, 2011). Presently, it can be drawn from Mkandawire’s (2011: 5) questioning that the “homogenizing thrust” of coloniality has, for most developing countries, normalized and universalized itself through the “compulsions of the market” which are “rechristened as ‘globalization’” where “emulation is a consequence of all human exchange”. Even with its universal legitimacy, post-apartheid South Africa appeared not to have the state courage to unambiguously confront, unmask, resist and destroy coloniality. As Pottie (2004: 606) puts it, “redressing the inherited inequalities of apartheid” involves a complex and challenging context in contemporary South Africa. The developmental responsibility of local government is, therefore, more than just a matter of capacity tests, it should embrace planning, management, unmasking, resisting and destroying a complex myriad of forces and processes that defines everyday lived experiences of the coloniality of being, power and knowledge. The constitutional provision for a development local state pales into an irrelevance and inappropriate futility in South Africa’s context because it expects the local government “to enable markets to work in the name of poverty alleviation” (Pottie, 2004: 606). South Africa, like other developing countries, appears to have consciously opted for development trajectories that would ultimately be “circumscribed by the prevailing circumstances” (Mkandawire, 2011: 6). Development was itself variously criticised as a disaster of social engineering, dustbin of history, accession to Western superiority, denigration of local knowledge and innovation, as well as a repressive meta-narrative that made for privilege of those defined to hold merit and oppression of those recognized as enthroning mediocrity (Mkandawire, 2011). An unquestioning acceptance of the constitutional developmental mandate for a democratic South Africa’s local government evinces a deep fallibility in cognition because it predisposes development and post-apartheid society as ahistoric.

Questions of capacity should be extended through those of the relevance and appropriateness of the developmental responsibilities constitutionally accorded to local government. Generally, the developmental mandate for local government is understandably accepted as a given, without questioning. Equally, the goodness in the rationale of public participation as a provision for shifting from passive to active citizenry has become so imposing that its appropriateness and relevance is scarcely questioned. This article sets out to question the two key elements of the discourse of a developmental local government in South Africa, which involve the relevance

and appropriateness of local government developmental mandate and public participation of active citizenry. Whereas these virtues cannot be reversed, their critical questioning has to be part of the Public Administration discourse, beyond mere capacity and public participation tests.

DEVELOPMENT CONTEXT: LOCAL GOVERNMENT, DEVOLUTION, PUBLIC PARTICIPATION AND COLONIALITY

In examining the role of local government in developing countries such as South Africa, it would be cognitive remiss to cast aside as idle, philosophical questions about the meaning of development and agency. Much of the criticism of development was focused on the extensive focus on developmentalism that undermined the narratives of emancipation (Mkandawire, 2011). Reddy & Sabelo's (1997: 572) observation presents, perhaps, a useful entry to the argument of this article because local government is, indeed, "a peculiar theme, always recognized in developing countries as important, yet seldom comprehensively written about or understood". That is, development should be part and parcel of societal self-responses to own "historical experiences and social needs" (Mkandawire, 2011: 7). Yet, South Africa's local government sphere is given the constitutional mandate to be developmental (Reddy & Sabelo, 1997; Pottie, 2004), with complete ignorance of the lived experience of coloniality of being, power and knowledge. This crucial developmental mandate, though, is accorded within the context of an on-going state-market paralysis and requirement for public participation through the integrated development planning process (Pottie, 2004; Smith, 2004). Given these contextual challenges, local governments in South Africa appear to have commonly settled for the default positioning of technocratic planning that is devoid of the possibility of unmasking, resisting and destroying the matrices of coloniality that continues its grip of the democratic society, almost eighteen years after 1994. The concomitance of the cumulative impacts of the processes of involving the legacies of slavery, imperialism, colonialism, apartheid capitalism, neo-colonialism, neoliberalism and globalization continues to unfold at the local scale through lived experiences of the coloniality of being, power and knowledge (Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011). But local governments are given an important developmental mandate, which is tantamount to carrying the responsibility of leading struggles for decoloniality, amidst scarce public capital allocation for implementation, inflexible policy environment and the absence of popular public confidence, with the result that poor communities endure the worst effects within their localities (Smith, 2004; Spalding-Fecher, 2005). The latter could explain the roots of the public struggles that have increasingly become a violent vogue. Unavoidably, local governments are readily blamed for all the development ills as well as for failing to inculcate the spirit of public civic virtues, value and accountability, especially as community reactions involve violent protests (Auriacombe, 2010). That is, as the hope of the integrated development planning processes engendering collective community ownership and control of development fades into thin air, local governments are accused of failing to provide for qualitative public participation in their conduct public administration. The litany of concepts designed to capture the requirements for community consultation and public participation have remained hollow (Theron, 2009). Equally, local governments in South Africa have generally failed to achieve their developmental mandates, to the extent that the nuance National Development Plan (NDP) 2030 has come to emphasize the need for a new approach (National Planning Commission, 2012; Alloggio & Thomas, 2013). Inescapably, the NDP retorts the same approach that was held in the 1994 Reconstruction and Development Programme (RDP), which was substituted

through the 1996 Growth, Employment and Redistribution (GEAR). Apparently, a democratic South Africa's development trajectory, especially the constitutional deferral of the developmental mandate to local government fits in with a long genealogy of views that purports Africa as seeking to embark on a route that it knows little about and that such move might bring grief (Mkandawire, 2011). How else should the on-going violent public protests against the local government in South Africa be explained?

The article demonstrates that South Africa's development planning processes coerce local governments to seek delivery of their developmental mandates through divisible and exclusive private markets technocratic mechanisms, which are manifestations of coloniality. Indeed, development has more to do with complex processes of "intentionality" and "purposefulness" (Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011; Mkandawire, 2011), which the local government cannot control or shape. This professional technocratic planning approach strives for efficiency above popular dialogue, thereby alienating local communities as political deliberations are invalidated and nullified because of the absence of an overarching political programme of decoloniality. The article proposes that South Africa's local governments are, in the prevailing context of coloniality, disempowered through national deferral of developmental mandates and obligations to localities. Enforcement of active citizenry by local government, as this article insinuates, which is assumed to hold the potential to locate ownership and control of direction of the development process in local communities through decision-making processes in development planning, would be in vain within the context of the coloniality of being, power and knowledge (Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011) among the majority of the publics. The article argues promotion of qualitative public participation for active citizenry, ownership, control and accountability through local government democracy and public administration would only be feasible and practicable within a comprehensive political national drive and state activism strive for decoloniality. Tacitly, the article suggests that local governments in South Africa tend to be blamed for the absence of public participation and accountability, without adequate analysis of the variable geometric contexts of coloniality within which they are required to execute their constitutional developmental mandates, which may as well be irrelevant and inappropriate. Describing the latter, Reddy & Sabelo (1997: 573) observe that "a major crisis experienced in the system of local government in developing countries is one of ill-adjusted functions". However, this observation does not seek to describe local governments as holy cows.

The decision-making processes in development planning have never been straightforward prioritization exercises under the continued imposture of coloniality. The latter describes the collective impact and lived experiences at the local state of all myriad of processes, including legacies of slavery, imperialism, colonialism, apartheid capitalism, neo-colonialism, neoliberalism and globalization (Grosfoguel, 2007; Ndlovu-Gatsheni, 2007, 2013; Maldonado-Torres, 2007; Gordon, 2011). That is, local governments in South Africa are required to carry a constitutional developmental mandate within an unforgiving context of "a global power structure that sustains asymmetrical power relations" (Ndlovu-Gatsheni, 2013: 11) at all geographic scales. The persistence of coloniality and subjugation, though, is attributable to a variety of forces or extraversion, including decision-making processes of the local, provincial and national governments themselves. Decoloniality, which defines the struggles to unmask, resist and destroy coloniality (Ndlovu-Gatsheni, 2013), has to be a national government agenda and driven as such. South Africa's local government too are not hapless victims of coloniality and subjugation, notwithstanding the pre-eminence of the processes in question. Hence, this article deliberately

adopts a convoluted argument that ultimately purports this sphere of governance as the locus of the furnace that generates public frustration and anger that manifests in violent protests. However, the challenge is in the devolution that is not grounded in the tested relevance and appropriateness of the developmental mandates and such other national public policy responsibilities to the local government. Emphasis on decoloniality should not presuppose a thesis that assumes that history presents intellectual pathways to be slavishly and teleologically emulated; instead, development appears to have involved a process of “groping in the dark” (Mkandawire, 2011). In practice, though, Africa is goaded in order to emulate the development path trotted by others. Devolution and giving the developmental responsibilities to local government that South Africa has adopted has been flirted with by developed nations such as the United States of America (Honadle, 2001). If development involves “self-discovery”, then South Africa has not as yet embarked on such a brutal route of self-selection.

The complexity of the development context of developing countries such as South Africa needs to be set out upfront because the role of the state and community participation will continue to be “marked both by the apartheid legacy as well as by the current dynamics and ideologies associated with the discourse of neoliberalism” (Pottie, 2004: 616). Local government across the world is accepted as the most critical point of societal contact with public policy. Importantly, as Reddy & Sabelo (1997: 572) contents, “the importance of local as the basis of all structures of governance, and hence in the universal quest for a stable democratic society cannot be overemphasized”. Consequently, devolution of state powers to localities has been accompanied by allocation of increased responsibilities to the local government for implementation of national development goals, even in countries where this sphere of governance operates under inflexible conditions riddled with barriers to local creativity (Honadle, 2001). In some instances, the new responsibilities of local government included policy-making, management and implementation of national plans and strategies. Through devolution and increase of responsibilities for local government, the national government hoped to lead the process of obliterating dependency and the entitlement paradigm to inculcate a developmental alternative (Alloggio & Thomas, 2013). Alloggio & Thomas (2013: 108) make a crucial observation that is relevant to the devolution and according for increased developmental responsibilities to local governments that such a “move seeks to obliterate unresolved conflicts and produce a society free from its own history”. Inevitably, the framing of questions about the responsibilities given to local governments tended to focus largely on capacity, without questioning the relevance and appropriateness of such mandates. That is, the “question of whether local governments have the capacity to assume responsibilities seems to imply that the responsibilities they are being given are the right ones for their communities” (Honadle, 2001: 84). This section hopes to establish the theoretical and policy relevance of questioning the goodness and appropriateness of local government developmental mandate and public participation of active citizenry in the context of South Africa’s coloniality.

Local government capacity is complex and multi-dimensional. Beyond physical, resources and financial material capacity, there exists a complexity of dimensions that relate to operational efficiency, accounting for change, spatiality and relativity (Honadle, 2001; Pottie, 2004). Tests of such capacity cannot ignore the local context of the local government, which includes even more complex variables such as culture and experience that are couched through coloniality (Honadle, 2001; Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011). That is, the reading of local government capacity through the linear proxy of quantitative and qualitative human resources as well as material resources is an inadequate measurement of, for example, the quantity and quality of information being processed in decision-making and

the value of citizen participation as a civic virtue. The real test of capacity is in a social relation that takes into account the coloniality of context to determine efficiency of local government operations given the combined and cumulative local impact of the processes involving the legacies of slavery, imperialism, colonialism, apartheid capitalism, neo-colonialism, neoliberalism and globalization (Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011). This coloniality is areas-specific, making it impossible to resolve the theoretical question whether “a bloated bureaucracy *ipso facto* has more capacity than a lean one”; or, whether “a local government may not have the level of capacity” expected (Honadle, 2001: 81), given the quantity and quality of information-processing capabilities when staff expertise are incompatible with the computer and software resources at their disposal as well as a militant public moot. The drive towards devolution to local government and giving of increased developmental responsibilities to that sphere of government is theoretically justified on a variety of arguments. Other than the hope that devolution would allow for increased local discretion, creativity and innovativeness in the implementation of national public policy mandates, it is expected to “develop local capacity” (Honadle, 2001: 78).

In creating the opportunity for local citizens to participate in policy planning, it is understood to hold the potential for developing their “skills, experience, connections, and the will to plan and implement local policies, projects and programs” (Chaskin & Garg, 1997: 634 cited in Honadle, 2001: 78). This notion of active citizenry is intricately linked to the conception of development and governance being processes that involve “a learning curve”; and, to this extent, local government capacity is, given the developmental mandate, “a moving target” (Honadle, 2001: 82). Given the slippery nature of the concept and practice of development, local government capacity for carrying out constitutional developmental mandate should be understood as a complex phenomenon whose outcomes would be hard, if not impossible, to observe and/or measure. Rather than join the chorus that erroneously pronounces “a local government as lacking in capacity”, this article frames a critical question of the relevance and appropriateness of the developmental mandate for local government. From a theoretical perspective, the article purports the developmental mandate for local government as an exercise in perpetuity of deferral of state obligation through a broader comprehensive public discourse of “doublespeak” (Alloggio & Thomas, 2013: 110), given the firm grip of coloniality on South Africa’s localities. To this extent, the exercise of devolution in the hope of democratizing government should be futile. Local government on its own, notwithstanding the hope for co-operative governance, cannot uproot coloniality which has come to reproduce and sustain itself “through a combination of violence, deceit, hypocrisy and lies” (Ndlovu-Gatsheni, 2013: 11). This context explains the on-going challenges of the publics, who could have exercised their democratic rights to participate in decision-making and development planning, instead engaging in violent protests that destroys the meagre infrastructure and services already provided.

Deferral of the developmental mandate to the local government implies that the national government is not keen to deploy the state apparatus and popular public participation to unmask, resist and destroy coloniality, which has now been virtually normalized and universalized as “a natural state of the world” (Ndlovu-Gatsheni, 2013: 11). Hence, the local government is given a developmental mandate and required to implement national public policy within a fractured state-market paralysis. As (Ndlovu-Gatsheni, 2013: 11) puts it, decoloniality is “a political-cum-epistemological liberatory project” because it is sustained not only by “by colonial matrices of power but also by pedagogies and epistemologies of equilibrium that continue to produce alienated” publics. To this extent, the national state cannot hope to be a bystander in the decoloniality struggle. The article does not

seek to impute that the question of local governments' capacity for executing the national public policy responsibility thrust upon them is unimportant, instead it questions the relevance and appropriateness of such deferrals in the context of coloniality as avoidance of the rightful obligation to wage the society-wide decoloniality struggles.

Devolution is theoretically supposed to allow for a shift from passive to active citizenry and exercise of democracy. Hence, local government is associated with democratization (Reddy & Sabelo, 1997). In a mutual form, devolution is understood to enhance public participation and confidence in local government because it is commonly erroneously assumed to be "the mother of capacity" (Honadle, 2001: 85). But the reality of the complexity of capacity implies that devolution to local government would allow for efficiency in the operations and implementation of national public policy mandates within localities if it is orchestrated locally for relevance and appropriateness. In the final analysis, Pottie's (2004: 617) observation continues to be relevant eighteen years after 1994, because the popular terms of people-centeredness, public participation and developmental state that are used to describe the post-apartheid development model "is premised on a fiscally conservative macro-economic policy that places severe limits on the likely role of the state or public-sector initiatives. The challenge of squaring this equation, in the face of widespread poverty" and inequality remain "the single most important development issue in South Africa".

LOCALIZED DEMOCRATIC GOVERNMENT, DECISION-MAKING AND THE LIMITATIONS OF PUBLIC PARTICIPATION

Public participation is often stereotypically assumed to hold virtues of a panacea for local development and governance. Local government is itself conceived as "an integral part of the broader issues of governance, transition and development" (Reddy & Sabelo, 1997: 580). Democratic local government is expected to allow "more direct access for the people to the government and the government to the people, and stimulating the whole nation to participate in national development plans" (Reddy & Sabelo, 1997: 576). The question though should be framed to test if such popular public participation would unmask, resist and destroy the coloniality of being, power and knowledge. The 1993 promulgation of legislation for the establishment of local government was inspired by the hope that such a sphere would "bring government to the grassroots" point of contact of society with public policy in order to create a sense of public involvement in decision-making and political process (Reddy & Sabelo, 1997; Honadle, 2001; Pottie, 2004). Whereas this move could inherently be appropriate for a developed country, it was certainly destined to be rigorously tested through the lived experiences of coloniality in developing countries such as South Africa. Historically, the conception, process and practice of development in South Africa has been intricately intertwined with the concoction of processes of slavery, colonialism, neo-colonialism, apartheid capitalism, state capitalism, neoliberalism and globalization. In this way, the move to establish "effective democratic local government as a vehicle for development and national integration" (Reddy & Sabelo, 1997: 572) was destined to be trapped in these matrices of coloniality.

Virtues of local government have been captured in a variety of concepts including popular consultation and participation, competition, freedom of expression and equality, which are assumed to prescribe conditions of local democracy (Reddy & Sabelo, 1997; Honable, 2001; Pottie, 2004). Theoretically, the fulcrum of local government democracy revolves around consent of the citizenry as well as respect and protection of the citizens' rights because public determination and control of development is expected to restore human dignity (Reddy &

Sabelo, 1997; Honable, 2001; Pottie, 2004). For its claim on the pursuit of self-government, self-determination, self-direction and self-selection policy, democracy is presented as the preferred societal organization that would protect and foster human dignity (Reddy & Sabelo, 1997; Honable, 2001; Pottie, 2004). It is hoped that the promotion of local government democracy would in itself dislodge the matrices of coloniality.

Given the physical and managerial impossibility of “full participation in every aspect of decision making”, modern polity does not entail “direct democracy” (Reddy & Sabelo, 1997: 573). Equally, the expectation for the local government to afford “direct democracy” through full public participation of all individuals in the locality is unrealistic. In practice, the local government is, through public functionaries, expected to process and reconcile all views into “popular policy” in trust on behalf of the public (Reddy & Sabelo, 1997; Honable, 2001; Pottie, 2004). Also, popular participation means that the majority view prevails, which is an imperative tenet of democratic local government, without denying the minority opinion expression (Reddy & Sabelo, 1997; Honable, 2001; Pottie, 2004). For this reason, local government has to engage in an ongoing process of popular consultation and dialogue in order to continuously ascertain public views and aspirations for purposes of shaping and reshaping policy-making processes and outcomes (Reddy & Sabelo, 1997; Honable, 2001; Pottie, 2004). If this description of modern polity implies active citizenry, then such exercise of citizenship presupposes that the assumption that local government democracy could dislodge coloniality is evidently unrealistic. The fulcrum of popular or public participation is the exercise of influence over decision-making, which does not fit the profile of unmasking, resisting and destroying coloniality. Public participation involves completion and canvassing of views, interests and ideological positions to gain popular support, with the limiting provision that the ultimate choices made are not inimical to the survival of the entire polity itself (Reddy & Sabelo, 1997; Honable, 2001; Pottie, 2004). This observation presupposes that even full public participation would be exceedingly conservative if it were to be adopted as the primary thrust for decoloniality. The values of freedom of expression and political equality do not offer any comfort because the former merely serves to ensure ascertainment of popular will by ensuring that wide-ranging views are afforded a say to “provide vital information and assist” in entrenching “popular control of government by creating a well-informed citizenry”, whilst the latter hopes to establish an egalitarian society by advancing guarantees of “equal access to political power”, influence in policy and opportunity for citizens (Reddy & Sabelo, 1997: 575). But this equality is not meant to obliterate inequalities of individual merit or enthrone mediocrity (Reddy & Sabelo, 1997; Honable, 2001; Pottie, 2004). Coloniality is sustained through the matrices of race, gender, ethnicity and territoriality, among others, as organizing principles; and, the determination of individual merit and mediocrity is now normalized and universalized as a natural inevitability of the world order on these same organizing principles. For this reason, the provision for freedom of expression and equality through democratic local government that accepts inevitability of inequalities would entrench the prevalent coloniality. Whereas it can be accepted that “local government provides an opportunity and a channel for a government to hold dialogue with the masses, to influence them and to get the necessary feedback from them” (Reddy & Sabelo, 1997: 578), the virtues of democratic local government, popular consultation and participation, competition of views and freedom of expression as well as equality lacks the political content to obliterate coloniality of being, power and knowledge. For this reason, a democratic South Africa is taking stock almost eighteen years after 1994 to determine how local governments would have generally failed to deliver their constitutionally-provided developmental to the extent that a phenomenon of localized violent protests came to be precipitated. The NDP

2030's search for a new approach is a tacit acceptance of failure to deliver the national development mandate (Alloggio & Thomas, 2013), which was deferred to the local government.

SOUTH AFRICA'S COLONIALITY, LOCAL GOVERNMENT AND PUBLIC PARTICIPATION

Just like the rest of Africa, a democratic South Africa was issued with development prescriptions that are founded on extrapolations, preconceived schema and convenient anecdotes (Mkandawire, 2011). Hence, the strong perception of corruption in the public sector is readily attributed to greed and outright void of morality. South Africa's local governments are captivated by efficiency considerations (Jaglin, 2008), implying that the state has capitulated under coloniality, thereby deferring the responsibility for redressing the past inequities and development to localities. The structure of local government in South Africa was dramatically reformed since 1994, with added responsibilities (Reddy & Sabelo, 1997; RSA, 1998a, 1998b; Pottie, 2004). The reforms involved functioning of local government as "a separate sphere of government" since 1996 and assumption of a critical status in the process of development (Pottie, 2004: 606). The role of local government in development was further articulated in 1998 through the *White Paper on Local Government* (RSA, 1998a). The latter sets the goal of developmental local government as the primary driver for facilitating local economic development (RSA, 1998a; Pottie, 2004). The constitutionally-provided developmental mandate of local government is on the facades straightforward. The Constitution provides that the objectives of local government includes promotion of social and economic development of local communities, enhancement of social and economic development generally, and to promote the participation of local communities (RSA, 1996). To be precise, "the primary purpose of local government has been re-crafted in terms of development" with increased responsibilities and massive pressure on its revenue forcing most municipalities into insolvency (Pottie, 2004: 606). Given the centrality of the poorly understood concept of development for framing the role of the reformed local government, the *White Paper on Local Government* created the possibility of the increased responsibilities creeping into unfunded mandates "without a commensurate increase in national-municipal financial transfers" whilst the primary sources of their revenue, local rents and trading accounts, have remained tenuous (Pottie, 2004: 612). The Municipal Structures Act of 1998 finalized the local government structure into three main types of municipalities (RSA, 1998b; Pottie, 2004). The logic deduction to be drawn from this situation allowed for the framing of questions of local government capacity, without testing the relevance and appropriateness of the developmental responsibilities given to this sphere of government in the context of coloniality.

At the local scale, though, coloniality raises the power of the technical considerations above that of the political, thereby virtually nullifying public participation in the deliberations about how to achieve the developmental mandate (Smith, 2004; Tshandu, 2010). The populist rhetoric of active citizenry, therefore, becomes a mere formality and part of the comprehensive national discourse of doublespeak. Evidently, the 1994 Reconstruction and Development Programme's (RDP) drive promote public participation for the exercise of citizenship in decision-making and development planning was thwarted through the 1996 Growth, Employment and Redistribution's (GEAR) fiscal austerity and economic efficiency considerations (Smith, 2004; Tshandu, 2010). Together with their successors, these development plans have comprehensively "failed to fundamentally alter the structural order that made apartheid possible" (Alloggio & Thomas, 2013: 110). The same matrices of colonialism, neo-colonialism, apartheid capitalism, state capitalism, neoliberalism and globalization have continued to sustain societal inequality defined according to the organizing principles that rely largely on race

and the state-market paralysis to normalize and universalize the prevailing world order. Unsurprisingly, the reformed local government in South Africa has haplessly adopted approaches that enable and facilitate the role of the market in development, rather than balance the competing demands of efficiency and equity (Pottie, 2004). The National Development Plan 2030 too unambiguously seeks for a nuanced approach that shifts from passive to active citizenry that champions own development, with government merely facilitating the construction of people's capabilities (National Planning Commission, 2012; Alloggio & Thomas, 2013). However, the rhetoric of a new approach is a tacit admission that in the past eighteen years government and the state have failed to unmask and destroy coloniality.

The collusion of legacies of colonialism, apartheid capitalism, neo-colonialism, neoliberalism and globalisation, among other processes, in South Africa sustained the entrenched coloniality to restrict "the relevance of conventional social policies" (Jaglin, 2008: 1897) in the pursued of the national developmental public policy mandate. In the same vein, the local politics in South Africa is captivate by the enduring public-private market dilemmas wherein local governments are thrust into policy conundrums of having "to twin efficiency and equity (who gets what and where) objectives" (Smith, 2004: 375) in their strive to implement the national development agenda. South Africa's development conundrum is eloquently described by Alloggio & Thomas (2013: 108) as an attempt to "obliterate unresolved conflicts and produce a society free from its own history". Evidently, the hope to divorce the development trajectory away from societal history by deferring the developmental mandate to local government is tantamount to asking the majority of the ill-equipped citizens to continue to make sacrifices as a measure of acceptance of their civic virtues, exercise of citizenship and struggles for decoloniality whilst simultaneously orientating public policy and state power in such a manner as to sustain coloniality. In this context, it should not be surprising that violent public protests have intensified against the local state (Alloggio & Thomas, 2013). The irony of a democratic South Africa's development trajectory, especially devolution and giving of the developmental mandate to local government through constitutional provision, is that it exposes "the state's complicity with the global economic order" in the production and reproduction of the same precise "social and economic ills" it has hoped to resolve (Alloggio & Thomas, 2013: 110). The hope to seek for active citizenry in local government as a transformative tool for decoloniality, devoid of unambiguously "articulated political programme" and drive to resist and dismantle coloniality through the national state activism, notwithstanding the popular public support for the ruling party, proposes that the African National Congress-led state "remains bound to neo-colonial global interests within which the dispossessed masses figure only as a resources" (Alloggio & Thomas, 2013: 110). To this extent, the hope for local government to enforce public participation for the exercise of active citizenry is futile.

The *Municipal Systems Act* of 2000 sets out to provide for the relationship of local government and the public (RSA, 2000). The primary aim of the Act is to place "people first" in the agenda of developmental local government and good governance (RSA, 2000; Pottie, 2004). At the core of this Act is to draw on the mechanisms of public participation to entrench "the values of accountability, transparency, efficiency and consultation" (Pottie, 2004: 614). The Municipal Systems Act is credited as a formal extension of the African National Congress' "history of community-based struggles and participatory democracy" at the same time as it is criticized for offering "a minimalist interpretation of community participation in the development process" (Pottie, 2004: 614). The most important drawback of the requirement for local government to promote public

participation and the exercise of active citizenry is that the development context of coloniality cannot be unmasked, resisted and destroyed through a reflexive popularism.

Once established in its 2000 format through the *Municipal Systems Act* (RSA, 2000), local government was immediately thrust into unrelenting pressures from national government, citizenry and political interests to deliver the developmental mandate, with negligible consideration of the complexities of coloniality including, among other matrices, “increasing capital expenditure demands, requirements for fiscal sustainability, and greater public accountability” as well as the national policy environment settings that enforce the requirement to “rely on market-based solutions such as public-private partnerships” (Pottie, 2004: 607). Regarding South Africa’s local government’s constitutional developmental mandate, it is in good order to draw intellectual inspiration from Alloggio & Thomas’ (2013: 109) observation about the National Development Plan’s rhetoric of active citizenry as adding insult to injury because

“those who suffered the worst forms of injustice under apartheid are now liberal subjects who are cast as responsible for their failure to transcend and transform the harshness of life post apartheid. The material effect of the aftermath of apartheid atrocity is permuted, through the rhetoric of the plan, into a series of individual failings embodied and incorporated by the dispossessed”.

The predominant approach in all the spheres of government has inculcated an attitude that government’s role is to enable rather than direct involvement (Pottie, 2004) in unmasking, resisting and destroying coloniality. South African municipalities are now generally married to the Municipal Service Partnerships (MSPs) (Pottie, 2004). At this stage, the question of the relevance and appropriateness of the constitutional giving of the developmental mandate to local government in South Africa may sound rhetorical because the struggle against poverty and inequality is inseparable from that of decoloniality. The latter is a political process that entails public deliberations and discourse about social distributive justice. The vilification of the ZANU-PF government’s big push approach has deliberately ensured that important lessons would be missed about decoloniality and the unmasking, resisting and destroying coloniality. The next section asserts that that in the context of the vibrancy of coloniality, the developmental mandate and requirement for locally-oriented exercise of active citizenry are equally irrelevant and inappropriate for South Africa’s local government.

RELEVANCE AND APPROPRIATENESS OF DEVELOPMENTAL MANDATE AND ACTIVE CITIZENRY FOR SOUTH AFRICA’S LOCAL GOVERNMENT

Increased responsibilities for local government have equally introduced serious risks associated with the processes of development and governance (Pottie, 2004), in the context of coloniality (Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011; Mkandawire, 2011). With these increased developmental responsibilities, the local government face unfair questions of their failure, which are uniformed of the severely limiting context of coloniality of being, power and knowledge. Across the rest of South Africa, local governments have borne the brunt of the failure of decoloniality. The thought that the integrated development planning process would ensure full public participation and popular consultation has been unrealistic in the sense that it undermined the potential for public frustration and anger that would be precipitated by the persistence of coloniality. The South African local governments are not suited to serve as primary drivers of decoloniality. The flaring of locally-based violent protests are symptomatic of the political and economic risks occasioned by the giving of increased developmental responsibilities to local government,

notwithstanding the inherently unworkable context of coloniality that entails decoloniality driven through the national political program of state activism.

Inevitably, popular discontent and attendant exercises of democratic performances of citizenship have become prominent. Violent protests against local governments raise questions of community accountability and popular participation through the integrated development planning processes. To be precise, the post-1994 local government reform in South Africa was an exercise in restructuring in order to “adhere to a private market logic” (Smith, 2004: 382) which made colonialism, neo-colonialism, imperialism, neoliberalism, globalization, apartheid capitalism and state capitalism possible. From a relational analysis conceptualization of state as a social relation, a site, product, and agent of social and political struggles and transformation (Oldfield, 2002), it is important for the national government to lead an unambiguous political agenda to unmask, resist and overthrow coloniality.

Localities are contested arenas of everyday life in capitalist societies because they are not merely subservient recipients of products of external social forces (Maharaj, 1996). As Taylor (1993: 285) observes, “the scale of experience is just as integral to the world-economy as the scale of reality”. For this reason, therefore, “local state delineates the state’s impact upon society, involving all the myriad forms of political and bureaucratic control” (Picard & Garrity, 1997: 66). Given that the national policies are formulated and applied for conformity in the context of the hegemony matrices of neoliberal globalization, the local state should also embrace the collective and cumulative impacts of the relationship of nation-states as well as sub-national and supra-national enterprises, structures, and organizations, which unfold upon society at the local scale (Taylor, 1995; Ramutsindela, 2002; Amin, 2003; Narsiah, 2003) in a phenomenon described as coloniality (Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011; Mkandawire, 2011). Under the context of coloniality in South Africa, where the inequalities are glaring, economic freedoms policies and free markets alone would exacerbate the disparities in all spheres of life (Jahed & Kimathi, 2007). Whereas markets are often accorded anthropomorphic characterization such as “edginess”, they hold not social intentions and they offer no realistic alternative to intentional and “purposeful, intelligent action” (Mkandawire, 2011: 10). In this way, the giving of developmental responsibilities to the local government, as well as the requirement for popular consultation and participation, are unwarranted deferral of national government’s civic duties of leading a political agenda that provides for direct attack on coloniality.

CONCLUSION

This article does not seek to court controversy; instead, it has hoped to encourage those with discerning minds to acutely refocus the framing of their questioning about the relevance and appropriateness of the constitutional developmental responsibility and enforcement of active citizenry for local governments in South Africa. In all fairness, the framing of questions about local government capacity in South Africa has accepted their national public policy mandates as given. This article objects to this framing and incites nuance framing that questions the relevance and appropriateness of the public policy mandates for local government, given the context of coloniality and the impending struggles of decoloniality. The inevitable conclusion is that decoloniality requires an unambiguous political program led through national state activism because development for societies such as that of South Africa cannot be contemplated within the matrices of coloniality. It is, therefore, rhetorical to propose that the giving of developmental mandate and requirements to

enforce active citizenry for the local government have been exercises in irrelevance and inappropriateness for a society such as South Africa which continues to endure a concoction of lived experiences of legacies of slavery, colonialism, neo-colonialism, apartheid capitalism, state capitalism, neoliberalism and globalization.

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INTEGRATED CRISIS MANAGEMENT, LOCAL GOVERNMENT AND REGIONALISM: A CONCEPTUAL FRAMEWORK

S.B. Ramokgadi

University of Stellenbosch

ABSTRACT

The recurring and escalating crisis situations that mar the global human space attract international response systems while continuing to shape local government policies on disaster. Crisis situation is characterized by limited response capabilities at local level, and dictates external intervention. Empirical studies provide evidence of international humanitarian actors that includes international governmental and non-governmental organization. Multinational actors of diverse origin and interests in a humanitarian arena pose cumbersome challenges to local government management. The article follows international tendency by drawing lessons learned from military experiences, knowledge and skills related to crisis intervention and management. The article reflects on the historical evolution of disaster management policies in South Africa with specific focus on divergences and convergences in local government structures, institutional machineries, political leadership and interoperability. In attempting to conceptualize integrated crises management in the local government sphere, the paper used systems theory to position local government system into a spectrum of national governance system. The aim of this theoretical disposition is to examine actions and interactions among the three spheres of government in public service management. The article will develop theoretical lines of argumentation that addresses strategic (national), operational (provincial) and tactical (municipalities) spheres of public administration. The article will use critical theory to probe the generic approach to disaster management in South Africa and recommends a researched-based model – that integrates systems of systems and other families of systems while advancing information-technology to leverage maximum interoperability.

INTRODUCTION

The recurring and escalating crisis situations that mar the global human space continue to attract response systems worldwide. Juxtaposed to global crisis phenomena is increasing foreign relations literature that responds to crisis decisions at national and regional level and little publications on local government crisis management. The central contention in this article derives from empirical evidence that suggests intra-state local government systems to exist within an international political system, that “through interactions, are in relation to each other” (Rosenau 1969:71). Most literature responding to prominent global crisis situations provides that governance challenges related to crisis policy response systems are not only restricted to national or regional government structures but permeate local government management. Messina (2011:112) identifies two major challenges related to crisis policy response as: local government management being left on the periphery of mainstream governance institutions (on the basis of information) or overwhelmed by the massive influx throughout the whole governance sphere, which is, local government management being swallowed. This article intends to explore the role of local government management in the international relations arena by examining interactions and inactions between local governance systems astride political borders in the post-colonial Africa.

The limitation of knowledge in the field of local government crisis management in Africa, as opposed to disaster management, channels the author to use grounded theory methodological design in this ground-breaking study on the phenomenon of integrated crisis management. In doing so, the author “engages extensively in existing empirical research and existing theoretical concepts” (Dunne 2010:119) for the purpose of using commonly shared concepts to this study. The study takes cue from Dunne (2010) and engages extensively with existing empirical studies related to: foreign policy crisis decision; crisis policy decision; and transboundary crisis management as well as literature on multinational crisis intervention. The approach is also intended to identify what work has been completed in the field for the purposes of addressing existing knowledge gap. The author is conscious of contemporary debates on grounded theory and begins with open grounded theory methodological question (Licqurish & Seibold 2001; Seaman 2008; Sbaraini, Carter, Evans & Blinkhorn 2011) of what is the role of local government management in crisis decisions related to cross-border conflict? In responding to this broad and open question, the paper is organized into six parts. This first part is followed by background to the study. The third part is the theorization of integrated crisis management, leading to the fourth part: concepts, relations, categories and analysis. The fifth and last part is discussion and conclusion respectively.

BACKGROUND TO THE STUDY

The second part of the study investigates the role of local government management within international relations arena against the backdrop of the Declaration on the African Union Border Program (AUBP) adopted in 2007; as well as the commitment made on 25 March 2010 in Addis Ababa, Ethiopia by AU member state ministers responsible for border issues to deliberate on the AUBP and the modalities for the pursuits and acceleration of its implementation. AUBP is a policy response to recurring and escalating cross-border crisis situations that characterize post-colonial African societies. Central to AUBP is policy response mechanism with the following components: institution building; capacity development; resource mobilization; and cross-border cooperation.

Yoon (2005:277) established that most military intervention in Africa by African statutory forces have been directed towards intra-state conflict as crisis response mechanisms. Yoon (2005) state that this type of crisis response mechanism has been criticized for: escalating and prostrating conflict; challenging the democratization of target states or obscured democratic processes even from gaining grounds; and confounding conflict resolution efforts. As an alternative crisis response mechanism, Ndhlovu (2013:20) advances African cross-border languages and their intersection with the formation of transnational or regional identities in southern Africa as a form of bonding and bridging social capital necessary in the achievement of a broad-based and all inclusive regional integration project. Ferrer-Gallardo (2009:31) states that social continuity dynamics between the two sides of the borders push demographic growth resulting in: increasing social cross-border interactions; cross-border family ties proliferation and space for linguistic, religious and relations continuity and expand. Ferrer-Gallardo (2009) further states that, although both countries do not allow legally normalized cross-border commercial activities, irregular cross-border smuggling activities do develop within the “context of contradictions between official discourse and pragmatism” (Ferrer-Gallardo, 2009:31). Messina (2011) calls upon local governments to re-position themselves within their regional structures and global framework with the intention to connect “within the networks” and intercede with purposeful means so as to “govern” the influx. In addition to Yoon (2005), Ndhlovu (2013), Ferrer-Gallardo (2009), Messina (2011) and Kornprobst (2002) argue

that territorial integrity norm is not sufficient in developing crisis response mechanism and calls for sub-regional identity and decolonization as a collective norm in managing cross-border conflict in the African continent. The author takes cue from lines of theoretical arguments presented by Yoon (2005), Ndhlovu (2013), Ferrer-Gallardo (2009), Messina (2011) and Kornprobst (2002) to probe AUBP component in the Lesotho-South Africa crisis scenario for purposes of theory building. The Lesotho-South Africa cross-border crisis dynamics are presented by Wittmayer & Büscher (2010:764) as follows:

“The local in Lesotho is an intricate and complex amalgamation of transboundary political interests, economic dependence, cultural and societal ties, ecological circumstances, historical events and traditions”.

Scenario: From the article by Kynock & Ulicki (2001) “Cross-border raiding and community conflict in the Lesotho-South African border zone”. The cross-border crisis emanate from entrenched and unauthorized two-way cross-border movement that “devastat[es] parts of the countryside in Lesotho and the northern Eastern Cape province of South Africa” (Kynock & Ulicki, 2001:1). Kynock & Ulicki (2001) presents the cross-border situation between Lesotho and South Africa with the follows risk indicators:

Institution building

The political border between Lesotho and South Africa contributes significantly in patterns of stock raiding. The border also defines a prototype stock raiding in which thieves from one side steal from the other and drives the stock across the border. Most attacks are commonly followed by cross-border counter-raid to salvage lost stock and vengeance. Raiders from both side are also able to use the border as a refugee, stealing from own side and crossing to other side to exchange with opposition thieves

Capacity development

Cross-border stock raiding has negative impact on households, local communities and cross-border interactions manifesting as follows: hardships; mistrust; insecurity; increasing vigilantism; and migration to urban areas.

On cross-border cooperation

Cross-border raiding facilitates decline in: communal cooperation; cross-border cooperation and collective initiatives (for example, Qacha’s Nek District Liaison Committee); and intensify increasing cycles of raids and counter-raids.

On resource mobilization

The following allegations are on records:

- Local government actors are accused of corruption or incompetence in resolving stock raiding crisis.
- Stock thieves use armed aggression during cross-border raiding operations.
- In the absence of cooperation between Basotho livestock farmers and “stock theft unit” in either side of the border, the crisis is perpetuated in vicious cycles of raids and counter-raids.
- The existing cross-border tension between community members and local government actors impedes the possibilities of neutralizing stock theft activities.

- In the absence of access road in the rugged terrain, the mountainous areas are used by raiders as refugee camp.
- In the absence of expertise that links impounded animals to legitimate owners, the animal die of hunger or sickness and sometimes the accused is release with livestock for safekeeping until the trial date, and both the animal(s) and the accused never show up again at court.
- Limited crisis response capabilities in both human and material resources renders any attempt to clamp down stock raiding ineffective.

The foregoing scenario provides systematic data required to build groundbreaking conceptual model with prospects in explaining the phenomenon of integrated crisis management. The initial empirical research and related concepts derived from the foregoing scenario provide the fundamental building block in the theory building process of this study. The study then engages the next level for purposes of identifying higher order concepts in categories related to: foreign policy crisis decision; crisis policy decision; and transboundary crisis management as well as literature on multinational crisis intervention.

THEORIZING THE PHENOMENON OF INTERGRATED CRISIS MANAGEMENT

The third part is intended to theorize integrated crisis management. In doing so, the author consciously assumes a subjective position and presents crisis as a multidisciplinary social phenomenon. Crisis management has been discussed in various disciplines including (but not limited to) international relations, international administration, sociology, security studies, human geography, environmental science, rural development, and developmental studies. The author subjectively observes that most crisis management discussions follow three taxonomies: foreign “policy crisis” decision (e.g. USA and Russia model); “crisis policy” decision (for example, European Union model) or “transboundary” crisis management (for example, Asian model). Although these three categories are used to support lines of argument in this paper, their isolated contributions remain narrow to develop a broad, all inclusive and comprehensive crisis policy response model. In examining the existing gap in crisis management theorization, the author takes cue from Jabareen (2009:51, 53) and selects multidisciplinary key ideas, concepts and metaphors from above theoretical discussions and scenario that illuminate on the phenomenon of integrated crisis management while dependent on the mainstream crisis decision approach.

In the study of international politics, crisis is described within the framework of “systematic and decision making approaches” (Hermann 1996:411). Hermann provides that both approaches assist in illuminating the significance of crisis as a situational or explanatory variable. As the author depends on secondary research methodology (literature review), previous empirical studies on decision making approaches becomes more relevant to this study. Paige (1969:462) states that the decision making is supportive in building a variable-oriented theory: integrated crisis management as an explanatory variable on the role of local government in the international crisis decision arena. The author finds it necessary at this stage to probe integrated crisis management as a social phenomenon. In the absence of any accepted description of integrated crisis management as a phenomenon, the author subjectively presents “set of relevant antecedent conditions under which the theoretical propositions advanced in [this] study are anticipated to hold” (Paige, 1969:462).

Set of Antecedent Conditions for Integrated Crisis Management

The author subjectively identifies “integration and interoperability” as a “set of relevant antecedent conditions” under which theoretical propositions and concepts that explain integrated crisis management are anticipated to hold. The author advances two lines of theoretical arguments that expound on this “set of relevant antecedent conditions”. The first line of theoretical argument advances international integration as a relevant antecedent condition. Jones (1991:694) provides that the difference between “international organizations” and “international integration” is that the former establishes institutional machineries while the latter provides decision making machinery above the former. For purposes of grounded theory analysis, the paper seeks to establish the foregoing relationship between “international integration” and “decision making machinery” within the context of AUBP components: institution building; capacity development; resource mobilization; and cross-border cooperation. Jones (1991:694) argues that international integration “consist of the merger of separate authorities and jurisdiction, usually in a well defined geographic region, into larger unit, a higher unity, and a single polity” (Jones 1991:595): decision making machinery that responds to institution building and capacity development, and advocated by Ferrer-Gallardo (2009:31) and Ndhlovu (2013:20). Jones also provides that international integration is “the desire to resolve the potential conflict among territorial neighbors ... forced by geography to be interdependent, [thus] integration of vital sector of their interaction may overweight the existing sources of strife” (Jones 1991:604): decision making machinery that addresses resource mobilization and cross-border cooperation as opposed to Yoon’s (2005:277) military intervention that compromises democratic practices.

The relationship between “international integration” and “decision making machinery” in the context of AUBP can also be examined on the basis of social considerations: the ability to tolerate common political and social values in both sides of the political border. Put differently, the ability of “international organizations” involved in livestock farming, stock raiding, livestock market and local government management to respect the political self-determination of their cross-border neighbors and the rights of citizens in their neighborhoods. International integration theory purports that tolerance will flourish, if cross-border neighbors can shift their loyalties to a supra-national organization that can “constructs procedures and institutions capable of making obligatory decisions on behalf of national governments” (Jones 1991:595). Although Jones advanced supra-national organization as an institutional machinery, its role in obligatory decision making is also acknowledged by Kornprobst (2002:377-388) on the basis of legitimate sub-regional identity and territorial integrity as shared norms.

The second line of theoretical argument advocates institutionalized interoperability as a complementary antecedent condition to international integration. In doing so, the article advances institutionalized interoperability as a condition that is necessary if the “highest level decision makers of the state actors experience: a threat to one or more basic values, along with awareness of finite time for response to the value threat, and a heightened probability of involvement in military hostilities” (He, 2012:51). He (2012:54) illuminates the cognitive nature of shared value threats and surfaces time limitation and possibilities for cross-border conflict as stimulants of crisis policy decisions. The relationship between Jones’(1991) supra-national “decision making machinery” and He’s (2012) normative-driven cognitive activities have the prerogative for the promises of “integration-and-interoperability” antecedent conditions for crisis management. The limitation in this approach is the fluid nature of “military hostility” as a possibility in crisis situations. In responding to this

limitation, He (2012:70) also compares the behavior of states at supranational (macro-systems) level and the actual crisis as a policy decision-variable (micro-state). In so doing, He advocates the significance of equally positioning macro-system and micro-state variables within the four phases of crisis: onset/pre-crisis, escalation/crisis, de-escalation/end-crisis, and impact/post-crisis. Although He (2012) provides that military hostility is a possibility in a crisis situation, most scholars ignore other policy decision-variable that constitute the critical pathway necessary for successful crisis management implementation.

Institutionalized interoperability, decision-variables and critical pathway

In the absence of acceptable definition of interoperability, this article subscribes to the broad description of this concept used in the joint multinational military environment. Tran, Douglas & Watson (2005) state that the ability of systems, units and forces to provide services and to accept services from other systems, and use the services so exchanged to enable them to operate effectively together. The author borrows from Week's (2011) approach in theorizing and re-conceptualizing "systems, units and forces" (Tran, Douglas & Watson, 2005) as "national, provincial and district government structures". The conventional approach to military planning advocates three or four levels: political strategic; military strategic; operational; and tactical. Most joint multinational doctrines also prescribe interoperability of systems of systems to be confirmed at strategic, operational, tactical and technological levels of planning and implementation. The first four levels of interoperability are briefly discussed for purposes of this article: strategic, operational and tactical interoperability (Joint Staff 2009, Chapter 2).

- (1) Strategic interoperability is viewed as an enabler that facilitates institutionalized intergovernmental cooperation during crisis situation. Strategic interoperability also expedites meaningful cross-border crisis response contributions by regional member states. Strategic political interoperability issues involve coordination of transboundary views, foreign policy crisis decisions and crisis policy management systems. Strategic political interoperability also constitutes the willingness of involved cross-border states to cooperate over a long period to achieve and sustain collective interests against common threat. This article links this level of interoperability to institution building and cross-border cooperation as components of the AUBP.
- (2) Operational and tactical interoperability represent a nodal point where strategic interoperability (discussed above) and technological interoperability (below) converge. It is at this point of convergence where involved state parties shape their common foreign policy crisis decisions and implementing their crisis policy decisions while benefiting from shared strategic objectives. These levels represent implementation tools designed to achieve predetermined political strategic objectives within prevailing constraints while maximizing probable efficiency and economy of available capabilities. The author links these levels of interoperability to capacity development and resource mobilization as components of the AUBP.
- (3) Technological interoperability is the mechanics of system, technical capabilities and interfaces between organizations (e.g. local, provincial, national and regional), systems of systems (e.g. hybrid cross-border structures) other families of systems (e.g. transboundary community-based management structures). The main base of technological interoperability is decision-making headquarters mandated to manage communication, computer, information, surveillance and reconnaissance. This level also involves monitoring the outcomes of other levels of interoperability's designed mission compatibility or

incompatibility between their systems (hardware and software) and data within member states. Technological interoperability is a security threat and is dependent on the morality of trust. The existing empirical evidence suggests that this level of interoperability permeates other levels of interoperability (strategic, operational and tactical); and, is adaptable to all components of the AUBP: institution building, capacity development, cross-border cooperation and resource mobilization. Most information technology scholars suggest that achieving technological interoperability in practice is unlikely in the environment of security.

In attempting to theorize integrated crisis management as a social phenomenon, the author relies on the background information provided in the second part of this article. The author used existing multidisciplinary research and on cross-border affairs issues to generate key ideas, concepts and metaphors. The article also draws AUBP guidelines for purposes of developing broad categories for identified concepts that are relevant to the phenomenon of integrated crisis management. The author further narrowed the study by confining the study to a set of antecedent conditions necessary for integrated crisis management: international integration and institutional interoperability. The existing multidisciplinary research and other relevant theoretical contributions were subjectively identified for purposes of examining current Lesotho-South Africa cross-border raiding as a crisis. The author presents that the foregoing sub-section on institutionalized interoperability succeeded in surfacing and confirming concepts that may be broadly categorized as decision-variables and/or decisive-variables. For purposes of grounded theory methodological requirements, the relationship between this categories of concepts need to be examined. The author present that the relationship between this categories of concepts constructs the critical pathway that respond to the primary question in this study: what is the role of local government management in crisis decisions related to cross-border conflict? The author follows discursive analytic methodology to develop higher order categories of concepts as informed by identified decision-variables.

CONCEPTS, RELATIONSHIPS, CATEGORIES AND ANALYSIS

The fourth part of the study develops higher order concepts and categories determined by concept relationships. Similarities and differences between concepts and categories are used for purposes of comparative analysis. The base-line concepts flows from the previous discussions (table 1), while the higher order conceptual analysis follows inductive logical reasoning from data selected from multidisciplinary literature. These concepts, relationships and categories are also framed by diverse epistemological, ontological and theoretical approaches that includes: transboundary crisis (Hermann & Dayton, 2009; Ansel, Boin & Keller, 2010; Dayton, 2004; Danilov-Danilyan & Khranovich, 2011); supra-nationalism (Fagbayibo, 2013; Howorth, 2012; Kennedy, 2013; Muhweezi et al., 2007); institutionalized intergovernmental cooperation (Morsut, 2009; Füglistner, 2012; Tolle, 2013); and autonomous institutional arrangements or machinery (Churchill & Ulfstein, 2000; Lipik, 2000; Fulton & Sperling, 1996; Grama, 2011). Relevant theorization and propositions are summarized into four perspectives and are as follows.

(1) Transboundary crisis perspective

- Herman & Dayton (2009:238) postulates that policy decision-makers define crisis situations as time pressing and demand urgent convergence of top transboundary government leaders into a unified decision-making authority.

- Ansel, Boin & Keller (2010:203) link the most successful crisis policy response to harmonized and coordinated efforts; and realigned and orchestrated cooperation activities between transboundary organizations
- Dayton (2004:165) states that the existence of crisis permeates and cut cross local, national, regional and international spheres of government; and demands institutionalized crisis response mechanisms that address transboundary issues.
- Danilov-Danilyan & Khranovich (2011:343) link transboundary crisis resolution to intergovernmental structures established by involved member states to balance the imperfect competition (monopolistic interests) for transboundary natural resources.

(2) Supra-nationalism perspective

- Fagbayibo (2013:33) describes supra-nationalism as an institutionalized autonomous international organization capable of exercising political and legal powers over its member state. The binding effect of the law is affirmed by the leadership structure and their autonomy in decision-making that reside within supranational organization.
- Howorth (2012:435) states that the foreign and security policies of regional member states transcend political borders of individual states if commonalities in regional member states' foreign and security policies are embedded in their common regional defense and security policy. Howorth (2012) acknowledges the tension that continue to exist between the inter-governmental and supra-national dimensions of this politico-legal policy crisis instruments that much of literature refers to as sacrosanct.
- Kennedy (2013:244) links the impact of social identity and shared norms to the institutionalization of supranational organizations; and to constructing the behavior of decision-making authority.
- Muhweezi et al. (2007:216) link the empowerment of established community-based transboundary organizations to signed memorandum of understandings (MoUs) between involved countries at the local level of governance. They suggest that such MoUs must derive from existing multilateral and bilateral protocols and conventions signed at national level. They further state that MOUs must also re-produce other national policies and laws that empower regional supranational bodies.

(3) Institutionalized cooperation perspective.

- Morsut (2009:263-264) links the successful implementation of institutionalized crisis management strategy to: multilateral political will (strategic interoperability); mutual exchange of information (operational and tactical interoperability) at field levels (local government); and simple and clear procedural rules (technological interoperability).
- Füglistner (2012:337) states that institutionalized intergovernmental cooperation provides a useful platform that facilitates: assimilation of best practices; policy diffusion among regional member states; exchange of information about practical experiences in implementing policy decisions; and formulation of own view about the most effective and efficient public policies.
- Tolle (2013:616) connects compatible national planning systems to the enhancement of institutionalized transboundary cooperation at local, national and regional levels of governance; and effective planning across national boundaries.

(4) Institutional machinery perspective

- Churchill & Ulfstein (2000:623) state that autonomous institutional arrangement or machinery (e.g. protocols and conventions and MOUs) facilitates institutionalized cooperation between sovereign states; innovative ways to compliance; and unified platform for norm creation.
- Lipik (2000:266) states that autonomous institutional arrangements affirm territorial integrity of sovereign states while affording the opportunity for cross-border cooperation and collective conflict management:

“Arrangements for cooperation between units of local or regional governments across the border of two or more different countries in order to promote common interests and enhances the living standards of the border populations within the limits of the geographical scope of cooperation”.
- Fulton & Sperling (1996:112) link autonomous institutional arrangement or machinery to the politico-legal power of the states to impose order through the rule of law. They argue that this function “lies within the exclusive territorial jurisdiction of individual nation” (Fulton & Sperling 1996:112-113): the international agreements that serve as the formal enforceable mechanism for cooperation.
- Grama (2011:257) purports that autonomous institutional machinery are mechanisms that promotes cross-border contacts between local and regional actors as well as civil society in implementing joint programs, thus enhances direct people-to-people cooperation.

Table1: Conceptual framework defining integrated crisis management and selected sources of data

<i>The Concept</i>	<i>Inquiry Character</i>	<i>Selected Source of Data</i>
Supranational organization	Epistemological concept	Political, administration, security and Environmental studies
Transboundary policy crisis	Ontological concept	Political, administration, security and Environmental studies
Autonomous institutional mechanism	Methodological concept	Political, administration, security and Environmental studies
Institutionalized intergovernmental cooperation	Methodological concept	Political, administration, security and Environmental studies
Strategic interoperability	Methodological concept	Military, political, management and strategy studies
Operational interoperability	Methodological concept	Military, political, management and strategy studies
Tactical interoperability	Methodological concept	Military, political, management and strategy studies
Decisive-variables	Methodological concept	Military, political, management and strategy studies
Decision-variables	Methodological concept	Military, political, management and strategy studies

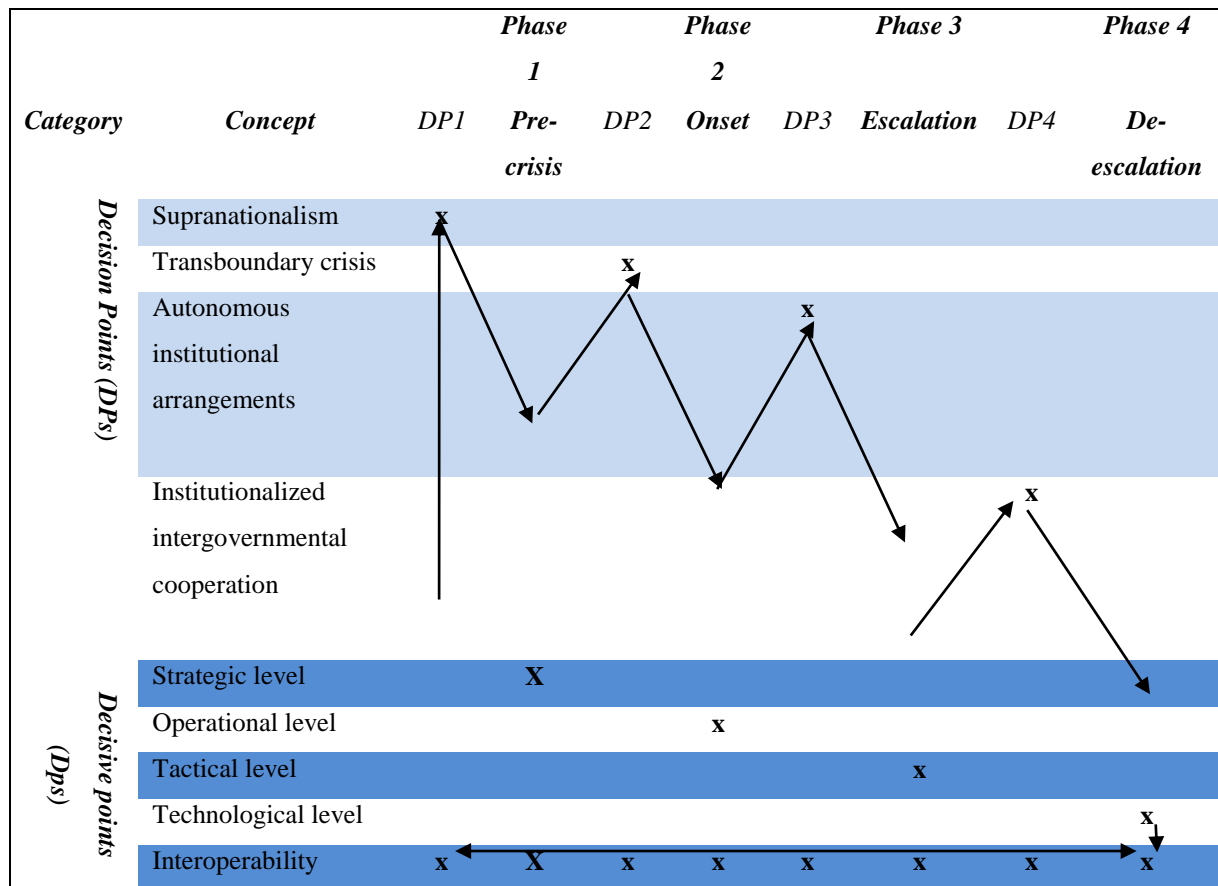
This fourth part of the article present identified concept and are summarized in table 1. The theorization and propositions derived from existing empirical research and other supporting literature are used to identify common or repeating concepts from these multidisciplinary sources of data. The relationship between selected concepts is deduced from available data for purposes of developing higher order concept categories. In doing so, the author intentionally avoided theoretical lines of argument that may introduce his personal footprint, prejudices and subjectivity. The discussion will offer the opportunity for personal comments from the author for purposes of future research.

DISCUSSION

The discussion in this article is intended to lay the foundation for integrated crisis management model that explains the role of local government management in the sphere of international governance. The first part of this article use international system theory to position local government within the spectrum of international political system. The second part probes cross-border crisis management challenges that suggest a gap in the theorization of local government management within the sphere of international governance. In an attempt to narrow this theorization gap, the third and fourth part of the paper author uses grounded theory methodology and selectively identifies commonly used key ideas, concepts and metaphors from existing empirical research and other relevant multidisciplinary literature. The second part focus on the theorization of integrated crisis management and identifies a set of antecedent conditions as international integration and institutional interoperability. The third part presents propositions from prominent scholars who succeeded in surfacing base-line concepts, categories and relationships. The author intentionally avoided to engage in theoretical lines of argument in his analysis for purposes of neutrality; and, chose to use deductive reasoning guided by similarities and repetitions in the contextual use of concepts in found data. The fourth part of the article follows the same approach as in the previous discussion. The fourth part is distinguished by higher order concepts and categories: the base-line concepts reinforced with new data emanating from discursive analysis. Identified higher order concepts are summarized in table 1.

The purpose of the article is not to engage academic contributions into scholastic debates, but to identify higher order concepts by observing repetitions and similarities in the contextual meaning of key ideas, concepts and metaphors. In so doing, the author is guided by the broad grounded theory question in this paper: what is the role of local government management in crisis decisions related to cross-border conflict? In answering this question, that author is compelled to respond to identified challenges of local government. Messina (2011:144) also provide guidelines by proposing that effective local governance innovations are those that enhance local government management to rise above the limits defined in an enclosed national and regional bureaucratic setting. Most scholars also contributed on the role of local government in international governance setting, as evident in part three and four of this article. Messina encapsulate this contribution by postulating that local government management has to establish governance network systems that permeate national and regional levels and possess: actors of diverse capabilities; mechanisms that coordinate existing bodies to effectively operate within the same territories or in their peripheral areas. Given the limitation of space in this article, the author developed categories, concepts, decision-variables and decisive-variables into a model that define integrated crisis management pathway depicted with arrows in table 2

Table 2: Conceptual framework: Integrated crisis management pathway



Messina (2011:144) also provides that effective local governance innovations are those that enhances local government management to rise above the limits defined in an enclosed bureaucratic setting. Most scholars suggested that governance concepts related to crisis management cut across local, national and regional governance level. Table 2 represents a conceptual framework that may be used to position local government in the sphere of international governance. The article intended to establish concepts, categories and relationships using grounded theory methodological approach. This multifunctional model lays the foundation for detailed explanation on the role of local government in the sphere of international governance. The scenario of South Africa- Lesotho cross-border raiding provides necessary data that offers the opportunity to test this multiple level crisis decision-making model. The direction taken by the critical pathway (denoted with arrows) will determine the success or failure of local government management in international decision making program.

CONCLUSION

In concluding this study, the author begins by appreciating existing multidisciplinary empirical studies on foreign policy crisis decision, crisis policy decision and transboundary crisis management. In so doing, the article discovered challenges of local government in the sphere of international governance as evident in the scenario of Lesotho-South Africa border raiding. The author deliberately linked these challenges to theorization gap in the field of local government management: the need to locate the role of local government in crisis decision-making processes in the sphere of international governance. The author subjectively selected key ideas,

concepts and metaphors that are necessary in building grounded theory data. The base-line data was further developed into higher order concepts, categories and relationships established for purposes of developing the integrated crisis management model. This model is useful at local, national and regional level for purposes of cross-border crisis management. This article contends that local government management has significant role in the sphere of international governance. The author recommends that this model be viewed as ground-breaking work in the environment of transboundary crisis management. Future research will be directing at applying this model to real time crisis situations.

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THE LIMITATIONS OF THE WARD COMMITTEE SYSTEM IN THE SOUTH AFRICAN MUNICIPALITIES

P.H. Munzhedzi

K.G. Phago

University of Limpopo

ABSTRACT

The ward committee system was introduced in South Africa in 2001 as a tool to bring government closer to the people and to enhance participatory democracy. The idea of ward committees was to bridge the gap which existed between ordinary citizens and their local government decisions. Ward committees were also considered with a particular aim which is not limited, to identifying and discussing local needs, helping communities to prioritise their needs, formulating proposals for the solution of identified local needs, determining the extent to which communities can satisfy their needs on a self-help basis, and developing a plan of action for their community areas. However, questions may be asked about their relevance in the local government sphere in South Africa. This is an attempt to highlight the limitations of ward committee system in the South African municipalities as an initiative intended to enhance public participation. It further aims to provide possible remedies to the identified challenges with a particular aim of strengthening their role as provided for in part 4 of the Municipal Structures Act, 1998 (Act 117 of 1998). In the final analysis, it is clear that a revamping or even a reconsideration of the ward committee system as a public participation model for local government is required.

INTRODUCTION

Apartheid South Africa was characterised by unrepresentative decision-making processes and system of government that favoured the previously advantaged (whites) community (Phago & Netswera, 2009: 703; Tau, 2013: 152). Necessary government decisions were taken without involving the majority of citizens (Africans) which had often led to disproportionate and biased system of governance. During this apartheid period, municipal planning in South Africa experienced limited if any participation from role players including local communities. Black communities were not allowed to participate in matters of governance and could not elect their own representatives (Tshabalala, 2006: 46). The method of government was highly centralised, deeply authoritarian and secretive, which ensured that fundamental public services were not accessible to these marginalised communities (Williams, 2000: 200). The post-apartheid South Africa through the *Constitution of the Republic of South Africa* of 1996 (hereafter referred to as the 1996 *Constitution*) provides for community participation in the development, implementation and evaluation of integrated development planning at local level. This constitutional provision paved the way for the introduction, adoption and legitimising legislations and policies which provides for and support citizen participation.

The 1996 *Constitution* encourages the involvement of communities and community organisations in the matters of local government including the integrated development planning. In 2001 the South African government introduced the ward participatory system as a necessary system through which public participation in local government is mainly expected to take place. The *Local Government: Municipal Structures Act, 1998* (Act 117 of 1998) (hereafter referred to as the *Municipal Structures Act*) requires that all municipalities with

ward committees make administrative arrangements to enable ward committees to perform their functions and exercise their powers effectively (Department of Provincial and Local Government, 2009: 4). These ward committees were introduced in the local sphere of government as community structures to play a critical role in linking and informing the municipalities about the needs, aspirations, potentials and problems of the communities (Tau, 2013: 153). However the kinds of resources put towards promoting participatory governance and in particular towards operationalising the ward committee participatory system are often not sufficient.

The continued countrywide community protests may be viewed as an expression of dissatisfaction within the realm of governance in the country (Thornhill & Madumo, 2011: 130). Public surveys through the Department of Provincial and Local government in 2009 highlight a number of challenges with the ward committee model including a lack of financial resources to conduct their activities, and difficulties for disadvantaged members (financial) to participate in ward committee activities. Studies conducted by government in 2009 (literature did not indicate through which research institution) indicate that in cases where ward committees function effectively, the municipality has sufficient financial resources to provide support to their ward committees (Department of Provincial and Local government, 2009: 5). For this reason this article seeks to explore the limitations of ward committees system in local government sphere as a structure intended to enhance public participation. Challenges confronting ward committees, and recommendations on how such challenges could be addressed are also provided.

UNDERSTANDING WARD COMMITTEES

Ward committees are the advisory structures of municipal councils that are established in terms of section 73 of the *Municipal Structures Act* and they consist of the councillor representing that ward in the council, who must also be the chairperson of the committee, and not more than 10 other persons (Ngqele, 2010: 22; Reddy & Sikhakane 2008: 681; Thornhill & Madumo, 2011: 131). Thornhill & Madumo (2011: 131) further refers to ward committee as an area-based committee whose boundaries coincide with a ward's boundaries and their members should whenever applicable include persons representing women, youth, religious groups, sports and welfare, environment, education, community-based organisations, ratepayers' associations, traditional leaders, persons with disabilities, the informal traders' association, agricultural associations and not political parties. This is unfortunately not happening in South Africa, and the scenario is discussed in detail under the challenges facing ward committees. Section 72 (1) of the *Municipal Structures Act* provides that only metropolitan and local municipalities of certain types may have such committees. In addition, section 72 (3) of this *Act* outlines the objectives of the ward committee as being to enhance participatory democracy in local government and to increase the participation of local residents in a ward in all democratic decision-making processes. Ward committees may make recommendations on any matter affecting the ward to the ward councillor, or through the ward councillor, to the municipal council or the local mayor (Phago & Netswera, 2009: 705; Ngqele, 2010: 23). However it is argued later in the article that this system is not effective.

The White Paper on Local Government (1998: 62) stipulates that the promotion of local democracy should be seen as a paramount role for any municipal government. However it should be noted that any decision made in a ward committee meeting is not binding on the ward councillor and has no legal powers in terms of council decisions (Thornhill & Madumo, 2011: 131). The political standing in a local ward only rests with the

formal municipal council meeting and binding decisions can only be made at that forum. A ward committee has no power whatsoever to force council to do anything and can only make recommendations to council.

The Minister of Cooperative Governance and Traditional Affairs has issued new regulations in 2009 which sought to align the term of office of ward committees with the electoral term of municipal councils which is five years. If a vacancy comes about in a ward committee as a result of the termination of membership, the *Municipal Structures Act* provide the powers to the municipality to determine a procedure and processes to fill the vacancy. Generally a person's membership is terminated through death or resignation. According to Smith & Visser (2009: 2) ward committees have emerged as a key institutional mechanism intended to contribute towards bringing about people-centred, participatory and democratic local governance. The reasoning behind the move is that ward committees play a supplementary role to elected councillors by creating a bridge between communities, political and administrative structures of municipalities. What is evident however is that participation without the desired influence of effect on the outcome of the process is tantamount to tokenism, effectively rendering the role of community participation a futile exercise (Putu, 2006: 5). Cognizance was given to the fact that community participation is central to IDP process, budgetary process and general governance process. Leboea (2003: 77) in his masters' study concluded that local communities are ignorant of ward committees and their functionalities. Other limitations of ward committees include their biasness towards particular political parties, and that often they are poor and unemployed, especially in rural municipalities. Their reason for participation in ward committees is mainly to find employment opportunities within the municipality. This is often a selfish mode and therefore does not benefit the community as intended. This matter is further addressed under the challenges facing ward committees at a later stage in this article. To further understand the ward committees, legislative framework which guide their establishment and functions are discussed below.

LEGISLATIVE FRAMEWORK

Very often citizens do not understand their rights and responsibilities and therefore are not able to express their opinions and concerns (public participation) which is a key component in the democracy era (Maphunye & Mafunisa, 2008: 469; Thornhill & Madumo, 2011: 140; Tau, 2013: 154). Thornhill & Madumo (2011: 134) further posit that it is a legitimate right of all citizens to participate in the affairs of government. When the democratic government came into power in 1994 it dedicated its effort on transforming and developing decentralised institutions, such as local government with a separate autonomy and a legal status distinct from other spheres of government, to create an enabling environment for public participation. Public participation in South Africa is achieved through several pieces of legislation and policies. These pieces of legislation and policies are reviewed to give a legislative balance and legitimacy on the topic and also to understand the foundational principles of public participation as underpinned by the legislative prescripts discussed below.

The Constitution of the Republic of South Africa of 1996

Section 152 of the 1996 *Constitution* mandates local government to provide a democratic and accountable local government and encourage the involvement of communities and community organisations in the matters of local government. The 1996 Constitution is the basis and the foundation of participative local government. Even though it does not particularly mention the ward committees, but the 1996 constitution serves

as a basis for the introduction of the *White Paper on Local Government* of 1998 which was more specific about them.

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

The *Local Government: Municipal Structures Act, 1998* (117 of 1998) (hereafter referred to as a *Municipal Structures Act*) makes a provision for the establishment of ward committees as a possible way of encouraging community participation in the municipal activities and programmes including the integrated development planning. Ward committee system is a constitutional requirement (Stuurman, 2009: 64), but only to those municipality types stated in section 8(c), (d), (g) and (h) and 9(b), (d) and (f) of the *Municipal Structures Act* in the country should adhere to. This requirement is promulgated in various legislative prescripts including part four of the *Municipal Structures Act*. This *Act* provides a powerful legal framework for participatory local democracy and for establishment of ward committees in particular. Section 19 of this *Act* further requires a municipality to strive, within its capacity, to achieve the objectives set out in Section 152 of the 1996 *Constitution*, namely to:

- develop mechanisms to consult the community and community organisations in performance of its functions and exercising its powers,
- annually review the needs of the community and municipal priorities and strategies for meeting those needs and involving the community in municipal processes (Department of Provincial and Local Government, 2005: 14).

The fulfilment of the foregoing objectives assists the municipality in developing and implementing a successful public participation process. Ward committees are intended to play a significant role in the intercommunication between the municipality and the local community through the ward councillor.

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

Chapter four of the *Municipal Systems Act, 2000* (Act 32 of 2000) (herein referred to as *Municipal Systems Act*) to as calls for municipalities to develop a culture of municipal governance that complements the formal representative government (that is elected leaders) with a system of participatory governance (Mafunisa, 2009: 733). For this reason the municipality ought to encourage participation for all relevant stakeholders including the local communities and the ward committees in the preparation, implementation and review of its integrated development plan (Maserumule, 2008: 440; Phago & Netswera, 2009: 703). Ward committees as one of the structures used to foster participation of local communities were included in the legislation as a way of providing an opportunity for communities in the local government sphere in a structured and institutionalised way (Department of Provincial and Local Government, 2005: 11). Ward committees are the structure that makes it possible to narrow the gap between local municipalities and communities, since ward committees have the knowledge and understanding of the citizens and communities they represent. However, according to section 16 of the *Municipal Systems Act*, municipalities should ensure that they capacitate their local community and ward committees in order to enable them to participate in the affairs of the municipality effectively.

The White Paper on Local Government of 1998

The central theme of the *White Paper on Local Government* of 1998 is developmental local government. This White Paper refers to developmental local government as local government committed to working with citizens and groups within the community to find long-term or sustainable ways to meet the social, economic and material needs and improve the quality of the lives of the community (Department of Provincial and Local Government, 2005: 13; Maserumule, 2008: 437). To realise this vision, municipalities are encouraged to build local democracy by developing strategies and mechanisms to continuously engage with local citizens, business and community groups (Mashamba, 2008: 424). It is considered essential in that it serves to deepen South Africa's young democracy (which is now a teenager), increase effectiveness of policy formulation and implementation, create an enabling environment for empowerment and capacity building in previously marginalised communities. Amongst other structures, ward committees may best represent the concerns of the local communities to the municipal council through the ward councillor who is also the chairperson of the committees. The *White Paper* requires active participation of citizens.

The Ward Committee System is a critical aspect of the legislation in ensuring that community participation takes place. In essence, it is clear that the constitutional mandate which is contained in the existing legislation provides some detailed consideration of what municipalities are required to consider during community consultation processes.

WARD COMMITTEES ON THE INTEGRATED DEVELOPMENT PLANNING

Section 25 of the *Municipal Systems Act* provides that municipal planning for service rendering in South Africa is a compulsory process for all municipalities. A municipal IDP should ideally include prioritised communal needs that require urgent attention from local government sphere (Phago, 2009: 483). Furthermore, the municipality should involve relevant stakeholders who are able to contribute to improve municipal service delivery. According to the Department of Provincial and Local Government (1999/2000: 4), integrated development planning provides a process through which municipalities prepare strategic development plans for a five year period. It is the principal strategic planning instrument which guides and informs all planning, budgeting, management and decision making in a municipality.

Representative government is complemented by the right of local communities to participate in the decisions that affect development in their areas, and a corresponding duty on municipalities to encourage public participation in matters of local governance including the integrated development planning process (Department of Cooperative Governance and Traditional Affairs, 2009: 13). National legislative frameworks (*Municipal Structures Act* and *Municipal Systems Act*) provides mechanisms for public participation, which include ward committees and a variety of other measures designed to foster open, transparent and consultative municipal government. Ward committees participate in local government related programmes including the IDP process which is reviewed and modified annually. The IDP starts with planning by the municipal council and is followed by consultation with the ward committees and all other relevant stakeholders. The purpose of this strategy is to assess the needs of every ward, and the priorities of the constituencies, and ultimately ward committees feed into the municipality through the IDP (Mhotsha, 2005: 72). It is evident that in the ward committees system, instead of one influential representative making decisions on behalf of the people, there are at least ten community members (plus a ward councillor) who decide on the issues that affect them directly

(Stuurman, 2009: 66). However, the influence of the ward councillor as the chairperson of the committee cannot be disregarded.

Ward committees recommend inputs to their councillors, and these are eventually forwarded to the council for consideration through the ward councillor (Mhotsha, 2005: 88). The ward committee provides a necessary link between the community and the council through the ward councillor. The councillor also reports to the ward committee and community on council decisions and other important development programmes. Thus, the ward committees play an advisory role on the municipal council in upholding bottom-up planning and implementation of community projects (Thornhill & Madumo, 2011: 131). In consultation with the local community through the ward committee, the ward councillor formulates submissions to be presented to council on community needs to be addressed by the municipality and ultimately be included into the municipal IDP. Ward councillors chair these committees and ought to rely on them for support in ensuring that the issues and needs of residents are well represented in the municipal councils (Department of Cooperative Governance and Traditional Affairs, 2009: 13). The role of councillors is critical to the effective functioning of ward committees in that councillors are not only responsible for convening and chairing ward committee meetings but they are also responsible for channelling inputs from ward committees through to council (Smith, 2008: 56). Ward committees have served as an official platform to link the community members with the council of the municipalities.

The challenge in this regard is mainly the councillors' loyalty and their commitment towards their ward committees which seem to be more with their political parties. This is a necessary observation as it requires that ward councillors should champion and represent their ward committee views in the municipal council. What remains necessary to consider in this regard however is how can a ward councillor (especially those affiliated to political parties), maintain a balance on their party political views and their ward committees' needs? It is clear that a revamping or even a reconsideration of the ward committee system as a public participation model for local government is required. Ward committees ought to be chaired by ward committee members who are not aligned to any political party to avoid being labelled as extensions of those parties. The model of ward committee system as it exists is not effective and efficient due to this reason amongst others. A furtherance of this discussion is considered below in the discussion of pertinent challenges facing ward committees.

CHALLENGES OF WARD COMMITTEES

The functionality and effectiveness of the ward committees as an instrument of democracy and development is a matter of serious concern in South Africa particularly in rural municipalities (Department of Cooperative Governance and Traditional Affairs, 2009: 13). Ward committee meetings are often held in the absence of a quorum leading to indefinite postponement. It was also found by Siphuma (2009: 120) in his masters' study that these ward committees in rural municipalities such as Thulamela Local Municipality are not functional because of reasons which may differ from one municipality to the other. The main reasons most ward committees are not functional are discussed below:

Political party influences

Although political parties should not influence how ward committees are elected as set out in the policy provisions, the opposite seem to be the case in that party political influence has played a significant role in ward

committee nomination processes (Department of Provincial and Local Government, 2005: 31). In some instances, councillors and political parties have had a major role in determining who is represented on ward committees (Thornhill & Madumo, 2011: 141). Ward committees are often merely extensions of political party structures and do not encompass the full range of interests within their communities. Thornhill & Madumo (2011) further indicate that in their role as chairpersons of the committees, ward councillors often manipulate deliberations and decisions to reflect the mandate of the political party they represent, rather than the real needs and aspirations of the community. If a ward committee is potentially being influenced (or controlled) by a particular political party, then other parties, interest groups and individuals who may not be members of the influencing party may feel alienated from the ward committee and be hesitant to raise their opinions, ideas and suggestions.

Limited resources

There are limited resources allocated to ward committees (Phago & Netswera, 2009: 708). In a case of bigger wards, there have been concerns that the size of ward committees (limited to 10 community members plus the ward councillor in terms of the *Municipal Structures Act*) is inadequate to facilitate full representation of all interests and geographical areas within the ward. Portfolio members in wards which are widespread are overloaded and therefore not in a position to cover all areas of the ward when consulting on issues related to their portfolios. In the wards that are spatially concentrated, such as in urban areas, the system is often easier to apply. Lack of access to resources (such as office space, computers, printers and telephones which have also served as a constraint on the effectiveness of ward committees) are also some of the concerns which render ward committees dysfunctional (Naidu 2008: 86). Many municipalities appear not to be able to budget adequately for such resources.

Communication

The 2004/2005 National Ward Committee Survey highlighted effective communication and interaction between the ward committee, municipal council and the community as one of the main challenges of the ward committee system (Department of Provincial and Local Government, 2005: 46). The evidence suggests that there is a misunderstanding of the role of the ward committee (Smith, 2008: 56). There's often a communication breakdown between municipal officials and ward committees which often result in the ward committees not being able to monitor the progress of the implementation of the IDP by officials and holding the Councilors accountable for service delivery (Mqulwana, 2010: 111). These often results in the ward committee issues not finding their way into, or are not prioritised in council meetings, and thus fail to become reflected in the municipal IDPs and service delivery and budget implementation plan (SDBIPs).

Unhealthy stakeholder relations

Tensions between well paid community development workers (CDWs) and unpaid ward committee members; and ward committees that do not engage with ward communities adequately (Thornhill & Madumo, 2011: 134). These issues also undermine the functionality of ward committees, and indeed may be one of the contributory factors in the escalation of community protests. This is a challenge for municipal councils because it could either result in competition or co-operation, depending on how it is handled by concerned parties. Some

ward committee members have indicated a concern that community development workers duplicate their functions (Department of Provincial and Local Government, 2005: 43). In general, however, it seems that in a limited number of areas where CDWs have been deployed, a healthy working relationship is beginning to emerge. In some municipalities it appears that CDWs attend ward committee meetings and offer advice. Putu (2006: 5), posit that most councilors often do not appreciate ward committees due to their perceived challenge of power by these ward committees. People are often ignorant about the existing ward committees and how they operate. The likelihood is that local communities are often not familiar with their ward committees. Councilors view ward committees as a challenge to their power and rights as elected representative and by statutory requirement, as decision makers in IDP processes.

Racial alignment

Because South Africa's political parties attracted support largely on race and class lines (Freedom Front plus may be a good example), party alignment of ward committees serve only to entrench divisions of race and class at neighbourhood level. This perpetuates disintegration among local residents.

Patronage

Local government is increasingly vulnerable to allegations of political cronyism, that is, practices of nepotism and patronage that favour those who are powerful or influential within the party rather than those with proven leadership ability or professional competence (Department of Provincial and Local Government, 2005: 31). This affects the credibility of the ward committees.

The foregoing challenges only affect ward committees and they do not cover others community structures (such as *izimbizo* and other interests groups). It should be noted that, participation by community members is not limited to ward committees but they may include other formal and informal structures. Moodley & Govender (2006: 831-832) identifies amongst others public meetings and interest groups as some of the forums that may be used. It should be noted that Mafunisa & Xaba (2008: 456) however agree that participation by community members is not limited to Ward Committees but that they may include other formal and informal structures such as public meetings and interest.

RECOMMENDATIONS

order to address the challenges identified above, some recommendations were developed with a reason to address those challenges. *Firstly*, the influence of political parties on the nomination and election of ward councillor could be addressed by ensuring that such processes are facilitated by administrative officials of the municipality. The current setup is that the ward councillor with the assistance of the speaker's office conducts elections of the ward committee. Administrative officials are assumed not to be politically active. And regarding the influence of political parties, ward committee system as a model of community participation need to be revamped as discussed above. A model whereby a ward councillor is not the chairperson of the ward committee would be sustainable. A ward committee ought to be chaired by ward committee member who is not aligned to any political party to avoid being labelled as extensions of those parties. *Secondly*, the composition of the ward committees ought to be flexible depending on the size and nature of a municipality (whether urban or rural). The rationale for this being that unlike in urban municipalities, rural ones covers a huge geographical area and

becomes expensive for a ward committee member responsible for a particular portfolio in a ward. However this may require an amendment to section 73(2) of the *Municipal Structures Act* which states that a ward committee should consist of a ward councillor (who must also be the chairperson of the ward committee) representing that ward in the municipal council and not more than 10 other persons.

Thirdly, ward committees ought to be capacitated by their municipalities. Subban (2008: 255) concurs and further posit that building a level of education and intellectual sophistication in the council, councillors, ward committees, local communities and other relevant stakeholders (including CDWs) to better understand the demands and actions is necessary and in fact enshrined in the 1996 *Constitution*. They have to understand their roles, CDWs, ward councillors, administrative officials, and municipal council's role. Even though a handbook developed by the then Department of Provincial and Local Government exists to serve this role, a workshop could do a better job. Such a workshop may also assist ward committee members on how to communicate with other stakeholders including the council and administrative officials. *Fourthly*, each and every municipality has to equip all its ward committee members by allocating at least two to three boardrooms and a computer (and a printer) in each of them for the committee members to utilise for meetings and typing of minutes by the secretariat. There is no need to build new offices for this purpose, but municipal boardroom could serve this purpose. *Lastly*, strict guidelines ought to be developed to specifically deal with incapacities, nepotism and favouritism in the composition of ward committees. During elections of members, a brief profile including achievements should be made available to the ward residents. This would assist the community to choose suitable and competent candidates.

CONCLUSION

The limitations of ward committees system in the South African Municipalities have been discussed. The main findings are that at times ward committees are often an extension of certain political parties, and that they lack financial resources to perform their duties effectively and efficiently. It was further found that the relationship between ward committees, local councillors and CDWs is often not well. In the final analysis, it is clear that a revamping or even a reconsideration of the ward committee system as a public participation model for local government is required.

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GENDER INEQUALITY AND POWER RELATIONS IN LIMPOPO PROVINCE'S MUNICIPALITIES

S. Balkaran

Tshwane University of Technology

ABSTRACT

South Africa has transitioned from a highly divisive culture to a state where the constitutional architecture, legislation, conventions and prescripts provide the impetus for an egalitarian political landscape. Today, South Africa not only has the advantage of an enabling constitutional democratic environment, but it also holds the knowledge and professional skills among young black people. The system of separate development left a legacy of human development based on race and gender. Having managed the transition to democracy, South Africa, however, finds itself at a crossroads in championing gender equity in the spheres of local government and decision-making processes. The National Developmental Plan (NDP) 2030 acknowledges that inequality has increased in the post-apartheid era. The state, as the change agent, is challenged to complete the transition to equity and women's advancement in a hitherto male-dominated field of politics, because gender discrimination presents serious barriers for women. The narrative on local government's institutionalised responsibility to enhance gender equality with initiatives that support women's empowerment cannot be separated from associated developmental state theories. This article explores transformatory leadership at executive council, mayoral and senior management levels in the five District and twenty-five Local Municipalities in Limpopo Province. The article is, however, exploratory in design.

INTRODUCTION

As the level of government closest to its citizens, a high quality and responsive local government is essential. Quality public services, at their best, are the tools used by responsible and democratic governments to serve the best interests of their citizens. The achievement of female suffrage by most women worldwide has shifted attention in particular to women's political representation, in the sense of their presence within the democratically constituted leadership (Zungura, et al., 2013: 169). Albertyn & Goldblatt (1998, cited in Fick, 2011: 27) convincingly argue that equality, as a value is aspirational, while equality as a right needs to be interpreted to give effect to its transformative nature. Achieving gender equality is enshrined as a fundamental Human Right in Article 1 of the United Nation's (UN) Charter, which promotes and encourages respect for "fundamental freedoms for all without distinction as to race, sex, language, or religion" (United Nations, 1945). Clark (2012) believes that there are a number of UN instruments, conventions, and decisions, which reinforce this commitment. Kinuthia-Njenga (2010: 16) and O'Connell (2010: 4-7) agree that globally women are under-represented in high-level politics and decision-making, with less than twenty percent (20%) of the world's parliamentary seats occupied by women. African governments are signatories to a number of regional and international agreements relating to women's political participation. These include the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the African Union's Solemn Declaration on Gender Equality in Africa (African Union, 2004). African countries are also obligated to give women equality of opportunity in law, under the law, and in administrative practice, in accordance with the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-1979), the

Beijing Declaration and Platform for Action, Goal Three (3) of the United Nation Millennium Declaration of 2000 and the United Nations Entity for Gender Equality and the Empowerment of Women. All of the aforementioned stress the equality of men and women in the political, economic, social, cultural, civil, or any other field. Gender equality and women's empowerment is not only viewed as human rights, but also as a pathway to achieving the Millennium Development Goals (MDG) and sustainable development (UNDP, 2013).

Proportionately fewer women are represented in South Africa local government/municipal councils than at any other government level. Despite the overall pattern of gender inequality remaining unchanged, the post-apartheid government has embraced women's empowerment in one form or another. Local government (municipalities), as a stimulator of the local economic development (LED), plays a vital role in addressing gender inequality and capacity building of women by involving them in local decision-making, planning and management. Notwithstanding the various commitments, women's increasingly active participation in local government has the potential to achieve an important step forward towards the realisation of gender equality. This has led to the question of whether women's involvement in local government would be able to impact on patriarchal gender power relations.

Reflective Analysis and Backward Inductive Technique over the past nineteen years of local government in South Africa, begs the question of whether local government has seriously challenged gender inequality? Several scholars have written on issues of inequality in local government, yet the unyielding questions that need to be framed after almost two decades of examining the South African democratic landscape remain unresolved:

- Has local government effectively promoted gender equality?
- To what extent and levels are women empowered and capacitated in the political and senior management (mayors, councillors or municipal managers) local government structures?
- What transformatory and strategic leadership roles do women assume in local government vis-à-vis women empowerment and gender equality?

It was hoped that local government will provide women from the most marginalised communities with the chance to engage politically. This article seeks to address some of these questions.

THEORETICAL FRAMEWORK

The aims of democratising society and growing its economy inclusively can only be realised through a responsive, accountable, effective and efficient local government system that is part of a developmental state. Local government is a key part of the reconstruction and development effort. Since 1994, the transformation of local government has probably been the largest undertaking within the democratic governance transformation process. This turnaround strategy for local government (LGTAS) defines an ideal municipality as that which strives to contribute to building the developmental state in South Africa and draws from the constitutional and legal framework established (SALGA, 2013c: 4-22). This strategy represents the first step in transforming local government.

A crucial feature of modern power is that it is institutionalized (Connell, 2010: 172). The narrative on local government's institutionalised responsibility is to enhance gender equality with initiatives that support women's empowerment and to build democratic governance processes that are more responsive to the needs of women. Stetson and Mazur (cited in Hendrickse, 2012: 112) propose the following theoretical dimension to test whether "national policy machineries" contribute to gender equality:

- State capacity - to what extent do women's policy machineries influence policy-making from a gender perspective?

The National Development Plan (NDP) 2030 in its capacitorial function advocates that the Commission on Gender Equality and the Ministry for Women, Children and People with Disabilities should jointly set clear targets for the advancement of women's rights and report on progress annually (National Planning Commission, 2011). Government does, however, face major implementation challenges in ensuring that constitutional, legislative and policy imperatives on gender equality and women's empowerment are translated into substantive improvements. Key implementation issues are currently being addressed by government, through the Ministry of Women, Children and People with Disabilities (UNDP, n.d.: 26). The Women Empowerment and Gender Equality Draft Bill (Notice 701 of 2012) has been promulgated to establish a legislative framework to give effect to section 9 (read with section 2) of the Constitution (108 of 1996) to adopt and implement gender mainstreaming and to provide for an offence of practices with adverse effects (RSAe, 2012).

This cannot be separated from associated developmental state propositions. Effective and efficient human resources management and development is critical to the achievement of the vision of a developmental state within local government. The country faces a great development risk if local government fails.

LEADERSHIP

In the twenty-first century, leaders have to address an agenda that is fundamentally different from their predecessors. James (2006: 4-5), Odeh & Bruning (2006: 2) and Ostaf (2006: 7-8) believe that leadership is essential for societal progress and change. Leadership is about action and change at the individual, organisational and societal levels. There is on-going debate on whether women have different leadership styles and traits from men. Whilst one school of thought advocates that female leaders are not different from male leaders, the other proposes the converse that women have different leadership styles. Eagly & Johnson (1990, cited in de La Rey, 2011: 5) reported significant evidence for gender differences in leadership styles. Women adopted a more democratic or participative style while men adopted a more autocratic or directive style. Leadership is about being able to lead, inspire, to be visionary and responsible in the work that you are doing (Malinga, 2011: 104-108).

South Africa like all other democracies in transition needs leaders who can give a new impetus to the process of achieving a democratic and just society. Leadership also involves a set of abilities referred to as "soft" skills, which are usually acquired through introspection, reflection and "walking the talk". Leadership in South Africa embodies the dual concepts of *Batho-Pele* and *Imbizo*. The essence of what South Africans call *Batho-Pele*, which means "people first", is that we owe our humanity to a shared humanity, and therefore have to ensure that lines of communication among all members of society remain open. *Imbizo* refers to a leader who brings together his people so he can engage with them. It is a process through which a president or a mayor faces communities directly – they can ask questions, and there will be follow-up (Fraser-Moleketi, 2006: 10-11). A vibrant citizenry is one that is attentive and well informed, and which asks questions to ensure that leaders remain accountable and retain their legitimacy.

STRUCTURAL QUOTA CONSTRAINTS

Gender equality is not about numbers, nor is it just about women. Petchesky (2010: 182-183) claims that she has grown weary of the uterine politics underlying discussions about quotas as she questions which women are we talking about? Gender equality is not going to be determined by how many women are elected but rather by the politics and visions of the men, women we can bring into decision-making positions. In *Bangladesh*, women representatives are disadvantaged by structural constraints related to the way quotas for women are incorporated into the electoral system. In *India*, where women receive 33% reservation at all levels of local government, the seats reserved for women rotate during every election. As a result, political parties simply do not take women's candidacy seriously nor do they invest in the elected women, knowing very well that in the next round of elections these women will be of no use to their electoral prospects. In *Uganda*, the 1997 Local Government Act requires 30% of local council seats to be reserved for all-female competition. However, these seats are an addition to the council body, not part of the existing seats. In *Niger*, very few women become councillors, despite a law stipulating a 10% quota of women councillors. Political parties abuse the quota law, taking advantage of the fact that it does not prescribe a quota for the number of seats in the council, only for the party lists. This gives rise to what has been termed "*de facto*" politics. *De facto* politics refers to a political situation where a person, despite being an elected representative, does not actively participate in governance processes (Mukhopadhyay, et al., 2010: 12-13).

In Africa, South Africa has the largest representation of women in parliament (43.2%) at both national and provincial government structures. For the 2009 election, the ANC ensured that at least every third person on the party list was a woman, which accounted for 50% of those on the party list (UNDP, n.d.: 21).

WHITE PAPER ON LOCAL GOVERNMENT

The White Paper on Local Government proclaimed a new vision for local democratic government, known as developmental local government, whereby 'local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives. Despite this arena of politics being the most important to women, local government has not been as encouraging for women (Haysom, 2011: 2-3). Women's increasingly active participation in local government has the potential to achieve an important step towards the realisation of gender equality. The litmus test for local government is whether it will contribute to the fundamental transformation of the lives of those South Africans who have been discriminated against (Van Donk, 2011: 5-12).

MUNICIPAL FRAMEWORK

In its Human Resource Management and Development (HRM&D) Report, (SALGA, 2013c: 4) reports that nine (9) years into the new Local Government system there are worrying trends and signs that are undermining the progress and successes achieved thus far. The country faces a great development risk if local government fails. Local Government is a key part of the reconstruction and development effort where effective and efficient human resources management and development is critical to the achievement of the vision of a developmental state within local government.

In theory local government is in the front line of public service delivery. In 1998, South Africa's system of government divided the country's total area into municipalities. This new dispensation posed

exceptional leadership challenges to local government. The government's commitment to creating a single public service began with the merging of 843 municipalities into 284 in 2000, which created challenges of alignment (COGTA, 2009: 64). It is estimated that the local government employs approximately 219 000 officials, comprising about 15% of the total number of officials in the public sector; serving the same 51.6 million people (StatsSA, 2013) as national and provincial governments. It is obvious that municipal employees are under severe stress to cope with the demand for services. The leadership requirements for local government political office-bearers and municipal managers therefore needed to be attuned to the new demands posed (Thornhill, 2012: 128-136).

Madumo (2012: 44) and Reddy (1999: 9) (both cited in van der Waldt, 2011: 3-8) define local government as the level of government created to bring government to the local populace, provides basic and other municipal-related services, create a linkage and gives citizens a sense of participation in the political processes that influences their lives. Section 151(1-4) of the *South African Constitution* provides for the establishment of Municipalities and Municipal Councils with concomitant executive and legislative authority and the right to govern, on its own initiative, the local government affairs of its community (RSA, 1996a). Local government councillors give political direction and leadership in the municipality, and in conjunction with officials, determine the policies and direction of the municipality.

South Africa has ratified and adopted various international, African and regional conventions and agreements, which speak to women empowerment and the eradicating of, gender inequality. The government has implemented measures to ensure that women, have the right to hold public office and perform all public functions at all levels of government. The newly created *Ministry for Women, Children and People with Disabilities (MWCPD)*, is responsible for promoting and realising the protection of women's rights and for guiding the government in its efforts to achieve national and global gender equality goals.

The foundation had been laid for the transformation of local government through the development of the White Paper on Local Government and other ancillary legislation. The vision for local government was captured in the notion 'developmental local government' (RSA, 1998c). Deegan (1999) and (Van Donk, 2011: 6) nevertheless raise the ubiquitous question - whether local municipalities are sufficiently committed and capacitated, as it appears as if local government is the most obscure sphere of government to many residents, hence the relatively low voter turnout in the previous local government elections? Like other spheres of government, local government has been and continues to be operating in a supposedly gender-neutral framework. It is obvious that there are specific gender barriers that militate against the equal involvement of women in local decision-making processes.

This article explores this gender-neutral space in all thirty municipalities (district and local) in Limpopo, one of the most impoverished provinces in South Africa and where the role of women has traditionally, culturally and physically been one of subservience. The lacuna regarding the role of women in this political decision-making environment will be scoped against power relations and reported political interference of the councillors.

LIMPOPO'S DISTRICT MUNICIPALITIES

The birth of democracy in South Africa ushered in a system of local government that would transform the apartheid local system of governance into a democratic, developmental and accountable one which would address inequality in the system and service delivery (Telela et al., 2011: 40-44). The Constitution, the White Paper on Local Government and the legislative framework for local government provide municipalities with a structure to manage their administration. It also outlines political decision making systems, and defines principles for structuring administrations. The current policy and legislative requirements affecting local governance are primarily contained in the Constitution, the Local Government White Paper, the Local Government Municipal Demarcation Act, the Local Government Municipal Structures Act, the Local Government Municipal Systems Act, the Disaster Management Act, the Local Government Municipal Finance Management Act and the Local Government Municipal Property Rates Act. A central challenge for the many new institutions of local government has been their viability and ability to build strong organisations capable of delivering on the principles of Section 53 of the constitution which states that: "a municipality must structure and manage its administration 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 participate in national and provincial development programmes" (COGTA, 2009: 7).

Democracy is supposed to translate into equal power relations between men and women. Evidence on the ground shows little or no connection between democracy and levels of women political participation as those countries regarded as highly democratic have low women representation compared to those regarded as less democratic (Zungura et al., 2013). South Africa can only affirm its commitment to gender equity and equality by the extent to which organisations at national, provincial and local levels transform themselves in order to meet the challenges of creating a society focused on women's empowerment and gender equality. Real democracy means opening up decision making to women's influence and the re-shaping of workplaces to eliminate the built-in gender barriers. The changes to be measured range from issues of individual capacity building and human resource management and development to institutional mechanisms for implementing programmes related to gender equality (Kornegay, 2013: 50).

In 2009, the key role that municipalities played in the local government system started showing signs of distress. Local government had emerged from a prolonged transition to face a second generation of challenges and at present, it appears not to be responding to these challenges very effectively. The assessments were designed to ascertain the root causes of the current state of distress in many of the county's municipalities in order to inform a National Turn-Around Strategy for Local Government (COGTA, 2009: 3). The 2011 census records Limpopo has a total population of 5 404 868 citizens (StatsSA, 2013: 8-9; see table 1).

Table 1: Limpopo Province Demographics, 2011

POPULATION		Age structure			POPULATION GROWTH (% per annum)	
		<15	15-64	65+	2001	2011
2001	2011	2011	2011	2011	2001	2011
4 995 462	5 404 868	1837655	3232111	340 507	1,75	0,79

It is estimated that the local government employs approximately 219 000 officials, comprising about 15% of the total number of officials in the public sector; serving the same 51.6 million people (StatsSA, 2013) as national and provincial governments. Limpopo is divided, for local government purposes, into five district municipalities namely Capricorn, Mopani, Sekhukhune, Vhembe and Waterberg. These district municipalities are in turn divided into twenty-five local municipalities (table 2).

In many cultures, power is wielded by men, and women enjoy far less freedom, even within their own households. Greijn (2010: 3) reiterates the point that women are under-represented in political office. While international policy has made some progress towards addressing gender inequality, it needs to be converted into concrete changes on the ground, especially at the local level. If local authorities are to address gender inequality, they need to be able to formulate and strengthen policies and practices to promote the full and equal participation of women in planning and decision making.

The administrative aspects of local governance are fundamental to its effectiveness and accountability. Political willingness is a primary capacity, and hence the development of inclusive political decision-making processes, systems and structures is critical. Building capacity into the political structure of local government is essential for strengthening administrative competence. In his 2012 State of the Nation address, President Jacob Zuma referred to women as one of the affected groups that suffer the triple challenges of unemployment, poverty and inequality, but which however does not translate into a plan that will substantively improve their lives. The broad objectives of Employment Equity Act of 1998 entailed addressing under-representation of designated groups in all occupational categories and levels in the workforce (RSA, 1998b).

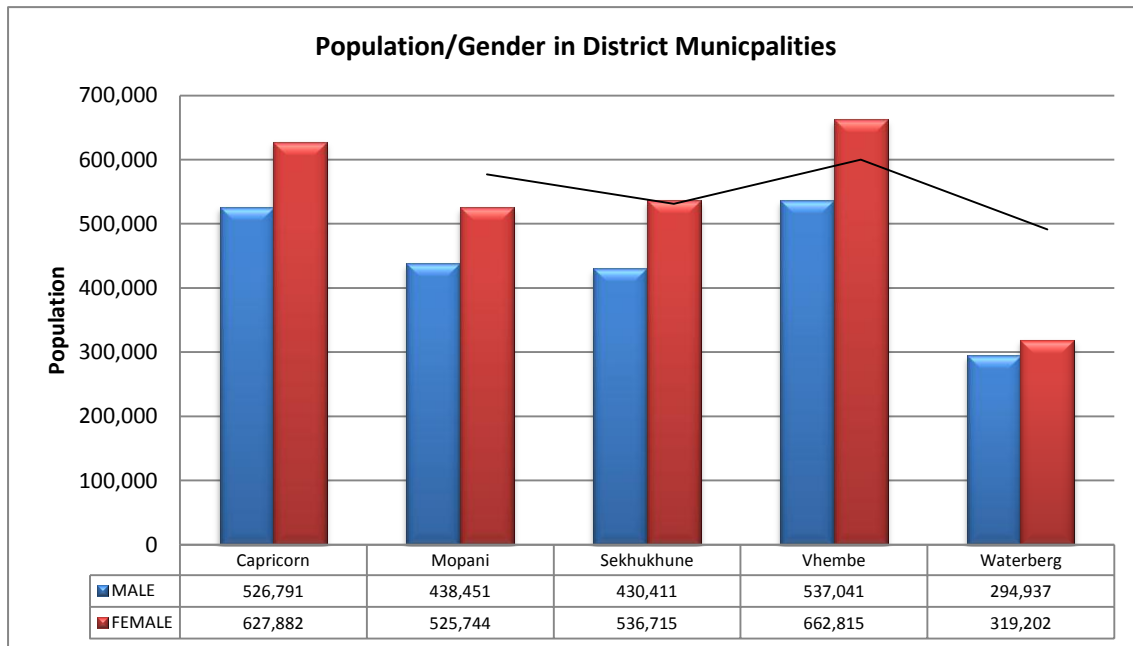
Table 2: District and Local Municipalities

DISTRICT	LOCAL MUNICIPALITY	POPULATION TOTALS	
Capricorn	Polokwane	628 999	1 261 463
	Lepele-Nkumpi	230 350	
	Blouberg	162 629	
	Aganang	131 164	
	Molemole	108 321	
Mopani	Maruleng	94 857	1 092 507
	Greater Tzaneen	390 095	
	Greater Giyani	244 217	
	Greater Letaba	212 701	
	Ba-Phalaborwa	150 637	
Sekhukhune	Greater Tubatse	335 676	1 076 840
	Makhuduthamaga	274 358	
	Elias Motsoaledi	249 363	
	Fetakgomo	93 795	
	Ephraim Mogale	123 648	
Vhembe	Thulamela	618 462	1 294 722
	Makhado	516 031	
	Mutale	91 870	
	Musina	68 359	
Waterberg	Mogalakwena	307 682	679 336
	Lephalale	115 767	
	Modimolle	68 513	
	Thabazimbi	85 234	
	Bela-Bela	66 500	
	Mookgopong	35 640	
TOTAL			5 404 868

Source: StatsSA, 2013: 8-9)

Figure 1 reflects the gender and demographic profile of Limpopo province. In a constitutional democracy such as South Africa, the majority of the electorate in Limpopo are females. Almost without exception, understandings and uses of the term empowerment, coupled with “women” invariably mean women of colour who are politically or economically marginalized. South Africa is an excellent case in point. There is a hype of empowerment rhetoric especially at the political level, while the majority of black women sink into dire crises at all levels of social life (McFadden, 2010: 161-163). This majority electorate should by all accounts project a greater proportion of female into leadership and decision making positions, especially at the coal-face of local government.

Figure 1: Limpopo Population by Gender in District Municipalities, 2011



Source: StatsSA, 2013: 8-9

Since the first democratic elections in South Africa, there has been an accelerated move to promote women into managerial and executive positions, with the affirmative action policy facilitating this process. *Affirmative Action* has made it possible in some countries for women to be included in significant numbers in local government (Mukhopadhyay, et al., 2010: 12). Whether Affirmative Action really increases women’s influence in policymaking depends on the way it is institutionalised. Affirmative action has little effect if women are nominated, as opposed to being elected, to their seats. Nominated women lack a constituency, and hence legitimacy. This makes them far less powerful than elected (male) councillors. Limpopo province has 54% female citizens as compared to 46% males. In a world of institutionalized gender inequality the empowerment of women requires, above all, a radical democratizing of institutions.

Part 3, section 16(1) of the *Municipal Electoral Act 27 of 2000* (RSA, 2000d), provides for a proportional representation vote for every municipality and for segments of the voters roll to be divided according to voting district. A ward candidate may either be a candidate representing a party or an independent candidate (van der Waldt, 2011: 35). In the case of the majority ruling party African National Congress (ANC), candidates are deployed as ward candidates and the legitimacy of the women candidates from the major party is based on kinship ties.

Mayors in District and Local Municipalities

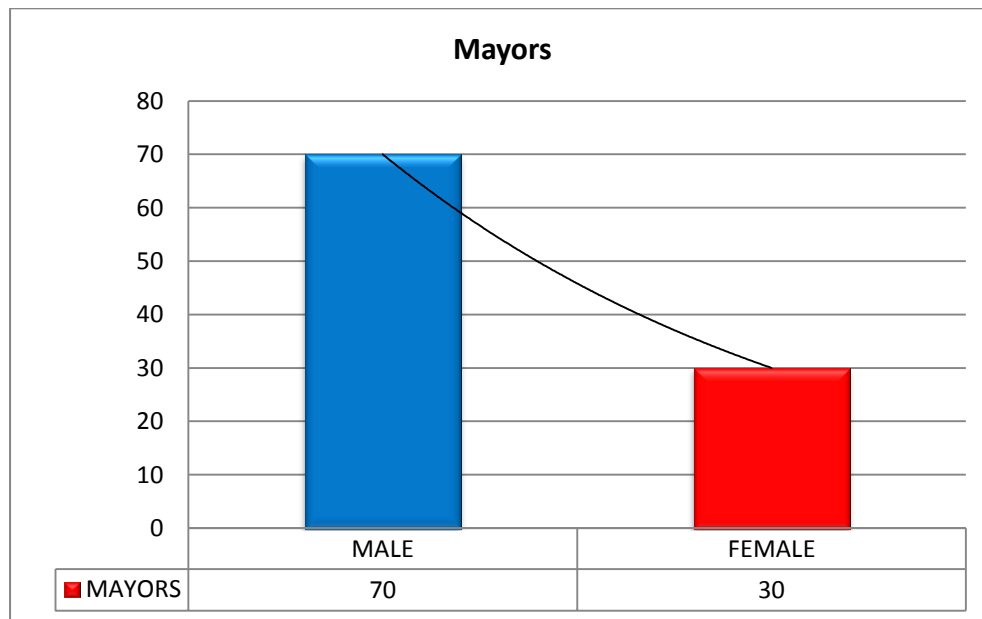
During the apartheid era, there were very few female members of parliament. In 1985, only 2.8% of the members of the White parliament were women. Women’s access to political power and decision-making has improved since the 1994 elections. There is a strong representation of women in the national, provincial and local legislative branches of government and in some governments departments. The elections of April 1994

ushered in the formal end of apartheid. Largely due to a decision by the African National Congress (ANC) to include a 33% quota for women on their party lists, there were 101 women out of 400 in the first post-apartheid National Assembly. The challenge to political institutions is to change their culture in order to be more responsive to the needs of women politicians and of civil servants (Kornegay, 2013: v).

Woman Mayors and Local Councillors

In 2005, the United Cities and Local Governments (UCLG) network, using data from 60 countries, found that a mere 9% of all mayors and 21% of local councillors were women (figure 2). The UCLG identified some major obstacles to women’s political participation, including cultural and traditional prejudices and the persistent unequal division of labour and responsibilities within households (Kinuthia-Njenga, 2010: 16). Many authorities are failing to enforce quotas and affirmative action policies, or to carry out gender-sensitive research. But perhaps the most serious obstacle is the lack of political will to address the situation which is to a large extent determined by men who are overrepresented in leadership positions. Achieving gender equality is not just a task for women, but also requires male leaders to advocate for equality. Evidence of gender inequality is a powerful resource for generating gender sensitivity and essential for developing effective gender policies (Greijn, 2010: 3).

Figure 2: Mayors by Gender in Limpopo Province



SALGA has identified cross-cutting, priority areas that focus on critical impediments that have impacted negatively on the ability of Local Government to perform optimally. Today, women are visible in greater numbers in the workplace and in politics. There are many women who have entered spaces previously dominated by men. However, despite the policy rhetoric of empowerment that emerged in the context of political emancipation struggles (Taylor, 2010: 164-165), there is a strong politics of unfairness when the representation of women on councils is low, and women are also under-represented in decision-making

positions on councils (Telela et al., 2011: 43). Moreover, although women constitute more than half of the population in most communities, less than one in five councillors (19 percent) is a woman. The under-representation of women in local government is obviously a reflection of gender politics at local level.

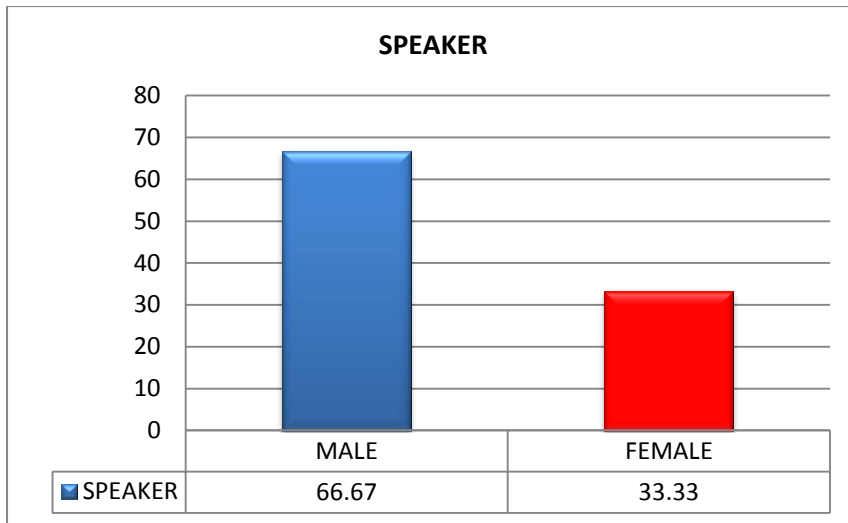
It is clear that South Africa has reached most gender equality targets, if not exceeded them. Local government is also showing improved performance: after the 2006 local government elections, female representation in Local Government Councils was at 40%. One reason for the most recent increase is the fact that the African National Congress increased their quota of women on the party list from 33% to 50% (UNDP, n.d.: 28). The frequency tabulation indicates that 70% ($n=21$) of all mayors in the five (5) district municipalities and the 25 local municipalities are “male”, compared to the value “female” which obtained 9 cases, indicating 30.00% ($n=9$) of the cases.

Municipal Speaker

The South African Local Government Association (SALGA) has already played a pivotal role in lobbying for the creation of gender structures which would drive transformation in both the external and internal work of the local government councils (Kornegay, 2013: 33-34). In its effort to ensure a capacitated and responsive local government, SALGA embarked on developing a Work Plan for the SALGA Women’s Commission (SWC). A council gender committee or task team has been suggested as well as a gender desk in the office of the Mayor or the Chief Executive Officer. Both of these structures would clearly need to enjoy the support of senior politicians and executive members, with sufficient resources to be allocated to such structures to make a meaningful impact to ensure the representation of women in council structures. This was approved by the national working group, which was established in the 2010/11 financial year. It would also provide an environment to assess whether the 50/50 campaign had made any impact (SALGA, 2012a: 56). Capacity in municipalities has remained a stubborn challenge despite huge efforts and funds that have been dedicated to it (SALGA, 2012b: 14-15).

On the one hand, municipalities are poorly designed and supported while on the other hand the human resources are often ill-equipped to lead or to implement policies. Skills development programmes have been unable to build the critical mass of skilled councillors or Local Government professionals. The high turnover of staff has also made a difficult situation even worse. Rural municipalities find themselves in the most vulnerable positions as they struggle to attract even the limited pool of skilled human resources. The analyses highlighted the fact that addressing these cross-cutting challenges could fundamentally overhaul the local government system in South Africa and place it on a path that would enable it to perform across a wide range of mandates. Gender disparities are also discernible in terms of the position of speaker in Limpopo Province (figure 3).

Figure 3: Municipal Speakers by Gender

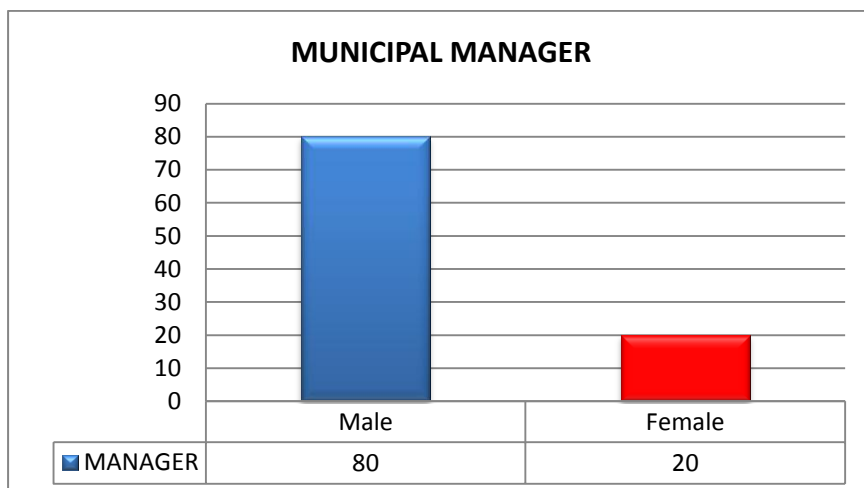


The frequency tabulation indicates that 66.67% ($n=20$) of all mayors in the five (5) district municipalities and the 25 local municipalities are “male”, compared to the value "female" which obtained 10 cases, indicating 33.33% ($n=10$) of the cases.

Municipal Manager

There is an overall vacancy rate of 12% for senior managers in local government. It is widely accepted that effective professional administration in municipalities is undermined by the difficulty of attracting qualified and experienced technical and management professionals. In Limpopo, one of the poorest and most under-resourced of the provinces, it was reported that in one local municipality, all the S57 posts are vacant except for the CFO and the Director Community Services (COGTA, 2009: 32). A matter of serious concern is the qualifications and experience of municipal managers. The Local Government Municipal Performance Regulations for municipal managers and managers directly accountable to municipal managers (Government Gazette No.29089, 1 August 2006), sets out how the performance of Section 57 staff will be uniformly directed, monitored and improved.

Figure 4: Municipal Manager by Gender



According to the South African Municipal Demarcation Board (2011:51), the average years of local government experience of municipal managers with less than one (1) year on average is 4%. Similarly, 66% of municipal managers have less than two (2) years' experience in the post (Thornhill, 2012: 137). South Africa has decided to address the challenge concerning the quality of municipal management by passing an amendment in 2011 to the Local Government Municipal Systems Act (32 of 2000), to compel municipal councils to appoint municipal managers as per Section 54 A(1) only if they have the skills, expertise, competence and qualifications as prescribed. For instance, a former tea lady had become the CFO during one municipal assessment. The Member of the Executive Council (MEC) of the province must also be informed of the appointment. This also extends to managers under the municipal manager. The condition set is also that if the incumbent appointed does not comply, the appointment is declared null and void. The MEC must also take the appropriate action to enforce compliance. Provincial supervision, monitoring and support of local government is a Constitutional obligation in terms of sections 154 (1) and Section 155 (6) and (7) of the Constitution. The provincial sphere can intervene in a municipality within its jurisdiction in terms of section 139 of the Constitution (COGTA, 2009: 17).

The Department of Co-operative Governance and Traditional Affairs (COGTA) launched an "Operation clean audit 2014" campaign on 12 August 2009. Challenges with regard to financial management identified in municipalities during the assessment of the state of local government are not new and have been identified in reports from National Treasury and the Auditor-General. The Auditor-General's report has identified a lack of controls, mismanagement and lack of governance principle as the key reasons for the state of despair in municipalities. Poor financial management (table 3) and lack of controls and accountability systems impacts negatively on service delivery.

Table 3: Over and Under Expending of Municipal Capital Budgets for the Fourth Quarter ended 30 June 2010 in Limpopo Province

OVER		ON TARGET				UNDER	
More than 15% over	10% to 15% over	5% to 10% over	0% to 5% over	0% to 5% under	10% to 15% under	10% to 15% under	More than 15% under
3	1	-	6	1	17	1	1

One of the basic principles underlying Municipal Finances is the principle that Local Government is substantially financed by means of own resources. This is an important feature of any democratic local government system. Unfortunately, municipal revenue collection has begun to fall as greater reliance is placed on transfers as a revenue source. Furthermore, if municipalities had collected half of their outstanding debts,

they would have had about 18 per cent more revenue with which to fund the delivery of services. It ensures that municipalities are directly accountable to local residents for the functions they perform and the services they provide (COGTA, 2009: 21-62). The overall positive progress and success of the local government system in South Africa is increasingly being overwhelmed by a range of factors and negative practices, both internal and external to municipalities. These factors apply to poor governance, service delivery failures, their capacity and performance. According to the Public Service Commission (PSC, 2012: 14), service delivery capacity of municipalities is directly related to how they spend their capital budgets. In the 2009/10 financial year 51 municipalities out of 283 were outside this norm. This indicator points to issues of unfunded budgets, lack of technical management capacity to implement, failure to appropriately prioritise budgets and poor costing of services and projects.

The National Treasury indicated that there is a problem with the credibility of budgets at the municipal level. A variance of more than 5% between expenditure and operating budget is viewed by the National Treasury as an indication that the original budget was not credible. A worrying trend was identified in Limpopo Province which might be indicative of a lack of capacity to adequately plan (budget), particularly the projection or estimation of revenue. The budget for operating revenue was for example R5 155 606 but a total of R9 676 916 (187.7%) was received. Of the R9 676 916 received, R4 773 176 was spent, which represents an over expenditure against the planned or budgeted R2 480 821 for operating expenditure. It must also be noted that in Limpopo province the Auditor General qualified 58% of municipalities on expenditure (2007/8) that could either be the result of inadequate filing systems or possible maladministration of revenue.

The frequency tabulation indicates that 80% ($n=24$) of all mayors in the five (5) district municipalities and the 25 local municipalities are “male”, compared to the value "female" which obtained 6 cases, indicating 33.33% ($n=6$) of the cases.

National Treasury indicated that 28% of municipal employees are appointed to non-existent positions, which is not reflected on the municipality’s organisational structure. It also reflects non-compliance with the legislation governing updating of organisational structures and procedures for making municipal appointments (COGTA, 2009: 68).

CONCLUDING REMARKS AND OBSERVATION

The language of ‘women’s empowerment’ is politically effective as a mobilizing tool. This paper has contrasted the national imperatives against that at local government level and ascertained that the legislative framework and enabling policies confirm that South Africa has reached, if not exceeded, most gender equality targets. This paper has also demonstrated that certain critical factors have facilitated South Africa’s improved performance towards gender equality. These include the African National Congress’s quota in respect of political representation of women, as well as a widespread recognition since 1994 that South Africa has an obligation to address gender inequalities alongside those relating to race (UNDP, n.d.: 26). This has been supplemented by the South African cabinet adoption of the Ministry for Women, Children and People with Disabilities (MWCPD) policy framework titled: *South Africa’s National Policy Framework for Women’s Empowerment and Gender Equality*. This Gender Policy Framework establishes guidelines for South Africa as a nation to take action to remedy the historical legacy (Kornegay, 2013).

The paper has empirically exposed that whilst women embody the “amazonian notion” of being the majority and dominant gender in Limpopo province, unfortunately they are subservient to their male counterparts in holding senior political and bureaucratic administrative positions in strategic local government structures. The Public Service Commission’s Policy Review on Provincial and Local Government that the employment contracts of senior managers including the municipal manager should be longer than 5 years to ensure security of tenure (COGTA, 2009: 67), should encourage women to join.

Enormous progress has been made but much still needs to be achieved before all 283 municipalities are fully functional, effective, efficient, responsive and sustainable. In response to the numerous performance and viability failures amongst municipalities, government decided that an urgent and comprehensive intergovernmental Turn-Around Strategy (TAS) for local government is needed. The findings point to the need for a number of adjustments and reforms in the leadership, policy, regulatory and oversight environments (COGTA, 2009: 70). In conclusion, democracy is not democracy until women’s voices are amplified in legislation, political institutions and processes. Democracy is not democracy without the inclusion of women in politics. As Madeleine K. Albright puts it, “Success without democracy is improbable; democracy without women is impossible”.

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PERFORMANCE MANAGEMENT IN SOUTH AFRICAN LOCAL GOVERNMENT: IS IT A MATTER OF A SYSTEM, MODEL OR MEASUREMENT?

N.W. Nkuna

University of Limpopo

ABSTRACT

Performance management as introduced in South African Local Government System appeared like one of those management systems that derive its conception from the realm of simplistic rational management approaches that can be implemented in a recipe form. Yet for it to be introduced in a sphere of government like that of South African local government totally shifts its conceptualisation and context unlike it can be easily applied in closed organisations outside government dispensation operations. That has remained a distinctive factor of the practice of public administration in that it operates within the open environment that is determined by the polity of the time. The rush to statutorily rollup in local government caught up practitioners within a web that among others being a failure to draw the line between performance management as a system that require a model to ensure that it assist towards measuring what is purported for, being performance. Based on the empirical engagement on the research done within few municipalities found in both Vhembe and Capricorn Districts in Limpopo, this paper put forward a conceptual argument that some municipalities have at this stage of local government state of development, still could not develop performance management systems commensurate to the establishing legislation. Among the findings are that practitioners are still trembling over the quagmire of not in the position of understanding for operational purpose as to what entails a performance management system, performance system model and performance measurement. As such whatever is developed in the name performance management system end up being a paperwork exercise for achieving different purposes than being cascaded down to be aligned to the municipality's strategic direction that can be measurable to ensure accountability and gap identification for developmental course. The argument is put forward in a critical perspective that exposes the variety of conceptualisations that practitioners are confronted with while attempting to develop such systems. Transferring systems that have worked well in closed business like organisations will remain another management fad that will haunt the much anticipated developmental local government in South Africa for times to come.

INTRODUCTION

The idea of performance management is far from new – it has long been recognised that performance needs to be managed (Williams, 1998:1). This is true whether one is concerned with performance at the organisational level, the individual level, or any level in between. Over the years there have been so many practices, techniques, tools, systems and philosophies that have as their aim the management of performance. Section 38 of the South African Local Government *Municipal Systems Act 32 of 2000* provide that a municipality must establish a performance management system that is commensurate with its resources, best suited to its circumstances and in line with the priorities, objectives, indicators and targets contained in the Integrated Development Plan (IDP). The culture of performance management must be developed among the political structures; political office bearers and councillors as well as its administration with the affairs of the municipality being administered in an economical, effective, efficient and accountable manner. According to the

White Paper on Local Government (DPLG, 1998:31) performance management is critical to ensure that plans are being implemented, that they are having the desired development impact, and that resources are being used efficiently. The Local Government Turnaround Strategy (LGTAS) of 2009 is among those plans intended for such purpose after assessment of the state of Local Government in South Africa since the final phase of its transformation in 2000. Empirical observations indicate that most municipalities have until as late, not yet in position of developing such systems. This paper portrays such predicament through conceptual argument emanating from a conducted study in some parts of the country by firstly reflecting on the need for performance management in local government. The dimensional nature of performance management also has a stake in relating it to the model that is necessary towards measurement. The conundrum that is created by the challenge faced by practitioners to locate these properly leads to them regarding either a portion or part of the performance management system as a finality.

THE NEED FOR PERFORMANCE MANAGEMENT IN LOCAL GOVERNMENT

Local government as the third sphere of government in South Africa is at the coal face for service delivery and remains the only sphere of government closest to its constituency (Venter, 1998). Its performance, just like that of government as the whole, is important to citizens and public managers' alike (Van der Walddt, 2004:33). Citizens expect the law to be enforced, the environment protected, labour, health and safety laws obeyed, and a plethora of goals accomplished. It is in that way that performance management has emerged as an important tool to enable municipalities to become front-line developmental agencies that strive for high quality service delivery (Sing, 2003:142). The Performance Management Guidelines for Municipalities Draft II (DPLG, 2001:5) provide for performance management as a new requirement for local government in South Africa. It being a specialised field with concepts usually interpreted and applied differently is unavoidable. The diversity of views on what constitutes performance management is reflected in the diverse disciplines that have sought to make a contribution to the topic (Smith & Goddard, 2002:248). The manner in which performance management is applied in local government is subject to those diverse theoretical disciplines in discourse and impact largely to the extent to which it is operationalised or put in practice. On this note it is of essence that for one to locate the need for performance management in local government system like that of South Africa, an attempt be made to conceptualise it.

Performance management conceptualisation

In general, literature reflects that the analysis of performance measurement systems is considerably more extensive than the analysis of performance management systems (Broadbent & Laughlin, 2009:283). Broadbent & Laughlin (2009:284) have observed that despite the work of authors like Fitzgerald & others (1991), Otley (1999), Brignall & Modell (2000), Kloot & Martin (2000), to open the understanding of performance management systems, the wider debate has, in some cases, been closed down again by concentration on how to measure this wider emphasis – for instance through the Kaplan and Norton's Balance Score Card. In practice performance measurement is used interchangeably with performance management, without proper contextualisation and confused with performance management system. For example Sing (2003:127) state that a holistic perspective of the nature and meaning of performance management is useful. Sing (2003:127) instead cited Rouse (1994) to refer to performance management as including the description of

the range of processes, instruments and mechanisms that improves the quality of goods and services that are provided to achieve objectives without conceptualizing the actual meaning of performance management. On the other hand Ferreira & Otley (2009:264) view performance management system as a term including all aspects of organisational control, including those included under management control systems. Much of the early literature on performance management systems has been categorised under management control systems, which has become a more restrictive term than was the original intention. Hence preference is made to use the more general descriptor of performance management systems (PMSs) to capture a holistic approach to the management and control of organisational performance like that of a municipality.

The South African Local Government *Municipal Systems Act 32 of 2000* also adopts the concept of performance management system. For many years the concept of performance management was synonymous with micro-management of employee behaviour (Smith & Goddard, 2002:247; Johnsen, 2001). That eventually makes the concept to be certainly has its roots in Taylor's concept of "Scientific Management" that focused in a closed business like organisational set up. The predominant early interest was therefore from the perspective of human resource management (HRM), although some industrial companies had quite advanced management control systems in place by the 1970s. Armstrong (2007:392) on the other hand instead contends that performance management is not an HRM technique or tool; it is the natural process of management that in essence includes local government management. Wherever there is management, performance must be the main factor to be sought. If operationalising the local government system is about management, performance management is natural to that process. Patel (1994:34) however contend that performance management is an approach that harnesses the endeavours of individual managers and workers toward an organisation's strategic goal. It defines goals and the outputs needed to achieve those goals, it gains the commitment of individuals or teams to achieve those outputs, and it monitors outcomes. Armstrong (2001:367) view it as a strategic and integrated approach to delivering sustained success to organisations by improving the performance of the people who work in them and by developing the capabilities of teams and individual contributors. It is strategic in the sense that it is concerned with the broader issues facing the business if it is to function effectively in its environment, and with the general direction that it intends to go to achieve longer-term goals (Armstrong, 2007:391). Smith & Goddard (2002:248) refer performance management to be characterised as an integrated set of planning and review procedures that cascade down through the organisation to provide a link between each individual and the overall strategy of the organisation. LeMay (2006:179) on the other hand defines performance management as the systematic integration of an organisation's efforts to achieve its objectives. In municipal context, performance management can be regarded as an umbrella term for the total management of municipal performance (Van Der Walt, 2007:111). The focus on strategic intentions by most of the authors cited above reflect the broadness that can feature in an organisation that can relate to the municipality in terms of integrated planning.

Rabie & Uys (2008: 90 cited in Rogers, 1999) who refer to the fact that performance management, if narrowly viewed, as a set of tools and techniques that can be used by managers and politicians to manage the performance within their own organisations, or it can be viewed more widely as a pattern of thinking that results from a wide-ranging set of changing political, economic, social and ethical pressures that have impacted on local authorities in ways that are more extensive than simply the deployment of specific techniques. Rogers (1999 cited in Rabie & Uys, 2008:90) further related it to local government as the interrelated process that

ensure that all the activities and people in local government contribute as effectively as possible to its objectives, in a way that enables a local authority to learn and thereby improve its services to the community.

Venter (1998:45) regards the underlying philosophy of performance management as striving towards maximised performance through the continuous measurement against clearly defined and agreed upon standards. Pollitt (1999 cited in Smith & Goddard, 2002:248) contend that a typical performance management is characterised by five processes that extend beyond the organisation's boundaries. It consist of setting objectives; assigning responsibility; measuring performance; feedback of information to decision making; and external accountability. Otley (1999:365) reduces those five processes to five main issues that need to be addressed in developing a framework for managing organisational performance and present them in as a set of questions. Smith & Goddard (2002:249) on the other hand, provide four broad categories of actions that constitute performance management. Such broad categories are formulation of strategy to determine what constitute performance; development of performance measurement instruments; application of analytic techniques to interpret such measures; and development of instruments designed to encourage appropriate organisational responses to performance information. Fox & Uys (2001:105) regard performance management as consisting of three elements, namely, performance planning, performance monitoring, and performance appraisal. From the conception as presented above, it can be argued that performance management can be addressed from various perspectives and dimensions. There is no uniform conceptualisation of performance management. The various definitions by various scholars however cover various aspects that are common and related in most cases. Given the varying circumstances of municipalities within the local government polity in South Africa, performance management might not be in a state of being applied uniformly across the sphere. That instead makes performance management in local government to be dimensional and open up for the possibility of it being confused with performance measurement that in most cases is model based.

DIMENSIONS OF PERFORMANCE MANAGEMENT

In viewing performance management from a dimension perspective it is important to draw a distinction between performance and performance management. Performance in its broadest sense has probably been an issue in government for as long as government has been around (Van der Waldt, 2004:34). Yet performance is itself an ambiguous term, and capable of no simple definition (Otley, 1999:364). There are different views on what performance is (Armstrong, 2001:468). Many definitions of performance have been suggested by organisational leaders, decision makers, and students of organisational management and performance (Enos, 2007:3). Otley (1999:364) view performance as being about doing the work, as well as about the results achieved. At an organisational level of analysis, it is assumed that an organisation that is performing well is one that is successfully attaining its objectives; in other terms, one that is effectively implementing an appropriate strategy. Brignall & Modell (2000:288) present performance from the institutional theory insight to be institutionally defined as institutional factors that determine the interests being pursued by organisations. In the context of local government that relate to a performing municipality as the one that is successfully attaining its objectives, that are in this case constitutionally provided for in the IDP as an appropriate strategy in place. Otley (1999:364) however went further to raise a point that it is apparent that more attention need to be paid to the definition of performance from the perspectives of relevant stakeholders. Various stakeholders involved in local government have their perspectives on performance. The presence in public services of numerous stakeholders

and multiple dimensions of performance imply a situation of considerable complexity in that large numbers of interactions and trade-offs across the dimensions must be managed in order to satisfy the interests of differing stakeholders (Brignall & Modell, 2000:287). In essence that implies that a chance of a common view of performance management is neither there.

Stakeholder perspective

The Performance Management Guidelines for Municipalities Draft II (DPLG, 2001:9) allude that it is important for each municipality to identify who its stakeholders are in relation to common stakeholder categories for all municipalities. If performance has to be defined from the stakeholder perspective, the plethora of definitions will prevail as each stakeholder view it from its perspective. As Svensson (2004:279) put it from the service quality context that the encounter is recognised as being dependent upon the interactive process between the service provider and service receiver. That interactive process then is described as a “theatre”, a “show”, or a “performance”. That in it brings the scenario in there are those who are performing and those being spectators in the whole process of service delivery. Yet the notion of developmental local government is not about that. The essence here is the dimensions of both performance and performance management. According to Armstrong (2001:468), performance as a multi-dimensional concept, the measurement of which varies, depending on a variety of factors that comprise it such as perceptions, attitudes, structural systems, competences, methods and workflow.

Performance in Dimensions

According to Kearney & Berman (1999:15) the dimensions of the nature of performance is illustrated by the modification of perceptions and attitudes; modification of authority system; structural re-organisation; the process of measurement and evaluation; modification of work methods through technology; retraining and replacement; modification of the workflow; and introducing a new work programme. The dimensions help in understanding a great deal about the process of improving organisational performance (Van der Walddt, 2004:39). It illustrates why there is some confusion about various definitions of performance as such it depends on the dimension on which one is focusing. These dimensions may contradict one another in a given polity like that of municipalities in South Africa.

Performance management in dimensions

In presenting dimensions in performance management, Sing (2003:129) cited the Organisation for Economic and Co-operation Development (OECD) to refer to critical concepts and elements, such as value for money and quality consciousness as fundamental to the theory and practice of performance management. In the public sector, value-for-money can be characterised as “proxy for profit” (Sing, 2003:129). According to Rouse (1994 cited in Sing, 2003) value-for-money may be defined as the economic acquisition of resources and their efficient utilisation to realise the objectives of an institution, simultaneously achieving economy, efficiency and effectiveness. This will be seen how it relates to the model that will have to be buildup with the system for achievement in the ensuing paragraphs.

Economy

Economy refers to the acquisition of inputs of appropriate quantity and quality at the lowest cost. All relevant costs of inputs should be included in any assessment of economy (Sing, 2003:130). These inputs can relate to human and financial resources, facilities, assets, information, time and various consumables. Fenwick (1995 cited in Sing, 2003:130) acknowledges that the most substantial definitions of economy are problematic in that the quality specifications may be omitted or disputed. In practice economy can be a compromise between cost and quality. The workmanship in the delivery of infrastructure projects in South African municipalities bear naked examples.

Efficiency

Efficiency denotes the relationship between inputs and outputs (Sing, 2003:130). An efficient activity produces the maximum output for input received; it has minimum input for any given quality and quantity of service provided. According to LeMay (2006:24) efficiency refers to the ability to produce a desired good, service, or effect with minimum of effort, expense, or waste. Since ambiguities can arise in common sense and ideological use of the term, municipal functionaries may regard efficiency as the link between inputs and outputs, with precise nature depending on the specific needs and conditions prevailing in the particular municipality (Fenwick, 1995:111). On the other hand LeMay (2006:186) put it that the common challenge facing any public sector institution is the difficulty of measuring efficiency. Without a bottom line indicator, how do public managers determine how efficiently their agencies are operating?

Effectiveness

Effectiveness refers to the extent to which an activity or programme achieves its intended objectives (Sing, 2003:132). Its exclusive focus is outputs, outcomes and impacts. At the level of activity the interpretation of effectiveness may be simple, however, often the objective of sub-programmes and are subjective and intangible. This is the most important dimension as related to local government as improving people's lives is a matter of outcome based.

PERFORMANCE MANAGEMENT: A MODEL PERSPECTIVE

Performance management model is a novel concept in developing countries relative to developed economies (Mwita, 2000:26). Public managers need to consider available models and techniques to ensure that resources are optimally utilised to the maximum benefit of society (Van der Waldt, 2004:175). Various performance management models, tools and techniques are applied to ensure performance management in local government. Some models and techniques are applicable to private sector organisation while others are specific for public sector. It is of utmost importance that private sector models and techniques are not merely adopted for the public sector; the public sector is far too unique for that (Van der Waldt, 2004:171). Rather, public sector-specific models and techniques should be developed or private sector models and techniques should be adjusted to make them applicable to the public sector context. The most common performance management models, systems and techniques that can be utilised to measure the success of performance initiatives and policy programmes in the public sector are briefly discussed below as identified by Van der Waldt (2004:171). The

models, systems and tools are not limited to those identified below, but the exposition of these ones will serve purpose for this paper.

Three–Es Model

The Three-Es model refers to measures of economy, efficiency and effectiveness (Van der Waldt, 2004:179). The relationship or link between inputs, outputs and outcomes may thus be described in terms of economy, which refers to the cost of inputs that are used to produce outputs; efficiency, which relates inputs to outputs, that is, the cost of inputs used per unit of output; and effectiveness, which illustrates the extent to which the outputs or services of a programme are successful in achieving stated objectives or priorities (Van der Waldt, 2004:179). The model derive a simplistic notion that have been covered in terms of section 195(1)(b) of the Constitution of the Republic of South Africa of 1996. Such provision tends to tempt practitioners to approach performance management from a notion that end up not enabling systems to achieve its objectives in local government.

Quality Management Models

The word ‘quality’ brings to mind terms such as inspection, process control, auditing, standards and ISO 9000 (Van der Waldt, 2004:182). While quality indeed includes these principles, it also includes, for example, management systems and continuous improvement, customer satisfaction and market focus, teamwork and the well-being of employees. A variety of quality models, tools, and techniques can be used to measure performance. The question that remains unanswered in local government is to the extent to which quality can be assured as most of the services are beyond quantification. Technical related infrastructure projects may however be subjected to evaluation that is within this model perspective, but the impact or outcome thereof that remain the major intention of governmental service delivery is impossible to quantify for quality management.

Business Excellence Framework and the European Foundation for Quality Management

The Business Excellence Model is a generic model that allows a holistic approach to be taken to the management of an organization’s quality system (Van der Waldt, 2004:183). The search for excellence and dissemination of ‘best practice’ is the underlying philosophy and a major function of the Business Excellence Model. The model identifies four categories of business results, namely, key performance results which can be in the form of finance, society, people and within the mechanics of the model, the most important category of customer results (Burtonshaw-Gunn & Salameh, 2009:54). These quantitative results are underpinned and driven by services of five qualitative enablers comprising of leadership, people, policy, partnership and process management. The use of the model does not guarantee objectivity in performance management as the enablers remain qualitative in as much as they are underpinned by quantitative results.

South African Excellence Foundation Model

The Business Excellence Model (BAQF) and the European Foundation for Quality Management (EFQM) are the catalysts for the development of the South African Excellence Foundation’s Excellence Model (Van der Waldt, 2004:184). The Excellence Model is a generic plan that can be applied to both public and private sectors. The model provides a framework and direction which encourage a culture of performance

excellence (Van der Waldt, 2004:185). It can be argued that the model is a version that has the combination of the characteristics of the BAQF and EFQM that is being customised to South African circumstances. Its advantage of being applicable in both public and private sector can be useful whenever there are services that require a model to take a specific required form. For example municipalities have to collect revenue for both user and consumer services that is profit driven to qualify for a business like private sector approach. However the developmental nature of the South African local government dispensation may provide limitations to the model as there are free basic services to be delivered.

Citizens' Charter

Citizen's Charters are official frameworks for assessing and awarding quality in the public sector particularly, but may also be applied by private companies as part of customer service standards (Van der Waldt, 2004:186). The essential idea behind charters is to increase the quality of life in society and to pay attention to the needs of citizens. The ultimate purpose is to renew citizen trust not only in public services but in the state (Van der Waldt, 2004:187). In a way the model is being applied in South Africa through public service opinion comments that are based on the ontology of "Batho Pele" principles. It can be argued that the observable trends in South African local government system where residents organized themselves either as Ratepayers Associations or Concerned Groups relate to this model. The model may however tend to pseudo political activities that can render local government ineffective.

Quality Awards

There are a variety of quality award competitions in the private as well as the public sector (Van der Waldt, 2004:187). In South African local government there are various awards for best performing municipalities in various service delivery categories. A public quality competition award may be defined as a performance measurement instrument, which fosters innovation and quality in the process of the paradigm shift taking place in the 'new public management' of many countries. The competition among the participants of an award programme is supposed to motivate other actors of public agencies.

The Balanced Score Card

Developed by Kaplan & Norton in 1996, the Balanced Scorecard is a set of measures that could give public managers as fast but comprehensive view of the organisation's performance and include both processes and result measures (Van der Waldt, 2004:187; Cokins, 2009:27; Johnsen, 2001). The complexity of managing policy programmes and projects requires that managers be able to view performance in several areas simultaneously. A balanced scorecard or a balanced set of measures provide that valuable information (Holbeche, 2005:248). The balanced scorecard advocated that the organisation strategy must be communicated throughout the organisation using visual maps and shifting performance measures to individual components of the organisation. Cokins (2009:93) has noted that the early indication of trouble is the confusion about what a balanced scorecard is and what its purpose is when applied as a model in practice (see also Johnsen, 2001). Although Kaplan & Norton (1996) have devoted time in developing what can be regarded as a comprehensive model, in practice public managers and practitioners have no consensus in uniformly describing it for proper application. Balanced Scorecard as performance measurement model therefore becomes an addition to the

complexity of measuring performance in developmental local government. Cokins (2009) and Johnsen (2001) noted that the application of balanced scorecard will also depend on the ontological stand of practitioners in relation to excessive rational precision informed by Newtonian mathematics or the Darwinian relative application.

The Integrated Provincial Support Programme (IPSP)

The Integrated Provincial Support Programme (IPSP) is a multi-year strategic programme of South African Government to support targeted provincial governments in achieving and sustaining poverty alleviation, the effective rendering of basic services and good governance through the implementation of their respective Provincial Growth and Development Strategies (PGDS) (Van der Waldt, 2004:190). It was conceived in 1999 as a partnership, initially, between the Development Bank of Southern Africa (DBSA) and some South African provincial governments.

Benchmarking

Benchmarking can be seen as an important management tool of Total Quality Management (TQM) (Van der Waldt, 2004:191). The aim is to identify competitive targets which render the weak points of benchmarking organisation visible and to establish means of improvement. Performance targets set are informed by a comparative performance data on other similar agencies and programs (Poister, 2003: 65). It is a continuous, systematic process of measuring products, services and practices against organisations regarded to be superior with the aim of rectifying any performance gaps. A major challenge in using benchmarking approach is to find a truly comparable programs or agencies in the first place, or to make adjustments for differences in operating conditions in interpreting the performance of other entities as the basis for setting targets for a particular program or agency. In local government it can be said that it is difficult to compare municipalities as they have different circumstances. But in most cases benchmarking is used as an ideal comparison on other aspects of local governance.

The Servqual model

The Servqual (Service/Equal) approach begins with the assumption that service quality is critically determined by the difference between customers' or consumers' expectations and their perceptions of the service actually delivered (Van der Waldt, 2004:195). Service quality management may be described as the process of minimising the performance gap between actual delivery and customer expectation (Mwita, 2000: 20). In order to improve the service quality, managers have to adopt "customer-oriented" techniques because service providers directly address user needs. In this regard, the Performance Management model appears to be the most ideal. In a pragmatic approach, some scholars attempt to define service quality by identifying gaps between provider and consumer in their respective perceptions of service quality (Ballantine & Modell, 1998) or the performance measures they use (Fitzgerald & Moon, 1996). In every economic entity, however, top management must be the frontiers of identifying these "performance gaps" and providing the avenue, framework and empowerment for their therapy. Performance and quality management is concerned with maximising the value added through the Performance Management process such that the initial "costs" are

exceeded by the subsequent “benefits” derived from deliverance (Horton & Farnham, 1999). In as much the model can be ideal, the definition of quality of a service remain relative in local government and also varies in terms of need.

Process Mapping and Flow Charts

Process maps and flow charts are the most commonly used methods for designing and analysing processes and the most widely used of all problem-solving tools (Van der Waldt, 2004:195). According to Van der Waldt (2004:195) the Process Approach is the System Approach to Management, which states that “identifying, understanding and managing inter-related processes as a system to contribute to the organisation’s effectiveness and efficiency in achieving its objectives”. Within this context, the quality management system comprises of a number on interrelated processes.

PERFORMANCE MANAGEMENT: A MEASUREMENT ISSUE

Performance measurement is founded in public administration (Nyhan & Marlowe, 1995:334) and is not a recent innovation (Ho, 2003: 162). Performance measurement is an old idea that has taken on renewed importance (Poister & Streib, 1999:325; Ho, 2003). Measuring workload and worker efficiency was clearly part of the scientific management approach at the turn of the century. The early studies of Taylor (1911), Willoughby (1923), Gulick (1937) and Ridley & Simon (1938) each shared concerns for the development of administrative procedures and practices to ensure efficient delivery of services (Nyhan & Marlowe, 1995:334). Performance measurement in the public sector is concerned with the assessment of performance of organisations, organisational units, and programs (Pollanen, 2005:5). According to De Bruijn (2002:4) performance measurement is a very powerful communication tool: it reduces the complex performance of a professional organisation to its essence. It thus makes it possible to detect poor performance, allowing an organisation to be re-adjusted if it performs poorly.

Performance measurement can thus also play an important role in acquiring legitimacy for government action (De Bruijn, 2002:4). The idea behind performance measurement is a simple one: a public organisation formulates its envisaged performance and indicates how this performance may be measured by defining performance indicators (De Bruijn, 2002:7). After the organisation has performed its efforts, it may be shown whether the envisaged performance was achieved and what the cost was. However, De Bruijn (2002:7) contends that the problem is that the effects of interventions either by an authority are often difficult to measure because public performance is multiple and is achieved in co-production. Further the more period between an intervention and its eventual effect may be long. This makes it impossible in many cases to measure the final effect of an intervention by an authority, not least when abstract goals such as livability, safety, integration or quality are involved (De Bruijn, 2002:7). What is measurable is direct effects of interventions by an authority, the outputs, while in some cases – somewhere between direct effects and final effects – intermediate effects might be identified, which are also measurable.

Different Methods of Measuring Performance

Several methods have been used in the public sector to assist performance measurement development and analysis (Nyhan & Marlowe, 1995:335). According to Ammons (1995:37), for many years, measurement proponents have urged local governments to report not only how much they spend, but also how much they do, how well they do it, how efficiently, and, ideally, what their actions achieve. Advocates promised that more sophisticated measurement systems will undergird management process, better inform resource allocation decisions, enhance legislative oversight, and increase accountability. According to Bouckaert (1993), effective performance measurement system must meet certain standards of validity, functionality and legitimacy. Such standards are briefly discussed below as follows:

Validity

According to Bouckaert (1993:13), valid performance measures are sound, cogent, convincing and telling. Validity could be enhanced by pursuing best practices, focusing on the desirability of measures rather than data availability, and considering quality. Validity refers to the internal strength and mechanism, a theory, a system, a classification (Bouckaert, 1993:31). The technical soundness of the measure itself guarantees validity. Validity is the degree that which is intended to be measured is being measured (DPLG, 2001:30). A prototype example is, if it is intended that a measure the percentage of households with a legal electricity connection and the measurement gives the number of households with an electricity connection, and then the measurement is invalid in that the measure was intended to establish households with legal electricity connection.

Functionality

Regarding the interaction of measures in measurement system and the organisation, Bouckaert (1993:38) identified three possible directions that stretch from a naïve belief in neutrality to an awareness of possible dysfunctionality. For neutrality measures must not affect performance. This is a purely mechanistic and scientific management approach that differs from a human relations approach or systems approach because of its purely objective and technical use. Measures and measurement must be and are placebos. They must guarantee improvement. The design task is to find accurate, conclusive, reliable measures that are also motivating. Accuracy refers to the extent to which the measurement is unambiguous and the degree of error is low (DPLG, 2001:30). Reliability is the degree to which, if the measurement is repeated under exactly the same conditions, it yields the same result (DPLG, 2001:30). A prototype example is, if the cleansing department of a municipality measures three times, immediately after each other, the percentage of dwellings that have not received a refuse collection service in the previous month and arrives at three very different percentages, and then the system is unreliable. Measures and information have an active, not purely, informing function.

Legitimacy

Performance measurement becomes increasingly an element in a strategy of accountability to obtain discharge for responsibilities that are decentralised or devolved (Bouckaert, 1993:37). This turns measurement from an internal and technical matter into an external and, if not political, at least rhetoric matter.

MEASURES AND INDICATORS OF PERFORMANCE

Various concepts and processes underpin the understanding of the nature, scope and application of instruments of and mechanisms for performance measures and performance indicators (Sing, 2003:135). In discussing measures and indicators of performance in local government it is important to elaborate on performance standards, performance indicators, performance indicators, and performance targets as they applied in performance measurement. The discussion will present a critical perspective on the complex nature of each aspect to reflect the challenge which always exists in the real practice of local government.

Performance Standards

A criterion is a key factor, characteristic or standard by which something can be assessed (Sing, 2003:136). Criteria may be general as a key performance area, or detailed and specific, such as a measurable target. In terms of the Local Government Municipal Planning and Performance Management Regulations of 2001, a municipality must, after consultation with the local community, develop and implement mechanisms, systems and processes for the monitoring, measurement and review of performance in respect of the key performance indicators and performance targets set by it. That requires standards to be in place for purposes of developing, implementing mechanisms, systems and process for monitoring performance. The mechanisms, systems and processes for monitoring in must provide for reporting to the municipal council at least twice a year; be designed in a manner that enables the municipality to detect early indications of under-performance; and provide for corrective measures where under performance has been identified. Performance measures must include the measurement of costs, resources and time used to produce outputs in accordance with the input indicators. They must also include the extent to which the municipality's activities or processes produced outputs in accordance with the output indicators as well as the total improvement brought by outputs in accordance with the outcome indicators of the municipality. The mechanisms, systems and processes for review must at least identify the strengths, weaknesses, opportunities and threats of the municipality in meeting the key performance indicators and performance targets set by it, as well as the general key performance indicators prescribed. When reviewing key performance indicators set by the municipality local community must be allowed to participate.

Performance Indicators

De Bruijn (2002:7) put it that the central idea behind performance measurement is a simple one: a public organisation formulates its envisaged performance and indicates how this performance may be measured by defining performance indicators. After the organisation has performed its efforts, it may be shown whether the envisaged performance was achieved and what the cost of it was. The Performance Management Guide for Municipalities (DPLG, 2001) describes performance indicators as measurements that tell whether progress is being made in achieving the goals of a municipality. They essentially describe the performance dimension that is considered key in measuring performance of a municipality. But it need to be stated for the purpose of this paper that for a municipality to define its performance indicators, a context of the municipal council's vision and mission is very important (Cokins, 2009: 98). The moment performance indicators have a context it become complex, more importantly if the context has to be derived from the vision and mission of the municipal council. It needs to be stated that the municipal council's mission and vision emanate from its strategic plan

which has been built up in the IDP. In local government, establishing performance indicators for performance management purposes is also compounded by the nature of goods and services municipalities are supposed to provide. The Local Government Municipal Planning and Performance Management Regulations of 2001 define three types of indicators that must be reflected in the municipality's performance management system. The indicators are input indicators that means an indicator that measures the costs, resources and time used to produce an output; outcome indicator that means an indicator that measures the quality and or impact of an output on achieving a particular objective; output indicators that means an indicator that measures the results of activities, processes and strategies of a program of a municipality. The Regulations further provide that key performance indicators of a municipality must be measurable, relevant, objective and precise. In setting such key performance indicators, a municipality must ensure that communities are involved; and the key performance indicators inform the indicators set for all its administrative units and employees; and every municipal entity and service provider with whom the municipality has entered into a service delivery agreement.

Performance Targets

Performance targets are closely linked to measures and indicators, and are usually used in combination with measures and indicators (Sing, 2003:137). Performance targets express a specific level of achievement, often in increased number of outputs, or decreased costs and time. Municipalities must have clear objectives through the IDP which are able to transform to clear performance indicators for purposes of having targets (DPLG, 2001: 24). In terms of the Performance Management Guideline for Municipalities (DPLG, 2001) a municipality must identify baseline measurements which serves as the measurement of the chosen indicator at the start of the period. If performance is seen as a race, the baseline is the starting position and the target is the finish line. In setting targets it is important for the municipality to know how it is performing at the current moment so as to tests whether the chosen indicator is in fact measurable and whether there are any problems associated with it. It is important to know the date when the baseline measurement was relevant. For example, if the municipality cannot measure its baseline at the given moment, and have to rely on data from the last census, it should clearly be noted that the baseline measurement is relevant to the date of the last census. The development of performance management system in a municipality may then look at all the indicators set, and identify targets for each. In terms of the Local Government Municipal Planning and Performance Management Regulations of 2001 such performance targets need to be practical and realistic, measurable in terms of efficiency, effectiveness, quality of product and impact of the performance of the municipality, administrative component, structure, body or person for whom the target is set, and be commensurate with available resources, municipality's capacity, and be consistent with the municipality's priorities and objectives set out in the IDP. The priorities and objectives as set out in the IDP lays a foundation for performance targets and a base for such targets. These make the interaction between the IDP and the Performance Management System to be rich and inseparable for modern rational analysis.

CONCLUSION

In reality, municipalities do not yet have direct influence on realisation of the putting into place performance management systems that can be operationalised and talk to the actual strategic imperatives as reflected in their IDPs. Performance Management is at times confused with performance measurement without locating within it a model to guide practitioners in developing one. Performance management entails more than just performance measurement. The application of various models in dealing with performance management also possesses a challenge in local government. The models themselves require various theoretical interpretations which is not readily available in local government. Performance measurement on the other hand is not a straight forward simplistic counting within the terrain like that of local government. Creative and learning institutional approach will be ideal in ensuring that the concept of developmental local government in South Africa survive beyond the legacy of those conceptualised it.

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THE DILEMMA OF UNFUNDED MANDATES FOR LOCAL GOVERNMENT IN SOUTH AFRICA*M. Basdeo**O.S. Sibanda**University of South Africa***ABSTRACT**

Local government has emerged from a prolonged transition to face a second generation of challenges, namely unfunded mandates. Compliance with the current financial management system is a constant challenge for local government. To complicate matters, local government is challenged by the dilemma of unfunded mandates which are a manifestation of the phenomenon of governing from the centre. National government through various strategies imposes national mandates on provincial and local government at the expense of the latter. The incidence of unfunded mandate reflects a power hierarchy. Unfunded mandates are generally a significant indicator of the relative weakness of national government because it is often local government occupying constitutionally and politically the weakest position in the hierarchy that is burdened with new responsibilities. In decentralized and federal government systems, provincial/state and local governments reject unfunded mandates because they shrink their policy space, limit their expenditure choices and ultimately local government's accountability to their electorates. Further, these systems of governance establish a hierarchy of authority that creates notions of self-rule by national government. Unfunded mandates reflect systemic weaknesses of decentralised or federal allocation of powers and functions. Although there are principled objections, unfunded mandates remain constitutional. Given the wide incidence of unfunded mandates the critical question arises as to how in a decentralised system, one level of government can impose mandates with cost implications on another. How is it constitutionally justifiable?

INTRODUCTION

The confusion and challenges emanating from unfunded mandates are shared by most decentralised and federal systems of government. Unfunded mandates are a characteristic arising from the division of powers between two levels of government. The problem is aggravated when a third level of government is added, namely local government. This leads to concurrency of powers and functions, which causes an element of confusion about who does what. Since their inception some municipalities have raised the issue that they are compelled to perform functions which are not allocated to them in terms of the Constitution and legislation on powers and functions (Financial and Fiscal Commission, 2012). Local government has also pointed out that they face unfunded or underfunded mandates as a result of policy decisions made at national level. These decisions have financial implications, but come without the necessary funding for their implementation. Essential legal procedures need to be followed when assigning and delegating additional functions or powers, to other spheres of government. In a number of functional areas there are weak legal basis for local government's activities. A clear example of the latter relates to the functioning of libraries.

The argument in this paper is developed in the context of different federal type states that have sought to deal with unfunded mandates, namely, the United States of America and Australia. Despite significant constitutional differences in these countries, there appears to be remarkably similar response to issues of unfunded mandates. This paper argues that the approach for curbing or containing unfunded mandates are

twofold, namely, radical intervention to impose a clear prohibition on the imposition of unfunded mandates similar to that done by the United States of America and Australia, and the more general approach is to admonish the transferring legislature or authority to stop, evaluate and consider before imposing a mandate.

CHALLENGES OF DEFINING UNFUNDED MANDATES

The concern about unfunded mandates and the nomenclature used to define and refer to unfunded mandates is varied in federal and decentralised systems. Unfunded mandates assume various names in different countries. In Australia it is referred to as “cost shifting” (Sansom, 2009:20), and in Canada it is referred to as “service responsibility downloading” (McMillan, 2006:52), while in South Africa and in the United States of America, it is commonly referred to as “unfunded mandates”. Definitions of unfunded mandates generally emphasise costs and shifts in responsibility. A broader definition is proffered by state and local governments who are subject to federal intervention, while a more narrow definition is advanced by federal governments (Steytler *et al.*, 2011: 1).

In South Africa, a restricted definition was adopted, restricting it to the transfer of functions. The concept of unfunded mandates is further restricted to local government because of its limited application to provinces (Steytler *et al.*, 2011: 4). To deal with unfunded mandates and the constraints they place on local government, the Local Government: *Municipal Systems Act No 32* of 2000 (hereafter referred to as the *Municipal Systems Act*) was amended in 2001 to include provisions to regulate the transfer of functions to local government. The 2003 amendments to the *Municipal Systems Act*, 2000 specifically, sections 9 and 10 aims to prevent unfunded mandates flowing from legislative assignments and the 2003 amendments to the *Financial and Fiscal Commission Act No 97* of 1997 requires organs of state to assess the financial and fiscal implications, and to obtain the Commission’s recommendations, before functions that are assigned to other organs of state in another sphere of government becomes law. The *Municipal Systems Act*, however, does not accurately define that which it intends to prevent. The *Municipal Systems Act* prescribes procedural requisites that apply to legislative or executive processes that assign a “function or power” to local government.

Broadly unfunded mandates refer to situations in which sub-national governments are legally mandated in terms of the Constitution or in terms of policy pronouncement to undertake specific functions, but do not receive funds from nationally raised revenues in order to perform these functions (Khumalo & Mokate, 2007:271). A narrow definition confines “unfunded mandates” to the transfer of new functions not constitutionally assigned to provincial or local government. Section 10A of the *Municipal Systems Act* contains what appears to be closest to a definition of “unfunded mandate” where the transferring organ of state is instructed to ensure funding and capacity building to accompany assignments that, impose a duty; fall outside of the municipality’s original constitutional powers, and have financial implications. While the definition clearly includes the explicit imposition of new functions on local government, it does not extend to the reduction of funding or revenue-generating powers, the regulation of compliance requirements or the filling of service delivery gaps, left by national and provincial governments (Steytler *et al.*, 2011: 4).

South Africa’s progressive Bill of Rights with its resource-intensive socio-economic rights introduces a further complication that eludes the definition provided in the *Municipal Systems Act*. The critical question is whether fundamental rights, such as the right to primary health care and the right of access to housing result in unfunded mandates. National and provincial governments are constitutionally responsible for these functions,

but local government is often the first tangible point of contact where citizens claim their constitutional rights. This definitional aspect may be solved by the courts which have generally voiced contempt at intergovernmental controversies over the state's responsibility to care for the destitute (Steytler *et al.*, 2011: 4).

The United States *Unfunded Mandate Reform Act*, 1995 (hereafter referred to as *UMRA*) stipulates that a mandate arises from an enforceable duty imposed on states, local authorities, tribal authorities or the private sector, or from a reduction or elimination of prior funding for compliance with such duty. An unfunded mandate does not arise when the duty is a condition of federal assistance or from participation in a voluntary federal program. In terms of *UMRA* an unfunded mandate must be accompanied by costs. In determining costs only direct costs are taken into consideration. Further, a cost also arises when the federal appropriations are reduced or eliminated for a mandate previously imposed and funded. The objective of *UMRA* was not to displace or eliminate unfunded mandates, but rather to promote decision-making by compelling the Congress and Federal agencies to consider the cost of imposing mandates on states, local and tribal governments, and the private sector.

In Australia the federal House of Representatives Standing Committee on Economics, Finance and Public Administration found difficulty in formulating a consensual view of unfunded mandates, or cost shifting (Steytler *et al.*, 2011: 4). In Australia local governments defined the concept "unfunded mandates" very broadly. The Australian Local Government Association identified at least three forms of cost shifting/unfunded mandates. The first is where local authorities are required to provide services that previously were performed by other spheres of government. The second is where the federal or state governments require local government to provide concessions or rebates on their revenue resources without compensation. The third is where the supervising governments require that local government undertake cost compliance activities.

Taking cognisance of the challenges in defining unfunded mandates, it is apparent that unfunded mandates will always be a contested terrain between the different levels of government. While local governments strive for a broad concept, national government endeavours to narrow the ambit of unfunded mandates. As a result of the inevitable consequence of a lack of consensus in defining unfunded mandates, it is apparent that it is difficult to agree on the extent and cost of unfunded mandates.

CONSTITUTIONAL AND LEGISLATIVE CHALLENGES OF UNFUNDED MANDATES

The *Constitution of the Republic of South Africa*, 1996 (hereafter referred to as the *Constitution*), defines the functions and relationships of the different spheres of government in South Africa. With regard to the local sphere of government both the national and provincial governments may impose mandates on local government. Provinces have concurrent powers in functional areas listed in Schedule 4 (shared with the national government) and exclusive powers with regard to Schedule 5 matters. Municipalities have powers in respect of the functional areas listed in Schedule 4B and 5B. All residual matters fall under the jurisdiction of the national government. Provincial legislatures may also regulate the functional areas pertaining to the list of competencies in Schedule 5B of the Constitution. Both national and provincial legislatures may assign any of its legislative competencies to local government. The latter is also applicable to the assignment of executive powers, but in such an instance, the agreement of the municipality concerned must be obtained.

In a highly centralised federal system, such as South Africa, a clear division of powers and functions is neither provided nor envisaged in the Constitution (Steytler *et al.*, 2011: 8). Subject to a qualified override the

national parliament may legislate freely at will with regard to the list of concurrent functions in Schedule 4 in the provincial sphere of government. In the case of exclusive provincial competencies listed in Schedule 5, the national parliament may still intervene in listed circumstances. There are thus very few limitations on the national parliament to impose mandates on the provinces. It is rather contradictory and ambiguous as provinces do not have their own sources of revenue which could fund additional functions. With 97% of their income derived from national transfers, there is little incentive for national government to burden them with additional tasks, the payment for which would come in any event from the national government (Steytler *et al.*, 2011: 8).

The Constitution draws a link between the functions of the different spheres of government and the funding to perform that mandate. Section 227(1)(a) of the Constitution provides that: “Local government and each province is entitled to an equitable share of revenue raised nationally to enable it to provide basic services and perform functions allocated to it.” The entitlement to an equitable share is thus linked to basic services to be provided.

The following are some of the examples of the existence of unfunded mandates in South Africa (Financial & Fiscal Commission, 2012: 86):

- **Health service (primary health care):** Municipalities often cite primary health care as an unfunded mandate. The National Health Council in 2005 resolved that primary health care would be a provincial responsibility, and municipal health services would remain a municipal responsibility. In terms of the 2005 resolution, municipal clinics were to be transferred to the provincial health structures in a process known as “provincialization”. However, in 2007 the South African Local Government Association (SALGA) advised all municipalities to halt all further transfers of primary health care to the provincial government until clarity had been reached on what constitutes primary health care. Since then no primary health care services have been provincialized from any metropolitan municipality in South Africa.

The *Constitution* lists “Municipal health services” as a Schedule 4B function. Municipalities that provide primary health services must adhere to national standards which entail, *inter alia*, the provision of free health services. Municipalities thus feel compelled to provide this service and to uphold a legally prescribed standard in doing so, which inadvertently comes at a cost. Municipalities that perform primary health services do so in terms of agency agreements which generally provide for inadequate funding arrangements.

- Libraries other than national libraries are a Schedule 5A functional area that falls within the exclusive legislative competence of a province. Municipalities have no comparable competence. As an exclusive provincial competence, provinces are active in this functional area, but only to a limited degree. There has been no legislative or executive assignment by the provinces of the library function to municipalities. However, until the *Constitution* became operational, libraries were a local government function, and most public libraries are currently still administered and funded by municipalities. For example, in the Western Cape there are 148 library sites in non-metropolitan areas, and 105 in the City of Cape Town. The Province administers libraries in only three municipalities which were apparently due to the refusal of the municipalities to continue with the library function in 2000. The critical question is then why do municipalities continue to perform a function that is not legally theirs. The answer is situational. It is socially and politically unacceptable for municipalities to close their libraries

knowing that the provincial government may not take over or provide adequate compensation for this function.

FRAMEWORK FOR MANAGING UNFUNDED MANDATES

It is clear that unfunded mandates exist between the different spheres of government. According to the FFC (2012: 90), a total of six metros have spent an additional amount of R3,819 billion in 2008/09 and R4,194 billion in 2009/10 in the provision of existing unfunded mandates. To date there has been varied responses to unfunded mandates. In certain instances, the prohibitions of unfunded mandates have been adopted as a control measure. In other instances unfunded mandates have been highlighted as a political issue.

Government should take steps to ensure that all mandates have a legal basis (FFC, 2012:91). The functions performed by each sphere of government should have a secure legal footing. Performing functions falling outside the mandate of local government impinges upon the lawfulness of their budgets, although their expenditure is not necessarily illegal. Further, government should undertake a review of the extent of compliance with legal procedures for the assignment and delegation of functions, as stipulated in the *Intergovernmental Fiscal Relations Act*, the *Financial and Fiscal Commission Act No 97 of 1997*, the *Division of Revenue Act* and the *Local Government Municipal Systems Act*. More specifically, it is recommended that compliance with the following legal requirements should be assessed:

- The financial and fiscal implications of a function shift on the sphere of government or organ of state. The organ of state initiating a general assignment must provide these implications to the Financial and Fiscal Commission for its recommendations to the Minister of Finance as prescribed by section 3 of the Financial and Fiscal Commission Act.
- All resources associated with delivering a service associated with a function to be shifted are transferred. These should include current assets, budgets and all future resources. There should be evidence of a decision taken by the executing authority of the assigning or delegating department or organ of state that this is acknowledged and pledged.

According to Zimmerman (1995: 88), during the late nineteen seventies and early nineteen eighties, and again in the early nineteen nineties in the United States fifteen states amended their constitutions to curb unfunded mandates. The following methods were employed:

- Prohibiting the imposition of some or all types of state mandates;
- Requiring reimbursements of all or part of the costs associated with the mandates;
- Delaying the implementation date of a mandate;
- Authorising local governments to ignore an unfunded mandate;
- Requiring a two thirds vote of each house of the state legislature for imposing a mandate;
- Authorising the governor of a state to suspend a mandate; and,
- Providing that the implementation date of a mandate is delayed.

In addition to the employment of legal measures in managing unfunded mandates, the intergovernmental political approach has been adopted in the United States of America at federal level, South Africa and Australia. In the United States, the objective of *UMRA* was not to disband unfunded mandates but to promote decision-making by compelling the Congress and federal agencies to consider the cost of imposing

mandates on states and local and tribal governments. The latter approach was called the “stop, look and listen” approach to mandates (Posner, 1997:53). The key instrument in managing an unfunded mandate is to provide Congress with information about the cost impact that federal legislation may have. The key player in this process is the Congressional Budget Office (CBO). The CBO must prepare so-called mandate statements which must identify and describe federal mandates in proposed legislation, quantify, where possible, the direct cost of such mandates. Further, the CBO must provide an estimate of anticipated indirect costs, and secondary effects. The procedural device provided by *UMRA* is that a law that creates an unfunded mandate is out of order, but may be overruled by a majority vote (Steytler *et al.*, 2011: 11). The CBO’s statement is part of the legislative process and any bill or joint resolution is out of order, unless there is a CBO mandate statement. Any member of Congress may raise a point of order stopping the bill, but such procedural device can be overridden by a simple majority in the committee before which it serves. Although this procedural device is weak, it at least forces the committee to consider the matter. The procedure discourages the imposition of unfunded mandates (Anderson & Constantine, 2005:3). Posner (2007: 395) submits that *UMRA* promotes accountability which could embarrass mandate proponents and rally opponents.

Legislative awareness of unfunded mandates reduces the incidence of unfunded mandates. It enables affected governments to lobby against them, restraining federal government to some degree (Posner, 2007:390). It was reported that during the first decade of *UMRA* the CBO reviewed over 5200 bills, resolutions, and legislative proposals of which 12% contained an intergovernmental mandate (Steytler *et al.*, 2011: 12). Of those nine percent would have exceeded the threshold, but in the end only five bills, where the cost of unfunded mandates exceeded the statutory threshold were passed.

South Africa has followed a somewhat similar approach in protecting local government from national and provincial mandates; on the basis of independent information, the national and provincial governments must consider their intended course of action (Steytler *et al.*, 2011: 12). The *Municipal Systems Act* provides that an organ of state seeking to assign a function to local government or to a municipality must follow a detailed consultation procedure. It prescribes that a financial assessment must be solicited from government’s chief intergovernmental fiscal advisory body, the Financial and Fiscal Commission. On the basis of the latter assessment consultations with organised local government and the key ministries must take place before the assigning legislation may be tabled in Parliament or the provincial legislature. In addition, the draft legislation must be accompanied by a memorandum, outlining a three-year projection of the financial implications, a disclosure of possible financial liabilities or risks and a plan for the funding of additional expenditure to be incurred by the relevant municipalities. Where the assignment fulfils the definition of an unfunded mandate (the imposition of a duty, falling outside of the municipality’s original constitutional powers and having financial implications), the substantive requirements of “appropriate steps to ensure sufficient funding, and such capacity building initiatives as may be needed” become applicable (Steytler *et al.*, 2011: 13). In 2003 further requisites were added when the *Financial and Fiscal Commission Act*, 1997 was amended. In terms of this Act, any organ of state seeking to assign a power or function to an organ of state in another sphere of government in terms of a law must notify the Financial and Fiscal Commission of the fiscal and financial implications of such assignment with regard to, the future division of revenue raised nationally; the fiscal power, fiscal capacity and efficiency of

the relevant province or municipality; and any transfer of employees, assets and liabilities. These requisites of the *Financial and Fiscal Commission Act* are very desirable, but are yet to be realised. Unfunded mandates are a reality. There is no record of the statutory proceedings prescribed by the *Financial and Fiscal Commission Act* ever having been used in preparation of legislation or executive action that assigns functions to local government. For example, the Disaster Management Bill was passed in 2002 without following the said procedures even though it imposes duties on municipalities that fall outside of its constitutional mandate and have financial implications (Steytler *et al.*, 2011: 13).

Australia also adopts an intergovernmental political route similar to United States. The federal Parliamentary Committee viewed as part of the solution to cost shifting the definition of responsibilities of each sphere of government and how each sphere should be funded (Parliament of the Commonwealth of Australia, 2003:30). Local government must be involved in the negotiations before any shifts are made. A local government impact statement must be developed that identifies the financial impact of federal and state legislation.

CONCLUSION

The incidence of unfunded mandates reflects a power hierarchy. Unfunded mandates are a manifestation of the phenomenon of ruling from the centre. National government through various mechanisms imposes national mandates on provincial and local government, often at the expense of the latter. A lack of consensus on the definition of “unfunded mandates” implies that it is difficult to agree on the financial impact and extent of unfunded mandates. Despite being constitutionally permissible unfunded mandates run against the grain of democratic ideology. The principal critique is that unfunded mandates undercut the key constitutional notion of the different spheres of government being accountable to the public, because it confuses the public as to who does what. There have been various responses to unfunded mandates. The measures for curbing or containing unfunded mandates are twofold, namely, radical intervention to impose a clear prohibition on the imposition of unfunded mandates similar to that done by the United States of America and Australia, and the more common approach is to admonish the transferring legislature or authority to stop, evaluate and consider before imposing a mandate. Further research in this area along the following lines is recommended (Steytler *et al.*, 2011: 15). What are the drivers that prompt national/federal government to download some of its responsibilities? What circumstances whether constitutional or political facilitate unfunded mandates? Conversely, what circumstances inhibit cost shifting? Is it a question of clarity on the division of powers and functions, as suggested by Australians? Is it a matter of gaining access to another sphere of government’s independent sources of revenue, and when there is none as in the case of South African provinces, there is no interest?

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IMPROVING ACCOUNTABILITY IN SOUTH AFRICAN LOCAL GOVERNMENT: ELEMENTS FOR EFFECTIVE LOCAL GOVERNMENT ACCOUNTABILITY

M.M. Mashamaite
University of Limpopo

ABSTRACT

The purpose of this article is to assess the effectiveness of the South African institutional bodies meant to enhance accountability in local governments. The Constitution of South Africa, 1996 established institutions to strengthen constitutional democracy. This paper, therefore will base its argument on the critical roles of two institutions, namely the Auditor General and the Public Protector on enhancing accountability. This article uses literature to argue that the two institutional bodies (Auditor General and Public Protector) have various challenges and constraints in discharging their functions effectively, amongst others, which include lack of adjudicative powers. Therefore, to a certain extent their role to enhance accountability is compromised. The conclusion drawn from this article is that in order to improve accountability in South African local governments, institutional bodies meant to enhance accountability should be evaluated continuously to assess their effectiveness. Their performance or lack thereof impact directly on the national government in realising its constitutional mandate of a developmental perspective. Inadequate tools to ensure accountability limits the achievements of the set objectives of local government.

INTRODUCTION

The focus of this paper is on the office of the Auditor General and the Public Protector as the institutional bodies established constitutionally to strengthen democracy. These institutional bodies have the potential to ensure and enhance accountability in local government but are faced with constraints and challenges limiting their capabilities (Hussein, 1999). Inadequate tools to ensure accountability limits the achievement of the desired objectives of local governments in South Africa. Therefore, lack of accountability in local government is a major contributory factor to financial and administrative crises in most municipalities. Local government is the sphere of government that is close to its constituents and involved in the provision of a wide range of services that affect the lives of its inhabitants residing in its area of jurisdiction (Zybrands, 1995). Many basic services are delivered by local municipalities and local ward councillors are the politicians closest to communities. This paper therefore will limit its relevance to looking into the South African local government system, the concept of accountability in perspective, legislative frameworks, municipal accountability and institutions of accountability at municipal level.

THE SOUTH AFRICAN LOCAL GOVERNMENT

The South African government comprise of national, provincial and local spheres, which are distinctive, interdependent and interrelated (*Constitution of South Africa, 1996*, Ntonzima, 2011). Local sphere was established as a distinctive sphere, with a mandate to govern, bring service closer to the people and to promote social and economic development. Section 152 (1) states the objectives of local government as follows:

- (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 provide social and economic development;
- (d) To promote a safe and healthy environment; and
- (e) To encourage the involvement of communities and community organizations in the matters of local government.

The above objectives mandate the local government to establish policies and by-laws in order to provide the local residents with services mostly needed. Richards (1999) argues that in order to meet these Constitutional prescriptions, the national government engaged in a process to develop an inclusive and consensually based policy for local government, which ultimately resulted in the publication of the *White Paper on Local Government, 1998*. As a result there are challenges thereof, and are often symptoms of a number of underlying and inter-related root causes that need to be addressed as they compromise accountability. Many of these underlying causes are also often outside of the mandate or control of local government and as such, require close cooperation between local, provincial and national government.

Local Government originates from the tribal villages and primitive communities (Cloete, 1995). It is often called the third sphere of government in South Africa in which the second and first spheres being the provincial and national government as stated in section 40(1) of the Constitution of South Africa, 1996. It is here where Local Government fits in the governing structure since it is in the ideal position to determine the needs of local communities (Heymans & Totemeyer, 1998). Provision of basic services to every resident was going to be the most difficult task for the national sphere, since local issues and challenges differs from community to community; a collective approach therefore becomes essential.

ACCOUNTABILITY IN PERSPECTIVE

While accountability is a difficult concept to define, most contemporary definitions include two key elements which are responsibility and authority, and the answering for the use of that authority (Bovens, 2009). Having responsibility, means having the authority to act, the power to control and the freedom to decide on delegated issues. Answering for the use of authority means, reporting and explaining actions, assuming obligations, and submitting to outside or external judgement (Auditor General, 1997). It also means that one must behave rationally, reliably and consistently in exercising such judgement.

Ghutto (2007) defines accountability as the hallmark of modern democratic governance. Democracy remains clichéd if those in power cannot be held accountable in public for their acts or omissions, for their decisions, their expenditure or policies. Historically, the concept of accountability was closely linked to accounting in the financial sense; it has however moved far beyond its origins and has become a symbol of good governance both in the public and private sectors (Funnel & Cooper, 1998). It now includes to institutionalised practices of giving account of how assigned responsibilities are carried out. Therefore, accountability can be regarded as the obligation of power-holders to account for or take responsibility for their actions. "Power-holders" refers to those who hold political, financial or other forms of power and include officials in government, and civil society organizations. Gildenhys (1997) states that the traditional cornerstone of democracy is the fact that each councillor and municipal officials is subject to accountability. Thus, they should account to the public about the activities and decisions made. For the purpose of this paper three types of accountability will be discussed in order of public, administrative and political accountability.

Public Accountability

The question of public accountability has become significant because of the growing challenge to various means of accountability posed by recent changes in governance. Haque (2001) states that one of the basic prerequisites for public accountability in democracies is the political neutrality of career public servants, which has come under challenge because of the growing power of ministers who exert influence on the public service. Public accountability mainly revolves around the achievement of pre-determined measurable objectives with legally approved funds (Erasmus & Fourie, 2004). The measurable objectives are achieved by means of efficient, effective and economical utilisation of resources. Visser & Erasmus (2002) mentioned that the office of the Auditor-General plays an important role in ensuring sound and proper accountability of public sector organisations. In the South African public service the division of accountability is evident from the *Public Finance Management Act (Act 1 of 1999)*. Accountability among public officials/administrators starts with the accounting officer of a government department, thus in municipalities the administrative accountability starts with the Municipal Managers.

Administrative Accountability

Administrative accountability refers to the control mechanisms devised to keep the bureaucracy or organisational structures under surveillance and in check (Van der Nest, 2006). Separating administration from politics weakens the link of accountability between elected and non-elected bodies, which inevitably creates pressures for inventing other mechanisms of administrative accountability (Peters, 1989). There seems to be a wide consensus that bureaucratic accountability is based on a hierarchic relationship between superiors and subordinates, rules and regulations and supervision (Mulgan, 2000). However, whether the source of control is internal or external to the administrative body that is being held to account seems to divide authors. Romzek & Dubnick (1987) have stressed the internal nature of administrative accountability, dividing it from legal accountability, which is clearly external and thus divides the “lawmaker” from the “executor”. Mulgan (2000) also notes that from the point of view of the administrative the internal control of superiors and the external control of other institutions tend to appear as a single mechanism of control. Thus, one might opt to treat the internal or external means of control as a single type of administrative accountability or separate the two.

Political Accountability

The concept of accountability is closely tied to concepts of democracy and government legitimacy (Mulgan, 2003). Those who govern have to answer for their actions to a wider public either directly, when politically elected or appointed, or indirectly as subordinates of politically elected bodies. Political accountability refers to the responsibility or obligation of government officials to act in the best interests of society. Public officials should be held responsible for their actions (Van der Nest, 2006). Local government is designed to allow for public participation, which will benefit development and enhance democracy. Chapter 10 of the *Constitution of South Africa, 1996* ensures that citizens have direct access to elected local government representatives and that they have the opportunity to participate in local governance. In practice, ward councillors are faced with double accountability, thus to the electorate and to their political party. Some observers have argued that accountability to the political party wins out in most cases (McKay, 2001). Ward

councillors are loyal to their political parties and therefore account better to them than to the citizens in order for to retain positions and support from the party.

LEGISLATIVE FRAMEWORKS FOR ACCOUNTABILITY IN LOCAL GOVERNMENT

According to Geeta (2003) accountability in government requires answering to the citizens on administrative and financial issues. It is based on the belief that the citizenry has the 'right to know' and right to receive information in the facts that may lead to public debate by the citizens and their elected representatives, hence there are various legislative frameworks making provision for accountability in government. For the scope of this paper only two pieces of legislative frameworks are considered, the *Constitution Republic of South Africa, 1996* and the *Municipal Finance Management Act, 2003 (Act no. 56 of 2003)*.

Constitution of the Republic of South Africa (1996)

The supreme law of the Country, the Constitution of South Africa (1996) stipulates in section 152(1) (a) that the objectives of Local Government is to provide democratic and accountable government for local communities. *The Constitution of South Africa (1996)* demands that transparency and accountability be adhered to. Constitutionalism in democracy is essential in the controlling of authority (Bekker, 2009). The constitutional dispensations of countries should change the relationship between the media, the public and the judiciary as members of the public are bearers of rights and the judiciary is the guardian of such rights (Rickard, 2011). However attitudes of the media and the public towards public officials should not remain static.

Local Government: Municipal Finance Management Act 56 of 2003

The primary objective of the Municipal Finance Management Act, 2003 (Act no. 56 of 2003) is to regulate financial management in the local sphere of government, to regulate municipal borrowing, and to make provision for the handling of financial emergencies. *The Municipal Finance Management Act, No. 56 of 2003* (hereinafter referred to as the MFMA), requires municipalities to prepare and adopt annual reports "to promote accountability to the local community for decisions made throughout the year by the municipality or municipal entity". The Act clearly stipulated that in strengthening accountability it is crucial to separate and clarify roles and responsibilities of executive councillors, non-executive councillors and officials. *The Municipal Finance Management Act (No. 56 of 2003)*, (MFMA) requires that the resources of municipalities and municipal entities are used effectively, efficiently and economically. Hence, the Act promotes transparency and accountability in supply chain management practices in municipalities.

ACCOUNTABILITY OF MUNICIPAL COUNCIL TO CITIZENS

Municipal Councils in South Africa can be viewed as both the engine of democracy and the last link in the accountability chain. According to Nsingo (2007), the elected local councillors are expected to represent the interests of the local citizens so that citizen preferences are ultimately reflected in the policies made by the local council. Khalo (2007) asserts that policies set by elected local councillors should guide the budgeting and policy implementation processes that translate into service delivery which is responsive to the citizen's basic needs and priorities. This expectation is based on the assumption that citizens are able to influence local decision-making through their local council representatives. The law requires a councillor to attend council meetings and

participate in the deliberations and that sanctions are provided for failure to attend meetings. In terms of schedule 1 of *Municipal systems Act, 2000*, the council may impose fines for a councillor not attending a meeting that he or she is required to attend or for a councillor failing to remain in attendance at such a meeting. However, failure to attend three or more consecutive council or committee meetings without having obtained leave of absence must result in removal from office of that councillor.

The mechanisms through which locally elected representatives can be accountable to the public include, among other things, elections, public meetings and formal grievance procedures. It is submitted that the electoral system for local government itself may not in all respects establish direct accountability links as there are serious difficulties in defining community accountability for PR councillors (Hussein, 1999). It is suggested that the failure to maximise accountability has its roots in the quest of political parties to manage the fielding of candidates. The open meeting requirements in the *Municipal Systems Act, 2000 (Act No. 32 of 2000)* seem to go far enough to ensure that municipal meetings do not take place away from public scrutiny, thereby facilitating the accountability of local representatives to the public.

INSTITUTIONAL BODIES FOR IMPROVING ACCOUNTABILITY IN LOCAL GOVERNMENT

The focus is on the institutional bodies that are established constitutionally for the purpose of improving accountability, particularly in the sphere of local government. Section 181(1) of the Constitution of South Africa (1996) makes a provision for the establishment of such bodies that will improve accountability not only in local government but in all spheres of government. For the purpose of this paper two bodies are discussed as they are tools available for accountability improvement, namely: Public Protector and Auditor General. It is acknowledged that these two bodies are amongst other bodies that are utilised to fight unaccountability, thus enhancing accountability.

Public Protector

Mafunisa (2007) asserts that the Public Protector has the power to investigate any conduct of state of affairs in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice. Hussein (1999) on other hand stated that the Public Protector has to report on such conducts and take remedial actions. The office of the Public Protector measures its effectiveness in terms of the adoption of its recommendations by the government (Mafunisa, 2007). It is often argued that the government does act in some cases but does not follow the recommended actions said by the Public Protector, particularly when the political office bearers are involved. Since the majority party closes ranks in order to protect their fellow politician.

The office of the Public Protector is a critical tool to improve accountability as it acts as an investigator and has the power to publicly announce its findings, as a result of enhancing accountability, particularly that of local government. Disoloane (2012) asserts that the function of the Public Protector is to improve relations between the state and the citizen; reduce hostility between public and officials and their clients; rectify serious administrative shortcomings such as corruption; and also sensitise officials to client's norms and clients to administrative norms. The mandate of the Public Protector focuses on strengthening democracy by ensuring that all state organs are accountable, fair and responsive in the way they treat all persons and deliver services to the citizens.

Challenges of the office of the Public Protector

Musuva (2009) argues that to ensure the transparency of and public awareness about the activities of the Public Protector reports must be open to the public unless exceptional circumstances, by law, require that a report be kept confidential. Practically, this principle has barely been applied. Mallya (2009) indicates that the Public Protector should promote horizontal accountability by assisting Parliament to play its oversight role over the executive- but this does not materialise. Although the Public Protector submits its annual reports and strategic plans to the National Assembly as required by section 182 (1b) of the Constitution, the National Assembly does not debate them in depth and does not provide substantive feedback to the Public Protector, reducing the reporting requirement to a mere formality.

The Public Protector is an important institution in South Africa's democracy and has made a valuable contribution to protecting and promoting democracy and constitutional rights, but challenges persist relating to its institutional governance and effectiveness. Resource and capacity constraints limit the effectiveness of the institution. The Public Commission Service (2001) indicated that the Parliament gives full backing where recommended actions are against public officials but when is against political office bearers of the majority party they tend to close ranks. This office could enhance accountability by keeping municipal councillors and officials on guard, therefore anyone found to be corrupt should be punished despite their political affiliation. This can only be attainable if the office of the Public Protector performs its mandate as stipulated in the section 8 of the Public Protector Act, 1994 publishing the findings, if all findings are made public then the office will have more pressure from the public to take remedial actions. The Constitution also requires the Public Protector to investigate all complaints or allegations of improper conduct by public officials and public office bearers and take remedial action.

Auditor General

Hussain (2011) states that the office of the Auditor- General is an important mechanism for improving accountability in government, including local government. The functions of the Auditor General are clearly stipulated in section 188(1) of the Constitution of South Africa, 1996 amongst others includes to investigate, audit and report on financial statements and management of all spheres of government and institutions funded by government. The function of the Auditor- General is to investigate whether measures are taken to ensure that resources are procured and utilised economically, efficiently and effectively. Swarnajothi (2009) states that the Auditor General focuses on how the audited institution have discharged their accountability. The Auditor General is more concern about two aspects of accountability, namely: financial and performance accountability. To reinforce accountability the discussions of the Auditor General report shall not take place behind closed doors but shall be made public (Constitution of South Africa, 1996; Hussein, 1999). The office of the Auditor General is a viable tool to enhance accountability and a strong deterrent unaccountable tendency. The office of the Auditor General has various challenges, amongst others includes lack of authority to ensure that audit findings and recommendations are acted on within the public resource management process.

Challenges of the Office of the Auditor General

Mafunisa (1997) asserts that the investigation and reports of the Auditor-General indicates the weaknesses and the strengths of municipalities with regard to financial and performance management. Thus, granting the public the opportunity to know the activities and decisions that took place in various municipalities. The purpose of the annual audit of the financial statements is to provide the users with an opinion on whether the financial statements fairly present, in all material respects, the financial position (statement of financial position) and results of an auditee's operations (statement of financial results) and cash flows for the period in accordance with GRAP and the requirements of the MFMA (Auditor General, 2010/11).

The 2011-2012 report of the Auditor General has revealed that only 5% of municipalities obtained clean audit reports in the 2011/12 financial year. The reports further indicated that six new municipalities had joined the clean audit category, taking the total number to 13. The municipalities with clean audits are located in KwaZulu-Natal, Gauteng, Limpopo, Mpumalanga and the Western Cape. None of the municipalities in the Eastern Cape, Free State, Northern Cape and North West received clean audit reports. The report states that almost half (45%) obtained unqualified audit reports with concerns. These municipalities received unqualified reports after corrections were made and implemented during the audit process. It is worth noting that none of the country's metros received clean audits, while 13% of municipalities did not submit financial statements in time for auditing considering there are 343 municipalities in the country (Auditor General, 2011/12)

Though the office Auditor General was effective and efficient in discharging its constitutional mandates, it had no teeth to bite. The Auditor -General only identify the irregularities, misappropriation of public funds and the abuse of public property in municipalities but it could not take any action, thus rendering the office ineffective. Mafunisa (1997) illustrated that the Auditor General can raise a surcharge; however some government officials never pay the state funds. This reflects negatively on the Public Auditors effectiveness. In cases of poor performance and misuse of resource, the Auditor- General is well within his or her right to expose such activities publicly. Therefore, Auditor General can enhance accountability in local government since the municipal council and officials may function effectively and efficiently in fear of exposure and disciplinary actions.

CONCLUSION

The South African system of local government provides for instruments that help to establish municipal accountability. The institutional bodies referred to in this paper are vital in improving accountability in local government. Zybrands (1998) indicates that the major challenge is lack of legal measures in the municipalities to enforce accountability among councillors. These institutional bodies are little known by the citizens and some who knows them they are very fearful to approach them. It is suggested that the disjuncture between the decentralised system of governance and the centralised rule within political parties poses a specific challenge to the achievement of better accountability. Furthermore, a fundamental debate on the appropriateness of the constitutional fusion of legislative and executive powers may be necessary so as to clarify accountability relationships.

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**PROCUREMENT FRAUD RED FLAGS IN THE SOUTH AFRICAN MUNICIPALITIES'
CORPORATE GOVERNANCE**

M. Matlala

S. Dintwe

University of South Africa

ABSTRACT

Procurement fraud is affecting the South African municipalities adversely. The many municipalities that have had qualified audit reports for financial mismanagement, fraud, corruption and have been placed under administration, attest to some of the effects. Apart from the reactive measures such as investigation and prosecution of the perpetrators, there is a need to develop the required capacity for the early detection and implementation of preventative measures to deal with procurement fraud. In many cases, fraud is only heard of when the victim, the municipalities in this instance, has already incurred serious losses. This is further exacerbated by the fact that a small incidence of procurement fraud is likely to become bigger if not detected in time. Due to its clandestine nature, most of the available information about fraud only comes to the fore after the fact. This in many instances limits the questions that can be asked about procurement fraud as well as the accuracy of answers that can be provided. There is thus a need for new lens aimed at understanding the situational crime prevention approaches on how best to tackle the procurement fraud that is rife within the South African municipalities. This article thus argues that if not effectively dealt with, the escalation of procurement fraud could have very adverse impacts on corporate governance in the South African municipalities; hence, it is imperative to use all available avenues including red flags to detect incidents of fraud.

INTRODUCTION

The Association of Certified Fraud Examiners (ACFE) Report for 2002 stated that organizations globally lost 6% of their annual revenues to employee fraud, waste and abuse (Greene, 2002:16). This report also showed that over 90% of fraud is committed by persons that are inside of the organization and have access to cash accounts. The same goes for procurement related crimes within the South Africa municipalities. The modern understanding of crime goes beyond a sheer scientific study of crime and criminals, but also involves corporate governance. Corporate governance refers to the use of rules, processes and laws by which state institutions are operated, regulated, and controlled, in order to conduct their business in an honest and transparent way (SALGA, 2008:3). Corporate governance can thus refer to the internal factors as defined by the officers, stockholders or the constitution of a state institution. Corporate governance can also refer to the external forces such as consumer groups, clients, communities and government regulations.

The basic tenants and disciplinary relationships that are pertinent to studies on crime have procreated forensic investigation as another inimitable branch of corporate governance. Forensic investigation is the application of scientific methods in uncovering the truth for the purposes of addressing investigative and legal issues (Greene, 2002:18). The purpose of this article is premised partially within this field of forensic investigation and aims to look at the early detection of procurement fraud in contrast to an analysis of its manifestation. The research that created the information that is presented in this article consisted of desktop

research, wherein an extensive literature review on fraud and corporate governance was conducted. This was done to describe the manifestation of procurement fraud within the South African municipalities. A content analysis of media and other local government reports was also conducted. While the conclusions in this article are limited to a focus on the escalation of procurement fraud within South African municipalities, they also speak to the broader literature on policing and forensic investigation, the challenges of dealing with fraud and the ethical issues within the South African municipalities. The research is hence premised within the qualitative paradigm and subscribes to the logic of contextualization, and that of inductive reasoning. This will be done by throwing a glance at the different red flags, which are normally a warning that something is, or could be wrong. Red flags can therefore assist with the monitoring of financial transactions, with the view of taking corrective action where needed. While red flags themselves do not preempt the guilt or innocence of an individual, they can be instrumental in providing early warning signs on fraud.

BACKGROUND

The advent of constitutional democracy in South Africa as well as the adoption of King II and King III reports on corporate governance heralded a completely new-fangled approach to municipality finances and how these institutions conduct their businesses. This is further evident in the enactment of the *Public Finance Management Act (Act 1 of 1999)* (PFMA); the *Municipality Finance Management Act (Act 56 of 2003)* (MFMA) and the *Preferential Procurement Policy Framework Act (Act 5 of 2000)* (PPFA) to cite but a few. These pieces of legislation, in line with the Constitution of the Republic of South Africa (1996) (RSA, 1996), are intended to bring an end to the deceitful way in which municipalities were run before and immediately after the democratization of South Africa.

Regrettably, post democratization and even after the adoption of corporate governance strategies, different types of fraud, including procurement fraud, kept ongoing and continued to abate the very fabric upon which the South African economy is anchored. With this bargain, the service delivery got extremely debilitated, thereby encumbering the ability of municipalities in South Africa, to observe and harness the principles of service delivery, to wit, accountability, transparency and good governance. Poor service delivery was identified by the African Peer Review Mechanism (APRM) as one of the areas that South Africa needed to tackle, as it was alleged to be unfavorably affecting the very quality of governance.

The state of affairs where individuals ransack municipalities and pillage resources belonging to South African citizens, desires a well calculated and concerted response. Apart from the traditional ways of investigation and prosecution there is also a need for more innovative strategies that will be designed to reverse the domino-effect of the procurement fraud that has ravaged South African municipalities (SALGA, 2008:12). The observation and utilization of red flags in detecting procurement fraud forms the crux of this article as one of those innovative strategies. Thus, the rationale for this article is to look critically at the value of red flags that deal with procurement fraud. Likewise, the discussion is prefaced by a jam-packed articulation on what procurement fraud is, how it manifests itself and the different schemes that can be attributed to procurement fraud. Then the authors also throw gaze at the most common of the red flags that may be present in a municipality and concludes by dissecting the merits of red flags in detecting or investigating incidents of procurement fraud within South African municipalities.

THEORETICAL FOUNDATION

A simple meaning of corporate governance entails a high level process of governing. The King Committee on Governance initially issued a document titled King II in 2002, which served as a reference document on how corporate governance would be implemented and practiced in the private entities in South Africa. However, in 2009 the same committee issued the King Report on governance for South Africa and the King Code of government principles, together referred to as “King III”. While King II issued in 2002, focused on the corporate sector, King III was hence intended to be applied by all entities, including municipalities.

The main objective of corporate governance is to ensure the well being of any organization and to assist the organization in observing and maintaining the four important hallmarks of corporate governance. These four key governance aspects are: the provision of a strategic vision; the establishment of predictable operations and outcomes; transparency; and, accountability (Kurkure, 2006:18). This article is therefore based on the theory that municipalities which are governed properly should be able to account and show a desirable level of transparency. Accountability, *per se*, means that the municipality should be able to inform all stakeholders of how its funds were used and in cases of any loss, be able to tell of all the steps that were taken, to either recover the losses or hold those responsible to account. This includes the ability to detect fraudulent activities in time and deal with such in a satisfactory manner. The theory adopted in this article is further based on the assertion that fraud examiners in municipalities need not only use data that was generated from the financial accounting systems, but can also draw from surrounding operational systems (Kranacher, Riley & Wells, 2011:132).

Proactive Approach to Procurement Fraud

Although there are differing perspectives on how best municipalities can deal with procurement fraud, a common idea amongst researchers is that the earlier it is detected, the better. The point of departure in this article is that many investigations have been carried out in different municipalities in South Africa, regarding procurement fraud. However, there are no convincing statistics which could show that there is a down-turn as far as procurement fraud in the South African municipalities is concerned. The biggest problem is that just like any other crime, procurement fraud is committed in secret and devious ways and therefore the work of defeating the operations of criminals must be conducted by similar methods. This last statement was also confirmed by the Judge in the case of *R v Abelson* 1933 TPD 227 231.

It is understood that the investigation of procurement fraud, although successful, may come very late after the offence has been perpetrated and when those that are responsible have long enjoyed the proceeds of their crime. The problem of late intervention is often exacerbated by the realization that there were signs which were overlooked over a lengthy period. If such signs, known as the red flags in this context, were observed and taken seriously, there could have been an immense mitigation on the damages caused by procurement fraud within the South African municipalities. According to SALGA (2008:14), a typical case of how a municipality has attempted to deal with procurement fraud can be found in the Fraud Prevention Plan for Overstrand municipality. Likewise, one of the most innovative initiatives to have ever been undertaken was the development of the Proactive Procurement Fraud Prevention model by Greene (2002). This conceptual

framework enables the analysis of the organizational system of internal controls, policies and procedures over the procurement and disbursement processes (Greene, 2002:20).

TYPES AND MANIFESTATIONS OF PROCUREMENT FRAUD

Many state departments in South Africa are haunted by procurement fraud that consists of schemes perpetrated by employees who have an intention of defrauding these institutions (Golden, Skalak & Clayton, 2011:423). These schemes are sometimes carried out alone and sometimes they are carried out in collusion with other third parties. Procurement fraud often involves employees entering fake vendors in the account payable system, and then paying the falsified bills to accounts controlled by the employees themselves or other colluding entities.

Types of Procurement Fraud

Although procurement fraud is a subset of bribery and corruption schemes, it can further be categorized into three main groupings. According to Coenen (2008:24), these broad categories are collusion between employees and vendors, vendor fraud against a company as well as collusion between multiple vendors which are further outlined below:

- Collusion between employees and offenders category is very common in the South African municipalities. In this instance, an employee will be involved in bid rigging and will receive kickbacks, gifts and other enticements in return. In certain instances, the employees who have access to the bidding processes will either deliberately over-score the bidder or leak sensitive information to the bidders therefore putting them in a better position to win a particular bid. This kind of procurement fraud is very easy to commit and if not detected in time, it could cause great damage to any concerned municipality.
- Vendor fraud against a company is another category that involves substituting goods of inferior quality, overcharging the company or engaging in other false billing schemes (Coenen, 2008:50). Although this category of procurement fraud involves the activities of a specific vendor, the employees of a particular municipality may be involved as well. An example is when an employee who receives the goods is aware of the inferior quality of those goods but continues to request or accept a bribe so that such information is not divulged. The interest of this article as far as this category is concerned is therefore based on the benefits accorded to an employee within a particular municipality setting.
- The third category of procurement fraud is the collusion between multiple offenders which can be commonly described as price-fixing. This category of procurement fraud is when vendors collude to artificially inflate the price of goods and services in bids or proposals with the intention of helping one another to receive certain contracts, based on agreements between themselves. Just like the previous category, the involvement of employees in this instance cannot be completely excluded. It should also be borne in mind that sometimes employees collude with vendors to push contracts towards certain products or service providers that have a conflict of interest with the employees (Coenen 2008:50). It is common cause that an employee has a fiduciary duty to secure the best price for a particular product but with some offerings from the vendors, the employees will knowingly allow the vendors to inflate

prices so that they can share the proceeds at a later stage. It is also common that in all these categories of fraud, the involvement of employees is usually accompanied by a myriad of benefits.

Apart from the broad categories which describe procurement fraud, Olsen (2010:40) listed the types of procurement and related fraud as kickbacks, vendor fraud, bid rigging, defective pricing, price fixing, contract fraud, cost, labour mischarging and product substitution, misuse of classified and sensitive institutional information, false claims as well as ethics and conflict of interest violations. It is common cause that all these types of procurement and related fraud can be classified accurately through the categories explained earlier. The finer details of each type of procurement fraud are dependent on who is involved in the perpetration thereof. For instance, there may be collusion between several employees of a municipality, or in certain instances collusion with vendors. In addition to that, the underlying understanding of these types is that they commonly satisfy all elements of fraud and in particular, those of procurement fraud.

Schemes of Procurement Fraud

In order to further understand procurement fraud, it is imperative to briefly look at its different schemes. It is noteworthy that procurement fraud comes into play mostly when a particular municipality wants to outsource certain services in order to save money or because there are no pertinent skills to produce a particular product or deliver a particular service. According to Kovavich (2008:87), many of the procurement fraud manifestation may also include other fraud schemes, for example a construction contract's inspector may accept a kickback so as to look the other way when the required specifications are not being met. Although there are many schemes of procurement fraud these authors identified several schemes which are more pertinent to municipalities in South Africa. The following are the schemes:

- Using cheaper material although the municipality paid for a more expensive material;
- Providing a low bid for a really needed service and then finding ways to increase the payment so as to create a defrauder profit. For instance, a service provider asks a reasonable amount to pave a driveway but then ask more money for putting on a base although it is not really needed; and,
- Ignoring and avoiding the specifications provided by a particular municipality with the intention of saving costs. For instance the service provider may use asphalt with dirty rocks instead of clean rocks.

It is these schemes which make procurement fraud in the municipalities very lucrative to defrauders, including employees of municipalities who are colluding with vendors. In order to be able to bid for a contract, the bidder must be responsible and responsive which means that they provide a bid that addresses the contract specifications and not something they decided to make up and/or add. Furthermore, the bidder must have the capability to actually do the work according to the specifications (Kovavich, 2008:87). Unfortunately this state of affairs cannot be achieved when procurement fraud schemes are still present in a municipality. The behavioural changes amongst the employees can assist in comprehending the manifestation of procurement fraud. These changes in behaviour in those who may be involved in procurement fraud are discussed below.

Changes in Behaviours of Procurement Fraudsters

DiNapoli (2010:5) argues that personnel that are involved in fraud and corruption are characterized by very strange behaviour changes. The author in the former further argued that both managers and lower level employees could exhibit changes in behaviour, if they are involved in procurement fraud. The following are the

red flags that can be used to identify typical changes in behavior (DiNapoli, 2010:5) continuously borrowing money from colleagues; creditors or debtors start appearing at the workplace; excessive gambling that is beyond the ability to stand the loss; excessive drinking or other personal habits; easily annoyed at reasonable questioning; unreasonable responses to questions; refusing vacations or promotions for fear of detection; bragging about new purchases; carrying unusually large sums of cash; and, rewriting records under the pretext of neatness in presentation.

COMMON RED FLAGS IN PROCUREMENT FRAUD

Trusting staff members is a necessary and probably one of the most viable ways of doing business in modern times. Within an organizational context, trust consists of employer-employee relations that often involve the conferring of certain powers to enable personnel to deal with issues such as access to: information, funds, vendors, products and services. Accessibility is therefore essential in enabling organizations such as municipalities to also realize their operational effectiveness and efficiency. Trust is of course commonly conferred to staff with expectations that they will duly represent their employer's interest. Yet, such professional relations continue to present a myriad of opportunities for staff to unkindly misrepresent their employers by engaging in illicit activities. For South African municipalities in particular, the trust relationship has often resulted in much vulnerability that also included the commission of fraud, more so in procurement. Perhaps an extremely critical question to be posed in this regard is: how could a necessary business tool such as trust prove to be so adverse for municipalities?

According to McNeal (2009:3), when faced with adequate prospects, pressures and the ability to commit a crime, some employees will break that professional trust that the employer has bestowed upon them. It is not often that you find personnel going out of their way to commit fraud. Yet, when there are no tangible and effective detection or accountability mechanisms in an organization, this could also create a breeding ground, especially for greed-driven crimes like fraud. There is a confirmation that fraud and corruption are indeed crimes motivated by greed (Faull, 2011:13). In order to detect or even prevent illicit activities in the workplace, employers need to know the signs and symptoms thereof. In fact, any individual employee behaviour that often appears to be outside of the ordinary should raise sufficient suspicion.

Many of the currently existing red flags have been developed by international bodies that advocate transparency, accountability and good corporate governance. These globally acclaimed institutions include the following: Accountability, the Bank Information Centre or BIC, and the World Bank. Other international Institutions such as One World Trust have also continued to monitor the financial accounting practices within many institutions and have promoted transparency and responsible accounting. The Accountability Institute of South Africa is also one of those institutions whose purpose is to raise public awareness on issues of financial accountability. This awareness is thus raised in both the public service and in major private conglomerates.

South African municipalities are among others, accountable to oversight bodies such as the National Treasury, the Auditor-General, the Standing Committee on Public Accounts (SCOPA) and Audit Committees, who monitors their financial performances (Quist, Certan & Dendura, 2008:41). Over and above these accountability institutions, municipalities are also supported by the Constitution, the PFMA, Treasury Regulations, General Procurement Guidelines (2000), the PPPFA, the Framework for Supply Chain Management (SCM, 2003), the Guide for Accounting Officers on SCM (2004), the MFMA, as well as the

Broad Based Black Economic Empowerment Act (BBBEEA, 2003), that direct their procurement processes and also regularize them. In fact, all of these legislations can be applied as very solid benchmarks in determining procurement fraud red flags, which can also be applied in local government structures or municipalities in South Africa. Therefore, the enactment of such legislation displays a pledge to foster accountability.

It therefore becomes very imperative that municipalities in South Africa should also create a number of red flags to serve as mechanisms that can be applied to identify and guard against fraudulent or corrupt procurement practices by their employees. Some of the detection mechanisms that could prove to be beneficial in preventing institutional fraud include personnel red flags, operational red flags, accounting systems red flags, financial performance red flags and professional service red flags.

Personnel Red Flags

Accountability institutions mostly employ the different red flags for the early detection of institutional fraud and corruption. Of importance is that these red flags are generic and so the different municipalities in South Africa could apply whatever is applicable, to help them deal with challenges in their unique environment. However, the red flags that are covered in this paper do not provide an exhaustive list. Some of the red flags that could help organizations identify procurement fraud are thus outlined. Personnel red flags speak more directly to how well do organizations monitor their staff. Perhaps some of the most pertinent questions to be asked in this regard would be: How well do municipalities know the signs and symptoms of fraud? Do municipalities know what to do when they suspect that an employee might be committing theft in respect of institutional finances or any resources? Likewise, this article further argues that the various red flags could be applied as guidelines to inform strategies that could help municipalities in South Africa to effectively monitor their personnel, more especially in relation to their internal procurement processes. Personnel can be classified into lower level employees and management. The red flags for both employees and management are discussed next.

Employee Red Flags

The following are the employee red flags as listed by DiNapoli (2010:8):

- Lifestyle changes: the acquisition of expensive cars, jewellery, homes and clothes;
- High personal debt and credit problems over and above the employee's earning potential;
- Abuse of drugs, alcohol, gambling, or the continuous fear of losing the job;
- High earnings, especially in those areas which are more vulnerable to fraud;
- Refusal to take leave; and,
- Failure to separate work, especially in the vulnerable area.

Management Red Flags

The following set of red flags can also be applied to monitor those employees that are incumbent of managerial posts in organizations (DiNapoli, 2010:8): reluctance to give information to auditors; frequent disputes with auditors; individual or small group dominated decisions; high levels of disrespect for regulatory bodies; weak internal control environment; carelessness in accounting; decentralization without adequate monitoring; excessive checking of accounts; frequent changes in banking accounts; frequent changes in external

auditors; company assets sold under market value; significant downsizing in a healthy market; continuous rollover of loans; excessive number of year end transactions; high employee earnings; unexpected overdrafts or declines in balances; refusal to use serial numbered documents like receipts; compensation program that is out of proportion (exorbitant bonuses); financial transactions that do not make sense (whether common or business); service contracts that result in no product; and, photocopied or missing documents.

According to Scott (2000:17), the fact that employees do commit procurement fraud is becoming habitual and emotional. Many of the municipality employees in South Africa have internalized, as well as institutionalized fraud and corruption. Such employees would have soothed their conscience by formulating profound beliefs that since fraud and corruption is rampantly happening at the highest political levels in the country, it is okay to do it at the lower levels. Some would even pronounce lower salaries as a justification for defrauding their employer. However, this article argues that all criminality is a rationally motivated choice and this is noticeable in some of the behavioural patterns of those employees that are engaged in defrauding their employers.

Operational Red Flags

State institutions need to ensure that operating standards are met as postulated by Quist *et al* (2008:53). Red flags do not necessarily provide answers to all sorts of problems. However, state institutions like municipalities could also apply these detection measures selectively and only subject to their unique circumstances. This argument is further supported by the submission that is opposed to the perception of red flags being applied as an automatic trigger for all operational decisions (Kenny & Musatova, 2008:28). Drawing from Kenny & Musatova (2008), the following are therefore some of the operational red flags that could also assist municipalities in South Africa to effectively detect some of the irregularities affecting their institutional procurement routines: complaints from bidders without any responsiveness; suspicious bidders; lowest bidder not selected; multiple contracts that are below the procurement threshold; unusual bid patterns; inflated agent fees; repeat awards for the same contractor; multiple orders to change contracts; poor quality workmanship or services; and, changes in contract terms and value.

The main purpose for the application of operational red flags is for state institutions, including municipalities, to attain transparency and accountability. Accountability is therefore prerequisite for effective public service delivery. The public always expects municipalities to render services in an accountable, efficient and effective manner. In order to achieve such a goal, municipalities are also expected to apply accounting systems that are aimed at promoting the responsible handling of official information. This relates to among other things, to the electronic collection, storing and processing of data that relates to procurement practices within all municipalities in South Africa.

Accounting Systems Red Flags

Accounting systems refer to technological databases that are applied in procurement activities to monitor the collection of institutional debts and expenditures. Some of the systems that are available in the South African public service sector include the Payroll and Human Resource Management System that applies PERSAL software, the Supply Chain Management that applies LOGIS software, Accounting that applies BAS

and Safetynet software, as well as the Business Intelligence Platform (Quist *et al.*, 2008:53). These systems also require red flags to detect any illicit manipulation thereof. The following red flags from Essentials of Corporate Fraud (2011) can therefore also be applied in order to protect the integrity of accounting systems in municipalities:

- The unusual timing of the transaction that includes the time of day, the day of the week, or the season, should raise suspicions.
- The frequency of transactions: Institutions should investigate if transactions are occurring too or less frequently. Each institution will have its own operating patterns and transactions should be booked accordingly.
- Unusual amounts of money recorded: Institutions need to take note if an account has many large, round figures entered and should also consider if some of the transactions are extremely huge or small.
- Questionable parties: The following questions should be asked if any party to the procurement process is in question. Should the institution be paying an outside party? Is there payment being made to a related party? Is the institution paying exorbitant amounts to a vendor whose name is not easily identifiable?

Protecting official databases against fraudulent activities is probably one of the most crucial institutional security considerations. The information contained in the databases of the different South African municipalities therefore needs to be isolated by ensuring that only official users are able to obtain access thereto. In fact, security breaches may well compromise the very credibility and integrity of the data in municipality databases. Therefore, accounting systems require specific worldviews that will serve as a compass that instills a particular set of values that will promote the trust relationship between employees, who are practitioners, and their employer.

Accountability in the public service including municipalities has underpinnings that were derived from the Accounting for Resources and Priorities (ARP) paradigm. Taylor (2005:1416) describes the purpose of this philosophy as to promote sound financial systems that encourage quality accounting practices and strict adherence to financial procedures in state institutions, by using checks and balances. Thus, municipalities also need to conform to procedures that protect their financial databases if they are to augment their performances.

Financial Performance Red Flags

According to the Essentials of Corporate Fraud (2011), financial performance red flags will include some robust objectives and performance measures at individual and at an institutional level. Therefore, institutions, in particular municipalities whose financial performance suggests the possibility of procurement fraud, might include some of the following early warning signs: the drastic outpacing of competitors in the industry; producing exceptional results when the rest of the industry has suffered a decline; odd financial ratios in comparison to competitors; relentless cash flow problems, even when reports regularly shows profits; and, the same pattern of audit adjustments applied every year.

The efficient delivery of services by municipalities is extremely dependent on their sound financial performance. Municipalities in South Africa should use public funds in a transparent, accountable and responsible manner. Such practices are critical in maintaining professionalism in that lessons can be learned from best local and global practices. The establishment and eventual application of financial performance red flags could thus also enhance relations with external debtors and creditors, with whom municipality engages in business. Likewise, professional relations could further benefit from the application of professional service red flags.

Professional Service Red Flags

Professional service red flags are those mechanisms that can further promote a truly enhanced image for municipalities, if they are used innovatively. This is because the use of professional service red flags could be a demonstration of an institution that takes accountability and transparency very serious. In fact, adhering to mechanisms such as professional service red flags will further promote public-private partnerships that also support municipality business. The Essentials of Corporate Fraud website further noted the following professional service red flags: when there is no effective monitoring of transfers to frontline service delivery units; when there is no strategic allocation of resources; when collection of revenues fails; when services rendered to the public are inefficient; when there is no integration of cash and debt management both with respect to efficient liquidity management, as well as with respect to the market response to sound debt management with the subsequent reduction in the cost of money to government; and, irregularities in procurement and non-salary expenditure management.

There are other various ways of determining early detection mechanisms or red flags. One classical example is shaping red flags by drawing factual indicators from policy documents, legislation and reports. The following professional service red flags that have been qualitatively deduced from an evaluative study of South Africa by Quist *et al.* (2008:53) can thus also be present when the procurement processes in any local government are possibly being defrauded: obvious difficulty in retaining auditors; changing banks frequently; and, persistently having difficult relationships with service providers.

VALUE OF RED FLAGS IN THE DETECTION OF PROCUREMENT FRAUD

The use of the various red flags will not only add value to the accountability and transparency in municipality structures, but all levels of government could also benefit from the innovative use of these detection mechanisms. Likewise, all state institutions can apply the different red flags as points of argumentation in criminal or civil matters, where an employee has been indicted in respect of procurement fraud. In municipalities and many other organizations, red flags are commonly the triggers of an internal audit and consequently an internal investigation. The audit procedures by their design, collect evidence that facilitate conclusions and reactions to an inherent assumption that fraudulent transactions will be concealed, documents will be falsified and internal controls will not function as intended by the management (Vona, 2008:44).

Red flags cannot be used as conclusive evidence in court, even though their presence may not always indicate that fraudulent activities are taking place. However turning a blind eye on the existing red flags carries a higher price. In forensic criminology, the understanding of criminality should encompass those steps that are necessary in dealing with crime. In this instance, it means that the understanding of procurement fraud must be

accompanied by mechanisms aimed at addressing the problem. According to El Ayouty, Ford & Davies (2000:49), the indications or red flags in the procurement process can assist in identifying circumstances where fraud is likely to take place or indicate fraud that has already occurred in the procurement process. In this fashion as argued by these authors, by providing guidance and enlisting as many protectors against fraud as possible, the vulnerabilities in the procurement process will be minimized and the public interests and monies will be better protected. The general value of red flags in any organisation is that they can direct the investigation and ensure that the investigative resources are channeled correctly. In addition to the general value of red flags and for the purpose of this article, the values of red flags in detection and investigation of procurement fraud in municipalities include an early detection of procurement fraud, mitigation of the impact of procurement fraud, as well as deterrence of prospective procurement fraudsters.

Early Detection of Procurement Fraud

Although red flags cannot be used as evidence in court, they can nonetheless become very instrumental in ensuring that procurement fraud is detected earlier within the municipalities. Statistics shows that each year procurement fraud is growing within the different municipalities. Research and different analyses have shown that majority of procurement fraud incidents starts very small but can grow into a very big incident if perpetrators are not apprehended. This is true because one of the main causes of fraud is opportunity. As argued by Vona (2011:38), opportunity is an individual's ability to commit fraud scenario and his or her related experience in committing the scenario. Vona (2011:38) further identified the following four main categories of fraud perpetrators and linked those to their experience as far as perpetration is concerned:

- The first time offender: Although there are theories pertaining to this category, typically their fraud starts from nothing as when the perpetrator learns of the control weaknesses and become tempted. Then, their involvement and perpetration grows with subsequent successful attempts.
- The repeat offender: This is a person who has committed fraud repeatedly within different organizations without detection each time.
- The organized crime category: These people are normally external to the organisation although they may later seek employment in that organization.
- For the benefit of the company category: These are normally managers who have rationalized the procurement fraud and think that they are doing it for the organization.

These categories of fraud, especially the first two indicate and confirm that procurement fraud starts at a very low level and grows if not detected. It is against this background that the red flags need to be observed in the municipalities. Once these red flags are well known in any municipality, this can then lead to an investigation which may or may not confirm the presence of fraud. The early detection of fraud is likely to save municipalities a lot of money. Apart from thwarting fraud at its early conception, the recovery of any losses may be easier as the proceeds may still be in possession of perpetrators or that the witnesses may still remember the incident clearly. There is a causal relationship between opportunity and perpetration of procurement fraud hence understanding the fraud opportunities and linking them to an inherent fraud scheme is a critical first step before an audit response can be planned and executed (Vona 2011:40). This article therefore concludes that red flags can play an important role in assisting the anti-fraud professionals and forensic accountants to detect fraud

successfully very early in the process. It is further concluded that if procurement fraud is detected earlier, the damages will be mitigated and the recovery of losses can become successful.

Mitigation of the Impact of Procurement Fraud

The value of red flags in detecting procurement fraud cannot be understood in isolation. If red flags are to be accurately observed and understood, they are likely to trigger an investigation which may reveal the presence of procurement fraud. Depending on what stage of the procurement fraud process is this accomplished, there is likelihood that the damage normally associated with procurement fraud would be greatly mitigated. It is also well-known that any fully-blown procurement fraud incident is likely to cost municipalities a lot in terms of lost revenue. But, in addition to that, if the resources are drained through embezzlement and procurement fraud, less funding is available to pay salaries and fund operation and maintenance leading to demotivated staff, lower quality service and reduced use of allocated resources (Carrin, Buse, Heggenhougen & Quah, 2009:111). It is therefore also the submission of these authors that red flags must be used to detect procurement fraud, thereby avoiding recurrence. If this is achieved, the impact of procurement fraud in the South African municipalities would be decreased tremendously.

This article does not under-estimate the importance of investigation and prosecution of the perpetrators in fraud cases, but acknowledges that an average criminal or forensic investigation in South Africa takes a long time to conclude. Investigations are normally dragged through systemic or institutional delay. This evident in the submissions of Burchel, Erasmus & Leeman (2003:48) who argue that the effectiveness of police investigation or the prosecution of cases in South Africa is caused by congestions in court rolls and resource limitations. For municipalities, these problems in the criminal Justice system can be mitigated through the observation of the different red flags. An ideal situation is that after a fraud incident is detected, then perpetrators should be held accountable for their actions with immediate effect and municipalities must strive to recover the losses. Even if the court pronouncement is awaited, it is likely that the perpetrators will stop their activities the moment they realise that they have been spotted and something is being done about it. This could only be effectively attained if perpetrators have not yet started to operate in a networked fashion.

Deterrence of Prospective Fraudsters

Successfully dealing with procurement fraud in the municipalities cannot solely rely on successful detection and investigation (Greene, 2002:32). Even in cases where South African municipalities are able to recover losses, the ideal situation is to deter prospective procurement fraudsters before the crime is committed. The control systems in an organisation, knowledge of the risk factors and the ability to respond rapidly to those risk factors, can serve as a deterrent to keep municipality employees from planning and committing procurement fraud. According to Greene (2002:32), fraud deterrence refers to creating environments in which people are discouraged from committing fraud. Also, such deterrence can be a message to the prospective fraudsters that repeated criminal behaviour would aggravate a need for punishment with each recurrence.

For the purpose of this article the value of red flags in deterring prospective fraudsters is premised in the fact that deterrence is accomplished through a variety of efforts associated with internal controls and ethic programs that create a workplace of integrity and encourage employees to report potential wrongdoing (Kranacher *et al.*, 2011:159). This means that anti-fraud professionals as pointed out by Greene (2002:41) in

any municipality should be able to show other employees that it is possible to detect procurement fraud and that once that is done, those that are found to have been responsible, would face dire consequences of their actions and face the full might of the law. The types of offenders discussed earlier in this article attributed to the fact that the individuals in a municipality may grow and intensify their activities in procurement fraud if left undetected. It is therefore common that employees would be reluctant to perpetrate acts of fraud if they are aware that red flags are used effectively to detect procurement fraud within the municipalities and that those caught could as well face very harsh consequences (Greene, 2002:44).

CONCLUSION

The preceding discussion showed that there is no debate on whether procurement fraud is rife or not in the South African municipalities. Instead, the deliberation confirmed that the perpetration of procurement fraud is on the rise in the South African municipalities. As a result of this rampant behaviour where the principles of corporate governance are totally ignored, the service delivery in majority of municipalities has been greatly compromised. During procurement, those who are either in or out of the municipalities reap a lot of value from the municipalities through a deliberate rigging of bids, ignorance of product specification or sometimes through the leaking of sensitive information. All these are done with the intention of receiving kickbacks which amounts to a criminal offence and calls for a full investigation and action. The second dimension of the article focused on an alternative to traditional ways of detecting fraud in any organisation. In most cases, the reports of procurement fraud come to the attention of the anti-fraud professionals by a word of mouth. This is not enough as lots of procurement infringements go unnoticed thus causing a great damage to the financial well being of different municipalities. These alternatives include but are not limited to, the use of red flags to detect and investigate procurement fraud in municipalities. Although red flags cannot be used as evidence in the court of law, their value is immeasurable in that red flags can ensure that procurement fraud is detected very early thereby minimizing its impact. In addition to that, the effective use of red flags can act as deterrence to the prospective fraudsters thus creating environments which are not conducive to fraud or other unlawful acts in the municipalities.

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CHALLENGES OF LOCAL GOVERNMENT IN SOUTH AFRICA

M.J. Bogopa

University of South Africa

ABSTRACT

It is the quest of every government to appoint competent officials in top management positions in order to reduce increase performance within government institutions. The inadequacies of qualifications have joined corruption as one of the major problems facing most municipalities in South Africa. Some municipalities appoint officials as Chief Financial Officers (CFO's), who have matric as their highest qualification. These officials often fail to compile financial statements on time for audit purposes and as a result of those municipalities profligate millions on consultations to help them draft financial statements. The money, which was supposed to be used to improve quality services, is being channelled to consultants. Service delivery protests in South Africa can attest to the fact that some municipalities are underperforming. It is therefore critical to investigate the root cause of the problems without putting the blame on individuals. It will therefore be critical for researchers and policy makers to unearth the real problems that prohibit municipalities from delivering as the constitution mandate them to deliver quality services to the communities and to propose alternative mechanisms. Too much dependency on consultation is not to be encouraged. The quality of audits in municipalities has decline between 2003/4 and 2010/11 and qualified audit opinions have doubled. It is within this context that the appointment of appropriately qualified persons to manage the finances of municipalities is essential. It is the aim of this empirical study to investigate performance management in local government in order to ascertain the nexuses between performance management, corruption, skills shortages, political deployment and accountability as features that have direct or indirect link to municipal performance. The article will also suggest measures which if implemented, could see local government being the ideal choice of employment for various people.

INTRODUCTION

Municipalities around the country are in a serious crisis which seems to burgeon each year. The local sphere of government is "everyone business" (Cooperative Governance & Traditional Affairs, 2009), which should bring the government closer to the people and the people close to the government, by "[encouraging] the involvement of communities [people] and community organisation in the matters of local government" (Republic of South Africa, 1996). This appears to be a far-fetched goal when looking at the reports published on the performance of local government for the past three years. The Minister of the Department of Co-operative Governance and Traditional Affairs; Minister Richard Baloyi said "*timhaka leti ta ku antswisa ntokoto wa vamasipala ku korhokela matiki I nyimpi leyi nga ta yi lwa hi yima ntsena hi ku twa rhambu ku tshoveka. Hi rhamba mani na mani ku hoxa xanndla eka kutiyisa timasipala ta hina*". As a result, a call for public participation and the transformation of local government has been one of the largest undertakings in the entire change process since the advent of democracy. Since the inception of the final phase in December 2000, significant progress has been made, but a lot of work still needs to be done to address the disparate practices and systems that prevail in local government as democracy matures (CoGTA) Government has developed various avenues to ensure that municipalities are transformed and are able to deliver to its clients "citizens" quality

services enshrined in the constitution. Some of the initiatives by the Department of Co-operative Governance and Traditional Affairs (CoGTA) include the “Local Government Turn-Around Strategy” (LGTAS), “Business-Adopt- A Municipality” and “Operation Clean Audit 2014”, as part of the turn-around program to beef-up local government performance, seems to have fallen on deaf years. *The Local Government: Municipal System Act No 32 of 2000* was amended during 2011 to professionalise the local government to ensure fair, efficient and transparent municipal administration (Baloyi, 2013). The *Local Government: Municipal System Amendment Act 7 of 2011* enunciates that government should “improve the capacity of municipalities to perform their functions and improve service delivery by ensuring that municipalities recruit and retain suitable qualified persons—especially those with scarce skills” (Republic of South Africa, 2011). Skills shortages in areas such supply chain; finance, ICT and human resource development have sparked more problems in various departments in the local sphere of government. All these efforts are to ensure that local government remains the coal-face for service delivery and retain a strong relation between government and the community. The challenge is lack of decisive leadership in municipalities who should put in place corrective measures and to criminalise under-performing officials. Government has ensured that section 139 of the Constitution of the Republic of South Africa has been used as the way of rescuing those municipalities who cannot meet their performance target. In order to ensure that municipalities perform well according to their Constitutional mandate, there is a need to professionalise the domain of local government. This will make a significant contribution in terms of uprooting the entrenched and dysfunctional culture of municipal politics that has allowed the ruling parties to retain the loyalty of local cadres by rewarding them with senior posts in local government with scant regard to qualifications or experience (Holland, 2012:14). The commitment to professionalise local government was recognised by policy makers when passed into law, the *Municipal System Amendment Act, Act no 7 of 2011*. There is no doubt that if this act is well implemented, local government will see the end of cadre deployment, which has allowed the assignment of key posts to those officials who are politically connected. Although the governing party African National Congress) is the enthusiastic proponent of political deployment, evidence suggest that most municipalities that struggle to perform to their utmost abilities are throttled by excessive political interferences which promote machismo and water down skills and expertise. Most municipalities are notorious for employing officials without the relevant skills, expertise and qualifications in senior positions in the name of cadre deployment. . The cadre deployment practice affords the ruling party the opportunity to supplement its control of most councils with pliant and often weak administrators, only too willing to take political direction (Holland, 2012:15). What makes the matter even worse is that, in other municipalities it is an acceptable practice for the CFO not to have pertinent qualifications and requisite skills and capacity and experience required by the demanding nature of their portfolios. To this, end, it is clear that this era is coming to an end as the law makers, through the promulgation of the *Municipal System Amendment Act 7 of 2011*, seek to position the local government in a way that it will create a platform for everyone, including academics and other professionals to utilise their skills, expertise, competencies and qualification to make local government an attractive environment for all regardless of political connections. These amendments will go a long way in terms of improving the performance of most municipalities in South Africa, thereby improving the provision of service delivery to communities.

PERFORMANCE MANAGEMENT IN LOCAL GOVERNMENT

CoGTA (2009), in its most recent state of local government report highlighted a number of critical challenges facing South African municipalities. Massive strides been made in terms of transforming local government since the year 2000 (ANC 2010:12). This is evident in that since the advent of democratic dispensation in South African municipalities in the year 2000, more people have access essential municipal services such as clean water, housing, electricity (Zuma 2009). It suffices to mention on the other hand that local government is still confronted with numerous challenges relating to municipal performance. The 2011 Statistical report substantiate president's remarks by commending the remarkable performance hitherto by national, provincial and local sphere of government on various key basic services delivery to communities. The provision of piped water increased from 60.7% in 1996 to 73.4% in 2011, toilet facilities increased to 57.0% in 2011 from 50% and 55% in both 2001 and community survey 2007, energy increased from 58.2% in 1996 to 84.7% in 2011 and refuse removal increased from 52.1% in 1996 to 62.1% in 2011 (Statistic South Africa, 2011).

In spite of these advances, it is worth noting that most municipalities in South Africa are still in distress and engulfed by plethora of cleavages that stifle service delivery to other parts of the South African populace. The Auditor-General's 2011/12 financial report has highlighted that the major problems overwhelming South African municipalities are not new, and they include but not restricted to skills shortages, lack of expertise and competencies and inadequate qualifications to carry-out their functional responsibilities... Boshoff (2012:45) argue that although the skills shortages are partly to blame, politics also comes into play. In His address (Cape Town 20 October 2009) President Jacob Zuma echoed Boshoff sentiments that due to political power struggles, cadre deployment and corruption, municipalities still need to do more and it need to do things differently because these challenges stifle service delivery. The old infrastructure is also another problem that throttles the capacity of many municipalities primarily in the deep rural areas and former homelands. These point out to a need to develop a new policy direction for addressing municipal challenges that have rendered some municipalities dysfunctional. There is a need to put in place measures addressing poor performance. This should not be seen as a unique problem for municipalities only. Instead, it should be seen as a national challenge because the capacity of municipalities to deliver on their service delivery mandate, to a large extent demonstrate the ability of government as a whole to respond to service delivery needs of citizens. The AG (2012) further denotes that other municipalities' fails to draft and submit their financial statements on time or even furnish accurate information during audits. This has resulted in some municipalities receiving unqualified audit report. In some instances, municipalities which are able to draft and submit their financial statements in time make use of private consultants. This demonstrates the extent to which some municipalities in South African are bedevilled by unfathomable capacity constraints. However, it is worth noting that the advent of the *Municipal System Amendment Act 7 of 2011*, will if properly implemented if serve as a catalyst required for restoring hope and faith of many South Africans in the capacity of local government institutions to deliver on their mandate. This is because the act seeks to ensure that the institution of local government is no longer dominated by political fights that have stifled service delivery that have resulted in unpleasant service delivery protests in the recent years. It seeks to create a new local government that will be accountable and transparent. . The act intends to limit political powers of the municipal office bearers in municipalities by indicating that they should not hold a political office in a political party, whether in a permanent, temporary or acting capacity. The

inadequate performance of some municipalities since the transformation of local government in the year 2000 has by far large contributed to characterisation of South Africa as the world stage for service delivery protest where people took their dissatisfactions to the streets. Poor service delivery has elicited protests all over the country, which brought local government under spotlight (Managa 2012:1). Most of the protests result in violence. . Some of these protests are compounded by corrupt officials who profligate state resources for selfish gains at the expense of the poor. The burning of some municipal council houses by angry citizens where the true reflection of how the system of governance in local government has become highly compromised. Unless local governance is strengthened, the country is likely to witness more service delivery protests that could be more violent than the previous ones (Managa 2012:1). Even worse perceptions of corruption have led to embarrassing coups such as the recent albeit temporary unseating of Tlokwe's mayor (Municipal IQ-report 2013).

There are many reasons cited for non-performance or under-performance by local government; some are perceptions, while others are realities. The Auditor-General in his 2011/12 financial report has indicated the following few major contributing factors to non-performance by municipalities:

- a) Key positions vacant or key officials lacking appropriate competencies.
- b) Consequences for poor performance and transgression.
- c) Leadership instability.
- d) Internal controls not effective-checks and balances not performed.
- e) Response by political leadership in addressing the root cause of poor audit outcomes; and,
- f) No annual performance report to some municipalities.

Baloyi highlighted that there are 10 municipalities under section 139 on the constitution. This section states that when a municipality cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the relevant provincial executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation. This happens even though the late Minister of Co-operative Governance and Traditional Affairs Mr Sicelo Shiceka announced an ambitious "Operation Clean Audit 2014" for the sphere of local government.

Local government's performance challenges

In the January 2010 Lekgotla, the National Executive Committee of the African National Congress noted "*that the root causes of many problems in our system of local government are influenced by systemic, legislative, political and accountability factors. In addition there are challenges of capacity and skills, poor intergovernmental relations and deficiencies in the intergovernmental fiscal systems for municipalities*". Among other challenges facing local government are acute problems of corruption, skills shortages, accountability and political deployments. These are the key challenges that hamper service delivery. These challenges are briefly discussed below.

Corruption in local government

Governance in South Africa is guided by the ideals of accountability, transparency and responsiveness. In spite of these principles, local government in South Africa has witnessed a high rate of corruption in the recent years. Municipal officials squander and profligate state resources without being charged or even when they are charged their sentence lapse or cases being dropped. Although section 171 of *Local Government: Municipal Financial Management Act 56 of 2003* indicates that "(quotation mark opened and not closed

anywhere else) when a staff member or municipal official is dismissed for financial misconduct, corruption or financial fraud, they should not be re-employed in any municipality for a period of ten years. This important provision has been neglected primarily by senior office bearers in municipalities. The Auditor-General has indicated that, the supply-chain management systems in most municipalities are highly inefficient and open to corruption. In some cases internal auditors who supposed to be whistle-blowers often times get intimidated that with the hope that they will sweep adverse findings under the carpet. The former State President Thabo Mbeki lamented on this phenomenon when he stated that: "... some of the people who are competing to win nomination as ANC candidates in local government are obviously seeking support on the basis that once they are elected to positions of power, they will have access to material resources and the possibility to dispense patronage"

Lack of skills, expertise, competency and qualifications

Skills shortages in South African municipalities are a national problem. The adage that "a fish start to rot from the head to bottom" seems to be prevalent primarily when juxtaposing with the lack of skills, expertise, competency and qualifications in government. The appointment of officials who do have the requisite skills and capacity within municipalities remains the major contributing factor towards municipalities receiving unclean audit reports. This challenge was confirmed by the office of the Auditor General that who stated that some CFO's, have matric as their highest qualification. These CFO' soften fail to compile financial statements on time for audit purposes. As a result, municipalities spend millions of Rands on consultants who help them to draft those financial statements. The North West has been singled out by the Auditor-General as a province with worse skills shortages. The MFMA general audit report highlighted that North West province has spent R29m on consultants in the recent years. It is empirically evident that municipalities still find it difficult to attain the "Operation Clean Audit Campaign 2014" target outlined by COGTA. The National Treasury Report has enunciated that there are poor financial management practices in municipalities due to both under- and over-spending of municipal budgets. This points out to the fact that sound financial management is an on-going challenge to some municipalities in South Africa. SALGA (South African Local Government Association) is lobbying the continuous improvement of capacity to improve good governance practices. This is based on the realisation that more work needs to be done in terms of improving internal controls in municipalities. The new *Municipal System Amendment Act 7 of 2011* has also established a framework laying down minimum competency and experience required for senior managers in local government. However, it worth noting that such an important requirement is overlooked when appointments are made in local government. When it comes to the appointment of top managers in municipalities, officials tend to indicate left and turn right. As much as a prescription is done after a diagnosis has been done, so it is imperative to investigate the root cause of why municipalities receive qualified audit reports. It is therefore impossible to talk about municipalities receiving clean audits without talking about qualification audit that has a direct impact within the local sphere of government. The challenges of local government to perform effectively are embedded in various factors including policy direction and leadership capacities

Accountability in local government

Even if citizens are unable to control governments by obliging them to follow mandates, citizens may be able to do so if they can induce the incumbents to anticipate that they will have to render accounts for their past actions. Governments are “accountable” if voter’s can discern whether governments are acting in their interest and sanction them appropriately, so that those incumbents who act in their best interest win re-election and those who do not, suffer electoral lose. Accountability occurs when (1) voter’s “citizens” vote to retain the incumbent only when the incumbent acts in their best interest, and (2) the incumbent chooses policies necessary to get re-elected (Democracy, Accountability and Representation 1999: 40) The South African accountability process in local sphere of government is opaque and skewed. This is because citizens are not voting for their preferred councilors to serve the municipal councils. Instead a particular political party which eventually wins election will be allowed to appoint their preferred in the position of a mayor. They ruling party often times influences the appointment of municipal managers. This process highly compromises the practice of accountability because councillors and official, who have been deployed, remain beholden to the whims of party bosses than on the wishes and aspirations of the communities they serve. It is within this context that the opposition parties in parliament and other civil organisations have been vocal and unanimous in they calls for electoral reform in the local sphere of government. The electoral reform advocates come in the aftermath of frustrations by communities, where municipal officials account to political parties (ANC) or (DA) respectively as oppose to their constituencies or voters. Hence it has been difficult for municipal councils and MP’s (Members of Parliament) to be held accountable by the citizens. To understand why the problems of accountability arises, Prcworski *et al.*, (1999) argue that politicians may want to do nothing that well-informed citizens would not have wanted them to do; they may be public-spirited and dedicate themselves fully to furthering the public interest.

Political or cadre deployment

Cadre deployment, is worldwide practice of deploying party cadres and loyalists into the public institutions, this practice has got severe consequences because it is based on the system wherein the ruling political party deploys its members (loyalists) in key or strategic positions without proper consideration of their qualifications or experience required for the job. This practice has transformed municipalities into a contested terrain. The degree of divisions within (and between) political parties are overflowing into the life of municipalities, rendering some of them dysfunctional. Politics of factionalism and patronage as well as corruption, maladministration, cadre deployment, political interference and a conflation of the party and the state have all contributed to the erosion of democratic, accountable and effective local government in some municipalities (Masiko-Kambala 2012:3) with enormous negative consequences for service delivery provision to communities. The squabble’s in the local government has left a huge leadership vacuum which has resulted in at least 10 municipalities been put under administration by provinces. This view is confirmed by the recent assessment conducted by the department of Cooperative Governance and Traditional Affairs (CoGTA), which has revealed that political factionalism and polarisation of interests and the subsequent creation of new political alliances and elites, have contributed to the progressive deterioration of municipal functionality (CoGTA, 2009:10). These have been prevalent and dominant primarily in some municipalities that are governed by the African National Congress (ANC). The National Treasury directly attributes the failures in municipal

performance to failures in local political leadership rather than a lack of capacities in those municipalities (Local Government Budgets and Expenditure Review, 2011:24). CoGTA's (2009: 4-10) report further reveals that local government is in distress. The report highlights the following as the causal reasons for distress in municipal governance:

- a) Tensions between the political and administrative interface;
- b) Poor ability of many councillors to deal with the demands of local government;
- c) Insufficient separation of powers between political parties and municipal councils;
- d) Lack of clear separation between the legislative and executive;
- e) Inadequate accountability measures and support systems and resources for local democracy; and
- f) Poor compliance with the legislative and regulatory frameworks for municipalities

The advent of *Municipal Systems Amendment Act*, seeks to create a strong balance between political powers and administrations in the local government. If well implemented the local government will never be the same and the degree of cadre deployment will be the issues of the past in South Africa. The paper proposes that government, particularly local government, should start implementing the promises and provisions contained in the Constitution in order to address the poor state of our municipalities.

South Africa's municipalities are a contested terrain.d between) political parties are

RECOMENDATIONS

- Whistle-blowers should be compensated and protected for exposing corrupt officials in the municipality;
- Political deployment should be abandoned;
- The institutional design of local government needs to be assessed, to interrogate whether it contribute to or exacerbate negative contestation;
- Strengthen human and resource capacity, which will enable local government to deliver its constitutional mandate to the public;
- Transform electoral system in the local sphere of government;
- Communities should elect or appoint their own councils who reside within their communities;
- Use Municipal service partnerships to extend efficient and affordable services to all citizens;
- Government (especially CoGTA) should put in place severe punishments for those municipalities who cannot submit their financial statements and reports on time for audits; and,
- Regular Training and workshops for officials in strategic positions should be encouraged.

CONCLUSION

Many South Africans have little confidence in the efficiency, effectiveness and responsiveness of local government. Municipalities' underperformance and mismanagement, coupled with corruption, have led communities to have little confidence in the local government. Moreover, this is aggravated by unfulfilled political promises, abuse of power and lack of accountability to the public by councillors and government officials. There is clearly a problem with cadre deployment that places party allegiance as the key qualifier before qualifications, skills and competencies, with the resultant risk that deployed cadres show loyalty to the party at the expense of the state, community development and service delivery. Inappropriate deployment has led to a myriad of problems in local government including undue political interference, tensions between the

political and administrative interface and insufficient separation of powers between political parties and municipal councils. This has rendered many municipalities ineffective in delivering on their developmental mandate. This paper therefore suggest that unless government intervene and ameliorate the standard conditions of municipalities the state of local government will remain crippled and people will forever revolt against the government that doesn't fulfil its constitutional mandate.

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ISSUES OF CORRUPTION IN SOUTH AFRICA'S MUNICIPALITIES

B.K. Lekubu

University of South Africa

ABSTRACT

Corruption is a complex and nefarious problem and its consequences are nearly as difficult to parse as corruption itself. Corruption diminishes the state's ability to provide high quality services in many ways. Since fiscal resources depend on economic activity, the negative effect on growth has a fiscal impact, reducing resources which might be used to improve services for poor people. In South Africa, municipalities around the country are in crisis. National government has declared that 136 out of 284 municipalities are unable to fulfill their basic functions. A major problem facing many municipalities is the small revenue base in the poorer areas. This is largely a structural problem that cannot be blamed on councilors and municipal officials. However, all efforts to overcome this stumbling block are being undermined by three key factors that are wholly avoidable: corruption, financial mismanagement and the appointment of senior officials solely on the basis of political connectivity and/or employment equity considerations. Municipal Managers tend to be under-qualified, overpaid and consequently do not perform. The primary data was obtained through one-on-one interviews and group discussions with the representatives from the Special Investigating Unit (SIU), Office of the Public Protector, the National Prosecuting Authority, Auditor General, the Department of Cooperative Governance and Traditional Affairs officials. Annual Reports were also consulted which clearly indicate a link between corruption and service delivery.

INTRODUCTION

The growing prevalence of fraud and corruption at a local government contributes a loss and/or wastage of scarce resources at a local level and this has a negative impact on service delivery. As a result of all these, local government has been under the spotlight in recent years due to a wave of protests which brought about clashes between protesting residents and law enforcement authorities. A myriad of concerns have been recorded, many of which have been categorised as 'service delivery protests' against local authorities which have been accused of poor service delivery. The causes of the protests are far more varied and complex than this. It must therefore be acknowledged that there is a multiplicity of factors at the root of the current protests and that these can best be placed into three broad categories, one of which is the systemic group involving factors such as maladministration, fraud, nepotism and corruption in housing lists. With South Africa's rating of 43 out of a score of 100 and a ranking of 69th out of 133 Countries on the Transparency International's Corruption Perception Index 2012, it is clear that the country is perceived as having fairly high levels of corruption

DEFINITION OF CORRUPTION

The word "Corruption" has its origin in a Latin verb "corruptus" meaning "to break". Literally, it means "a broken object". In simple words, corruption means "the misuse of entrusted power for private benefit." Conceptually, corruption is a form of behaviour which departs from ethics, morality, tradition, law and civic virtue. The term corruption has various definitions. The United Nations (2001:40), the and the multilateral

financial institutions like the World Bank and Asian Development Bank define corruption as, “abuse of public office for private gains”. Section 3 of the RSA (2004) sets out a range of activities that are regarded as corruption – all of which have the following in common; someone (A) gives (or offers to give) someone in a position of power (B) something to use their power, illegally and unfairly, to the advantage of A (or anyone else). The person offering to give or do something in return for something is always guilty of corruption. And both parties (A and B) will be guilty of corruption if the offer is accepted. To this end, the Act defines corruption legally as “where a person (A) gives (or offers to give) someone in a position of power (B) something (called ‘gratification’ in the Act) to use that power, illegal and unfairly, to the advantage of A (or a third person). B will also be guilty of the same crime if he/she accepts (or offers to accept) the gratification to wrongly use his position.” Moloï (2012:4) provides a classic definition of corruption which holds that “a public official is corrupt if that official accepts money or something else of value for doing something he or she is under a duty to do anyway, under a duty not to do, or for exercising legitimate discretion for improper reason.”

ELEMENTS OF CORRUPTION

In corruption cases, there are normally two elements which can be referred as two-step test: The transaction must have a “corrupt element” based on the objective standard. The giver/recipient must know that he/she is doing a corrupt act; that is, possess a “corrupt intent”. In the case of Lesotho Highlands Water Project (1993), the High Court of Lesotho held that for the offence to be proved, it is essential that the following elements are found to be common to both briber and bribee:

- ♦ unlawfully
- ♦ intentionally a state official

(i) offering or agreeing to give any consideration

(ii) agreeing to take any consideration in return for action or inaction by the bribee in an official capacity.

CAUSES OF MANIFESTATIONS OF CORRUPTION

The incidence of corruption varies among societies, and it can be rare, widespread or systemic. When it is rare, it is relatively easy to detect, isolate and punish and to prevent the disease from becoming widespread. When corruption becomes widespread, it is more difficult to control and to deal with. But the worst scenario is when it becomes systemic. When systemic corruption takes hold of a country, the institutions, rules and peoples’ behaviour and attitudes become adapted to the corrupt way of doing things, and corruption becomes a way of life. Systemic corruption is very difficult to overcome and it can have a devastating effect on the economy. According to Ngobeni (2008:2) and Moloï (2012), the following aspects have a potential to drive and opening gaps for corruption to take place. According to Country Assessment Report (2003:4) the following is a list of examples of various manifestations of corruption in South Africa:

- **Nepotism**

This involves a public servant ensuring that family members are appointed to public service positions or that family members receive contracts from state contracts from State resources. This manifestation is similar conflict of interests and favouritism.

- **Greed**

Naturally human beings are greedy. The desire to fulfill one's selfish motives and a lack of professional integrity can dispose individuals to potentially abuse their positions of authority for private gain. An inability to live within one's regular earnings can also compel an individual to seek irregular ways of meeting the demands of his or her lifestyle (Kyambalesa, 2006:109).

- **Favouritism**

This involves the provision of services or resources according to personal affiliations of a particular servant. This practice is normally practiced along ethnic, religious and party political affiliation.

- **Insider trading**

This involves the use of privileged information and knowledge that particular public servant possess as a result of his/her office to provide unfair advantage to another person or entity to obtain a benefit, or to accrue a benefit himself/herself.

- **Conflict of interests**

Conflict of interests involves a public servant acting or failing to act on a matter where the public servant has an interest or another person or entity that stands in a relationship with the public servant has an interest.

- **Abuse of power**

Abuse of power involves a public servant using his/her vested authority to improperly benefit another public servant, person or entity.

- **Extortion**

This involves coercing a person or entity to provide a benefit to a public servant, another person or entity in exchange for acting in a particular manner.

- **Embezzlement**

Embezzlement involves theft of resources by persons entrusted with the authority and control of such resources.

- **Bribery**

Bribery involves the promise, offering or giving of a benefit that improperly affects the actions or decisions of a public servant. These acts are normally committed by law enforcement officers. This benefit may accrue to the public servant, another person or an entity. A variation of this manifestation occurs where a political party or government is offered, promised or given a benefit that improperly affects the actions or decisions of the political party or government.

- **Misuse/theft of government resources**

Misuse of resources is a broad category. An indicative range of fraudulent/corrupt actions that "fit" in this category include, but are not limited to:

- ♦ false recording of attendance at work; not recording leave taken; performing private work on municipal time; improper use of corporate (government) credit card
- ♦ theft of cash (e.g. petty cash); theft of materials or improper use of materials
- ♦ excessive claiming of travel, private motor vehicle expenses

- ♦ claiming reimbursement of “out of pocket” expenses when not related to official business; unauthorized use of state (government) motor vehicles
- ♦ deliberate destruction/corruption of data to obtain a personal benefit
- ♦ improper use of equipment (e.g. telephone, photocopies, computers etc...)
- ♦ theft of intellectual property; payroll fraud – false person on payroll, falsely claiming overtime and other allowances, delayed terminations from payroll, etc.; and Improper disposal of assets.
- **Procurement of goods and services**

There are a range of possible corruption risks inherent to the procurement function, these include but are not limited to:

- ♦ payment or solicitation of secret commission (bribes) either in cash or other form (eg building project completed at employee’s private residence)
- ♦ purchase of goods with public monies for private purposes
- ♦ specifications for tenders or expressions of interest intentionally biased towards a particular contractor
- ♦ unauthorized disclosure of sensitive information to enable a contractor to obtain a competitive advantage
- ♦ manipulation of the procurement process by favouring one bidder (tenderer) over others;
- ♦ payment of excessive and unsubstantiated contract variations
- ♦ payment for work not performed; collusive bidding (by potential service provider)
- ♦ overcharging (by service provider) and inappropriate acceptance of gift or benefit.
- **Low levels of education**

Lower levels of education which are often caused by poverty are seen as a factor which encourages corrupt government practices. With less amounts of education people are not informed as to how the government works or what rights they have under the government. It is easier for corrupt office-holders to conceal corrupt activities from a poorly educated public. Uneducated citizens are less likely to be aware of corruption in local governments or how to stop it, and therefore, corruption is able to remain and spread. Without some kind of political awareness, citizens will not know which candidates to elect that are honest or dishonest or other ways to prevent corruption from taking place in their local governments (Kyambasela, 2006:34). This often leads municipalities to be continually governed by one or more corrupt local officials who use patronage or nepotistic practices to stay in office or keep influence in the government for long periods of time.

- **Political culture of the municipality**

Many local governments have an established political culture with certain expectations and practices that often determine what is seen as acceptable and not acceptable in local politics. In municipalities with an undeveloped or underdeveloped political culture, accountability and legitimacy is usually low and principles of ethics in government are not established. This can encourage corruption to take hold in the local government because citizens do not know what is considered corrupt, and local officials are not afraid to be corrupt because of the low accountability (COGTA, 2009:57). In some places the local governments have been corrupt for so long that the citizens think that is how it is supposed to work because that is all they have been exposed to. Long periods of political instability will also lead to corruption in the government because people are unsure of how

the government should operate, and thus do not know what practices are corrupt or how to stop them if they are corrupt.

EFFECTS OF FRAUD AND CORRUPTION

Being rated or perceived as a country with a high level of corruption can adversely affect a nation's ability to develop sound bilateral and multilateral relations with other countries. Corruption can have negative consequences on diplomatic and economic relations that a country may seek to pursue with other sovereign states (Kyambalesa, 2006:112). Other effects of corruption may include economic and human rights violations.

COSTS OF FRAUD AND CORRUPTION

Whilst it is undisputed that corruption has become global in scope, it has particular damaging effects on the domestic environment of countries. It is difficult to quantify the cost of corruption because it comes in many forms, including monetary as well as human. According to Country Corruption Assessment Report (2003:17) there are generally four costs of corruption, namely, macro-fiscal, reduction in productive investment and growth, cost to public and the poor in particular and the loss of confidence in public institutions. Corruption deters investment because it is a distinctive to prospective investors, thereby inhibiting economic growth. The values and norms of the people are also distorted as a result of corruption, thus undermining moral standards and promoting charlatans to the detriment of honest endeavors (Kyambalesa, 2006:108).

INDICATORS OF FRAUD AND CORRUPTION

The behavioural aspects of individual assist in profiling a typical fraudster while that of organizations typifies the risks that make the organization susceptible to fraud and corruption. According to the Country Corruption Assessment Report (2003) the following are regarded as indicators or red flags that could be an indication of the potential existence of corruption and fraud:

- ♦ unusually high personal debts
- ♦ living beyond one's means
- ♦ excessive gambling habits
- ♦ alcohol / drug problems
- ♦ undue family or peer pressure to succeed
- ♦ feeling of being underpaid
- ♦ feeling of insufficient recognition for job performance
- ♦ close association with suppliers
- ♦ not taking vacations
- ♦ not allowing someone access to area of responsibility

MUNICIPALITIES AFFECTED BY CORRUPTION

Local government in South Africa has contributed to the achievement of a number of significant social and economic development advances, since the ushering in of the new democratic municipal dispensation in December 2000. The majority of our people have increased access to a wide range of basic services and more opportunities have been created for their participation in the economy. Notwithstanding the valuable role that

municipalities have played in our new democracy, key elements of the local government system are showing signs of distress in 2009. Section 53 of the Constitution of South Africa states that “a municipality must structure and manage its administration 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 participate in national and provincial development programmes” (RSA, 1996). South Africa previously had 283 municipalities, based on the three Constitutional categories: Six (6) Metropolitan municipalities; forty-six (46) District Municipalities and two hundred and thirty one (231) Local Municipalities.

The list below shows the Top 15 most vulnerable Local Municipalities in South Africa (COGTA 2009). Three in the Eastern Cape (Mbashe, Umzimvubu and Mhlontlo Local Municipality), seven in KwaZulu-Natal (Imbabazane, Maphumulo, Vulamehlo, Nkandla, Nongoma, Nquthu and Ndwedwe Local Municipality), two in the North West (Maquassi Hill and Mahikeng Local Municipality), two in Limpopo (Fetakgomo and Lepelle-Nkumpi Local Municipality), and one in the Western Cape (George Local Municipality).

The Auditor-General (2011) identified lack of controls, mismanagement and lack of governance principle as the key reasons for the state of despair in municipalities. Although the Department of Co-operative Governance and Traditional Affairs has launched an “Operation clean audit 2014” campaign on 12 August 2009, a lot still needs to be done to improve the situation. The aim was to address audit queries in a sustainable way to improve service delivery and ensuring that by 2011, all municipalities and provincial departments have dealt with the causes of disclaimers and adverse opinions. The most discontent about service delivery took place in Mpumalanga Province, which does not feature in this list.

CURRENT EFFORTS TO COMBAT CORRUPTION IN SOUTH AFRICA

In March 1997 South African government Ministers responsible for the South African National Crime Prevention Strategy established a program committee to work on corruption. This program resulted in a development of a DPSA (2002) which contained nine considerations that are inter-related and mutually supportive. These are:

- ♦ review and consolidation of the legislative framework
- ♦ increased institutional capacity to prevent and combat corruption
- ♦ improved access to report wrongdoing and protection of whistleblowers and witnesses
- ♦ prohibition of corrupt individuals and businesses (blacklisting)
- ♦ improved management policies and practices
- ♦ managing professional ethics
- ♦ partnerships with stakeholders
- ♦ social analysis, research and policy advocacy

This was done to satisfy the requirements of the Constitution, the Public Service Anti-corruption Strategy, and the recommendations of the National Anti-Corruption Summit. Furthermore, several of Government’s policy decisions have also been translated into a number of anti-corruption measures, although with unstructured mandates. Focus was placed on legislative development and institutional capacity.

Institutional capacity

In December 1996, the United Nations General Assembly adopted two important instruments in the fight against corruption, namely; the Code of Conduct for International Public Officials was adopted to provide Member States with a tool to guide their efforts against corruption through a set of basic recommendations that national public officials should follow in the performance of their duties and the Declaration Against Corruption and Bribery in International Commercial Transactions. Furthermore, these legal instruments state that each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anticorruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. Furthermore, in response to this resolution and in response to various other decisions and declarations, the African Union Convention on Preventing and Combating Corruption of 2003 was adopted by member states as a guiding tool in the fight against corruption. In response to these initiatives, a number of anti-corruption agencies were established in South Africa with varying mandates, including the following agencies:

- ♦ The Auditor-General
- ♦ The Public Service Commission
- ♦ Asset Forfeiture Unit (AFU)
- ♦ Special Investigating Unit (SIU)
- ♦ Directorate for Priority Crime Investigation (The South African Police Service)

Constitutional Court challenge: the Hugh Glenister v President of the Republic of South Africa & Others

In the *Hugh Glenister v President of the Republic of South Africa & Others* [CCT 48/10], the key question in this case was whether the national legislation that created the Directorate for Priority Crime Investigation, known as the Hawks (DPCI), and disbanded the Directorate of Special Operations, known as the Scorpions (DSO), was constitutionally valid. The majority of the Court (in a joint judgment by Moseneke DCJ and Cameron J, in which Froneman J, Nkabinde J and Skweyiya J concurred) found that Chapter 6A of the South African Police Service Act 68 of 1995, as amended, was inconsistent with the Constitution and invalid to the extent that it failed to secure an adequate degree of independence for the DPCI. As a result, the Court made two key findings. First, it held that the Constitution imposed an obligation on the state to establish and maintain an independent body to combat corruption and organized crime.

While the Constitution did not in express terms command that a corruption-fighting unit should be established, its scheme taken as a whole imposed a pressing duty on the state to set up a concrete, effective and independent mechanism to prevent and root out corruption. This obligation is sourced in the Constitution and the international law agreements which are binding on the state. The Court pointed out that corruption undermines the rights in the Bill of Rights, and imperils our democracy.

FINDINGS

Municipal authorities are struggling with a number of constraints and challenges which hamper their ability to deliver services. The following are some of the findings:

- **Lack of capacity**

Lack of the requisite skills has left many municipalities inadequately staffed, with grave implications for service delivery – for example, insufficient engineers has meant that the infrastructure for water and sanitation services has deteriorated badly over the years, leaving many communities with poor water quality, inadequate access to clean water and poor, to no, sanitation services. In addition, the lack of experienced staff with the requisite project management and financial skills, has meant that many municipalities are unable to properly manage and budget for their projects, leaving budgets unspent and projects urgently needed to uplift the lives of the poor, uncompleted. This has been confirmed by the Public Protector's Report (2011:23).

- **Poverty and unemployment**

Widespread and increasing levels of poverty and unemployment are fuelling the frustrations of impoverished communities, as well as increasing the number of people dependent on basic and indigent services. This makes further demands on the scarce resources of municipalities with large, impoverished communities and as a result, they struggle to deliver quality services (Special Investigating Report, 20011/2012:34).

- **Recession**

The recession is also having a negative impact on the delivery of services - in particular, on the provision of services to the indigent. As the economic downturn deepens, more and more families are driven further into debt and poverty and are increasingly becoming more dependent on municipal services to the indigent (Parliament, 2011:12).

- **Under-spending by municipalities**

This is due to poor project planning, poor management and/or lack of capacity, as many municipalities do not have staff with the requisite skills in these fields in order to ensure that funds allocated for service delivery and infrastructure maintenance, repair and development are in fact spent. This has been confirmed by the Auditor General (2010/2011:40).

- **Outstanding debt**

Outstanding debt payments for municipal services from residents, businesses and government departments - the burden of debt carried by many municipalities is making it more and more difficult for them to meet their obligations in terms of service delivery (COGTA, 2009:47).

- **Conflict of interest**

Conflict of interest on the part of government officials who have business interests in entities which conduct business with municipalities. This aspect has been confirmed by the recent report by the Public Service Commission (2012) as well as the Public Protector's Report (RSA, 2012:23). Government officials who spend time focusing on their personal business interests at the expense of service delivery.

- **Non-disclosure of financial interests**

Non-disclosure of financial interests by senior public servants harms the integrity of their departments and could cause conflicts of interest. The recent RSA (2012:45) bears testimony.

- **Non adherence with policies**

Senior municipal officials often do not comply with regulations aimed at preventing conflicts of interest (e.g. submitting financial disclosure forms). Various Auditor General reports have raised this concern and nothing has been done to correct it.

- **Lack of managerial accountability**

Senior officials are often not held accountable when they do not comply with regulations aimed at preventing conflicts of interest. Senior officials are often not held accountable when they or their subordinates openly flout existing regulations prohibiting certain government employees (e.g. police) from doing business with the State. Senior officials are often not held accountable when they do not take the required action against subordinates who do not comply with regulations aimed at preventing conflicts of interest or prohibiting conducting business with the State.

- **Political factionalism and infighting**

These factors breed nepotism, fraud and corruption which in turn, impacts heavily on the ability of municipalities to deliver services.

- **Violation of MFMA and Supply Chain Management Guidelines**

Violation of MFMA and Supply Chain Management results in tender irregularities, which in turn fuels corruption, erodes confidence in municipal leadership and compromises service delivery. In addition, the following malpractices have been identified among the municipalities investigated:

- ♦ fraudulent payments to service providers for work not completed
- ♦ irregular awarding of contracts to service providers
- ♦ collusion between municipal officials and service providers
- ♦ tender irregularities where deviations from tender specifications occurred without authorization from the Bid Adjudication Committee
- ♦ irregularities involving approval in excess of R400 million
- ♦ municipal employees sharing the same bank account which is used for the payment of their salaries and the work done for the municipality
- ♦ irregular allocation of RDP houses to people who did not qualify
- ♦ irregular sale of municipal land
- ♦ irregular payments to service providers for shoddy work on RDP houses

RECOMMENDATIONS

The article makes several recommendations as follows:

- **Establish an independent anti-corruption agency**

To combat corruption there must be commitment from top leadership. In many cases, this commitment is due to intense public anger at corruption, but if top officials remain corrupt, all efforts to reform those beneath them will fail. At the beginning of an anti-corruption program, the public have high expectations but are skeptical because they have heard politicians pay lip service to these efforts in the past. Public support for the

program is critical in order to provide information and avenues of investigation, but is often missing. If the public's high expectations are not quickly met or preferably adequately tempered before the program begins, they will doubt the effectiveness of the actions, and support would be lost.

This can be a self-fulfilling prophecy if the public is not convinced the efforts may be successful. Initial successes need to be made to convince the public that the government is serious this time in combating corruption (Pope & Vogl, 1999:102). Within corrupt government bodies, there exists a vast array of procedures and policies, which make it very time-consuming if not impossible to comply with all of them. This creates a conducive environment for corruption to flourish. Efforts must be made to streamline and simplify procedures in order to make compliance easy to understand and accomplish. In addition, policies should be reformed to reduce officials' discretion with clear and consistent rules and codes of conduct.

A clear and enforceable policy on gifts and any form of gifts or gratification needs to be developed. Many countries ban all gifts and most hospitality unless approved by senior managers. An education program needs to be initiated to inform the public of how the system works, and what their rights and responsibilities are. An ethical work environment should be created, clearly spelled out, enforced and demonstrated by example from the top (Schloss, 1998:5). Banning corruption is not enough, enforcement must occur. This can be quite difficult as there are often no witnesses or direct evidence. To counter this, several countries have initiated a program where public servants have to declare their assets at the start of employment and every year thereafter. Any assets that are unexplainable are considered to be fruits of corruption and therefore punishable. Political contributions should also be made public.

- **The three-pronged approach**

Without wide, but targeted anti-corruption prevention and public education programmes, neither the legislation nor the enforcement structures will be successful in fighting corruption. The “three pronged approach” – prevention, public education, and investigation/prosecution – is today considered best practice in the area of anti-corruption. South Africa has for now adopted a more decentralized but coordinated organizational framework, but this does not mean that the “three pronged approach” cannot be pursued within such an organizational arrangement.

While much work in South Africa has been carried out in the area of strategic considerations and increased law enforcement capacity (investigation/prosecution), the same cannot be said about the prevention of corruption and public education in this regard.

- **Law enforcement**

Detection and prosecution provides a strong deterrent against corruption, helping to reduce incentive to commit bribery. Enforcement also serves a public education purpose, educating the public what corruption is, the consequence of corrupt behaviour, and the effectiveness of our law enforcement thereby encouraging people to report corruption (Cario, 1996:34). Analysis of the modes of corruption and system weaknesses in corruption cases also helps the design of more effective preventive measures.

- **Prevention**

Through regular system reviews (or corruption prevention audits), corruption risks and system loopholes conducive to corrupt practices can be identified, and controls and improvement measures can be added to the business processes to reduce such risks or plug these loopholes (Riley,1998:40). Improvement

measures could take the form of an increase in transparency to facilitate external monitoring by customers, business partners and the public, or enhancement of internal controls such as segregation of duties, and supervisory and audit checks to facilitate the detection of corruption.

- **Education**

Public education would also help to reduce the public's tolerance to corrupt behaviour and encourages them to report any corrupt behaviour observed. Both whistle-blowing by fellow employees and reporting of corruption by the public facilitate the detection of corruption.

- **Building a resilient anti-corruption system**

Anti-corruption efforts should create a system that can operate freely from political interference and can be supported by both public officials and citizens. In a resilient system, designated agencies have the capability and resources to investigate cases of corruption, leaders take action when problems are brought to their attention, citizens resist the temptation to pay bribes because they recognize that their individual actions contribute to a bigger problem, the private sector does not engage in corrupt practices, citizens speak out against corruption and the media fulfills its investigative and reporting function to expose corruption in the public and private sector.

- **Strengthen accountability and responsibility of public servants**

South African public servants should be made legally accountable as individuals for their actions, particularly in matters involving public resources.

- **Create a transparent, responsive and accountable public service**

State information, including details of procurement, should be made openly available to citizens. Furthermore, an information regulator should be established to adjudicate appeals when access to information requested is denied.

- **Strengthen judicial governance and the rule of law**

Ensure the independence and accountability of the judiciary. Establish clear criteria for the appointment of judges and scale up judicial training to improve the quality of judges. The extension of community service to law graduates, to increase legal representation for the poor and speed up the administration of justice, should be considered.

- **Conduct regular lifestyle audits**

A lifestyle audit is the term commonly used by forensic auditors and management in companies to describe the tests that are performed to determine if the lifestyle of an employee is commensurate with that person's known income stream. A lifestyle audit is simply an amalgamation of reports from a variety of databases, which provide management as well as investigators with a snapshot into certain aspects of the life of an employee. Lifestyle audits are a legitimate fraud prevention and detection mechanism. The employer has detailed knowledge of the remuneration which they pay to the employee, but often management will only have rudimentary knowledge of the staff member's lifestyle (World Bank, 2000:34). Fraud and corruption is usually committed by means of "off book" transactions or manipulated accounting records.

It is very difficult to detect and dishonestly inclined professionals are able to conceal their frauds with disturbing alacrity and ease, particular in work environments with weak controls or limited segregation of duty. Sometimes the only clue to the illicit activities is a sudden unexplained change in an employee's lifestyle. The lifestyle audit is therefore a critical management tool to identify staff members who, based on an extravagant

lifestyle, may potentially be engaging in illicit activity. It is also one of the few mechanisms that organizations may utilise as a first step towards discreetly determining whether a “tip-off” of suspected fraudulent activity, potentially has merit or not. When a detailed lifestyle audit is performed on an employee implicated in fraudulent or corrupt activity, it is often also described as suspect profiling or business intelligence.

CONCLUSION

It is clear that there is a lack of political leadership in South Africa. The fact that anti-corruption agencies and units have established and disbanded on various occasions is a clear indication that there is poor political leadership. Corruption and fraud pose a serious challenge in South Africa. It is clear that the SAPS is not coping in dealing with each crime that is reported in South Africa. This is the time where South Africa needs to assemble its best resources to fight the scourge of fraud, corruption, commercial and economic crimes at all levels. Therefore, from a strategic and policy point of view, South Africa seems to be on the right track, but the application and implementation of those strategies seem to be problematic. Corruption at national, provincial and local government level is endemic.

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CORRUPTION IN MUNICIPALITIES: A LEADERSHIP CRISIS

K.I. Theletsane

University of Stellenbosch

ABSTRACT

The rate of corruption in South African municipalities is increasing drastically. This is evident in a number of newspaper reports, court cases, commissions of enquiry, Auditor General Reports and parliamentary committees' reports to mention a few. Corruption in most municipalities is seriously affecting the poor; and, has significantly inhibited good governance in municipalities, has adversely affected stability and public trust, and is damaging the ethos of democratic values and principles which, in turn, may have a negative effect on the legitimacy of local government. Although the South African government has been proactive in establishing systems to fight corruption, practical problems have increasingly emerged over the years, the prominent of which are the lack of accountability measures, poor coordination of anti-corruption work within local government systems and various sectors of society, poor information about corruption and the impact of anti-corruption measures and agencies as well as its impact on good governance, raising questions about leadership. This article addresses issues related to corruption and good governance in the South African municipalities as a leadership crisis. Failure of leadership and resultant corruption are a consequence of break down in discipline. Despite municipalities claims that they are fully committed to promoting democracy and human rights, many people in South Africa are denied an opportunity to participate meaningfully in policy formulation and other important activities that directly affect their lives. Although some municipalities have achieved commendable progress, it is a fact that municipalities are still experiencing a serious development crisis. The article further analyse corruption within municipalities and the impact it has on good governance. The issue of corruption in municipalities is indeed important to address not only because it is a "buzzword", but also because it destroys the social and moral fiber of a society.

INTRODUCTION

The rate of corruption in South African municipalities is increasing drastically. This is shown in the media and a number of parliamentary committees' reports. Many municipalities in South Africa experience corruption and this affects the poor and inhibits good governance. The rise of corruption in South African municipalities has adversely affected stability and public trust and is also damaging the ethos of democratic values and principles which in turn may have a negative effect on the legitimacy of local government. Although the South African government has been instrumental in systems to fight the ills of corruption, practical problems have increasingly emerged over the years.

Corruption in municipalities, if not addressed, would potentially contribute to the failure of governance. An increase in municipal service delivery protests and the level of violence displayed by protestors illustrate a crisis of governance in the South African municipalities. There is a growing political intolerance against the leadership, often times leading to bloodshed and the destruction of property during service delivery

protests. All these signs have a revolutionary potential and this can be a threat to democracy. In the midst of all these is the absence of leadership to curb or manage corruption appropriately.

There is an urgent need to stop the culture of corruption, lack of accountability and unprofessional conduct that have gathered momentum in municipalities. The lack of enforcement of legislation and mechanisms to punish unethical conduct, maladministration and corruption also need urgent attention. Corruption presents a challenge to most emerging economies and it is one of the social and political problems that undermine development in many African countries. Corruption has also been cited as one of the motivating factors behind nearly all the coups and counter-coups that have occurred in Africa.

DEFINITION OF CORRUPTION

Corruption is defined in different ways. However, the most common definition is that it is the abuse of public power to promote private benefits. Thus, a public employee who abuses his/her public position to derive benefits for oneself or friends, relatives or political associates is engaging in an act of corruption. Not all cases of corruption involve the payment of bribes. An important question is whether corruption can be measured directly. A moment of thought indicates that such an attempt is unlikely to be successful. It is not even clear what one would wish to measure. Should one attempt to measure acts of corruption? Or amount of bribes paid? Or number of persons involved? Or number of transactions contaminated by corruption? It is not clear which but; in any case, none of these attempts at measuring corruption would be successful. For this reason, not surprisingly, there is no direct measurement of corruption available for any country.

Corruption is a form of moral break-down which influences people to engage in any dishonest practice such as fraud, nepotism, graft, bribery and patronage (Milliard, 1992:10). According to Milliard (1992), corruption tends to be more prevalent in developing countries due to what he perceives as their deplorably low standards of morality. It may be argued, however, that what the author terms immorality is actually a symptom of complex underlying structural problems in municipalities. These problems include the imposition of alien institutions in municipalities, poverty, inequalities and underdevelopment.

Osoha (1996:372) defined corruption as a form of anti-social behaviour which confers unjust or fraudulent benefits on its perpetrators, and is inconsistent with the established legal norms and prevailing moral ethos of a society. The author noted that corruption is likely to subvert or diminish society's capacity to provide for the well-being of its members in a just and equitable manner. Corruption makes effective governance virtually impossible, endangers democracy, impedes economic growth and radically curtails the ability of countries to reduce poverty (Achebe, 1983:5).

SOUTH AFRICA'S LEGISLATIVE FRAMEWORK

South Africa has enacted various pieces of legislation in the fight against corruption, which are briefly described below:

The Constitution of the Republic of South Africa

Chapter 10 of the Constitution of the Republic of South Africa (1996), (hereafter the Constitution), sets out the basic values and principles that govern public administration in every sphere of government, organs of state,

and public enterprises. The values and principles promote a public administration that is free from corruption and bad governance. The values and principles include among others that:

- a high standard of professional ethics must be promoted and maintained;
- the efficient, economic and effective use of resources be promoted;
- services should be provided impartially, fairly, equitably and without bias;
- public administration must be accountable; and
- transparency must be fostered by providing the public with timely, accessible and accurate information.

The Prevention and Combating of Corrupt Activities Act

The Prevention and Combating of Corrupt Activities Act, 2004 (Act No 12 of 2004) provides, *inter alia*, for the following:

- creation of the offence of corruption;
- authorization of the National Directorate of Public Prosecutions to investigate any individual with unexplained wealth, or any property suspected to be used in the commission of a crime prior to instituting asset forfeiture or criminal proceedings;
- creation of a Register for Tender Defaulters within six months by the Minister of Finance;
- placing of a duty on any person who holds a position of authority to report corrupt transactions; and
- granting of the courts extraterritorial jurisdiction in respect of corruption offences committed outside South Africa in certain circumstances, for example, if the person who committed the crime is a citizen of South Africa or ordinarily resides in the Republic.

Prevention of Organised Crime Act

Prevention of Organised Crime Act, 1998 (Act No 121 of 1998) *inter alia* provides for the following:

- that any person who is in charge of a business undertaking has to report activities relating to unlawful activities or proceeds;
- makes it an offence to belong to a criminal gang or to aid any criminal activity by a criminal gang;
- the civil forfeiture of criminal assets used to commit offences or are the proceeds of unlawful activity;
- the obtaining of restraint orders by the Directorate of National Prosecutions against any person charged or to be charged with an offence from dealing with the property specified in the order.

Protected Disclosures Act

Protected Disclosures Act, 2000 (Act No 26 of 2000) encourages whistle-blowing, and provides for the protection of employees in both the public and private sectors from occupational detriment by reason of having made a protected disclosure relating to unlawful or irregular conduct by an employer or employee of the employer.

Promotion of Access to Information Act

Promotion of Access to Information Act, 2000 (Act No 2 of 2000) promotes transparency by giving effect to the Constitutional right of access to any information held by the state, and information held by any other person that is required for the exercise or protection of any rights.

Promotion of Administrative Justice Act

Like the previous Act, Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) also promotes transparency which is a cornerstone of good governance by giving effect to the Constitutional right to administrative action that is lawful, reasonable and procedurally fair, and the right to written reasons where one's rights have been adversely affected by administrative action.

Witness Protection Act

Witness Protection Act, 1998 (Act No. 112 of 1998) encourages state witnesses to give evidence in trial proceedings and commissions of enquiry by providing them with protection.

The Public Finance Management Act

The Public Finance Management Act, 1999 (Act No. 29 of 1999) (PFMA) promotes the effective and efficient use of resources by departments and constitutional institutions. Accounting Officers of these institutions are required to maintain *inter alia*:

- effective, efficient and transparent systems of financial and risk management and internal control;
- a system of internal audit under the control and direction of an audit committee; and
- an appropriate provisioning and procurement system which is fair, equitable, transparent, competitive and cost-effective.

Through the PFMA the Municipal Finance Management Act was promulgated to enhance control of municipal finances. The above legislations indicate the seriousness of government to curb corruption in all spheres of government. Despite all these legislations the state of corruption in municipalities remains a challenge. Legislations alone will not eliminate corruption but the leadership that is not corrupt must enforce the rules through available structures such as courts of law. Corruption and many service delivery protests in municipalities indicate a serious leadership vacuum. Corruption comes in many forms.

FORMS OF CORRUPTION

Corruption can be categorised in many forms; and, Richburg (1992:12) distinguished between two forms of corruption; that is, productive corruption and malignant corruption. According to Richburg the latter is peculiar to Africa and is debilitating to economic growth. The other form of corruption is productive or 'positive' corruption, which is practised in Asia, facilitates development. Richburg gives an example of how in Asia the president's daughter might get a contract to build a toll road which will actually get built to facilitate traffic flow. In Africa, the funds may be squandered because corruption here is largely used by its perpetrators to achieve counter-productive self-enrichment.

Corruption may also be classified in two categories; that is, individual corruption and systemic corruption. Individual corruption (occurring within bureaucratic organisations) involves the contravention of the norms of honest administration and public accountability by a minority of individual members of an

organisation (Blunt & Popoola, 1990:26). Although individual corruption is difficult to eliminate entirely, it can be curbed by dint of standard organisational control procedures. Systemic corruption, as implied, is institutionalised and, therefore, intractable.

THE ROLE OF LEADERSHIP

Leaders are members of a society who should have an unadulterated conscience. These include politicians, traditional authorities, administrators in the police force and the military, officials in the civil service and civil society organisations, intellectuals and other people whose role is to influence others positively so that they can imbibe and express values, beliefs, principles and attitudes that promote an enviable sense of integrity or high moral rectitude.

In the initial phase of the “Administrative Sciences” discipline, the tendency was to describe and limit the notion of leadership to politicians (Gildenhuis, 1988:9). The leadership construct was seldom used to describe administrative leadership. The assumption was that public servants were involved in the administration of state regulations and the provision of public services, in accordance with prescribed rules and procedures in public administration. Public servants within municipalities have to lead processes that would transform the public service so that it would be able to follow the policy direction provided by political leaders. The role of leadership is to provide, enforce and maintain a consistent framework of standards for ethical conduct. This, therefore, means that the quality and quantity of leadership that exists within municipalities determine the extent of corruption that will prevail.

Media and the Auditor General’s Reports demonstrate that municipalities are experiencing an incapacitating leadership crisis which exacerbates the problem of corruption, structural poverty and underdevelopment. The works of Achebe (1983), Hadjor (1987), Mohiddin (1990) and Richburg (1992) have been selected to accentuate the position that rampant corruption in Africa is a function of the crisis or “absence” of leadership.

When South Africa attained independence, the majority of the people were optimistic that the leaders who immediately replaced the colonial rulers would enthusiastically and creatively use the resources to embark on a massive programme of change and transformation. Paradoxically, to date municipalities are known the most corrupt sphere of government. Undoubtedly, the failure to tackle corruption within local government is expressive or symptomatic of the dismal failure of leadership. A number of problems which are associated with the crisis of leadership in municipalities significantly contribute to the cauldron of corruption. These include lack of discipline on the part of political elites, lack of meaningful participation in the policy-making process, poverty, underdevelopment, and bureaucratic inefficiency.

LACK OF DISCIPLINE

There is unanimity amongst many scholars that the failure of leadership and resultant corruption are a consequence of the break-down of discipline. Achebe (1983:1) asserts that the number one cause of corruption in Nigeria is 'the unwillingness or inability of its leaders to rise to the responsibility, to the challenge of personal example which is the hallmarks of true leadership'. Lack of self-discipline on the part of African leaders is cited as one of the roadblocks hindering the implementation of democracy in the continent (Richburg, 1992:12). In fact, this author attributes the success of Asian countries to discipline from the top. He showed, for example,

how Lee Kuan Yew, a paternalistic Prime Minister of Singapore, who is remembered as one of the most successful policy makers, imposed benevolent authoritarianism which resulted in discipline and catapulted the country to a high and enviable level of economic prosperity. Lee Kuan Yew, whose philosophy of development was adopted by his counterparts in Asia's "little dragons", strongly believed that a country needs to develop discipline before it can achieve democracy. He reasoned that attempts to introduce democracy in an undisciplined population often result in undisciplined and disorderly conduct which is inimical to development.

The lack of discipline amongst Africa's political elites has been attributed by some authors to first world elites' selfishness. For instance, Kpundeh (1995:49) convincingly argued that "profit-seeking trans-national corporations stimulated corruption, especially amongst elites. These corporations take advantage of very undisciplined, decadent and corruptly ruling people that are willing, with little or no encouragement, to subvert rules and regulations". Lycett (1993) also showed how developed countries take advantage of undisciplined African leaders to corrupt Africa. The former revealed how Italy's grandiose development programmes led to corruption, inefficiency and wastefulness in countries like Sudan and Ethiopia.

It should be noted, however, that although some developed countries are critical of corrupt African and other third world nations, they lack progressive attitudes and legislations to assist these countries to curb corruption (Premoli, 1997). Premoli argued that, apart from the United States of America, many developed countries, including Austria, Canada, Denmark, France, Germany, Norway and Switzerland, encourage corruption in developing states by not making it illegal for their trans-national corporations to bribe foreign officials.

LACK OF PARTICIPATION

Although many leaders claim their commitment to promote democracy and human rights, many people in South Africa are still denied an opportunity to participate meaningfully in policy formulation and other important activities that directly affect their lives. Therefore, failure by the ruling groups in municipalities to democratise the institutions of society so as to empower the broad periphery of the masses, particularly women, children, the youth and indigenous populations is a result of the crisis of leadership. This is demonstrated in a number service delivery protests in the country. This can be attributed to the colonial situation. During the colonial era the colonialists maintained a strict and oppressive separation between themselves and the colonised (Hadjor, 1987; Mohiddin, 1990:34). Instead of changing and transforming the relations of ruling at independence, African leaders used the instruments of the state to express, enforce and perpetuate the "colonial order". This situation has contributed to the estrangement of the rulers from the masses, and it is a serious impediment to the achievement of meaningful and sustainable democracy, development, peace and tranquillity (Raditlhokwa, 1999:49).

Other problems which hinder popular participation in local government are political repression; lack of belief in an ethos that promotes a culture of transparency and democratic accountability; the relative weakness of civil society organisations; the creation of inappropriate development institutions; and the declining role of universities as agents of social change. The failure of intellectuals in African universities to participate actively in challenging and opposing undesirable tendencies like corruptions, which adversely affect the lives of ordinary people, needs special attention. Institutions of higher learning are expected to join hands with other stakeholders to lobby law makers and implementers to take effective measures to prevent and eliminate corruption. These

institutions are also duty bound to play a leading role in educating society about corruption; and since corruption is often a function of capitalist values and benefits advantaged classes, progressive intellectuals should consider its elimination as an integral part of the broader struggle against capitalist oppression and exploitation.

POVERTY AND UNDERDEVELOPMENT

Although some South Africa has achieved commendable economic progress, it is a fact that municipalities are still experiencing a serious development crisis which in some part of the country is exacerbated by political fighting, authoritarian dictatorship, and diseases. The leadership is very slow in finding solutions to these problems.

BUREAUCRATIC FAILURE

Service delivery system in many South African Municipalities is very poor due to the growth of cumbersome and ham-handed bureaucracies and also ageing infrastructure. Bureaucracies are generally slow to respond to people's needs because of over-centralisation, lack of professionalism and incompetence. Lack of professionalism and the problem of incompetent officials are due to the fact that if a government is corrupt, the right people are not appointed to the right jobs (Abdulai, 1993:173). This situation encourages those who want to be served quickly and efficiently to offer bribes.

CRISIS OF GOVERNANCE

Corruption has significantly contributed to the failure of governance. The political turmoil and instability on the African continent illustrates the crisis of governance. There is growing political intolerance amongst many communities, often times leading to bloodshed and the destruction of property. The anti-government demonstrations, public ridicule and loss of confidence have become regular features in various municipalities. Crisis of governance attempts to explain corruption in terms of nature of the state based on personal rule. It is asserted in such a situation that: "... ethnic and/or factional affiliation tend to replace technical competence in hiring and promotion, and nepotism and corruption to replace impartiality in the exercise of authority..." (Wuyts & Joshua, 1992:93). With specific reference to Africa, it is assumed, under the crisis of governance theory, that such functional affiliations and resultant nepotism are inherent characteristics of African society (Wuyts & Joshua, 1992:93). Within municipalities, these tendencies are reinforced by the absence or weak opposing forces which cannot exert pressure on the state. The only pressure is service delivery protests with the apartheid stance of burning tyres and state infrastructure. The challenge with these protests is their revolutionary potential.

CONCLUSION

The presence of corruption does not provide conducive conditions for economic, social and cultural development. This paper has demonstrated that the corruption afflicting municipalities is a consequence of the failure of leadership. This corruption contributes to poverty, inequalities, political instability, poor governance, underdevelopment and a host of other social, economic and political problems. Thus, it is imperative that corruption should be put on the national, sub-regional and regional agendas so that municipalities can devise creative and effective interventions that will result in corruption-free leadership.

RECOMMENDATIONS

In view of the above description, the following recommendations are made:

- Given that municipal current political, economic and social malaise has partly emanated from country's poverty of leadership, it is recommended that provincial and national government, should take the crisis of leadership and the resultant corruption seriously, and demonstrate this seriousness by taking appropriate and effective measures to address these problems. These measures should include ambitious programmes for building the capacity for ethical and effective leadership in key institutions of society such as political parties, the civil service, traditional institutions, the judiciary, the police and other law enforcement agencies and major civil society organisations. Obviously, a move in this direction will necessitate the creation of national and regional centres to provide training on effective management and leadership.
- Political parties, human rights movements, the media, human rights organisations, and universities in the country should provide public education of a high ethical standard that should then serve as a foundation for sound leadership in all institutions of society. The electorate should be encouraged to elect leaders on the basis of these leaders' ability to conform to these ethical standards.
- Given the low level of human rights awareness by those involved in acts of corruption, concerted efforts should be made to incorporate human rights education in the programmes of political parties, government departments, community-based organisations, schools, youth clubs and organisations, NGOs and private sector organisations. This move will help increase the level of human rights consciousness and motivate the majority of the people to challenge and oppose corruption as it undermines their right to development.
- States should strengthen law enforcement mechanisms to deter corruption as well as improve the detection and punishment of perpetrators of corruption. This also means that organisations charged with the responsibility of dealing with corruption should be protected from undesirable interference from corrupt politicians.

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THE ROLE OF ASSET RECOVERY IN THE FIGHT AGAINST CORRUPTION IN SOUTH AFRICA

M. Montesh

University of South Africa

ABSTRACT

Asset recovery is a vital part of the war against corruption. It hits the corrupt where it hurts most - the pocket. But most importantly, forfeiture is a vital weapon to take the profit out of corruption. This is especially important in economically motivated crime where deterrence is low at the moment. The United Nations drafted a Convention Against Transnational Organized Crime in 1998 and signed into a resolution in 2000 (General Assembly Resolution 55/25 of 15 November 2000). In terms of Article 1, the purpose of this Convention was to promote cooperation, prevent and combat transnational organized crime more effectively, including asset recovery. As a result of this Convention, South Africa proactively promulgated the Prevention of Organized Crime Act 121 of 1998 with an intention of establishing the Asset Forfeiture Unit (AFU) to seize criminal assets. The AFU was established in May 1999 in the Office of the National Director of Public Prosecutions to focus on the implementation of Chapters 5 and 6 of the Prevention of Organized Crime Act, 1998. Since the AFU was established, a number of cases have been handled. The establishment of the Asset Forfeiture Unit was seen by many South Africans as an addition to an already existing Special Investigating Unit (SIU). In 1996 former President Nelson Mandela established the forerunner to the SIU, namely the Heath Special Investigation Unit which was initially headed by former Judge Willem Heath. Judge Heath resigned in June 2001 because of a constitutional court ruling that a judge could not head an investigating unit. In 2001, former President Thabo Mbeki, by Presidential Proclamation R118 issued on 31 July 2001, created the new unit. Almost seventeen years on, the two units still operate as separate units fighting corruption and other criminal activities. This article seeks to unravel the effectiveness of asset recovery in the fight against corruption including the challenges thereof.

INTRODUCTION

Achieving good governance and fighting corruption are among the most important challenges facing South Africa and its Government. Indeed, a number of anti-corruption initiatives were undertaken post-1994, culminating in the adoption of the Public Service Anti-Corruption Strategy. The Public Service Anti-corruption Strategy of 2002 contains nine considerations which are inter-related and mutually supportive including criminal and civil recovery of proceeds and the ability to claim for damages as well as prohibition of corrupt individuals and businesses. In addition to all these initiatives the Asset Forfeiture Unit and the Special Investigating Unit were established to fight the scourge by seizing assets from criminals. The notion of asset recovery is important and it seems obvious that the state should do its best to ensure that crime does indeed not pay. Asset recovery is often portrayed simply as a means of reclaiming what criminals have wrongfully gained. In this sense, it is merely the state claiming the fruits of crime on behalf of society. The role of AFU is to seize or confiscate proceeds and instrumentalities of crime in order to use the money for criminal justice projects. The SIU on the other hand is an independent statutory body which is accountable to Parliament in accordance with Chapter 2 of

the Public Finance Management Act 1 of 1999. Its function is to retrieve money that was obtained through corrupt practices from the criminals involved. However, because corruption is a criminal offence it automatically falls under the jurisdiction of the AFU. Therefore this amounts to a duplication of functions.

CONCEPTION OF CORRUPTION

There has been no universal consensus of what would be the internationally acceptable definition of corruption and as well as of what sorts of conduct should be included or excluded particularly in developing criminal laws or other politically sensitive concepts of corruption. For example, on the one hand the United Nations (UN), in its anti-corruption Toolkit (2001), proposes the following definition: "Corruption is an abuse of public power for private gain that hampers the public interest". In South Africa, corruption is defined in section 3 of the Prevention and Combating of Corrupt Activities Act (PCCA) 12 of 2004 as an act where a person gives (or offers to give) someone in a position of power something (called "gratification" in the Act) to use that power, illegal and unfairly, to the advantage of (or a third person). The Act was written to bring South African laws in line with the United Nations (UN) Convention Against Corruption of 2003, the African Union (AU) Convention on Preventing and Combating Corruption of 2003 and the SADC Protocol Against Corruption of 2001. South Africa has agreed to follow and implement all these Conventions. Amongst other things, these Conventions require countries that sign them to:

- ♦ take steps to prevent corruption
- ♦ create crimes to cover a wide range of corrupt activities
- ♦ co-operate with other countries to stop corruption
- ♦ impose strict penalties for corruption.

THE RATIONALE FOR ASSET RECOVERY

In South Africa, Chapter 7 of the Prevention of Organized Crime Act 121 of 1998 makes provision for the establishment of Criminal Assets Recovery Account, its utilization and accountability. Traditionally, asset recovery actions have proceeded upon the fiction that the inanimate objects can be guilty of wrongdoing. Simply put, the theory has been that if the object is "guilty," it should be forfeited. This can shift the attention from the people responsible for the crime (as with a criminal prosecution) to the property that was derived from or used to facilitate the crime (Worrall, 2008:59).

In South Africa, asset recovery was initiated as a response to the adoption of the United Nations Declaration Against Corruption and Bribery in International Commercial Transactions of 1996; the Convention Against Transnational Organized Crime of 2000 and the United Nations Convention Against Corruption (General Assembly Resolution 58/4 of 31 October 2003). Article 9 (2) of the Convention of 2000 states that "*each state party shall take measures to ensure effective action by its authorities in the prevention, detection and punishment of the corruption of public officials, including providing such authorities with adequate independence to deter the exertion of inappropriate influence on their actions*".

This Article must be read with Article 52 of the United Nations Convention Against Corruption of 2003. To give effect to this Article, South Africa promulgated the Prevention and Combating of Corrupt Activities Act 12 of 2004 to provide for the strengthening of measures to prevent and combat corruption and corrupt activities; to provide for the offence *of* corruption and offences relating to corrupt activities; to provide

for investigative measures in respect of corruption and related corrupt activities; to provide for the establishment and endorsement of a Register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts; to place a duty on certain persons holding a position of authority to report certain corrupt transactions.

Furthermore, Article 12 of the Convention stipulates that “(1) *states Parties shall adopt, to the greatest extent possible within their domestic legal systems, such measures as may be necessary to enable confiscation of: (a) Proceeds of crime derived from offences covered by this Convention or property the value of which corresponds to that of such proceeds; (b) Property, equipment or other instrumentalities used in or destined for use in offences covered by this Convention.*(2) *States Parties shall adopt such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph of this article for the purpose of eventual confiscation.*(3) *If proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.* (4)*If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.* (5)*Income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from property with which proceeds of crime have been intermingled shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime”.*

These United Nations requirements led South Africa to promulgate the Prevention of Organized Crime Act 121 of 1998 with the intention to introduce measures to combat organized crime, money laundering and criminal gang activities; to prohibit certain activities relating to racketeering activities; to provide for the prohibition of money laundering and for an obligation to report certain information; to criminalize certain activities associated with gangs; to provide for the recovery of the proceeds of unlawful activity; for the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of unlawful activity and to provide for the establishment of a Criminal Assets Recovery Account.

TYPES OF ASSET RECOVERY

There are basically three types of recovery of proceeds of corruption, determined on the bases of a distinction between criminal and civil cases.

Criminal recovery (forfeiture)

The South African Prevention of Organized Crime Act of 1998 provides for two types of asset recovery, namely criminal and civil recovery. In terms of Chapter 5, a confiscation order may be made upon the conviction of an accused who has benefited from any offence(s) of which he or she has been convicted, as well as from any criminal activity sufficiently related to those offences. Such an order is for the payment of an amount of money by the accused to the state. This amount may not exceed the proceeds of his or her criminal activity, or the value of all realizable property, whichever is the lesser (Redpath, 2003:43). Realizable property is property held by the accused plus the value of any affected gifts made by such accused.

An affected gift is one which was made in the seven years preceding prosecution, or which was originally received by the accused in connection with unlawful activities. A confiscation order may be preceded

or followed by a restraint order. In terms of the Prevention of Organized Crime Act, the AFU has the following functions: seizure of large amounts of cash associated with the drug trade; seizure of property used in the drug trade or other crimes; investigation of corruption and white-collar crime; as well as targeting of serious criminals and violent crime. In addition to these functions, the AFU has been given the responsibility for enforcing anti-money-laundering legislation. Chapter 6 of the Act permits the state to forfeit the proceeds and instrumentalities of crime in a civil process that is not dependent on or related to any criminal prosecution or conviction. Internationally the trend is to combine asset recovery and money laundering because there is a large overlap in the legal and investigative work that is required.

Civil recovery (Forfeiture)

On the other hand, the Special Investigating Unit (SIU) is an independent statutory body established by the South African President which conducts investigations at his request. Section 2(2) of the Special Investigating Units and Special Tribunals Act 74 of 1996 defines the allegations which the SIU may investigate and for which proclamations may be issued. Essentially, the SIU investigates fraud, corruption and maladministration within government departments. It uses civil law to fight corruption which has important advantages. It is often difficult to prove the crime of corruption because it usually takes place between individuals who are equally guilty and do not want to give evidence.

A civil case is easier to prove because the case only has to be proven on a balance of probabilities, and not beyond reasonable doubt, as in a criminal case. In South Africa, the Prevention of Organized Crime Act requires proof on a balance of probabilities that the property concerned is an instrumentality of an offence or is the proceeds of unlawful activities in order for it to be forfeited. In this instance, it is not a requirement to find any person guilty of a criminal offence. Chapter 6 of the Prevention of Organized Crime Act has other provisions relating to civil forfeiture.

A preservation order, which precedes a forfeiture order, is brought against any person, and not against the property, to prevent him or her from dealing with the property in any manner. A preservation order requires only that there should be “reasonable grounds” to believe that the property concerned is either the proceeds of or an instrumentality of crime. This is similar to the situation in the United States, where the state is required to show “probable cause” at the first stage of forfeiture. The Prevention of Organized Crime Act also provides that the state is then required to give notice that the order has been made by the High Court to all persons who may have an interest in the property concerned (Kempen & Willman, 2006:12).

In order to succeed with a forfeiture order, the burden of proof lies on the state to show, on a balance of probabilities, that the property is indeed the proceeds of or an instrumentality of crime (Redpath, 2003:44). In the United States, however, the state automatically seizes the property at the first stage. There the burden of proof is on the owner to prove the negative, that is, that the property is not the proceeds of or an instrumentality of crime.

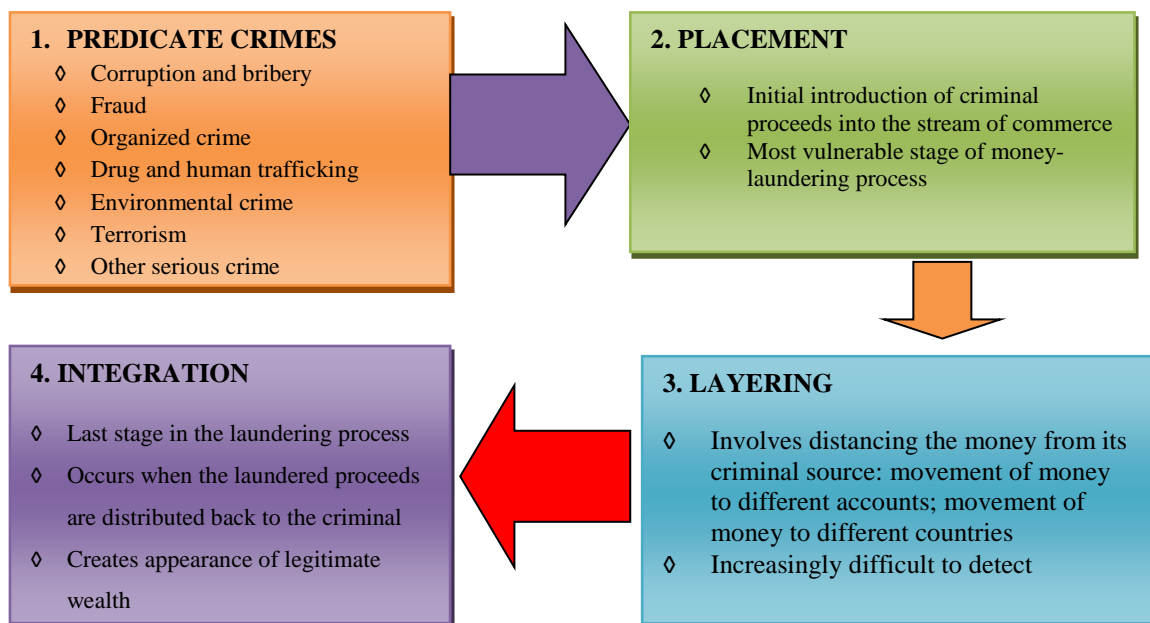
CRIMINALITY AND HIDING OF STOLEN MONEY AND ASSETS

Stolen assets can be hidden either at home or abroad. The focus of this article is on the cross-border component of public assets stolen from developing countries. Such assets are often hidden in banks located in the financial centers of developed countries, although financial havens have begun to appear in emerging market

countries as well. Further, multinational corporations from developed countries are often the source of bribes paid to public officials in developing countries. The crimes of bribery, corruption, and money laundering are inextricably linked; indeed, money laundering (ML), understood as hiding or obscuring the source, ownership, control, and movement of assets, could be seen as the last link in a long chain of corrupt acts (Brun, Gray, Scott & Stephenson, 2011:67). Money laundering seeks to lower the chances of detecting stolen funds, as well as breaking the direct link between the kleptocrat or politically exposed person (PEP) and the stolen assets by disguising ownership. Money laundering is a diverse activity that can range from simple wire transactions to complex mechanisms that rely on shell banks, undisclosed trusts, and hedge funds, often set up with advisers from developed countries. The money laundering process is usually described as involving three main stages: placement, layering, and integration.

- ♦ *Placement* is the process of separating the illicit funds from their illegal source and placing them into one or more financial institutions, domestically or internationally.
- ♦ *Layering* is the process of separating criminal proceeds from their source by using layers of financial transactions designed to hide the audit trail and provide anonymity.
- ♦ *Integration* schemes place the laundered proceeds back into the legitimate economy in such a way that they appear to be normal business funds. The money laundering process (including corruption) can be explained by the following diagram (World Bank/UNODC, 2007:14):

Figure 1: Networks of Criminality and Stolen Assets



RECOVERY OF STOLEN OR EMBEZZELED ASSETS

Recovery of stolen assets involves complex stages and process that could as well be so protracted as to derail the goal.

Intelligence in collection and tracing of assets

Evidence is gathered and assets are traced by law enforcement officers under the supervision of or in close cooperation with prosecutors or investigating magistrates, or by private investigators or other interested

parties in private civil actions. In addition to gathering publicly available information and intelligence from law enforcement or other government agency databases, law enforcement can employ special investigative techniques. Some techniques may require authorization by a prosecutor or judge (for example, electronic surveillance, search and seizure orders, production orders, or account monitoring orders), but others may not (for example, physical surveillance, information from public sources, and witness interviews (International Centre for Asset Recovery, 2009:168). Private investigators do not have the powers granted to law enforcement; however, they will be able to use publicly available sources and apply to the court for some civil orders such as production orders, on-site review of records, expert testimony, or expert reports.

Securing the assets

During the investigation process, proceeds and instrumentalities subject to confiscation must be secured to avoid dissipation, movement, or destruction. In certain civil law jurisdictions, the power to order the restraint or seizure of assets subject to confiscation may be granted to prosecutors, investigating magistrates, or law enforcement agencies. In other civil law jurisdictions, judicial authorization is required. In common law jurisdictions, an order to restrain or seize assets generally requires judicial authorization, with some exceptions in seizure cases (United Nations, 2004:131).

International cooperation

International cooperation is essential for the successful recovery of assets that have been transferred to or hidden in foreign jurisdictions. It will be required for the gathering of evidence, the implementation of provisional measures, and the eventual confiscation of the proceeds and instrumentalities of corruption. And when the assets are confiscated, cooperation is critical for their return (World Bank/StAR/UNODC/OECD, 2011:152). International cooperation includes “informal assistance,” mutual legal assistance (MLA) requests, and extradition. Informal assistance is often used among counterpart agencies to gather information and intelligence to assist in the investigation and to align strategies and forthcoming procedures for recovery of assets. An MLA request is normally a written request used to gather evidence (involving coercive measures that include investigative techniques), obtain provisional measures, and seek enforcement of domestic orders in a foreign jurisdiction.

Court proceedings

Court proceedings may involve criminal or NCB confiscation or private civil actions (each described below and in subsequent chapters); and will achieve the recovery of assets through orders of confiscation, compensation, damages, or fines. Confiscation may be property based or value based. Property-based systems (also referred to as “tainted property” systems) allow the confiscation of assets found to be the proceeds or instrumentalities of crime - requiring a link between the asset and the offense (a requirement that is frequently difficult to prove when assets have been laundered, converted, or transferred to conceal or disguise their illegal origin). Value-based systems (also referred to as “benefit” systems) allow the determination of the value of the benefits derived from crime and the confiscation of an equivalent value of assets that may be untainted (World Bank/ UNODC, 2007:147). Some jurisdictions use enhanced confiscation techniques, such as substitute asset provisions or legislative presumptions to assist in meeting the standard of proof.

Enforcement of orders

When a court has ordered the restraint, seizure, or confiscation of assets, steps must be taken to enforce the order. If assets are located in a foreign jurisdiction, an MLA request must be submitted. The order may then be enforced by authorities in the foreign jurisdiction through either (1) directly registering and enforcing the order of the requesting jurisdiction in a domestic court (direct enforcement) or (2) obtaining a domestic order based on the facts (or order) provided by the requesting jurisdiction (indirect enforcement) (World Bank/StAR/UNODC/OECD, 2011:167). This will be accomplished through the mutual legal assistance process. Similarly, private civil judgments for damages or compensation will need to be enforced using the same procedures as for other civil judgments.

Returning assets to the rightful owner

The enforcement of the confiscation order in the requested jurisdiction often results in the confiscated assets being transferred to the general treasury or confiscation fund of the requested jurisdiction (not directly returned to the requesting jurisdiction). As a result, another mechanism will be needed to arrange for the return of the assets. If UNCAC is applicable, the requested party will be obliged under Article 57 to return the confiscated assets to the requesting party in cases of embezzlement of public funds or laundering of such funds, or when the requesting party reasonably establishes prior ownership. If UNCAC is not applicable, the return or sharing of confiscated assets will depend on domestic legislation, other international conventions, MLA treaties, or special agreements (for example, asset sharing agreements) (United Nations, 2004:136). In all cases, total recovery may be reduced to compensate the requested jurisdiction for its expenses in restraining, maintaining, and disposing of the confiscated assets and the legal and living expenses of the claimant.

Assets may also be returned directly to victims, including a foreign jurisdiction, through the order of a court (referred to as “direct recovery”). A court may order compensation or damages directly to a foreign jurisdiction in a private civil action. A court may also order compensation or restitution directly to a foreign jurisdiction in a criminal or NCB case. Finally, when deciding on confiscation, some courts have the authority to recognize a foreign jurisdiction’s claim as the legitimate owner of the assets. If the perpetrator of the criminal action is bankrupt (or companies used by the perpetrator are insolvent), formal insolvency procedures may assist in the recovery process (World Bank/StAR/UNODC/OECD, 2011:156). A number of policy issues are likely to arise during any efforts to recover assets in corruption cases.

Requested jurisdictions may be concerned that the funds will be siphoned off again through continued or renewed corruption in the requesting jurisdictions, especially if the corrupt official is still in power or holds significant influence (Redpath, 2003:45). Moreover, requesting jurisdictions may object to a requested country’s attempts to impose conditions and other views on how the confiscated assets should be used. In some cases, international organizations such as the World Bank and civil society organizations have been used to facilitate the return and monitoring of recovered funds.

ASSET RECOVERY LEGAL FRAMEWORK

The legal framework for asset recovery is itself complex, ranging in scale from state, regional to the global institutions.

United Nations Convention Against Corruption of 2003

The United Nations Convention Against Corruption (UNCAC) came into force on 14 December 2005 and has been signed by 140 countries, of which 137 are parties to the convention. The convention calls for the prevention and detection of transfers of the proceeds of crime. This is of special relevance for prosecutors and investigators, as it provides the tools necessary for efficient financial investigations. Article 52 should be read in accordance with the Financial Actions Task Force's (FATF's) 40 Recommendations and 9 Special Recommendations (International Centre for Asset Recovery, 2009:167). When applied, these rules allow States to audit transactions even when the assets are transferred overseas. Prevention and control are essential when dealing with asset recovery. Traditionally, corruption offences have been perceived as victimless crimes. The average person does not feel affected by the funneling of public monies into the pockets of dishonest public officials, when in reality corruption hampers development (Brun, *et al*, 2011:173). Article 53 was designed to ensure that State Parties have in place a wide range of legal remedies to recognize other State Parties as having legal standing to initiate civil actions and other direct means to recover illegally obtained and exported property. Furthermore Article 55 deals with international cooperation for purposes of confiscation.

African Union Convention on preventing and Combating Corruption of 2003

African Union Convention on preventing and Combating Corruption was adopted by the 2nd Ordinary Session of the Assembly of the Union Maputo, Mozambique on 11 July 2003. The objectives of this Convention are to promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors. Article 16 of the Convention states that *"Each State Party shall adopt such legislative measures as may be necessary to enable; (a) its competent authorities to search, identify, trace, administer and freeze or seize the instrumentalities and proceeds of corruption pending a final judgment, (b) confiscation of proceeds or property, the value of which corresponds to that of such proceeds, derived, from offences established in accordance with this convention, (c) repatriation of proceeds of corruption"*.

Southern African Development Community (SADC) Protocol Against Corruption

All 14 SADC Heads of State and Government signed the SADC Protocol Against Corruption in Malawi on 14 August 2001. Article 17 of the SADC Protocol provides that the Protocol shall be ratified by the Signatory States in accordance with their constitutional or other procedures. Article 2 of the Protocol provides for the following objectives to promote and strengthen the development, by each of the State Parties, of mechanisms needed to prevent, detect, punish and eradicate corruption in the public and private sector, to promote, facilitate and regulate co-operation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption in the public and private sector and to foster the

development and harmonization of policies and domestic legislation of the State Parties relating to the prevention, detection, punishment and eradication of corruption in the public and private sectors.

Furthermore, Article 8 of the Protocol requires that each State Party shall adopt such measures as may be necessary to enable confiscation of proceeds derived from offences established in accordance with this Protocol, or property the value of which corresponds to that of such proceeds and its competent authorities to identify, trace and freeze or seize proceeds, property or instrumentalities for the purpose of eventual confiscation. In order to carry out measures referred to in this Article, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized and shall not invoke bank secrecy as a basis for refusal to provide assistance (World Bank/StAR/UNODC/OECD, 2011:128).

South Africa's Fight Against Corruption

There are several measures and instruments that South Africa has established for the fight against corruption.

The Special Investigating Units and Special Tribunals Act 74 of 1996

The SIU may investigate any matter set out in section 2 of the Special Investigating Units and Special Tribunals Act 74 of 1996 including the following matters:

- ♦ serious maladministration in connection with the affairs of any state institution; improper or unlawful conduct by employees of any state institution; unlawful appropriation or expenditure of public money or property; any unlawful, irregular or unapproved acquisitive act, transaction, measure or practice that has a bearing on state property; intentional or negligent loss of public money or damage to public property; corruption in connection with the affairs of any state institution; and
- ♦ unlawful or improper conduct by any person who has caused or may cause serious harm to the interest of the public, or any category thereof.

The SIU institutes the civil recovery of state assets and public money, supports disciplinary processes arising out of investigations, including the preparation of charges, and provides advice on strategy as well as expert evidence at disciplinary inquiries. The SIU focuses mainly on corruption in Government departments, small and medium-sized entities where it is an endemic problem and impacts on service delivery, such as pensions, local government and housing.

The Prevention of Organized Crime Act 121 of 1998

Chapter 5 and 6 of the Prevention of Organized Crime Act 121 of 1998 empowers the Asset Forfeiture Unit to investigate and seize property tainted by criminal activity to be forfeited to the state by way of a civil action. The Unit does not prosecute, but works closely and in conjunction with the prosecution and the police's investigating officials. The AFU conducts criminal and financial investigations regarding those individuals and property against which forfeiture proceedings are anticipated. It locates and identifies proceeds, substituted proceeds and instrumentalities of crimes, and prepares and presents applications for forfeiture.

Prevention and Combating of Corrupt Activities Act 12 of 2004

The objectives this Act is to provide for the strengthening of measures to prevent and combat corruption and corrupt activities; to provide for the offence of corruption and offences relating to corrupt activities; to provide for investigative measures in respect of corruption and related corrupt activities; to provide for the establishment and endorsement of a Register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts; to place a duty on certain persons holding a position of authority to report certain corrupt transactions; to provide for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities; and to provide for matters connected therewith. Chapter 2 of the Act outline the offences in respect of corrupt activities and Chapter 3 deals with the investigations regarding possession of property relating to corrupt activities including seizure of such property.

South African Police Service Amendment Act 10 of 2012

The objectives are to amend the South African Police Service Act, 1995, in order to align the provisions relating to the Directorate for Priority Crime Investigation with a judgment of the Constitutional Court; to amend those provisions in order to ensure that the Directorate has the necessary operational independence to fulfill its mandate without undue interference; and, to provide for matters connected therewith.

Section 4 of the Act relates to the establishment of a Directorate as a Division of in the Service to prevent, combat and investigate national priority offences, in particular serious organized crime, serious commercial crime and serious corruption. Section 7 of the Act empowers the Directorate to investigate corrupt activities as contemplated in Chapter 2 and section 34 of the Prevention and Combating of Corrupt Activities Act 12 of 2004, which in the opinion of the Head of the Directorate need to be addressed by the Directorate, subject to any policy guidelines issued by the Minister and approved by Parliament. These arrangements also including liaison with the Asset Forfeiture Unit with regards to seizure of property obtained by means of corruption.

OBJECTIVES OF ASSET RECOVERY

There are two fundamental objectives that underwrite corruption-related asset recovery, which target profit and property.

Removing the profit out of crime

The main aim of asset recovery is to take the profit out of crime, in other words, to ensure that crime does not pay. It is clear that one of the main incentives to commit crime is due to the substantial financial benefit derived from it. If the benefit is removed, so is the reason to do crime (Redpath, 2003:46). Asset forfeiture targets the proceeds of crime, including corruption. Studies in the United States have shown that criminals are prepared to go to prison for a time to pay for their crimes or that they are prepared to pay a fine, but touching their asset base seriously affects them.

Removing property which is an instrumentality of an offence(s)

Asset recovery is not only aimed at removing assets that are the proceeds of crimes, but also to remove property used to commit crimes. Property that is instrumental in an offence can also be forfeited, for example, a vehicle that was used as a getaway car in an armed robbery case, or a house that is used as a laboratory to manufacture drugs (Kempen, & Willman, 2006:16). The aim behind that is clear: no person should use or allow his/her property to be used to commit crimes. In a Supreme Court of Appeal judgment in *NDPP v Cook Properties; NDPP v 37 Gillespie Street Durban; NDPP v Seevnarayan 2004 (8) BCLR 844 SCA*, the court said that the owner of property cannot be subpoenaed. The matter concerned was, inter alia the forfeiture of property on the basis of it being an instrumentality. The court warned owners that they needed to be vigilant in how their property is being used by them and others.

BENEFITS OF ASSET RECOVERY

Asset recovery is beneficial for at least three reasons. First, it is intended to reduce criminal activity by denying offenders the profits from their crimes. Second, a byproduct of asset forfeiture is more drug arrests. Third, yet perhaps most controversially, asset forfeiture helps cash-strapped law enforcement agencies augment their discretionary budgets to further target criminal activity. Much of the language surrounding asset recovery is couched in terms of removing the profit from criminal activity, but at its core, forfeiture's objective is crime deterrence (Redpath, 2003:44). Because incarceration (or the threat of such) does not deter all offenders, forfeiture is intended to pick up where traditional punishments leave off. It has been said that "[t]he criminal views the prospect of a jail sentence as a calculated cost of generating revenue..." and that [r]ecidivism is encouraged because the subject has learned that crime *does not* pay. Unfortunately, not a single published study has linked forfeiture activities to the prevalence of criminal activity.

A team of economists recently offered up a theoretical argument concerning the possible deterrent effect of forfeiture, but they also argued that a *mix* of sanctions, not just forfeiture, would be most ideal: "by employing a mix of sanctions, with harm-based fines (or other punishment) plus confiscation of illegal gain [i.e., forfeiture], courts will be able to get closer to efficient deterrence than they can when constrained to use punishments in isolation" (Kempen & Willman, 2006:14). Despite the lack of evidence that forfeiture can reduce a variety of crimes, there is some evidence that forfeiture can effectively address a number of specific problems.

EXAMPLES OF CORRUPTION AND ASSET RECOVERY CASES REPORTED IN SOUTH AFRICA

One of the cases that made headlines for the most of 2005 was the Shabir Shaik case, and at the same time the AFU's role in asset forfeiture also came under the spotlight. In June the State indicated that it wished to apply to court to have more than R30 Million of Shaik's assets confiscated as "proceeds of crime". These assets followed from Shaik's use of (former deputy president) Jacob Zuma's name to obtain contracts, as well as Zuma's intervention to get Shaik to profit from the Government arms deal (Kempen & Willman, 2006:14). In another case the assets of an alleged American-Israeli drug dealer and money-laundering kingpin were seized by the AFU in March 2006. The AFU had obtained an order from the Johannesburg High Court to seize the assets which included a R12 million game farm in Limpopo, a R2.5 million mansion in Umhlanga, a Mercedes-Benz and various bank accounts. The man had been living in South Africa since 2002. The seizure came after the US Department of Homeland Security had tracked him to South Africa and notified local authorities of his links to

several individuals involved in the production and distribution of Ecstasy. AFU investigations revealed that the kingpin had often conducted affairs with legal institutions using false information (Kempen & Willman, 2006:14). He also supplied false information to immigration officials, illegally obtained extensions on his temporary residence permits and used a false South African birth certificate and ID number. This man had used South Africa essentially as a hideout, but due to the extradition request from US authorities, it tipped off a bigger case here – a classic case of money laundering.

INSTITUTIONAL CHALLENGES OF THE FIGHT AGAINST CORRUPTION AND ASSET RECOVERY

Whereas the institutional provisions for the fight against corruption and asset recovery are well-meant, they also create serious challenges that may as well impede the attainment of the stated goals.

Duplication of functions

The core business of the AFU and the SIU are similar in that both units aim to recover funds for the government. The idea of having an asset forfeiture unit is sound. However, in practice the establishment of the AFU and SIU amounts to a duplication of functions. Both use civil action in order to recover and seize assets from criminals although the AFU has an added advantage in that it uses both civil and criminal forfeiture. The AFU's task is to ensure that it takes the profit out of crime by seizing the proceeds of crime. The SIU has the same task. Apparently, the AFU and the SIU should not exist as separate entities.

Identifying applicable criminal offenses

Bribery is not the only possible charge to consider in plotting strategy for stolen asset recovery proceedings. Corruption frequently involves the commission of several criminal offenses. In selecting the offenses to pursue, practitioners will have to consider the following aspects: the facts of the case; whether the direct or circumstantial evidence fulfills elements of the offenses; the use of procedural aids, such as rebuttable presumptions; the likelihood of conviction; sentencing interests; the public interest; and, where applicable, the ability to obtain foreign assistance and enforcement (Brun *et al*, 2011:159).

Challenges in establishing the elements of the offense

Bribery and trafficking in influence: May require proof that the bribe was offered, promised, or paid as part of a "corruption pact" (agreement on terms of the bribe and quid pro quo in advance) between the briber and the public official. Securing this proof will be difficult if the investigation is conducted well after the fact. In addition, when bribes are paid overseas by subsidiaries or intermediaries, prosecutors may need to prove that managers or directors at headquarters knew or intended that the subsidiary or the intermediary would commit this crime (World Bank/StAR/UNODC/OECD, 2011:138). Defendants may claim that employees who paid bribes to foreign public officials acted in their personal capacity, flouting corporate guidelines.

Illicit enrichment: Will necessitate an assessment of an individual's concealed assets or income. This may take some time because some countries might not possess Financial Intelligence institutions, thus jeopardizing the whole investigation process.

Theft or embezzlement: May not apply to real property, services, or intangible assets. Therefore, this may render the whole investigation process useless.

Money laundering: Usually requires proof of the commission of a predicate offense, and proof of transactions or schemes organized to conceal or disguise the illegal origin, ownership, or control of assets (International Centre for Asset Recovery, 2009:159).

Forgery or falsification: May require evidence that the falsified documents have legal significance or consequences. Other documents are frequently not considered to be subject to forgery. In certain jurisdictions, accounting offenses only apply to published accounting statements (United Nations, 2004:183).

Criminal liability of legal entities: May not apply, depending on the jurisdiction or the specific offense.

Fraud: When committed over a long period, the activity may involve hundreds or even thousands of individual offenses. Prosecution of such offenses can be cumbersome or difficult. Use of sample or representative charges may have adverse consequences on related confiscation proceedings (World Bank/UNODC, 2007:189).

Inability to obtain a conviction in corruption cases

In most jurisdictions, it is impossible to adjudicate a criminal case in the absence of the defendant, such as in cases of flight or death. In a few civil law jurisdictions, it may be possible to proceed with a criminal trial in absentia if the person is a fugitive. However, convictions in these cases may not be final because due process requires that court decisions be subject to appeal by the fugitive if he or she is apprehended. In addition, some confiscation laws contain absconding provisions that permit the law to continue to operate, even in the event of the flight or death of the defendant (World Bank/StAR/UNODC/OECD, 2011:147).

CONCLUSIONS AND RECOMMENDATIONS

Reaching conclusions on the subject of corruption is difficult; and, making recommendations is inherently complex. However, this article provides a few insights.

Amend the Prevention of Organized Crime Act 121 of 1998

It is clear from the findings that there is a need to amend the Prevention of Organized Crime Act so that the following challenges can be addressed: illicit enrichment, theft or embezzlement, forgery or falsification, criminal liability of legal entities and fraud.

Merge the AFU and the SIU to form one well-resourced asset recovery agency

The core business of the AFU and the SIU are similar in that both units aim to recover funds for the government. It is therefore recommended that the two agencies merge and form one strong asset recovery unit under the National Prosecuting Authority. Such integration will not only ease the functional but also the operational responsibilities resting upon these agencies.

Establish non-Conviction Based (NCB) forfeiture

NCB or civil (or *in rem*) forfeiture actions are actions against property, rather than a criminal defendant, and do not require a conviction. In the United States, such actions are regarded to be quasi-criminal

because the authority is located in the penal code and the government must establish the existence of a criminal offense and the property's nexus to that offense, but the procedure utilized is civil (Brun *et al*, 2011:158). NCB forfeiture actions depend upon the government's ability to demonstrate the relationship between the criminal conduct and the particular property subject to confiscation, and, as a general rule, are limited to property somehow traceable to the offense such that it was used or acquired illegally. As already noted, NCB forfeiture actions are particularly useful in grand corruption cases where a criminal conviction is not possible, such as when the property is owned or controlled by a corrupt official who is a fugitive, has immunity from prosecution, or has died.

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SOUTH AFRICA'S CORRUPTION MISNOMER, SOCIETAL PERCEPTIONS AND DEVELOPMENTAL MANDATE FOR LOCAL GOVERNMENT DEFERRED: EPISTEMOLOGICAL QUESTIONING

J.P. Tsheola

P. Nembambula

S. Mtsweni

University of Limpopo

ABSTRACT

Headlines such as “de-risking Africa”, “removing Africa out of the abyss of ‘darkness’ and bring her back to light”, “bring light unto Africa” and “bring socio-political and economics salvation”, among others, are all too common. The coloniality of African societies appears to have conveniently normalized and universalized these headlines as fundamental truths. The currency of these headlines insinuates that enlightenment and development are inherently exogenous to Africa. A democratic South Africa too has been dogged with headlines of corruption, which cast the local government as the minefield of this perceived social scourge. Intellectual analyses too jumped onto the bandwagon with negligible interrogation of the conceptual integrity and validity of the term corruption. The latter easily fits with and reacts to the prevailing societal perceptions, enforcing hegemonic cultural values and morality, which in most developing countries are imported conceptualization and characterization of activities that may not necessary constitute the envisaged socio-politico-economic ills. The difficulty of standing the test of time in the Western-styled courts could as well imply that the conceptualization of corruption involves an imagination that could equally be divorced from reality. Scholarship too is guilty of failing to generate nuance knowledge and conceptualization of practices such as corruption. This article seeks to question the general acceptance of the hegemonic conception of corruption cast against South Africa’s local government and to argue that some of the activities that are cast through this conceptualization may in practice be providing the opportunity for emancipation and development of former colonies. That is, the hegemonic conceptualization of corruption needs to be questioned and tested for its integrity and validity within the South African cultural values and morality matrices, which are inherently issues of “nostalgic” coloniality rather than pure African tradition. The conception of “clean saintly government” is value-laden; and, the key problem is that South Africa is trapped in such conceptualization of corruption as a crucible litmus test, to the extent that the strive to attain the perceived cleanliness or saintliness could as well be a deferral of the developmental mandate of the local government.

INTRODUCTION

In recent years, there has been increased public anger about corruption, perceived or absolute, with attendant violent protests (Provost & Chalabi, 2013) in countries such as South Africa. Accounts such as “the effects of corruption in South Africa has seriously constrained development” and “significantly inhibited good governance” (Pillay, 2004: 586) have become all too common. It is indeed accurate to argue that “corruption has

captured the minds of all South Africans” (Pillay, 2004: 588) because current societal perceptions are evidently elevated above the absolute reality of the practice itself. Could it be asked if corruption was widespread and rampant in South Africa? Such a frame of questioning would reveal poor comprehension of the operations of global coloniality, as well the conception of corruption itself. Besides societal understanding of rules and interpretations of acts that constitute deviation therefrom, corruption and public perceptions thereof depend on “personal values and moral vies” (Melgar, Rossi & Smith, 2010: 120). It is, therefore, impossible to conceptualize corruption and to define it outside territorially-specific social and cultural factors (Melgar et al., 2010). To this extent, the sensationalism of Transparency International’s Corruption Perceptions Index (CPI) should be questioned. This article asserts that the epistemology of the conceptualization of corruption is of critical significance to understanding the misnomer that came to defer the developmental mandate of local government through heightened societal perceptions.

In South Africa today, association with the state and accumulation of wealth cannot escape accusations of corruption by the citizenry. Normative approaches to corruption tend to dismiss its study because of the underlying assumption that it is just a societal evil (Rubin, 2011). Revisionist approaches, though, provide “a more complex and nuanced understanding of corruption” (Rubin, 2011: 487). Given this discourse, studies of state corruption have drawn a long-disparaging shadow of the history of a democratic South Africa (Lodge, 1998; Hyslop, 2005; Rubin, 2011). Unsurprisingly, societal perceptions of corruption within South Africa, especially in local government, are equally strong, heightened and widespread (Rubin, 2011), with negligible consideration that the science upon which the concept is founded is impure and imperfect. Rarely, do cognitive engagements frame questions to test the epistemological tradition and validity thereof to the global coloniality which characterizes “post-apartheid” South Africa. A simple question can illustrate this article’s contention: is it accurate to describe South Africa as post-apartheid? Indeed, practices that are characterized as corruption have evolved with the societal values, tradition and morality, leading to nuance conceptualizations. The question that has eluded academic analyses involves the epistemology of the science that informs the so-called “fight against corruption”. Perhaps, the “fight against corruption” could be chasing shadows; and, such a campaign fits into stereotypes that could in fact be the causes of “corruption” as societal perceptions enforce a logic of the law of the jungle and the commonly owned resources. Transparency International (2012), for instance, rates countries of the world into hierarchical stack as though they did not consist of unique societies with non-generalizable values, morality and tradition. Unsurprisingly, studies of corruption tend to be arbitrary, making sweeping generalizations suggesting that Africa and South Africa are corrupt (Lodge, 1998). Such conclusions are a vivid indication of the cognitive laze that avoids the epistemological framing of questions of corruption that do not necessarily conform to the universal world mythology and fundamentalism of the Western Nations. It is the lack of acceptance of critical pluriversalism of the conceptualization that leads almost all studies of corruption about Africa and South Africa to readily find that “though old habits and predispositions may well sustain much of the existing administrative corruption, its apparent expansion is also the consequence of change” (Lodge, 1998: 187). That is, whilst change is acknowledged to be taking place, the form and content of corruption are assumed to be static. To this extent, “corruption” is commonly assumed to have increased and to be ominous, notwithstanding the fact that it has remained difficult and virtually impossible to accurately observe and/or measure. The latter are not merely explicable through the covert nature of corruption, but they equally enunciate the cracks in the conceptual descriptor itself. The question of what to observe and/or measure is socially

situated, therefore demonstrating that corruption is not a straightforward universalistic phenomenon or truth. It is inadequate to blame society for persistently strong perceptions of local government corruption because the academic conceptualizations have rushed towards conformity with the universalistic mythology of truths, rather than tracing the epistemological tradition of corruption in order to determine what the best-fit-meaning should be for a former colony such as South Africa. It is in this context that this article argues that the opaque, arbitrary, clumsy and anecdotal assertions on local government corruption have equally contributed to the deferral of its developmental mandate because of the paucity of epistemological perceptiveness.

CONCEPTUALIZATION OF CORRUPTION, SOCIETAL PERCEPTIONS, VALUES AND MORALITY

A rigorous test of the epistemology of corruption should reveal that there are both commonalities and differences across societies (Melgar et al., 2010). But it is careless to conclude that corruption is “widespread” in South Africa, without exposing the conceptual matrices within which the practice is framed and determined. Corruption is equally entrenched in developed democracies (Pillay, 2004), but it cannot be stated that corruption is widespread in the USA, for example. The amount of money involved in the Washington DC lobbying of politicians dwarfs anything that South Africa has come to know as corruption. Why is Transparency International (2012: 2) scoring South Africa at 43 and the USA at 73 on its 2012 Corruption Perceptions Index where zero (0) is highly corrupt and 100 is very clean? This Corruption Perceptions Index (CPI), which is blindly applied across the world as a fundamental universal truth is based on expert opinion of perceived levels of public sector corruption (Transparency International, 2012). These experts are themselves socially and geographically located within global coloniality; and, their opinions of corruption are not pluriversal. Besides, the CPI has been used to create alarm whilst it has tacitly affirmed that the private sector is saintly.

The truism is that “the concept of corruption varies widely depending on societies and people” (Melgar et al., 2010: 121). This disposition questions the logic of the Transparency International Corruption Perceptions Index (CPI), which uses the sponsorship of the Ernst and Young to provide, as it claims, “reliable quantitative diagnostic tools regarding levels of corruption, both at the global and local levels” (Transparency International, 2012: 2). The question to ask is how reliable is Transparency International’s generalization and universalization of corruption perceptions, that are intricately depended upon societal, personal values and vies, into quantitative truths for ranking different societies across the globe? The point of this questioning is that the hegemonic conceptualization of corruption is informed by the matrices of global coloniality and universalistic fundamentalism. Those societies subjugated to coloniality through extraversion will continue to experience irrelevant being, power and knowledge. The “colonial situation” refers to “the cultural, political, sexual, spiritual, epistemic and economic oppression/exploitation of subordinate racialized/ethnic groups by dominant racialized/ethnic groups with or without the existence of colonial administrations” (Grosfohuel, 2007: 220).

However, it would be untenable to discount the notion that the disposition to pay a bribe “is likely to be positively correlated” with the public’s perception of corruption (Melgar et al., 2010: 120). Equally, the disposition to accept a bribe should be strongly connected to the societal perceptions of corruption. There are primarily two approaches to understanding the intricacies of the connections between corruption and societal perception: the normative and revisionism (Rubin, 2011). Whereas the former approach allows for a simplistic notion that perceptions of corruption result in the practice of corruption and, eventually, “social, economic and

moral downfall of the state”, revisionist approaches hold a more complex and nuanced idea of corruption (Rubin, 2011: 487). Perceptions of corruption hold realistic potential to be usefully productive and progressive in a context where the state is opaque, distant, capricious and inefficient (Blundo et al., 2006; Rubin, 2011). Many tyrants and autocrats would hold power for eternity if it were not for the transformative potential inherent to heightened societal perceptions of corruption. Whereas the African National Congress used to boost a voter majority of over 90% in Tlokwe Local Municipality in the North West Province previously, the August 2013 by-election largely driven by opposition parties on the anti-corruption agenda, real or otherwise, produced only 50%, albeit with a 40% turn-over, for the ruling party. The point that needs to be made is that accusations of state corruption cannot be understood to suggest a saintly public. That is, citizens interact with the state and public functionaries, and in this way they both influence and shape each other into societal corruption, if it exists. The state-public interaction could also exacerbate corruption, “creating even greater distance between the average resident and a state that they see as inaccessible and unknowable” (Rubin, 2011: 488). Therefore, it is epistemologically erroneous to suggest that the South African local government is corrupt, without imputing that the citizenry and public is itself equally corrupt. There is no state corruption that can exist independent of society itself, including private sector corruption. However, it would be understandable if large amounts of corruption transactions are exposed with indisputable evidence and the public perceptions shun such corrupt public functionaries. If the society marvels and glorifies corruption-related lifestyles, then it is the public itself that fuels corruption. To this extent, societal perceptions of corruption could as well be unfounded accusations that are “exacerbated by the clumsiness, opacity, confusion and capriciousness” (Rubin, 2011: 488) of the state systems. Note has to be made that perceptions of corruption are exceedingly complex because they are influenced by factors at all scales, including the micro-level issues such as age, gender, education and marital status, to the macro-position of the social and geographic location of coloniality.

Corruption itself may be at lower levels in societies where perceptions thereof are stronger, but it would always be the act of being corrupt that fuels perceptions (Melgar et al., 2010). However, the perception that public sector correlates strongly with corruption may as well be divorced from the reality of private sector practices. The bias towards the public sector is based on the underestimation of the power wielded by the private sector within global coloniality. This observation is true even in a case where state bureaucracy is assumed to be allocating a scarce resource to many people and the private sector finds the cost limiting; however, the form of corruption being popularized could involve different matrices. By its nature, therefore, corruption is shadowy and difficult to observe and/or measure (Szeftel, 1998; Rubin, 2011), to the extent of eluding the inquisitive minds that settled for using indicators that are designed to merely sensationalize practices that may be simultaneously accepted elsewhere in the world as moral business transactions (Cibane, 2013). In fact, the majority of studies that purport to be investigating corruption are merely reviewing perception thereof and, largely, trying to use the West as a template for observing and/or measuring Africa and/or South Africa (Szeftel, 1998; Rubin, 2011; Cibane, 2013).

The popular anger against local governments in South Africa is understandable because the relationship between citizens and local government is mediated through societal perceptions of the state. Citizens’ access to the state is also associated with issues of public participation; and, popular opinion of accessibility or lack thereof could as well be entirely functions of “opacity, arbitrariness and distance”, which may in return fit into societal perceptions and popular subaltern perspectives about local government (Rubin, 2011). Evidently, the

encounters between societal perceptions, reality, values, morality and mythology are as complex and inseparable as Africa is to global coloniality. Societal perceptions of corruption could as well consist of a mere story, “otherness-narrative”, anecdotes, accusation or a combination thereof, far divorced from reality. Besides this complexity, enunciations on corruption cannot be universalized because they must be situated, as knowledge is (Mkandawire, 2011). In South Africa, therefore, it appears easy and generally acceptable to accuse the state, especially local government, of corruption without the burden of situating the underlying science. However, this article does not hope to dismiss the fact that corruption would by its nature be difficult to prove and, to a large extent, degenerate into unproven accusations because the accused are not static targets (Rubin, 2011). But it is important that enunciations on corruption in South Africa be couched through understanding of the global coloniality matrices for the local government.

In agreement with Cooper (2003), Ndlovu-Gatsheni (2007: 174) points out that “binaries of colonizer/colonized and domination/resistance, which began as useful devices for opening up questions of power, ended up constraining more complex scholarly interpretations of how power was deployed, engaged, contested, deflected and appropriated”. Equally, conceptualization does not escape the “location in the power structures (of) the class, sexual, gender, spiritual, linguistic, geographical, and racial hierarchies of the ‘modern/colonial capitalist/patriarchal world-system’ (because) “knowledges are always situated” (Grosfoguel, 2007: 213). These situations of knowledge are variously described as “afro-centric epistemology”, “geopolitics of knowledge”, “body-politics of knowledge” and so on (Grosfoguel, 2007). All fundamentalisms, whether Eurocentric, Third Worldist or anti-European, assume that “there is only one sole epistemic tradition from which to achieve Truth and Universality” (Grosfoguel, 2007: 212). The currency of corruption accusations levelled against Africa and South Africa, in particular, discussed in international forums is deeply embedded with such fundamentalism. For the sake of emphasis, this article does not seek to suggest that corruption was mythology. However, the conceptualization of corruption has become monolithic, rather than a critical pluralism dialogue of diverse epistemic/ethical/political traditions. That is, there is necessarily no coincidence between the “epistemic location” and “social location”, implying that being socially situated in the oppressed within the power relations does not automatically accord a subaltern epistemic location thinking (Grosfoguel, 2007). As a result, the struggle for decoloniality has been complex and difficult because the colonized’s resistance was “revolved around terms which the colonizer had constructed” (Ndlovu-Gatsheni, 2007: 175). The concept of corruption in the present era of global coloniality perfectly fits this description. Perceptions of corruption and the state’s assumed tolerance have appeared to instead peddle the “demand and supply of corrupt actions” thereby facilitating the mushrooming of the practice (Melgar et al., 2010: 122).

Based on the assumption of a universal world, the hegemonic epistemological tradition is caught within the Western canon, reproducing within its domains of thought and practice, a coloniality of power, being and knowledge (Grosfoguel, 2007: 212). Thinking about corruption in South Africa, a former colony, it remains relevant to retrieve the observation made by Kazingizi (2009: 5) that whereas the chains have been relinquished and “slavery has changed physically” it has simultaneously become “more tenacious geo-politically” and its practice persists through “the media, western studies and unequal trade”. The cosmetic changes are apparent in former colonies such as South Africa where the inequality has remained deep and, now, the victims of years of slavery are accused of being corrupt. The myth of “post-apartheid” South Africa is as powerful and as dangerous as that of a “post-colonial” world. Africa and South Africa, in particular, continues to exist “under the

same colonial power matrix” wherein global coloniality was substituted for global colonialism, with the result that colonial forms of domination have persisted (Grosfoguel, 2007: 219). To this extent, action that could be considered normal practice in one society could simultaneously be held in contempt as corrupt; and, the South African society, just like the rest of Africa, notwithstanding the liberal universally-glorified democratic systems, is recognized to be generally morally dilapidated where “the disposition to pay a bribe is influenced by moral views and values” (Melgar et al., 2010: 121). It is evident that coloniality of being, power and knowledge is the power matrix of the modern/colonial world (Grosfoguel, 2007). It is scarcely surprising that democracy is assumed to create political competition that reduce the potential for corruption by monitoring public officials with the freedom of information and by the probability of turnover of power from cohorts of politicians, which would minimize the amount and willingness of rent-seekers to pay bribes (Montinola & Jackman, 2002; Melgar et al., 2010). Also, it is thought that politicians would be readily willing to reveal corruption of their political opponents in a democracy and market economy (Rose-Ackerman, 2001; Melgar et al., 2010). In South Africa, just like in any other former colony that experiences coloniality, there is democracy that appears to be self-fulfilling.

Accordingly, Melgar et al. (2010: 121) hold that “corruption perception is not the reflection of an absolute situation” and that it should be understood as a socially-engineered phenomenon. That is, corruption and perceptions thereof involve social vies or struggles. Cabelkova’s (2001) observation is that strong perceptions of corruption would most probably make an individual to seek to offer a bribe “and, over time, the more likely an official is to take it” (cited in Rubin, 2011: 487). That is “perceptions may contribute to the creation or development of a corrupt system, which, in turn, may have a series of negative effects” (Rubin, 2011: 487). For this reason, it should not be easy to draw a simplistic conclusion that corruption has devastating consequences on development when there is no clarity of conceptualization. A fundamentalist United Nations Development Report could easily suggest that corruption causes economic problems, inequities, poor economic growth, muted foreign direct investments, frustrated development, limits economic policy-making, destroys talent, and “weakens public confidence in public institutions and leads to the contempt for the rule of law” (Rubin, 2011: 487), without informing the reader that multibillion transactions relating to oil and mineral-rich countries have never been saintly, yet foreign direct investment has never shown signs of drying and obstructing development. China, which is presently accused of being the most state-corrupt nation (Transparency International scores it at 39 CPI for 2012), has withstood the global financial storm growing at above 7% GDP rate in recent times. That is, this article argues that it is extremely arbitrary to find a simplistic connection between corruption and development, because some of the practices conceptualized in this manner could potentially promote economic growth, empowerment and development, especially in former colonial state.

Importantly, most of the knowledge available is unusable for Africa (Mkandawire, 2011) because the continent was characterized over different periods in history as “people without writing”, “people without history”, “people without development” and, now, “people without democracy” (Grosfoguel, 2007: 214). It is in this characterization that the epistemological tradition informing the hegemonic perspective on corruption in Africa and South Africa, in particular, has to be tested. Hegemonic conceptualization of corruption is in no small way, part of the global designs articulated to the simultaneous production and reproduction ... (of) the global racial/ethnic hierarchy of Europeans and non-Europeans” (Grosfoguel, 2007: 214). Along with the concept of “invention of tradition”, Ndlovu-Gatsheni (2007: 175) cites Ranger and Hobsbawn’s (1983) theory

that colonialism left behind two ambiguous legacies of ‘invented traditions’ ... that continued to influence the ruling class culture as well as the traditional African cultural features reinvented during colonialism, to the extent that a return to an original African culture faces the ironic risk of embracing a set of colonial inventions.

As Melgar et al. (2010: 120) put it, “high levels of corruption perception could have more devastating effects than corruption itself” because they could generate “a ‘culture of distrust’ towards some institutions”, creating “a cultural tradition of gift giving and hence, raising corruption”. Equally, perceptions of corruption may as well generate stronger hope of a better future among citizens, who may vote in the largest majority. Also, there could be hope among citizenry that if they raise “a sufficient bribe, or if a friend or kin or political patron becomes part of the system”, they may be able to secure benefits (Rubin, 2011). This observation encapsulates the spirit of the December 2007 and 2012 Plokokwane and Mangaung, respectively, African National Congress National Elective Conferences. Simultaneously, as Rubin (2011: 487) argues, heightened societal “perceptions of corruption may give citizens a sense that the state is, at some level, accessible”. Melgar et al. (2010: 120) asserts that “high levels of corruption perception are enough to cause negative effects in the economy” through, among other things, “the growth of institutional instability and the deterioration of the relationships among individuals, institutions and states”. The linkages of corruption to the economy are not necessarily exclusively negative (Blundo et al., 2006; Rubin, 2011). Blundo et al. (2006: 19) observe that there is a realistic possibility that corruptions of particular forms and levels would enhance socio-economic well-being as in facilitating “foreign investment blocked by national protectionism”, providing efficient routes for circumventing administrative obstacles that “sap entrepreneurial spirit”, promoting national integration and social cohesion as well as intensifying the vibrancy of the exercise of citizenship and public participation in public affairs. Except for the attendant violence and destruction of amenities, the on-going protests directed against the local government in South Africa would have served a useful example of the goodness that perceptions of corruption could stimulate.

What is Corruption?

There are no less than two sides to corruption, meaning that the social fabric is crucial to the conceptualization and definition of corruption. Commonly, corruption is defined from the economic, public sector, governmental and legal perspectives. Economically, corruption is defined as the use of public office for private needs; from the public sector view, it is defined as the “illegal, or unauthorized, profiteering by officials who exploit their positions for personal gains”; and, from a governmental standpoint it is defined as “the sale by government officials of government property for personal gains” (Werlin, 1993, Blackburn, Bose & Haque, 2004: 5. Shleifer & Vishny, 1993: 2, respectively, cited in Melgar et al., 2010: 121). In all these cases, though, there is a common denominator of a combination of opportunity and inclination (Pope, 2000). The legal perspective suggests that people offer bribes as illegal and informal taxes to avoid rules that they consider costly, with the expectation that decision-making process, penalties and laws would be modified (Pope, 2000; Melgar et al., 2010). To this extent, rules are blamed for encouraging corruption as people purchase their insurance for protection. This interpretation explains the revolving door lobbying in the USA, which is paradoxically defined away from corruption. Importantly, there are complex social vies in corruption transactions. From these incomplete and biased definitions of corruption, it is clear that people offering bribe may hold a view that they are not entitled to the product of the transaction, so they induce the official to bend

the rules, or the official may refuse without reason to serve them outside an inducement (Pillay, 2004; Melgar et al., 2010).

This article has by design avoided providing a vivid answer to the question: what is corruption? There is a simple logic to this avoidance because there can be no conceptualization of corruption designed for all societies or a society, because experiences of global coloniality occur at the micro-scale. Only the fundamentalists would hope to hold a universalistic science of corruption. South Africa would stand a chance of winning the war against corruption if such a struggle is formulated on a conceptualization that is informed by societal values and morality crafted from pluriversal epistemological understanding. Questions of comparisons between perceived and actual corruption would not arise until adequately framed epistemological inquiries are addressed. If the hegemonic conceptualization of corruption is alien, it has to be asked if there is any African alternative. The response is that “retuning to the source is not possible ... (because) “the sovereignty of the lost ‘Self’ of the colonies cannot be restored” (Spivak, 1994 cited in Ndlovu-Gatsheni, 2007: 175-176). That is, the colonized will carry a painful nostalgia of a lost origin because historical and cultural effects of colonialism are irreversible” (Spivak, 1994 cited in Ndlovu-Gatsheni, 2007: 175-176). In practice, coloniality is characterized by both continuities and discontinuities. However, entry into a definition and/or description of corruption for Africa and South Africa, in particular, without critical pluriversal epistemic examination will remain partial, as knowledge itself. The truism could as well be that, far from being corrupt, whatever it means, “an inaccessible and opaque state seems to run the risk of being perceived as a corrupt state” (Rubin, 2011: 487), thereby creating the possibility of some public functionaries acting in ways that validate hegemonic perceptions. That is to say, “perception affects action” (Rubin, 2011: 487) to the extent that such a circle could deteriorate into extremely dangerous situations of reactions and destructions.

These concepts of colonial hegemony, mimicry and hybridity are helpful in drawing insight into the formulation of the meaning of corruption, as applied to Africa and South Africa, in particular. Just as in the ambivalence of the construction of colonial hegemony, corruption as one of its products involves terrain of “slippages, excesses and contradictions” (Ndlovu-Gatsheni, 2007: 175). Mimicry involves the “menace” of double articulation and vision, which is “a complex strategy of reform, regulation and discipline, which appropriate the ‘Other’ as it visualized power” (Ndlovu-Gatsheni, 2007: 175). Hybridity is a strategic reversal of the process of domination through disavowal wherein the production of discriminatory identities secure the pure and original identity of authority (Bhabha, 1994 cited in Ndlovu-Gatsheni, 2007: 175). Experiences are ambiguous because coloniality elicited ambiguous conduct as a “‘historical anthropology of cultural confrontation – of domination and reaction, struggle and innovation’ and that its impact ‘altered everyone and everything involved’” (Comaroff & Comaroff, 1991: 34 cited in Ndlovu-Gatsheni, 2007: 176). It does appear that “the struggles of the dominated were purely ideological for they necessarily involved an effort to control the cultural terms by which the world was ordered and power legitimized” (Comaroff & Comaroff, 1991: 34 cited in Ndlovu-Gatsheni, 2007: 175-177). There is a perpetual circle of incremental ambiguity about corruption, which will be difficult to crack, especially in South Africa. Without tacitly trying to suggest that corruption is unreal and a shadow of human existence, this article accepts the notion that in South Africa accusations, stories and misinformed narratives of local government corruption have peddled experiences, wrongly or rightly, characterized as corruption and dangerously raised perceptions thereof (Rubin, 2011).

In this context, rather than casting it aside as a social evil of those who are geographically situated in the developing world of the underclass, corruption needs to be understood as a phenomenon that consists of a perfectly acceptable rationale and “highly pragmatic” reason for existence. There are practices that are encapsulated in the conceptualization of corruption which are however important in enhancing the ability of “the non-elites to access resources that would otherwise be unavailable to them”, especially where such practices provide a human face to the state (Rubin, 2011: 487). Where such practices allow for avoidance and circumvention of state bureaucratic red tape (Rubin, 2011), the majority of the population may benefit as the not-so-saintly foreign direct investments are made. Therefore, a simple universal fundamentalist notion of corruption being a negative social evil should suggest that the epistemological tradition of the underlying conceptualization is not pluriversal, which could equally be indicative of coloniality’s entrapment of the present being, power and knowledge.

Colonization of the mind: are conceptualizations of corruption colonized?

There is a general consensus that “South African corruption is a manifestation of many social tensions resulting from an environment that is in a constant state of flux” where in “the new social forces governing ... have historically been excluded from the economy, but now control state power” (Pillay, 2004: 592). This formulation is one of the most opaque form of stripping away Africans of their moral fibre. Grosfoguel (2007: 221) argues that in the so-called post-independence era, the “colonial axis” remains inscribed in relation to domination, exploitation as well as in “the production of subjectivities and knowledge”. So, it should be more complex than just arguing that “the practice of nepotism and favouritism in public institutions has the potential to make systems inefficient and demoralized, as achievement is discounted in favour of political, familial and social connections.... (and) that corrupt practices may induce ‘future, general disorder, instability and total anarchy in society’” (Nxumalo, 1999: 134 cited in Rubin, 2011: 487). If the truth was this easy, the first nation where such negative potentialities would have been realized would have been the United States of America wherein most practices characterized as corruption for Africa and South Africa have been officially institutionalized as lobbying.

Citing from Frederick Cooper (2003), Ndlovu-Gatsheni (2007: 174) emphasizes that “meta-narratives of anti-colonialism and nationalism tended to obscure the nuances of colonial history”. In the modern/colonial world-system, the oppressed who are socially located in the subaltern position, are made “to think epistemically like the ones on the dominant positions” (Grosfoguel, 2007: 213). Whereas there can be no claim of epistemic populism “where knowledge produced from below is automatically an epistemic subaltern knowledge”, the latter perspectives are knowledge “coming from below that produces a critical perspective of hegemonic knowledge in the power relations involved” (Grosfoguel, 2007: 213). Africa is yet to attain emancipation, “complete capture and control” of its development; and, at each turn of history, the alternative path is “commissioned to the West” (Kazingizi, 2009: 5, 6). Indeed, the “mythology about the ‘decolonization of the world’ obscures the continuities between the colonial past and current global colonial/racial hierarchies and contributes to the invisibility of ‘coloniality’ today” (Grosfoguel, 2007: 220). Mkandiwire (2011: 22) makes a sour but intrinsically valid point on the coloniality of knowledge which is gripping Africa, including South Africa, thus:

“With current focus on interest, greed, rent-seeking, etc. and institutions, much less attention is paid to ideas which are simply dismissed as camouflage for class material interest or are part of the metanarratives that are now held in contempt. ... The collapse of the educational system, the parlous state of Africa’s publishing industry and the academic rituals and traditions of footnoting and citation, the self-inflicted misrepresentation by the many buffoons that somehow strutted and fretted on the centre stage of African politics ... the cumulative effect of all this was tantamount to self-erasure”.

Decoloniality cannot be expected to be smooth sailing. To this extent, submissive reception and endurance of the coloniality of knowledge implies that the victim offers no moral and/or physical resistance to the tyrants’ devilish outrages and scorn (Douglass, 2009). That is, if Africa accepts that its societies are uniformly corrupt, as measured through the crucibles set by alien cultural values and moralities, then such a status quo of coloniality of knowledge will endure. Coloniality of knowledge too entails a struggle of resistance. It is in this context that “the crisis of the African university is closely related to the crisis of development” (Mkandawire, 2011: 25). The limits of Africa cannot be freed from oppression without costs borne through labour, suffering and sacrifice (Douglass, 2009). Dascal (2007: n.p.) identifies the “colonization of the mind” as one of the most prominent varieties of the subtle and lasting manifestation of colonialism. That is, the eradication of the “visible forms of political colonialism” left a legacy of the most damaging “epistemic violence” involving “the taking possession and control of its victims’ minds” (Dascal, 2007: n.p.). Development in Africa and South Africa is intricately intertwined with deep paradoxes of the possibility and/or impossibility of complete decoloniality of mind (Dascal, 2007; Grosfoguel, 2007; Maldonado-Torres, 2007; Ndlovu-Gatsheni, 2007, 2013; Gordon, 2011). In this respect, conceptualization of practices such as corruption cannot be accepted as value-free virtues. Just like development, conceptualizations of corruption have to be questioned because they are inseparable parts of societal perceptions. Given that the South African society too is subjugated to the processes of coloniality, whose recent manifestations include neoliberal globalization and state capitalism, questions of whose values and morality inform the conceptualization of corruption cannot be ignored.

The question whether Africa and South Africa, in particular, have attained decoloniality draws a straightforward answer. Kazingizi (2009: 6) advises that “a great African state, with a powerful government at par with other governments of the world, will be the only proof that slavery has finally ended”. The ready acceptance of state capitalism in a democratic South Africa provides vivid evidence that such a great African state is yet to be established in this country. Conceptualization of global capitalism, just like that of corruption, continues to suffer the consequences of production of knowledge from the “Western man ‘point zero’ good-eye view” (Grosfoguel, 2007: 215).

WHOSE CULTURAL VALUES AND MORALITY PRESCRIBE CORRUPTION?

Melgar et al. (2010: 120) make an important observation that corruption as well as societal perception thereof, are cultural phenomena because beyond “how a society understands the rules and what constitutes a deviation” therefrom, they depend on “personal values and moral vies”. The epistemological questioning about corruption should be informed by deeper understanding of epistemic tradition, beyond “social values in knowledge production” or partiality thereof; instead, it involves “the locus of enunciation”, meaning “the geo-political and body-political location of the subject that speaks” (Grosfoguel, 2007: 231). But former colonial societies appear to have normalized headlines such as “removing Africa out of the abyss of ‘darkness’ and bring

her back to light”, “bring light unto Africa” and “bring socio-political and economics salvation” (Mbachu, 2009: 1). Mbachu (2009: 1) cites a famous line from Fela Anikulapo Kuti that

“No man allows his mother, which is his land of origin, to be constantly subjected to all kinds of vilification, oppression, and devastation, without one day rising to the challenge; even if it means his eventual annihilation; for this has been man’s historical behaviour”.

In this context, the question of Africa and South Africa, in particular, being corrupt is incomplete and unintelligible. Development has itself being used as an instrument of vilification, oppression and devastation of Africa (Cameron & Haanstra, 2008; Mkandawire, 2011). Equally, the issue of corruption has to be understood as a moral, and perhaps a physical, struggle, if not both (Douglass, 2009). Mkandawire (2011: 23) notes that “the concealment of information is a useful strategy in recycling one’s ideas”. African states, at the occasion of their political liberation, appear to have commonly successfully converted researchers into “peripatetic consultant” or “academic tourist” (Mkandawire, 2011: 23). Accordingly, Mkandawire (2011: 22) argues that there is ignorance of Africa’s knowledge which is largely occasioned by the weaknesses in “its ability to represent itself due to the silencing of African voices by Africa’s own potentates”, which is tantamount to self-erasure. This same point was eloquently expressed by Douglass (2009: 4) thus:

“those who profess to favour freedom and yet depreciate agitation, are men who want crops without ploughing up the ground, they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters”.

These headlines have gained currency and they insinuate that enlightenment and development are inherently exogenous to Africa. A democratic South Africa has been dogged with headlines of corruption, which cast the local government as the minefield of this perceived social scourge. Intellectual analyses too jumped onto the bandwagon with negligible interrogation of the conceptual integrity and validity of the term corruption. The latter easily fits with and reacts to the prevailing societal perceptions, enforcing hegemonic cultural values and morality, which in most developing countries are imported conceptualization and characterization of activities that may not necessary constitute the envisaged socio-politico-economic ills. The difficulty of standing the test of time in the Western-styled courts could as well imply that the conceptualization of corruption involves an imagination that could equally be divorced from reality. Scholarship too is guilty of failing to generate nuance knowledge and conceptualization of practices. This article seeks to question the general acceptance of the hegemonic conception of corruption in South Africa and to argue that some of the activities that are cast through this conceptualization may in practice be providing the opportunity for emancipation and development of former colonies. That is, the hegemonic conceptualization of corruption needs to be questioned and tested for its integrity and validity within the South African cultural values and morality matrices. The conception of “clean government” is value-laden; and, the key problem is that South Africa is yet to examine the integrity and validity of the values and morality which serves as corruption litmus test, to the extent that the strive to attain such cleanliness or saintliness could be a deferral of developmental mandate. The article also hopes to suggest that some activities classified as corruption may actually be productive for development. In this context, the loud cries of corruption, especially about the local government, could as well be unintended deferral of development for South Africa. For these reasons, there can be no conceptual and analytical coherence on corruption across societies and countries (Pillay, 2004). To this extent, NGOs and such other institutions that proclaim a fundamentalist perspective on universalistic truths about corruption are actually pursuing a victim-

blaming agenda. To this extent, the Transparency International's Corruption Perceptions Index scoring of South Africa at 43 and the USA at 73 should remain meaningless.

IS THE SOUTH AFRICAN LOCAL GOVERNMENT GENERALLY CORRUPT?

According to Pillay (2004), South Africa's societal fabric is being eroded by corruption. Pillay (2004) blames the complex political design for the rise of corruption and the attendant adverse effects on stability and trust as well as damage of the ethos of democratic values and principles. However, Grosfoguel's (2007: 215) observation about the concept of global capitalism is equally relevant to that of corruption, because they are both "in need of decolonization" with a decolonial epistemology that overtly assumes the decolonial geopolitics and body-politics of knowledge as points of departure to a radical critique". To this extent, it is understandable why South Africa's fight against the "evils of corruption" (Pillay, 2004: 586) has appeared to be in vain.

In an epistemological critique of knowledge production at the October 1998 Conference between the South Asian Subaltern Studies Group and the Latin American Subaltern Studies Group at the Duke University, Grosfoguel (2007: 214) claims that there exists a binary wherein "all knowledges are epistemically located in the dominant or the subaltern side of the power relations" in accordance with the geo-political and body-politics of knowledge. There is a general cognitive laze in most examinations of corruption, especially when it involves Africa and Africans, because the suggestion that there was "disembodied and unlocated neutrality and objectivity of the ego-politics of knowledge is a Western myth" (Grosfoguel, 2007: 241). Commonly, the pertinent epistemological questions are avoided in the discussions of corruption in favour of characterization of Africa as generally corrupt. There is cognitive laze in thinking that "the hegemonic Eurocentric paradigms that have informed western philosophy and sciences in the 'modern/colonial capitalist/patriarchal world-system'" has assumed "a universalistic, neutral, objective point of view" (Grosfoguel, 2007: 213). It should not have come as a surprise when Africans at the recent Davos World Economic Forum session on "de-risking Africa" (Cibane, 2013) engaged in an ugly agitation about Africa being corrupt or otherwise. Having asked if Africans are corrupt, Cibane (2013) acknowledges that it is difficult to conclude a topic of corruption. But there is evidence that replacement of public functionaries and/or governments accused of being corrupt with the assumed saintly cohorts has historically reproduced the same histories describable as corruption. Such eventualities should raise questions about the conceptualization of corruption because cultural determinism cannot hold. Examples of the West supporting certain African leaders over many years and later coming out to overthrow them as corrupt and charging them at the Hague are abound.

At the Davos World Economic Forum session on "de-risking Africa, President Zuma rightly dismissed the basic assumption that Africa was corrupt and risky as an erroneous exaggeration because some of the same practices characterized as corruption for Africa are acceptable business practices elsewhere (cited in Cibane, 2013, n.p). Indeed, in the United States of America there is a practice that involves "revolving-door lobbying" where money exchange hands between corporations and rich individuals with public representatives. This article does not seek to suggest that Africa is saintly, but it argues that conclusions about Africa being corrupt are predicated on untested alien conceptualization of practice as well as cultural values and morality undergirding the concept. That is, it is cognitively lazy to pronounce that a democratic South Africa is corrupt just by taking a view of the estimated R30 billion per annum described as proceeds of corruption. An academic interrogation that seeks to resist coloniality of knowledge should first determine the conceptual content, cultural values and

morality of the phenomenon described as corruption. There are practices that are described as corruption which are however institutionalized and normalized as the cost of doing business wherein foreign investors devise strategies that escape capture of the conceptual formulation of corruption, with the result that economic growth and empowerment take place. Given that corruption does not describe a natural state of being, this article argues that it is the social engineering of its meaning that has denied Africa the opportunity to exploit some pertinent business transactions for its developmental sake. Local government in South Africa are central to the growing perceptions of heightened levels of corruption which are enunciated from both the dominant and subaltern social epistemic locations. If “knowledge is always situated” in the global power matrix (Grosfoguel, 2007: 213), why should that on corruption be accepted as universal truth when it is not produced from critical pluriversal epistemic tradition? This epistemological questioning of corruption is crucial because perceptions shape the manner in which citizens “access and respond to the state” (Rubin, 2011: 379). In South Africa, violent and often destructive public protests have been directed against local government, largely based on the rampant perceptions of corruption. Given the imperfect and impure science of corruption, these perceptions could in practice be founded and fuelled by dullness of intellect, obscurity of meaning, darkness of cognition, “opacity, clumsiness and arbitrariness” (Rubin, 2011: 379). Indeed, there is a seriously muted academic discourse on the epistemological questioning of the hegemonic conceptualization and meaning of corruption and the societal perceptions (Aguilera & Vadera, 2008; Rubin, 2011), allowing for a universalistic fundamentalism that fuel negativities against Africa leading to poorly framed questions of whether the continent is corrupt or not (Mkandawire, 2011; Cibane, 2013).

CORRUPTION MISNOMER FOR LOCAL GOVERNMENT AND THE DEVELOPMENTAL MANDATE

If the CPI were to be believed, then South Africa should be described as moderately corrupt because the 2012 average score for the world was 43 (see Transparency International, 2012). The sensationalism that comes with Transparency International’s pronouncements of the CPI should be avoided because this NGO seeks to measure public sector corruption exclusively, when sponsored by the wealthy corporate of the Ernst & Young. The social, thought process and language that undergird the conception of corruption “may vary dramatically from one culture to another and among people (Melgar et al., 2010: 121).

The connection between corruption and development is yet to be established, with views that some of the practices classified as corrupt could as well be good for development (Cibane, 2013; Provost & Chalabi, 2013). Analysts readily conclude that corruption threatens to obstruct “South Africa’s path towards sustainable development” because it has “proliferated in all segments of the South African National Public Service (SANPS), making it the ‘common cold’” of the national social ills (Pillay, 2004: 586). To suggest that corruption is an impediment to development and that it imposes constraints on the quality of governance is opaque because such an observation is based on perception rather than reality. It is indeed true that perceptions of corruptions, far from the reality thereof, erode accountability, undermine the rule of law, degrade governance, dent public trust in the credibility of the state as well as threaten the ethics of government and society (Pillay, 2004). But these are mere perceptions, because corruption is not amenable to simple measures and instruments of observation. The reason for such complexity of corruption resides in its conceptualization, which should be part of the diversity of societal vies and values at all scales.

CONCLUSION

This article has sought to argue that conceptualization of corruption for universal applicability should strive for a definition that captures understandings of the many relevant differences in political and legal cultures, lends itself to cross-cultural and cross-national research, and adopts a pluriversal perspective that avoids the fundamentalists' universalistic truths (Melgar et al., 2010). Is there such a conception of corruption? The question should perhaps be whether a definition of such a concept of corruption could be formulated? By its nature, a definition of corruption that seeks to be pluriversal would remain useless, just like the 1987 definition of sustainable development, which is paradoxically retorted for use with negligible understanding of meaning. Hence, the all-encompassing definition of corruption as "the misuse of public office with the purpose of making private gains", which has hoped to incorporate "the notion of wrongly getting an advantage, pecuniary or otherwise, in violation of official duty and the rights of others" (Melgar et al., 2010: 121) is slippery and open to abuse across societies, especially the former colonies. The presently universally accepted definition of corruption does not meet the requirements of pluriversalism because it is heavily informed by the Western concepts of economy, public sector, law and politics. According to You & Khagram (2005), income inequality is a significant determinant of corruption in this case; and, this framing is in direct ignorance of the moralities and social values that may be unconnected to the societal inequalities. It is inadequate to suggest that South Africa would be highly corrupt because of the stark societal inequalities. The social location cannot be a determinant of corruption. Besides, the USA system shows that it is inaccurate to suggest that with increased inequality, rich individuals and corporations "use lobbying, political contributions and bribery to influence law-implementing processes and to buy favourable interpretations of the law" (Melgar et al., 2010: 122). The most vivid illustration of this form of unrecognized corruption is in the USA Constitution's First Amendment on the gun lobby. The heavily-funded gun lobby has ensured that the hegemonic interpretation of the state militia for the protection of the liberties is unfairly and irregularly extended to individuals to carry automatic weapons. Basically, this formulation of corruption against societal inequalities blames the poor for the rich people's greed and immoral practices.

There is a distinct probability that perceptions of corruption may be heightened under stark societal inequalities in a weak state because rich people may find the governing regime to be too powerful to the extent that corruption could be perceived as an acceptable practice for preserving societal privilege where corrupt actions are unpunished and society glorifies lifestyles associated with benefits thereof (You & Khagram, 2005; Melgar et al., 2010). That is, stark inequalities could precipitate higher levels of corruption perceptions, but real corruption cannot be blamed on inequality and poverty. In South Africa, though, it could be true that the relationships between individuals, institutions and the state have deteriorated significantly, especially at the local sphere; and, the perceptions of the economic corruption, rather than absolute corruption itself, may appear to be bearing the most devastating consequences as evidenced by the widespread "culture of distrust" (Rose-Ackerman, 2001; Melgar et al., 2010) and the many violent protests. The article concludes by lamenting the recycling of unhelpful perceptions of corruption in accusations of its practice due largely to cognitive, conceptual, observational and measurement opaqueness and clumsiness.

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THE IMPLEMENTATION OF INTEGRATED DEVELOPMENT PLAN FOR SERVICE DELIVERY PURPOSE IN SOUTH AFRICAN MUNICIPALITIES: ARE WE THERE YET?

R.K. Manyaka

T.S. Madzivhandila

University of Limpopo

ABSTRACT

It is known that apartheid has left an unpleasant legacy of unequal provision of services in South African communities. During apartheid, services were provided on the basis of racial considerations. The provision of services to communities by apartheid government was largely biased towards white communities and in part to coloured and Indian communities whilst there was little or no provision of services in African communities. This created unequal communities in terms of socio-economic development. The advent of the democratic dispensation in South Africa in 1994 heralded an era of equal provision of services to all South Africans. It is within this context that the subject of service delivery or lack thereof has occupied Public Administration discourse since the new system of local government was introduced in the year 2000. This has generated widespread interests among politicians, community members as well as academics from across various academic disciplines. In spite of this heightened interest, municipalities continue to face numerous challenges relating to the efficient and effective implementation of Integrated Development Plan (IDP) for service delivery purpose in their respective communities. To this end, the article argues that whereas the concept of IDP was introduced essentially to ensure effective and efficient service delivery, it is ineffectively implemented resulting in unresponsive, ineffective and inefficient service delivery in South African municipalities. The purpose of this article is therefore to examine the implementation of IDP in South African municipalities in order to determine whether it serves its intended objective of service delivery improvement. The article concludes by proposing measures for optimising the implementation for service delivery purpose.

INTRODUCTION

The notion of service delivery or lack thereof has been the subject of immense discussion and considerable attention to Public Administration academics, practitioners and policy makers alike. This is understandable because during apartheid, service delivery to South African communities was uneven and based largely on racial considerations with white communities receiving high quality services and investments while the black community received little services. It is therefore not surprising that since the advent of the democratic dispensation in South Africa in 1994, local citizens began to have huge expectations with respect to the provision of municipal services. Such expectations played no little part in terms of putting municipalities, and other government institutions, under tremendous pressure to provide effective, efficient, responsive and sustainable municipal services. To achieve this objective, government introduced various instruments aimed specifically at accelerating service delivery. One of these instruments is Integrated Development Planning (IDP). The purpose of this paper is to examine the implementation of IDP for service delivery purpose in South African municipalities. The paper looks at the extent to which the implementation of IDP is geared towards enhancing service delivery. The major argument of this paper is that whereas the IDP was introduced essentially as a tool for enhancing responsive, effective and efficient service delivery in South African communities, the

implementation of IDP does not yield the desired results. This is evident in that majority of municipalities in South Africa face numerous challenges with regards to improving service delivery to their communities (Cooperative Governance and Traditional Affairs (CoGTA), 2009; Van Niekerk, 2012) while others are completely dysfunctional (Madumo, 2012). The paper commences by providing an overview of the service delivery roles of municipalities, and then proceeds to provide a comprehensive conceptualisation of the notion of IDP as a tool for enhancing service delivery. It also address issues and challenges related to the implementation of IDP. The paper concludes by proposing measures for improving the implementation of IDP in South African municipalities in order to enhance service delivery to communities. It is hoped that these measures will make a significant contribution in terms of addressing service delivery backlogs associated largely with the unpleasant legacy of apartheid system of governance which is most visible in rural municipalities of South Africa.

SERVICE DELIVERY ROLES OF MUNICIPALITIES IN SOUTH AFRICA

The apartheid system of governance has undoubtedly left an unpleasant legacy of unequal provision of services in South African communities because during apartheid, services were provided on the basis of racial considerations. Prior to 1994 democratic dispensation, local government in South Africa “comprised of small, fractured municipalities [that were] organised along racial lines, giving effect to the policies of a highly centralised apartheid state” (Steytler, 2005: 183). There is a consensus among Public Administration academics that since the democratic dispensation in South Africa in 1994, a firm foundation for the transformation of local government was laid (Tsatsire, 2008; Dipholo, Mafeme & Tshishonga, 2011; Nkuna, 2011). The drive for the transformation of local government was based on the realisation that local government could play an essential role in bringing about fundamental changes in the lives of communities who had to endure long years of uneven provision of municipal services (Nkuna, 2011; Madzivhandila & Asha, 2012; Tsheola & Sebola, 2012). For this reason, it is considered to be better positioned to systematically address the development needs of their communities as it is viewed as a sphere of government that is closest to its constituencies. The transformation of local government was therefore inevitable because there was an urgent need to position local government as development and service delivery orientated (Dipholo *et al.*, 2011) in order to address the imbalances created by years of apartheid form of governance between black and white communities. As Tsatsiri (2008: 16) argues, “it was at the local sphere of government that apartheid value system manifested itself most visibly and forcefully”, leaving the unpleasant “imprints on South Africa’s urban settlements and municipal institutions” (Koma, 2012: 105). Flowing from this perspective, there is no question that post-apartheid South African government inherited a local government system with highly institutionalised racism in terms of outlook, posture and orientation which has resulted in an unequal socio-economic development in South African communities. This institutionalised racism emanated from the fact that local government during apartheid was underpinned and characterised by spatial separation or segregation of black (African, coloured and Indian) and white communities. The division of South African communities along such racial lines meant massive inequalities in services delivered to these communities. For example, “white communities were well serviced while black communities received inferior services” (Steytler, 2005: 183-184). Services provided to black communities, particularly Africans, were of a “temporary and substandard in nature” (Tsatsire, 2008: 17). The transformation of local government in post-apartheid South Africa was specifically aimed at removing the racial basis of

government in order to position local government as a vehicle for the integration of society and for equitable redistribution of resources to all South African communities.

Madumo (2012) states that the democratic South Africa inherited a dysfunctional local government system that was characterised by unresponsive, ineffective and unreliable governance structures in as far as service delivery was concerned. According to Gitsham, Reddy & Ntshangase (2003: 198), “one of the most significant effects of apartheid policies in South Africa has been the overwhelming lack of public investments in local government infrastructure in the black townships and communities”. This created huge backlogs in terms of service delivery particularly in rural communities of South Africa. It was within this context that, in the advent of the democratic dispensation in 1994, the South African government committed itself towards a “people-centred and people driven model of development” (Tshishonga & Mafeme, 2010: 561). This approach was largely informed and powerfully influenced by the unequal treatment of the majority of black people in South Africa by the apartheid government. It is for this reason that the *Constitution of the Republic of South Africa 1996* requires local government to be developmentally orientated. Tsatsire (2008) & Nkuna (2011) argue that although the Constitution provided a ground work and foundation for the transformation of local government in South Africa, the official transformation in local government started in the year 2000, with the promulgation *Local Government Systems Act, Act no 32 of 2000*. “The transformation of South Africa’s local government system took place after other spheres of government were transformed” (Nkuna & Sebola, 2012: 69) because government wanted to devote much of its attention and focus on establishing transitional local authorities that have since served as forerunners of local government structures established in the year 2000.

The notion of developmental local government was first introduced by the *Constitution of the Republic of South Africa 1996* as an important feature of the local government system. The developmental nature and character of local government was given impetus by the *White Paper on Local Government* in 1998 and *Municipal Systems Act, 32 of 2000*. Developmental local government is defined as a local government that is committed towards working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their needs (White Paper on Local Government, 1998; Phago, 2009; Nkuna 2011; Madumo 2012; Madzivhandila & Asha, 2012; Nkuna & Sebola, 2012). Developmental local government requires municipalities to make decisions, regarding resource allocation, in accordance with the development needs of communities that falls within their areas of jurisdictions. In so doing, municipalities are required to obtain the participation of their respective communities in determining the quality and quantity of services it intends delivering. This requirement is crucial in that it ensures that municipalities plan and align their services with the wishes and aspirations of communities that they serve. This is essential because as Streytler (2005:184) argues “unless the full participation of communities that are to be developed is obtained, development efforts will be found on the rocks of central planning and bureaucracy”.

Sebashe & Mtapuri (2011) maintain that municipalities in post-apartheid South Africa have become a focal point for service delivery. According to Tsheola (2012), the service delivery mandate of local government is provided for in a variety of legislative and policy framework including but not restricted to the *Constitution of Republic of South Africa 1996*, the *White Paper on Local Government 1998*; the *White Paper for the Transformation of service delivery, 1997*, *Municipal structures Act, Act 117 of 1998* and *Municipal Systems Act, Act 32 of 2000*. The service delivery role of municipalities in South Africa can be understood within the context

of these legislative and policy framework. For example, the Constitution outlines the objectives of local government as follows:

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

A thorough and more rigorous analysis of the above objectives clearly lay bare the service delivery role and mandate of local government in South Africa. Municipalities are primarily responsible for providing services to communities in an effective, efficient, responsive and sustainable manner. Madumo (2012) argues correctly that the purpose of local government is to provide basic municipal services to the citizens directly in a particular area of jurisdiction. “In South Africa the bulk of service delivery is the responsibility of local government” (Tshishonga & Mafema, 2010: 564). In spite of the crucial role that municipalities play with regards to service delivery in South Africa, it is important to note that there are still challenges. Most municipalities in South Africa, as van Niekerk (2012) argues, are gaining reputation of poor service delivery, ineffectiveness, and incompetence and high levels of corruption. CoGTA (2009) maintains that although numerous initiatives have been put in place in order to enhance service delivery, challenges relating to service delivery still abound. One of these initiatives, which form the core of the paper, is the IDP. The section that follows will deal specifically with providing a comprehensive discussion of the notion of IDP.

CONCEPTUALISATION OF INTEGRATED DEVELOPMENT PLANNING

For local government to be effective, it is important for municipalities to successfully execute their developmental mandate assigned to them in terms of the *Constitution of the Republic of South Africa* 1996. To realise this mandate, IDP has been introduced as a tool for ensuring sustainable service delivery (CoGTA 2009; Phago, 2009; Nkuna, 2011; Madzivhandila & Asha, 2012; Tsheola & Sebola, 2012; van Niekerk, 2012). According to Phago (2009: 483), the process of IDP “forms an integral part of the optimal functioning of municipalities in South Africa”. It is one of the numerous initiatives in local government designed specifically to promote service delivery and promote institutional support (Nhlabathi & Mubangizi 2012). The nature and character of IDP, in keeping with the developmental mandate of local government, requires municipalities to fully consult with communities they serve (Nkuna, 2011) enabling them to better understand the development and service delivery needs of communities for whom they are responsible. To this end, IDP could be viewed as a service delivery tool that should guide and inform all management planning, decision making and actions on which annual budget of the municipality should be decided (Van Niekerk, 2012). Phago (2009) argues that a municipality’s IDP should be a clear manifestation of prioritised community needs that requires attention from municipal officials. The IDP as a process should be understood and conducted in accordance with the following phases namely, analysis phase; strategies phase; project phase; integration phase and adoption phase (White Paper on Local Government, 1998; Mashamba, 2008).

Analysis phase

The analysis phase of the IDP deals primarily with the assessment of the existing situation in a municipal area in order to ascertain and streamline the understanding of the nature and extent of service delivery challenges that the municipality is confronted with. During this phase information is collected on the existing conditions within the municipality. It focuses on the types of problems faced by people in the area as well as the fundamental causes of these problems. The identified problems are assessed and prioritised in terms of what is urgent and what needs to be done first. Information on availability of resources is also collected during this phase (White Paper on Local Government, 1998). At the end of this phase, the municipality will be able to provide: an assessment of the existing level of development; the details on priority issues and problems and their causes and information on available resources. The participation of community members at this stage is crucial because without it, the municipality may wrongly diagnose the service delivery challenges and needs of the community. Mashamba (2008) emphatically states that the involvement of sector departments is equally required so that the municipality may deal directly with the real issues and challenges that impact on service delivery priorities of the municipality but yet falls outside the functional area and competences of the local municipality.

Strategies phase

Soon after the municipality has solicited the inputs of community members and sector departments regarding the service delivery needs and challenges facing communities, the municipality must then move to formulate strategic interventions required for dealing with those identified challenges and needs. According to the White Paper on Local Government (1998), during this phase, the municipality works on finding solutions to the problems assessed in phase one. This entails among other things: the development of the vision statement outlining the ideal situation the municipality would like to achieve in the long term once it has addressed the problems outlined in phase one. The municipality should also clearly define its development objectives outlining what the municipality would like to achieve in the medium term to deal with the problems outlined in phase one. Once the municipality has worked out where it wants to go and defined what is required to get there, it needs to work out how to get there (White Paper on Local Government, 1998). A development strategy is about finding the best way for the municipality to meet a development objective. Once the municipality has made such a determination, it must then specify projects that need to be executed in order to get there. From the analysis of all these activities that need to be done in this phase, it is clear that this is highly complex requiring officials with requisite skills and capacity to properly align their strategic interventions with the service delivery needs and challenges of communities.

Projects phase

During this phase the municipality works on the design and content of projects identified during Phase 2 (White Paper on Local Government, 1998). As soon as the strategic developmental objectives have been defined, strategies developed and projects identified as mandated by the previous phase, the municipality needs to skilfully design projects for implementation in order that the developmental objectives outlined in the strategic planning could be realised. Again, it is equally important that these projects speak to the strategic

interventions proposed to deal with the service delivery needs and challenges of community members (Mashamba, 2008). To this end clear detail for each project has to be worked out in terms of:

- Who is going to benefit from the project?
- How much is it going to cost?
- How is this project going to be funded?
- How long would it take to complete?
- Who is going to manage the project?

Clear targets must be set and indicators worked out to measure performance as well as the impact of individual projects on the lives of community members.

Integration phase

Integration phase relates to the harmonisation of the various projects identified and designed in the projects phase. This phase is critical because once all projects have been identified; the municipality has to ascertain whether they contribute towards meeting the developmental objectives outlined in second phase. These projects will provide an overall picture of the development plans. All the development plans must now be integrated. According to Mashamba (2008), this should also involve the integration of other sector plans including but not restricted to the following: Integrated Transport Plan (ITP), Disaster Management Plan (DMP), Integrated Spatial Development Framework (ISDF), Local Economic development (LED) Strategy.

Approval phase

The final phase before the actual execution of the IDP relates to the adoption of the document by the municipal council. The IDP is presented to the council for consideration and adoption. Such an adoption is equally critical for ensuring the municipal council view the IDP as a legitimate and coherent municipal programme for the period of 5 years. The Council may adopt a draft for public comment before approving a finalised IDP. Mashamba (2008) undergird the significance of community participation in the IDP process by stating that the municipal council should, before adopting the IDP, solicit the views and inputs from community members.

Although the IDP has been introduced specifically to enhance service delivery in municipalities, it is worth noting that “most municipalities face a widening gap between [the] demand and supply when it comes to services” (van Niekerk, 2012 55). This widening gap could be attributed to a host of factors including the inadequate implementation of IDP as a service delivery tool. It is for this reason that the section that follows will deal primarily with issues around the implementation of IDP in South African municipalities.

IMPLEMENTATION OF IDP FOR SERVICE DELIVERY PURPOSE

The brief outline of the conceptualisation of IDP in the above paragraph exposes the service delivery nature of the IDP in municipalities. The quest for service delivery implementation in the democratic South Africa has thought to consider simultaneous rather than sequential pursuit to diverse objectives such as provision of basic needs (For example water), environmental sustainability, poverty alleviation and gender empowerment (Mashamba, 2008; Institute for Democracy in Africa (IDASA), 2010). Through IDP processes the main focus of the South African government has been to improve the rate of service delivery, challenge the

dualistic nature of the economy and generate sustainable economic growth. However, to achieve these goals the planning process had to face the challenge of dealing with the following specific issues; facilitating the restructuring the apartheid spatial forms; transforming local government structures to ensure that they promote human centred development, establishing democratic, legislative and transparent planning and fostering a culture of cooperative governance and developing multi-sector development plans (Mashamba, 2008). These multidimensional and structural processes require municipalities to be guided by policies and institutional frameworks that support and sustain the development of local people. Such plans must be geared towards achieving a progressive realisation of key issues as outlined in the Millennium Development Goals (MDGs) and fundamental rights of the people as articulated in the *Constitution of the Republic of South Africa 1996*. So, a functioning IDP process that will lead to a successful implementation of service delivery is the one which is able to identify the real needs of the people and break them down into specific sector issues such as water, health and electrification. Hence, the effectiveness of municipalities to deliver on this mandate is largely dependent on their ability to thoroughly plan and allocate public resources in a developmental and sustainable manner. In order to identify the current trends of implementation of service delivery in South Africa, it is important to highlight the following important issues, the intention or purpose of IDP process versus the current realities of the implementation of IDP within municipalities.

Municipal IDP intentions

Municipal IDP as a service delivery tool is expected to contribute to the transformation of service delivery initiatives by focusing attention on community felt needs and priorities; thus, developing a comprehensive and long-term plan in order to advance development and services in their areas of jurisdiction (IDASA, 2010; Govender & Reddy, 2011). Again, IDP should promote horizontal and vertical interdepartmental cooperation and integration for effective local development planning with other sector departments from provincial and national spheres of government. In essence, the requirement for municipalities to produce IDP's is to seek promotion of integration by balancing social, economic and ecological pillars of sustainability without compromising the institutional capacity required in the implementation and by coordinating actions across sectors and spheres of government (Madzivhandila & Asha, 2012). The rationale for this integration in planning and implementation is based on acknowledgement that there are many challenges facing communities and that integrated development planning would help municipalities together with other stakeholder to progressively resolve these challenges in a coordinated manner (Govender & Reddy, 2011).

Integrated development is about different actors and sectors working together under a commonly designed agenda and re-aligning individual efforts to produce commonly defined objectives. One of the first pillars in the establishment of IDP is to promote good governance within municipalities. Municipalities are continuously expected to facilitate efficient and accountable institutions, systems and entrenched rules that promote development and ensure that people are free to participate in and be heard on municipal decisions that directly affect their lives. In other words, communities should be informed, consulted and be allowed to participate in the planning process that concerns their needs and future. Moreover, IDP should be viewed as bridging together of many stakeholders as possible to delineate, define and promote their common interest (Tshabalala & Lombard, 2009). Ward committees and IDP representative forums are expected to achieve the outlined objective of stakeholder's participation in IDP. In principle, ward committee are supposed to channel information between

community members and their representative councillors at municipality level and IDP representative forums are expected to promote the involvement of all local actors in the private sector in the planning and implementation of local development activities. Again, these structures are important to create conditions in which communities have a stronger role in developing regeneration strategies and monitoring local service in a wide range of areas including employment, housing and health amongst others. The proper implementation of service delivery takes in to cognisance the outlined intentions IDP; however it is important to look at the current realities in order to make proper recommendation.

Municipal Service Delivery Actualities and Challenges

A myriad of systematic, institutional, economic, social, cultural and political obstacles have diluted the progressive developmental intentions of IDPs in many municipalities. The implementation of IDP as a tool for enhancing service delivery has not been without challenges. IDP processes have been clouded by diverse challenges including financial, skills shortage and poor participation of the communities (Madzivhandila & Asha, 2012). Various criticisms have been directed at inadequate implementation of IDP. This view is captured succinctly by Tshishonga & Mafema (2010: 572) who argue that “poor implementation of policies, programmes and plans in government occur because there is a tendency to put more emphasis on policy input strategies with little or no regard to capacity of institutions to impact on the positive outcomes and outputs”. These problems are continuously derailing the IDP processes into a separate, uncoordinated planning and budgeting process with different planning structures and mechanism contributing to unsustainable delivery of services at grassroots level leading to higher level of poverty and unemployment in rural areas where situations are worse relatively compare to urban and metropolitan areas. Poor interdepartmental cooperation and lack of horizontal integration has hampered effective local development planning and thereby contributed to crippling service deliveries (Tshabalala & Lombard, 2009). Municipal IDPs lack specific relevant information, which should be provided to households, about services in a given period of time. Again, municipalities are facing difficulties in terms of getting sector departments planning and budgeting information with continuous weak collaboration and cooperation among different service providing departments and local government bodies to created integration. This obviously causes problems in the planning and implementation of development programmes and projects, especially those related to poverty alleviation and service delivery. It is within this context that the IDP requires that all sector departments to contribute to local priority issues even though the capacity to coordinate and integrate planning and budgeting at the local level is still a challenge.

One of the most pressing issues within municipalities is uncoordinated skills availability to facilitate service delivery through IDP. In reality many local municipalities are still struggling to affect their developmental mandate to plan for the provision of potable water, electricity, road and waste management, and infrastructural services in their areas of jurisdiction (Harpe, 2012). A significant number of municipalities do not have the required managerial, administration, financial and institutional capacity to meet the rising needs of local people. Consequently, limited financial management skills within municipalities have led to financial mismanagement and non-compliance with financial legislation resulting into poor performance with adverse consequences on service delivery. The issue that impact negatively on service delivery in South African municipalities that requires “serious consideration is the practice of deployment” (Thornhill, 2012: 137). Deployment is an extension of the spoils system because it entails the appointment of former cadres to senior

posts in recognition for their contribution in the freedom struggle. The major challenge with this practice is that some senior and strategic managerial posts are filled by officials who are under-qualified because the practice of deployment by its very nature, does not acknowledge possession of requisite skills and capacities as an essential requirement for officials to be able to perform municipal functions (Thornhill, 2012). Again, corruption has exacerbated financial limitation within municipalities to be able to translate their IDP to workable socio-economic programmes. For example, most municipalities are faced with slow pace of service delivery and the dissatisfaction with municipal performance with regard to water and sanitation facilities and electricity.

The most prominent reflection of municipal operations in IDP issues is their inability to coordinate meaningful community and stakeholder participation in all stages of the IDP. This emanates from the fact that it is essentially difficult to address all the needs of the community members. This problem is further compounded by the fact that the needs of communities are often not consistent with one another and are mostly in competition with one another (Pauw, Woods, van der Linde, Fourie, & Visser, 2009). These competing communities' needs, to a certain extent, undermine the legitimacy of IDPs in a sense that they may not be true reflections of the broader community needs and priorities. The main reasons behind poor community and other stakeholder participation in integrated development processes include weak participatory structures and mechanisms that become obstacle for mobilisation and empowerment of grassroots community through IDPs. The formulation of ward committees has in most cases reflected weaknesses in facilitating service delivery and participatory development at local level (Nzimakwe & Reddy, 2008). On one hand ward committees are not functioning well due to limited resources and powers, unclear roles and political interference (Robinson, 2007). On the other hand IDP representative forum's scheduled meetings are been marred by lack of the requisite facilitation or coordination infrastructure and skills to optimise community participation. Currently, Government faith in local government as the sphere that is closest to the people and the service delivery arm of the state is not shared by citizens. Moreover, this sphere is turning up to be the least trusted of all public institution in the country. The current realities of service delivery implementation through IDP reflect a complex situation which is marred by different challenges.

MEASURES FOR IMPROVING THE IMPLEMENTATION OF IDP

It is important to note that IDP is a highly complex and technical process that requires officials with requisite technical capacities and skills if its desired results are to be fully implemented. Although municipalities require officials with requisite skills and capacities, experience and abilities to successfully realise the developmental mandate of local government, it is worth noting that the majority of municipalities in South Africa are bedevilled by capacity constraints. In order to enable municipalities to realise their developmental mandate, there is need for the technical capacity and skills of municipal officials to be continuously renewed (Manyaka & Sebola 2013). Capacity building is one of the most essential tools available to local government in bridging the gap in what is expected to municipal officials and what they can deliver. However, it should be noted that whilst capacity building is not a new phenomenon to municipalities in South Africa, there is a need to strengthen efforts for capacity building on areas that are proven to be critical for the successful realisation of developmental mandate of local government. In other words, there is a need to move beyond the apparent blanket approach towards a more focused capacity building that is informed by rigorous understanding of the root causes of service delivery failures in each and every municipality. To this end, there is a need for

appreciation of vastly different socio-economic conditions in different municipalities. Approached from this angle, capacity building will not become yet another buzz word thrown around with not pragmatic significance. Instead, it will be a useful process especially in relation to the implementation of IDP

Although participation of community members in all the phases of the IDP is critical for ensuring successful implementation of IDP, it is worth noting that such participation is not without its own challenges. For example, Mashamba (2008) argues that it is difficult for municipalities to obtain the participation of community members. It is for this reason that the paper recommends that there is a need for professionalisation of ward committee's structures. This could be achieved through establishment of ward-based administrative offices that should aim at providing support to these structures. This ward based administrative offices could play an essential role in terms of enhancing and mobilising community participation in all phases of the IDP as they would serve as linkage between the community and municipal officials. There is also a need for optimisation of the horizontal and vertical mobilisation and integration of stakeholders. This could also play a crucial role in terms of improving the implementation of IDP for service delivery purpose. This is because integration requires combined efforts of various municipal departments, private sector, community groupings and other spheres of government. There is also a need for municipalities to enhance co-operative governance. Co-operative governance, which implies the cooperation of the various spheres of government, is critical in the successful implementation of IDP because it creates an enabling environment for multi-sectoral engagements and discussions in the planning and implementation of IDP. This will coordinate the mobilisation of skills and resources from other key sectors. It is for this reason that the coordination of the involvement of these stakeholders is crucial in all phases of the IDP if the successful implementation of IDP is to be realised.

CONCLUSION

The paper sought to examine the implementation of IDP as an instrument for enhancing service delivery in South African municipalities. This is because the effectiveness of good governance needs to be judged by the capacity of local government structures to provide responsive and integrated development approach to social and economic development issues and to supply essential services congruent with the needs and desires of the local communities. IDP enables municipalities to appraise the current situation in their areas, assess community needs, obtain public participation in development, prioritise needs, set goals to meet the needs, implement programmes to achieve objectives and measure their performance. To this end, it has been highlighted that there is a considerable variation in the implementation of IDP in South African municipalities. This can be attributed to a host of factors including but not restricted to the following: poor integration, little or no involvement of sector departments, poor participation of community members in all the phases of the IDP and capacity constraints on part of municipal officials. All these factors hamper the effective implementation of IDP and thus impacting negatively on the extent to which municipalities deliver services to their respective communities. As a result of these constraints, some municipalities are still unable to optimise the utilisation of IDP as service delivery improvement tool.

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INTEGRATED DEVELOPMENT PLAN (IDP) AS AN IMPLEMENTATION VEHICLE FOR SERVICE DELIVERY FOR LOCAL GOVERNMENT IN SOUTH AFRICA

S.F. Tau

Tshwane University of Technology

ABSTRACT

Municipalities in South Africa are given developmental mandate by its citizenry and by other statutory provisions to develop their localities. Development as a phenomenon in South African municipalities takes place in the form of service delivery. In these localities services are delivered through some projects which are designed with the purpose of improving infrastructure within a municipal area, improve people's lives and empowering them to be able to initiate projects. All these developmental activities are contained in a document within the municipalities called Integrated Development Plan (IDP). The IDP is a document involving different processes when it is developed in the municipalities so that it can accommodate key development priorities identified by the people in the communities. Therefore, IDP can be defined as a leading instrument that supersedes all other plans that guide development at local government Sphere. This article will focus much on the IDP as an implementation vehicle within municipalities to deliver services to the people of South Africa. It is very much pivotal that we bear in mind that municipalities are the government closest to the people, and as a result have an obligation to delivery services as the custodian of IDP. The IDP is an implementation vehicle in the sense that it guides municipal officials and municipal stakeholders to prioritize and deliver goods and services to the people. In this article, the author will follow the qualitative approach where descriptive data will be produced. In this case the author will follow a literature search method when looking for data.

INTRODUCTION

The post-apartheid South Africa experienced a great challenge of service delivery to eradicate the imbalances inherited from the past South African regime. Davids, Theron & Maphunye (2005: 134) identified challenges faced by post-apartheid South Africa as follow: skewed settlement patens, concentration of taxable resources in white area, backlog in service infrastructure in underdeveloped areas and spatial separation and disparities. In honoring the demands of the society, South African government had to see to it that people's demands are met. It was then after the Constitution (1996) puts it clear that there be three spheres of government, being the National, Provincial and Local Government that are distinctive, interrelated and interdependent Sec 40(1) of the Constitution (RSA, 1996). Local Government is given the role of developmental local government as the government closest to the people.

Local Government in South Africa is given developmental mandate by its citizenry and by other statutory provisions to develop their localities. Development as a phenomenon in South African municipalities takes place in the form of service delivery. In these localities services are delivered through some projects which are designed with the sole purpose of improving infrastructure within a municipal area, improve people's lives and empowering them to be able to initiate projects. All these developmental activities are contained in a document within the municipalities called Integrated Development Plan (IDP). The IDP is a document involving different processes when it is developed in the municipalities so that it can accommodate key development priorities identified by the people in the communities.

Therefore, IDP can be defined as a leading instrument that supersedes all other plans that guide development at local government sphere (Intergovernmental Forum for Effective Planning cited in Davids, Theron, & Maphunye, 2009: 139). This article describes IDP as service delivery implementation vehicle in municipalities. The IDP is an implementation vehicle that guides municipal officials and other involved groups to prioritize and deliver goods and services to the people. For this vehicle to be viable, communities must understand what is meant by IDP being an implementation vehicle. Communities must first know and understand why the use of IDP, what are the key priorities of IDP, how should the IDP be implemented and who are involved in the implementation process of the IDP.

This article discusses the origin of the IDP in South Africa, the importance of IDP, legislative frameworks and policies underpinning IDP in order to rationalize IDP as an implementation vehicle for service delivery in municipalities, as well as the stages involved in planning the IDP. Also, stakeholders involved in the IDP process within municipalities, considering the latter as the legal custodian, will be reviewed. The components of the IDP will also be discussed because they have a direct bearing on its planning processes and also having a crucial guiding role to play, Community participation in implementing IDP within municipalities. The article uses a qualitative approach, with emphasis on description. Brynard & Hanekom (2006: 37) states that qualitative methodology is research that produces descriptive data as well as participants' own written and spoken words, pertaining to their experiences.

ORIGIN OF AN THE IDP IN SOUTH AFRICA

Van Donk *et al.* (2008: 323) state that "Integrated Development Planning was first introduced in 1996 in an amendment to Local Government Transition Act 209 of 1993. The timing of the legislative requirement that all transitional local councils prepare an IDP is significant, as 1996 was the year when the attention of the still-new African National Congress (ANC)-led government shifted firmly from the reconstruction of the National and Provincial government to the creation of a new system of local government". The IDP was introduced in 1996 as an integrated planning approach serving as a platform for previously marginalized and racially divided municipalities to directly partake in service delivery planning, reform old and build new institutions and to identify and prioritize strategic development interventions following the 1995 municipal election held in South Africa.

This local government transitional process provided an opportunity for municipal, provincial, and national government representatives, as well as other role players, to debate and agrees on long-term development strategies. Such agreements are that there be a five-year plan in municipalities which will coincide with municipal council, section 56 and Section 57 manager's term of office. Given the nature of local government planning in the Apartheid era, the White Paper on Local Government (RSA, 1998) that apartheid has left its imprint on South Africa's human settlements and municipal institutions (Koma, 2012; 53), the IDP was introduced to address the restructuring of the apartheid spatial form, transforming local government structures to ensure that they promote human-centred development, establishing democratic, legitimate and transparent planning processes and fostering a culture of cooperative governance. The origin of IDP in South Africa has become a more significant part of planning and development in Municipalities that many projects were implemented which were development-based. It is therefore, relevant to examine the significance of the IDP for South Africa.

SIGNIFICANCE OF THE IDP

For everyone to be able to understand how the IDP will be used as an implementation vehicle for service delivery there is a need to briefly describe the following five points of its significance to municipalities. These pin-points are directed at improving governance, promoting infrastructure development and empowering the marginalized in the communities. Hofmyr (2012: 2) outlines the importance of the IDP to municipalities as follows:

- **Effective use of scarce resources**

With less resources that are expected to cover the more demands of the people in the suffering communities, a need arose for municipalities to be able to manage their scarce resources optimally.

- **Fast-tracking up service delivery**

It is intended that with the introduction of the IDP, identified areas where services are needed will be given priority provided there is sufficient funding from the upper structures of government (the National and Provincial Government). The IDP is a mechanism to fast-track delivery by ensuring a well-informed, speedy and sustainable decision-making process and getting the buy-in of all role players for implementation (Venter *et al.*, 2007: 102).

- **Strengthening democracy**

Strengthening democracy does not mean going to polls every five years or when there are by-elections in the municipalities, it means that communities as municipality's clientele must also form part of decision-making, planning, implementation, monitoring and evaluation processes thereto.

- **Overcoming the legacy of apartheid**

The Apartheid regime designed South African municipalities in a manner that is difficult to develop, therefore, the need to develop localities is informed by skewed settlement patterns where bulk services cannot be delivered. Therefore, the IDP was seen as an implementation vehicle to integrate service delivery in Urban and Rural area.

- **Maintaining healthy intergovernmental relation between the three spheres of government**

The Constitution (RSA, 1996) indicates that there be three spheres of government, further indicate in Chapter 7 that developmental role of municipalities is in the hands of Local government. Development is also the national and provincial spheres' responsibility. It is this reason that Chapter three of the Constitution speaks unto issues of co-operative governance. A healthy relationship is needed between the three spheres of government so that service can be sustainably delivered to the needy and the marginalized in the communities.

LEGISLATIVE FRAMEWORK AND POLICIES SUPPORTING IDP

In terms of *Municipal Systems Act* (2000) each municipal council must within a prescribed period after the start of its elected term, adopt a single, inclusive strategic plan for the development of municipalities. According to the MSA all municipalities (i.e. Metropolitan municipalities, District Municipalities and Local Municipalities) have to undertake an integrated development planning process to produce integrated development plans (IDPs).

The primary purpose of the *Municipal Finance Management Act* (2003) is to regularize the municipal budget process. The Act is clear on ensuring that municipalities adhere to the principles of revenue and

expenditure management. For good management of revenue and expenditure and resources allocation to be a practice, municipalities through their IDP must link budgeting and resources so that projects can be integrated.

According to Developmental Facilitation Act (1995), the efficient and integrated land development must be encouraged, by promoting the integration of social, economic, and institutional and physical aspects of development. With the above provision, it is therefore imperative that IDP must then be seen as a Implementation vehicle assisting municipalities to identify key service targets and effectively and efficiently deliver those identified services.

The Local Government Transition Act (1996) states that all municipalities must prepare IDPs as part of their planning process. The Act further sets out specific financial and budgeting requirements, and institutional arrangements and review procedures.

The White Paper on Local Government (1998) recognizes the IDP as a tool for developmental local government with the intention of enabling municipalities to:

- Align scarce resources with agreed policy objectives and programmes;
- Ensure the integration of local government activities with other spheres of development planning at the provincial national and international level;
- Ensure transparent interaction between municipalities and their communities and various other stakeholder; and,
- Ensure that actions are prioritized around urgent needs.

Municipal Structures Act (1998) assign the district municipality with the responsibility for integrated development planning in the district as a whole, including a framework for IDPs for all local municipalities within their areas. District municipalities therefore, have a responsibility for inter-local coordination and for links with provincial and national departments.

The IDP Guide-Pack (2001), are crafted by the then Department of Provincial and Local Government (DPLG) now called Department of Cooperative Governance and Traditional Affairs (CogTA) to guide all municipalities in South Africa on how to draft an IDP that is responsive to the needs of the people. These Guide-Packs are drafted in a joint hands process by DPLG and German GTZ. They provide a full detailed step-by-step process and procedure on how to draft an IDP.

IDP PLANNING STAGES

When municipalities embark on an integrated development planning process to produce an Integrated Development Plan (IDP), there are a number of stages that are followed. According to Gunter (2005), an IDP consists of four main stages which are:

- **Planning:** Identifying of issues, objectives and strategies. This first stage of IDP planning requires the commitment of all who are tasked with the responsibility of IDP projects.
- **Resource allocation:** Human and financial resources are committed to the projects. This second stage requires strategic alignment of budgeting with municipal resources. Developmental projects must not cost more than what the municipality has been appropriated by the Provincial Government.
- **Implementation:** The actual execution of the projects. As much as other stages of IDP process are important, this third stage is very much important. Implementation is important though difficult

sometimes. That is why IDP should be used as an implementation vehicle for service delivery in this regard.

- **Monitoring and review:** It is relevant that there should be constant monitoring of the project implementation and to further review policies and other plans should delivery not be according to plans.

STAKEHOLDERS INVOLVEMENT IN IDP PROCESSES

Stakeholders are parties, individuals, a group of individuals (Civil societies, CBOs, NGOs) representing specific communal needs in a community, and the business community in the locality, participating in the activities affecting their well-being in the municipality. The researcher has identified four stakeholders in the IDP processes. The Community Law Centre (n.d: 6) clearly puts who must participate in the municipal processes of IDP and how. The following are a brief discussion on stakeholder participation in municipalities:

- **Municipal Council**

Councilors have to play a leading role in the IDP process. The IDP is not only a Mechanism through which they have to make decisions; it also contains their constituencies' needs and aspirations. Therefore, councilors have to participate in this process to ensure that their communities' issues are well reflected and addressed.

- **Municipal officials**

Before Hanekom (1987) can define what policy implementation is, he emphasizes that policies are not self-implementing, and if public officials did not implement policies no much of the day-to-day work of government would be done. He further says that policy implementation is the final stage of policy-making where the intentions, objectives and the course of actions selected by the policy-maker are put into effect Hanekom (1987: 55). The IDP is not a function of the municipality's planning department. Everything that the municipality and its departments do, has to be guided by the IDP. As a result, all departments have to be directly involved in the IDP process.

- **Communities**

The IDP process encourages all communities who resides and conduct business within a municipal area to participate in the development and implementation of the IDP. The purpose of the IDP process is to determine the needs and priorities of a municipality's stakeholders and community which should be addressed towards improving the quality of life in respect of those concerned. Community and stakeholder participation in determining those needs is therefore at the heart of the IDP process. The Constitution and the Systems Act clearly stipulate that a municipality must mobilize the involvement and commitment of its stakeholders by establishing an effective participatory process.

The municipality should especially ensure participation by previously disadvantaged groups. Stakeholder groups that are not organized; that is, Non-Governmental Organizations (NGO's), play a critical role to voice the interests of those groups. Thus it is the nature of the IDP process to allow all stakeholders who reside or conduct business within a municipal area to contribute to the preparation and implementation of the IDP. By abstaining from participating in the IDP process, stakeholders empower others to make decisions on their behalf, which decisions might not be in their best interest

- **National and Provincial Government**

The IDP should guide how the provincial and national sector departments allocate resources at local government level. Simultaneously, municipalities should consider the sector departments' policies and programmes when developing own policies and strategies. It is in the interest of the sector departments to participate in the IDP process to ensure that its programmes and those of municipalities are aligned. If all the above stakeholders can fully participate in all the processes of IDP without undermining each other, then South African municipalities will be realistically heading to a developmental local government where IDP is used as an implementation vehicle to achieve set municipal objectives.

COMPONENTS OF THE IDP

When municipalities in South Africa embark on crafting an IDP, they just follow a set of components which if they do follow them correctly, the End-users of these services will be the happiest people of them all. Section 26 of the Municipal Systems Act prescribed the following components to form part of an IDP in the municipalities. They are:

- The municipal council' vision for the long term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs. Council's vision for the long term development need to be in such an achievable manner that it will allow the Implementation process of the IDP to be easy and well-coordinated.
- An assessment of the existing level of development in the municipality, which must include an identification of communities which do not have access to basic municipal services. With reference to the above statement, it is important to use IDP as an implementation vehicle to identify and deliver services to the marginalized communities.
- The council's development strategies which must be aligned with any national or provincial sectoral plans and planning requirements binding on the municipality in terms of legislation. This component allow for the integration of Provincial and National spheres of government to come into play when implementing the IDP, and also for these spheres of government to play a guiding and oversight role.
- A financial plan, which must include a budget projection for at least the next three years. Budget projections are done in conjunction with the resources available in the municipality. Therefore, the IDP can be used as a vehicle to achieve the linkage and subsequent allocation of scarce resources.
- The Council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs. IDPs are developed for a five-year period which ran concurrent with municipal council. It is therefore important that elected council come up with their developmental plans to transform and bring sustainable economic and social services in their communities through an IDP.
- The key performance indicators and performance targets determined. Without performance targets and indicators, an IDP won't be implemented properly. The municipality need to have targets and indicators to determine its performance through the delivery of goods and service to the people.

The above components are key to consider when municipalities develop IDP. If municipalities wishes to use IDP as an implementation vehicle at their disposal to deliver municipal basic services, these components must be adhered to.

COMMUNITY PARTICIPATION IN IMPLEMENTING IDP

Community Participation is important in all the spheres of government, in particular Local sphere of government, which are municipalities. It is important that there be robust community participation during IDP planning stages. Participation in communities is facilitated by Ward Committees and the Ward Councilor through ward meetings, Community representatives and other forms of community engagement. Community Participation is entrenched in three pieces of legislation which are, The Constitution (RSA, 1996), *Local Government: Municipal Systems Act 32* (RSA, 2000) and *Local Government: Municipal Structures Act 17* (RSA, 1998). The following legislative provisions are to provide for smooth delivery of community services through IDP.

Section 152(1)(e) of the Constitution (RSA, 1996) states that municipalities must encourage the involvement of communities and community organizations in the matters of local government. According to section 16(1)(a)(i) MSA (2000) puts it in a more understandable manner that a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for that purpose encourage, and create conditions for, the local community to participate in the affairs of the municipality, including amongst other things, the preparation, implementation and review of its integrated development plan. The *Municipal Structures Act* (RSA, 1998) is clear about the need to legally streamline public participation by providing for the right to contribute to the decision making process of the municipality, be informed of decisions of the municipal council and disclosure of the state of affairs of the municipality. Provisions from Municipal Structures Act can be achieved through active community participation throughout IDP planning stages.

Kumar (2002: 23-24) argues that community participation includes people's involvement throughout the decision-making process. Ambert (2000) states that participation a buzzword got its popularity from a growing recognition of the need to involve stakeholder in the development interventions. The rationale for the promotion of public participation and partnership in South African municipalities should rest on the belief that if the public participate in developmental programs, then these programmes will be seen as legitimate. McGee (2002) defines community participation as a process through which the community can influence and share control over development initiatives, decisions and resources which affect them (Rauch, 2003: 1) shows that, to mandate grassroots development and public participation, IDP should be used as the implementation vehicle to municipal activities.

CONCLUSION

The great challenges experienced by the post-apartheid South Africa to eradicate the imbalances inherited from the past South African regime were as a result of the above mentioned challenges. For these challenges to be eradicated, local government was tasked with the developmental roles enshrined in the Constitution (RSA, 1996) and other pieces of legislation. The developmental role of local government has to take place in the form of service delivery to the citizenry in municipalities. The developmental role and services to be delivered are contained in a document called Integrated Development Plan (IDP) prepared and adopted by municipal Council. For municipality to achieve its developmental role, the IDP has to be used as an implementation vehicle for service delivery through all stages, and also as provided for by pieces of legislative to legitimize its existence.

Therefore, it has been indicated that the IDP must consist of the following: Legislative Framework, Components of IDP, Stakeholders involved in the IDP process and the IDP must also make provision for the participation of the public in its affairs.

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PARTICIPATION OF GOVERNMENT DEPARTMENTS IN THE INTEGRATED DEVELOPMENT PLANNING PROCESSES IN LIMPOPO PROVINCE'S LOCAL MUNICIPALITIES

C.M. Maloka

K.A. Mashamaite

University of Limpopo

ABSTRACT

The national development plan (NDP) identifies poverty, inequality and unemployment as the triple challenges facing the majority of local communities in South Africa today. The local sphere of government is seen as best positioned to deal with these challenges within communities. Historically, the sphere of local government was viewed as subservient in South Africa dominated by provincial and national government. Prior to 1994, local government was mainly concerned with service provision and the implementation of regulations. However, with the introduction of the new constitution, legislative and policy frameworks, the role of local government expanded to a large extent. Municipalities are now required to be developmental in their approach and activities. Thus, integrated development planning becomes one of the strategic processes for local government to tackle its new developmental role. Integrated development planning is about different actors and sectors working under a commonly defined agenda to produce a commonly agreed development plan. It takes into consideration diverse perspectives and allows decision makers to find optimal solution to critical challenges as well as effective ways to respond to those issues. This approach to development provides opportunities for municipal, provincial and national representatives as well as other role players to debate and agree on long term objectives in a participatory and coordinated fashion at a municipal level. However, government departments have not managed to participate in the integrated development planning in a meaningful and sustainable manner. For this reason, this article argues that, there is a need for sector department's participation in the municipal planning processes in order for Limpopo Province to realise the level of integration it seeks to achieve. Therefore, the purpose of this article is to evaluate and analyse the role and importance of participation of government departments in the integrated development planning.

INTRODUCTION

The majority of communities in South Africa are faced with enormous public service delivery challenges. This can be evident and attested to by the unprecedented violent and undesirable public service delivery demonstrations that are prevailing in most of South Africa's local communities. The majority of community members and their representatives express continuous dissatisfaction with regard to the provision of public services such as clean water, sanitation, waste disposal, infrastructure, electricity, transport system and houses. Municipalities in South Africa are mandated through various legislative prescripts to structure their administration and planning processes in order to provide foregoing services to enhance the well-being of their local communities in an integrated, efficient, effective and sustainable manner. However, the responsibility of providing services does not lie solely on local municipalities. Local municipalities should work collaboratively with other role players or local stakeholders including government departments in the delivery of services (Mashamba, 2008).

Therefore, Integrated Development Planning (IDP) process provides a platform for various stakeholders including government departments to participate in the municipal planning process (Mashamba, 2008). IDP provide guidelines for future development of localities, giving direction to both the municipality and other spheres of government operating in the area on priority issues and projects for implementation over a five year period (Vatela & Walton, 2008). The aim of IDP is to bring about development and improvement of the well-being of local communities through the coordination and integration of actions from different stakeholders that address local needs and concerns (Mello & Maserumule, 2010). Government departments have been chosen from numerous other local stakeholders because of their enormous roles and impact on development at local level. Thus, the purpose of this paper is to assess the role of government departments in the IDP processes in Limpopo Province's local municipalities. To this end, the paper provides a brief preview of legislative prescripts for local municipalities in South Africa, conceptualise participation and provides a brief overview of what the government departments are. It also provides discussions on IDP processes, the role of government departments in the IDP processes and the challenges faced by both municipalities and government departments to participate in the IDP process. Lastly, conclusions and recommendation are provided.

LEGISLATIVE PRESCRIPTION FOR LOCAL MUNICIPALITIES IN SOUTH AFRICA

Local municipalities in South Africa have a massive role to play in promoting social and economic conditions of the poor and underprivileged within communities. Their mandate is reinforced by the promulgation of various policies and legislative frameworks including but not limited to the *Constitution of the Republic of South Africa, 1996*, the *White Paper on Local Government (1998)*, *Municipal Structures Act (Act 117 of 1998)*, *Municipal Systems Act (Act 32 of 2000)* and *Municipal Financial Management Act (Act 56 of 2003)*. The *Constitution of the Republic of South Africa, 1996* serve as an important piece of legislation from which all other laws are framed. Chapter three of the constitution provides for an enabling environment for local government to enhance the living standards of the communities. It provides specifically for local municipalities to assume the developmental role by structuring and managing their administration, budgeting and planning process to give priority to the basic needs of the communities, promote social and economic development and participate in the provincial and national programmes. Additionally, the chapter highlights the principles of corporative governance and intergovernmental relation amongst the three spheres of government in providing sustainable services to communities. Therefore, local municipalities should work together with other spheres of government to deliver services.

The *White Paper on Local Government (1998)* describe the local sphere of government as committed to working with local communities and a variety of stakeholders to find sustainable ways to meet their needs and improve the quality of their lives. In order for this to be realised, municipalities are expected to maximise social and economic development opportunities within their local communities through the IDP. The mandate for local municipalities is further expressed in the *Municipal Structures Act no. 117 of 1998*. The Act provides that the Executive Mayor must identify the needs of the municipality, review and evaluate those needs in order of priority, recommend to municipal council strategies, programmes and services to address those priorities through integrated development planning. *Municipal Systems Act no. 32 of 2000* requires municipalities to realise developmental local government objectives through the formulation and adoption of a single and inclusive integrated development plan. The Act assigns municipalities with the responsibility to create and

promote economic development in a participatory way that allows for informed municipal decisions and strategies. The municipal budget come to serve as a tool through which priorities and strategies identified in the IDP could be effectively implemented. Thus, the *Municipal Financial Management Act no. 56 of 2003* provides for municipalities to draw up budget channeled toward the implementation of the priorities and objectives highlighted in the IDP.

THE CONCEPT OF PARTICIPATION

The concept of participation, since gaining importance within the development agenda, has become to mean different things to different commentators for various reasons (Ababio, 2004; Nsingo & Kuye, 2005; Govender & Reddy, 2011). The meaning of participation has been widely contested among government sectors, development agencies and researchers. As a result, participation has since become a mainstream concept in both national and international democracy as well as within the development policy agenda in recent times (Tshishonga & Mbambo, 2008). In the development context, participation means the involvement of all members of the community, government institutions or organisation in decision making concerning any development initiatives which affect community's well-being. Participation is defined as a process whereby all stakeholders within their communities have influence and shared control over development initiatives and decisions as well as available resources which affect them (Tshishonga & Mbambo, 2008; Siyongwana & Mayekiso, 2011; Hofisi, 2012). The notion is that, any development activity should be characterised by active involvement of community or organisation members at all phases of the development process. This means that participation should be a cornerstone for effective and accountable governance in order to provide better service delivery in local communities.

According to Ndevu (2011); Madzivhandila & Asha (2012), community participation, which includes non-governmental organisations (NGOs), community-based organisations (CBOs) and civil society organisations (CSOs) as well as the government institutions, should be understood as the direct and adequate involvement of stakeholders in governance, planning and development programmes within their locality. This includes local communities having influence in the prioritisation and decision making on any development initiatives that affect their living conditions. This means that the local government should integrate all key stakeholders such as the government departments and the rest of the civil society movements in the development planning processes which will allow the entire community to have greater influence on decisions concerning service delivery and governance. According to Hofisi (2012), participation is informative about local priorities, conditions, needs, desires and attitudes, educates and involves the public in matters of development. Tshishonga & Mbambo (2008) indicated that the essence of participation in the South African local government sphere is geared towards building and strengthening local democracy and development by promoting developmental goals and principles, sustaining and improving sufficient standard of living, a safe and healthy environment as well as co-operative government. As such, participation of key stakeholders including government departments in the IDP process plays an essential and integral role to the provision of public services and ensures that local governments in the country are accountable, transparent, responsive, effective and efficient.

GOVERNMENT DEPARTMENTS IN SOUTH AFRICAN CONTEXT

Government departments are areas of intervention directed and targeted both at specific human needs such as food, housing, water, health, security, education, transport and recreation or as a specific approach of fulfilling human needs such as agriculture, trade, mining, energy and tourism (IDP Guide Pack, 2003). As fields of intervention, government departments are commonly linked to specific planning and implementation institutions such as ministries leading such interventions. Each of these departments have a national and in some cases provincial divisions with policy and programmes that can be considered in the course of development planning processes. However, the fundamental characteristic of government departments in the IDP process is that they may not be considered in the planning, depending on specific on local needs or resources. Therefore, the focus of this paper is on both the national and provincial government departments which have policies, programmes and projects that impact directly on municipal jurisdiction and thus, have relevance in municipal planning process. The reason behind this is that local conditions varies from local municipality to another, therefore, each local context, planning and decisions concerning the government departments participation in the IDP process should be informed by specific local conditions. In actual fact, some government departments may not have relevance in relation to priority issues in given municipalities and not be considered in the IDP planning process, e.g. the Department of Minerals cannot participate in the IDP planning process of a municipality where there are no mining activities (*White Paper on Local Government, 1998*).

INTEGRATED DEVELOPMENT PLANNING PROCESSES

Gueli, Liebenberg & van Huyssteen (2007) argue that decent and effective planning is integrated one. Thus, integrated development planning in South African's local municipalities reflect awareness in multi-sectoral, integrated and bottom-up approach to local and regional development (Ingle, 2007). South Africa's integrated development planning approach was introduced after 1994 as a platform for formerly marginalised municipalities to participate in service delivery planning. This process has provided an opportunity for municipalities, provincial and national representatives as well as other role players to work together in the formulation of development strategies and objectives within the municipal jurisdiction (Kanyane, 2007). Integrated Development Planning refers to the process by which various stakeholders come together and work under a commonly defined vision to produce commonly designed results (Valeta & Walton, 2008; Mashamba, 2008; Mello & Maserumule, 2010). It aims at bringing different viewpoints from various role players at a municipal level which enable decision makers to find optimal solution to critical issues as well as effective approach to deal with them. This approach is framed on the principles of inclusive, representative consultation and participation of various stakeholders (Kanyane, 2007). Thus, integrated development planning entails communication within and between the different departments and government spheres, where the convergence of information should result in municipal integrated development plan. Therefore, municipalities should assume a leading role, the overall management and coordination of planning activities at local level (Mello & Maserumule, 2010).

The IDP process usually begins by defining the vision of a municipality (desired end- state), then proceed to identification of key development objectives and proposing various strategies to address this objection, after which strategies are translated into programmes and projects which are budgeted for and ultimately implemented and monitored (Valeta & Walton, 2008). Significantly, integrated development plans

are not only structured to inform municipal management for development but also planned to guide the activities of any institution or agency that operate in municipal area. Integrated development planning stress on consultative process, where appropriate forums should be established where local residents, government representatives, non-governmental organisations, civil society and external specialist can come together to analyse effective problems affecting service delivery, priority issues, develop shared vision, formulated relevant strategies and project proposal for the development of the municipality (Ingle, 2010). Integrated planning and implementation of projects should only be undertaken after a considerable discussion and consultation (Madzivhandila & Asha, 2012). Therefore, consultation provides opportunities for the public to voice-out their views on project proposal initiated by project proponents (Malefane & Mashakoe, 2008).

THE ROLE OF GOVERNMENT DEPARTMENTS IN THE IDP PROCESSES

The responsibility of meeting the development needs within communities does not lie solely on local municipalities. According to *White Paper of Local Government (1998)*, other spheres of government should participate in the planning processes either independently by conducting their programmes or regulating the municipalities according to sectoral objectives. This suggests that the integrated development plan becomes relevant instrument which allow all government departments to directly or indirectly contribute in the planning process in municipalities. IDP reflects multi-sectoral approach and portrays that local government is the point of integration and coordination within all other spheres of government. Thus, the participation of government departments principally forms the core of IDP process (Mashamba, 2008). IDP Guide Pack (2003) indicated that the national and provincial government departments are accepted to perform the following duties in the integrated development planning process in local municipalities:

- contribute relevant information on provincial sectors department plans, programmes, budgets, objectives, strategies and projects in a concise and accessible manner.
- contribute sector expertise and technical knowledge to the formulation of municipal strategies and projects.
- engage with the process of alignment with district municipalities
- participate in the provincial management system and coordination

Thus, the government departments have a crucial role to play in ensuring that integrated development planning (IDP) promotes social and economic development as well as sustainability within South Africa's municipalities. According to *White Paper on Local Government (1998)*, government departments should provide support, guidance and monitor the formulation and implementation of IDPs as well as facilitating the coordination and alignment of IDPs with the strategies and programmes of national and provincial departments. However, municipalities should take charge and leading role in the coordination and the overall management of the development planning process.

CHALLENGES FACED BY GOVERNMENT DEPARTMENTS IN THE IDP PROCESSES

The role of provincial and national government departments in the integrated development planning is imperative. However, government departments are usually faced with numerous challenges that impact negatively in the integrated development planning of local municipalities. The recent practice in the national and provincial departments does not contribute effectively in the IDP planning processes. The Department of Local Government and Housing (2011) found that non-submission of government departments plans is one of the threats in the IDP process. The failure to submit government departments plans compromises and denies the opportunity to integrate and align programmes and plans respectively. Whenever these plans and programmes are submitted, they do not necessarily correspond and support development objectives and priorities of local municipalities (Department of Local Government and Housing, 2011). The inconsistency of government department representatives attending municipal IDP forums is also seen as a challenge in the IDP process. The other inconsistency is based on the level of people attending the meetings as it compromise the quality of information that should flow into the IDP. The failure for such participants to articulate the plans undermine the integration, coordination and alignment of plans and resources respectively. This is because government departments usually deploy junior staff members whom do not possess adequate information and experience that will assist in the municipal planning process. The lack of coordination between diverse actors has otherwise prevented sound municipal strategies from being converted into concrete achievements (Gueli, Liebenberg & van Huyssteen, 2007). The absence of government department plans in IDP serves as the best recipe for implementing scatted and uncoordinated development without supporting municipalities. The lack of clarity regarding the expectations from the respective national and provincial departments, the level of details required to support the municipal IDPs and lack of shared understanding regarding problems and issues faced by municipalities contribute negatively towards the formation of credible IDPs.

CONCLUSION

The purpose of this paper was to assess the role of government departments in the IDP processes in Limpopo Province's local municipalities. To this end, the paper provided a brief summary of legislative prescription guiding local municipalities in South Africa, conceptualised participation and concise overview of what are the government departments. It also provided discussions on integrated development planning processes, the role of government departments in the IDP processes and the challenges faced by both municipalities and government departments to participate in the IDP process. Government departments form the core of successful integrated development planning of any municipality in Limpopo Province, therefore, their participation should be encouraged all the times.

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MUNICIPAL SERVICE PARTNERSHIPS: ARE THEY USEFUL IN ADDRESSING SERVICE DELIVERY BACKLOGS?

M.A. Mamabolo

University of Limpopo

ABSTRACT

Local government remains a sphere of government that is closer to the people. For this reason, municipalities shoulder a responsibility of providing citizens with high quality service in order to improve the general welfare of the society. However literature on local government reveals that despite the huge role that municipalities play with regard to service delivery, some municipalities are overburdened by such a responsibility. This is evident in that some municipalities are unable to realise their developmental mandate as required by the *Constitution of the Republic of South Africa, 1996*. It is as a result of these failures that there has been a sharp increase in service delivery protests throughout the country. Municipalities are therefore under enormous pressure to accelerate service delivery to their communities in order to effect socio-economic transformation as per the Municipal Service Partnerships (MSPs) that have been introduced as a mechanism for optimising service delivery. It is within this context that the article seeks to assess the effects of MSPs on service delivery in South African municipalities in order to identify issues and challenges inherited in these partnerships. The article will argue from the policy implementation perspective to expose the MSPs failure to ensure proper service delivery within municipalities. It will conclude by proposing measures for optimising the alternative of MSPs as mechanisms of service delivery in South Africa.

INTRODUCTION

Democratic South Africa regards local government as the only sphere on the ground that should ensure developmental processes and delivery of services to all citizens. Municipalities are therefore tasked with the provision of services which among others are provided for in schedule 4 part B of the *Constitution of the Republic of South Africa, 1996* (RSA, 1996). These services are among others, municipal planning, municipal health services, municipal public transport, municipal roads and water and sanitation services. Thus, the *Constitution of the Republic of South Africa, 1996*, gives municipalities an obligation to ensure that all municipal services are delivered to the South African citizens (RSA, 1996). Irrespective of the Constitutional mandate, South African municipalities are still faced with momentous challenges of service delivery. On the other hand, Khumalo, Ntlokonkulu & Rapoo (2003:4) acknowledge that due to South Africa's increasing population, municipalities are overburdened with service delivery responsibilities which results in backlogs. It was for these reasons that municipal service partnerships were introduced to speed up municipal service delivery and to address the persisting backlogs. The intention is that partnerships between municipalities, Non-Governmental Organisations (NGOs) and the public sectors were supposed to help in rectifying all infrastructure service provision backlogs in the country. For these partnerships to be effective and efficient there are mechanisms that should be initiated to ensure a practical implementation of municipal services through these partnerships. Pretorius & Schurink (2007: 19) argue that it is proper monitoring and evaluation, through effective governance, where service delivery needs could be addressed with ease. It is also evident that irrespective of all good policies that South Africa has, there are problems in terms of implementation. It is also

widely acknowledged that political constituencies dislike private sector involvement in infrastructure delivery because they believe that their main intention is mainly on profit rather than on efficient service delivery.

The *Municipal Systems Act No. 32 of 2000* has made the provision that if municipalities are unable to deliver certain services such as water and sanitation, electricity and refuse removal, they could enter into a service delivery agreement or contract with external agencies to provide such services on their behalf (RSA, 2000). Thus, MSPs are regarded as a means available to municipalities to address municipal infrastructure and service delivery backlogs. However, it is worth noticing that although MSPs have been introduced essentially to optimize and accelerate service delivery, South African municipalities still have major challenge. This article intent to assess the effects of MSPs on service delivery in municipalities, in order to identify the challenges associated with such partnerships. It commences with a conceptualization of the notion of Municipal Service Partnerships and the MSPs as a means for addressing the overwhelming municipal infrastructure and service delivery backlogs in South Africa. The article further discusses municipal service backlogs and examines the issues and challenges associated with the use of MSPs in providing optimal services to the South African citizens. The article concludes by proposing measures for optimum alternatives of MSPs for the purpose of enhancing service delivery in South African municipalities.

MUNICIPAL SERVICE PARTNERSHIPS CONCEPTUALIZATION

Municipal Service Partnerships in South Africa are seen as a future of local government development process. Thus, municipalities are not obliged to provide municipal service to the people themselves, but they may appoint other service providers to provide certain services such as water and sewage treatment, street lighting, waste management and refuse collection and roads building, maintenance and cleaning on their behalf, without limiting and compromising their authority. This clearly shows that municipal service partnerships take responsibility for all or part of the delivery of municipal services. Gistham, Reddy & Ntshangase (cited in Reddy, Sing & Moodley, 2003:200) regard Municipal Service Partnerships as a means available to municipalities to address the massive municipal infrastructure and service backlogs. Therefore this highlights an alternative service delivery mechanism in municipalities. Ribbons (2008:1) adds that Municipal Service Partnerships emerged as an efficient approach to restructure the state at large. It should therefore be understood that Municipal Service Partnerships should not be viewed as an alternative to on-going efforts to improve the efficiency and accountability of service delivery by the municipality itself, but by speeding up service delivery to the South African citizens. Municipal Service Partnerships are a joint venture between the private and public sectors through which resources, including personnel, equipment, skills enhancement, are provided by the private sector to enhance service delivery. According to Liba & Coetzee (2011:362), Municipal Service Partnerships should not be viewed as privatization, because the main service provider is the municipality. It should be understood that it is MSPs which will perform municipal service functions on behalf of the municipality and receive a benefit out of such services. Therefore MSPs can be seen as privatization because they provide municipal service such as roads, water and sanitation and refuse removal on behalf of the municipality through a contractual agreement. Thus, Joseph (2002:15) defined MSPs as a contractual relationship for the delivery of municipal services. The *White Paper on Municipal Service Partnerships, 2000*, identified MSPs as a means available to municipal councils to address the municipal service delivery backlogs. The most common forms of MSPs in South Africa are a public-public partnership, a public-private partnership

and a public-NGO/CBO partnership. According to Khumalo, Ntlokonkulu & Rapoo (2003:6), there are benefits which the municipalities will achieve with regard to these types of partnerships, because they reduce costs of service delivery, they improve accountability and the living conditions of the citizens.

The *White Paper on Municipal Service Partnerships, 2000*, outlined the types of MSPs contractual arrangement as follows:

- **Service contract:** this is a service contract of about one to three years and the service provider receives a fee from the council to manage a particular aspect of a municipal service. Examples include maintenance repair.
- **Management contract:** the service provider is responsible for the overall management of all aspects of a municipal service, but without the responsibility to finance the operating, maintenance, repair or capital costs of the service. Examples in this regard may be water utility contraction.
- **Lease:** the service provider is responsible for the overall management of a municipal service and the council's operating assets are leased to the contractor with a full responsibility for operating, repairing and maintaining those assets. Examples include the lease of a municipal market or water system.
- **Build/Operate/Transfer:** the service provider undertakes to design, build, manage, operate, maintain and repair at its own expense a facility to be used for the delivery of a municipal service.
- **Concession:** the service provider undertakes the management, operation, repair, maintenance, design, construction and financing of a municipal service facility. An example is water and sanitation.

The above mentioned contractual arrangement states clearly the type of contact that municipalities may enter with the Municipal Service Partnerships in enhancing service delivery. Binza & Asmah-Andoh (2009:278), acknowledge that government Municipal Service Partnerships is of vital importance to improve service delivery and they should be considered partners in the provision of municipal services in the country.

MUNICIPAL SERVICES BACKLOGS IN SOUTH AFRICA

South Africa has one of the highest rates in public protest in the world and is still facing a major challenge in ensuring that municipalities provide optimal and effective services to the deserving South African citizens. According to Ensor (2012:1), service delivery backlogs in South Africa remain at an estimated R42 billion, with the Eastern Cape been the worst affected Province. Statistics South Africa (2012) reveals that there are still backlogs, specifically with regards to electricity and water and sanitation. Therefore the role of the Municipal Service Partnerships is still questionable, because they are supposed to address service delivery backlogs. However, one can argue that service delivery backlogs resulted mainly on lack of accountability by the responsible officials, maladministration, corruption and fraud. According to the Statistics South Africa (2012), South Africa still have water backlogs of almost 62,9 percent, estimated to be 22,2 percent in the Eastern Cape, 14,1 percent in KwaZulu-Natal, 14,0 percent in Limpopo and 12,6 percent Mpumalanga Province. It is Gauteng Province that has access to water with almost 89,4 percent, followed by Free State with 89,1 percent and Western Cape with 88,4 percent. With regard to sanitation, South Africa is still faced with massive backlogs. According to the Department of Water Affairs (2012:7), Cape Town is said to have 100

percent adequate sanitation in informal settlements as opposed to a 43% national average. It is therefore arguable that if Cape Town has done enough in sanitation in the Western Cape Province, yet it is this province that faces major service delivery challenges. It is therefore questionable that with the amount of service delivery backlogs in the country, what is then the role of MSPs because it is widely argued that they serve as means to address this massive service delivery backlogs in South Africa.

MUNICIPAL SERVICE PARTNERSHIP AND SERVICE DELIVERY IN LOCAL COMMUNITIES

Municipal and local services in South Africa may be delivered in a number of ways. Services can either be provided by a municipality itself or through a legal partnership with the private sectors institutions. It is widely acknowledged that the local government is critical to the country's development processes and service delivery to the local communities. Thus, municipalities must plan and improve service delivery to ensure that their communities receive a maximum benefit (Joseph, 2002:5). Increased efforts were therefore initiated to improve service delivery and to address massive service delivery backlogs in South Africa, however many South African municipalities are still faced with major service delivery backlogs and challenges. Ribbons (2008:1) states that many municipalities in South Africa are engaged in different services partnerships to improve service delivery such as roads building and maintenance. However, arguments were made that post-apartheid South African municipalities are still faced with critical service delivery challenges. There are constitutional basic services that the local municipalities must ensure that they provide to the people and this include among other services, water and sanitation, electricity, refuse removal and roads infrastructure services which improve the living condition of the people and provide the local people with dignity that lead to basic human right. According to the National Treasury (2011:197), most municipalities have the highest number of backlogs in sanitation, electricity and water. In addition most municipalities are responsible for the provision of basic services and associated support to local economic development and the provision of basic services such as water, sanitation, electricity, refuse removal and roads can be an important agent in the reduction of poverty and unemployment and strengthening of social capital. Thus, the increasing number of service delivery protests in South Africa revolves around municipal services such as water, roads, and proper sanitation. This is also supported by the recent 2013 protest against the sanitation problems in the Western Cape Province. With the usage of toilet bucket systems particularly in the Western Cape and Gauteng Province it is evident that municipalities are still faced with the massive backlogs with regard to proper sanitation.

According to Tissington (2011:13), access to adequate sanitation is a fundamental core to human dignity and security, social, public health, poverty reduction, gender equality, economic development and environmental sustainability. The Report on the Status of Sanitation Services in Republic of South Africa (2012: 2) also indicated that the sanitation sector is faced with challenges of rapid population growth of formal and informal settlements due to the rural-urban migration. The issue of migration is also contributing to service delivery backlogs in the country. Statistics South Africa indicates that South Africa's population has increased from an estimated 44,8 million in 2001 to 51,8 million in 2011 and this has an impact on basic service delivery such as water and sanitation in the country. However, other sanitation backlogs are a combination of exceptionally large backlogs that were inherited by the democratic government in 1994. According to the South African Institute of Race Relations (2013), provinces such as Gauteng and Western Cape are said to have eradicated the bucket system with about two percent, while in the Western Cape households are still making use

of the bucket system. The report does not really correspond with the current June/July 2013 sanitation protests situation in the Western Cape. Residents in the Western Cape were protesting against the use bucket systems in Cape Town, as result the report does not really correspond with the protest. Therefore it is evident that with the use of toilet bucket systems in South Africa, municipalities have proven to be the weakest link in the untidiness of local communities. This also reveals the inability of Municipal Service Partnerships to meaningfully bring out noticeable changes in municipal service delivery, specifically with proper sanitation. According to the Department of National Treasury (2011:197), most rural municipalities have the highest number of backlogs in sanitation, water and electricity, while urban municipalities have a high number of housing backlogs.

CHALLENGES FACING MUNICIPAL SERVICE PROVISION IN SOUTH AFRICA

Many South African municipalities are faced with major challenges of service delivery. This is also supported by the media and local newspapers as well as the news bulletins appearing on television daily on the increasing number of poor service delivery protests that are emerging daily in the country. Managa (2012: 1) emphasises that the increasing number of poor service delivery protests in the country has made the government to be on the spotlight. However, with the sharp increasing number of protests yearly that lead to vandalism of the existing infrastructure, the government still faces major challenges in replacing the properties and infrastructure that were vandalised during most service delivery protest in the country.

It is further argued that local government should be strengthened to avoid more violent service delivery protests that are likely to emerge (Managa, 2012). The challenges facing municipalities in service provision could either be lack of proper funds to provide service to the people on behalf of the municipality. Madumo (2012: 50) identifies corruption and maladministration in most South African municipalities as a contributor to service delivery problems. These are among others; the challenges facing municipal service partnership in South Africa. *Firstly*, lack of adequate policy implementation. It is widely acknowledged that South Africa has good policies, but the implementation process of such policies is still questionable. Decision-making by municipalities is extremely regulated, particularly by local government legislation such as the *Municipal Systems Act No 32 of 2000* and the *Municipal Finance Management Act No 56 of 2003*. These legislative frameworks exist to give direction to municipal service partnerships in providing services on behalf of the municipality. Despite the existence of these policies that enables the municipalities to provide better service for all, South African municipalities are still faced with massive service delivery backlogs. It is therefore evident that policy implementation in South Africa still remains a critical challenge. Service delivery is a long-term responsibility that requires continual improvements for the benefit of the society at large and if there is no clear policy direction, service delivery will keep on deteriorating. *Secondly*, lack of involvement of government departments. There are massive service delivery backlogs in municipalities than at national and provincial sphere of government. This is because there is no a clear relationship between the municipalities and national and provincial government. Both the National and Provincial government should collaborate on the development of major infrastructure projects initiative to assist municipalities to develop and implement plans to improve service delivery mechanisms.

Thirdly, there is a lack of proper funds or capacity to implement the required infrastructure projects. Many municipalities lack proper funds to carry out their constitutional mandate to provide adequate service and to improve the living conditions of the people. Infrastructure projects such as roads need adequate funds for

provision and maintenance thereof. However, one can argue that many municipalities lack skilled and qualified personnel who can ensure proper allocation and expenditure of funds for service delivery. Khumalo, Ntlokonkulu & Rapoo (2003:4) emphasise that municipalities are overburdened with service delivery provision which requires billions of rands to address the massive backlogs. Phago & Malan (2004:481) also acknowledge that South African municipalities lack institutional capacity to deliver service to the citizen in a fair and equitable manner.

The last challenge facing revolves around mistrust of private sector involvement. In the South African context partnerships in municipalities is seen as the only available means to enhance service delivery in most municipalities. However, arguments were raised that private sector institutions involvement in service delivery is to benefits from the public sector. Binza & Asmah-Andoh (2009:274) writes that Municipal Service Partnerships are effective and their involvement is required because it helps in improving accountability.

CONCLUSION

This article argued that irrespective of all increased efforts that were initiated to address massive service delivery backlogs through Municipal Service Partnerships in South Africa, many municipalities are still faced with major service delivery backlogs and challenges. Legislative frameworks such as *Municipal Systems Act* and *Municipal Finance Management Act*, also gives directions on how Municipal Service Partnerships must operate but South African municipalities are still faced with major service delivery backlogs specifically with water and sanitation. The introduction of MSPs was supposed to speed up municipal service delivery and to address the persisting service delivery backlogs, however service delivery in South Africa still remain a critical challenge and service delivery protests are emerging daily due to the increasing massive service backlogs in the country. Therefore it is evident that municipalities still have a long way go in addressing service delivery and improving the living conditions of the South African citizens.

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SAFETY AND FEAR OF CRIME IN BUILT URBAN ENVIRONMENTS: ROLE OF MUNICIPALITIES AND COMMUNITY PARTICIPATION IN SOUTH AFRICA

T.M. Ramoroka

University of Limpopo

ABSTRACT

Local governments are commonly expected to serve the socio-economic interests of communities within the areas of their jurisdiction. Theoretically, the connection between safety and fear of crime, on the one hand, to quality of life, on the other, is fairly established, especially in urban areas of developing countries where squalid conditions of living coalesce with dense population congestion. Fear of crime in such urban areas has been identified as a socio-economic challenge which ultimately affects people's quality of life; and, the converse should hold for safety. Of the three elements contributing to occurrence of crime, the favourable environment plays a significant role; and, it is within local governments' capabilities to build such circumstances. Accordingly, most people's perceptions and fear of crime are drawn from an analysis of the built environment, without having experienced and/or witnessed a criminal event. Indeed, the built environment has the potential to either enhance or prevent the occurrences of criminal events. Therefore, this article affirms the notion that safety and fear of crime in urban areas within developing countries involves the capability of these areas to offer favourable conditions environmental designs. However, the article further demonstrates that planning, designing and implementation of environmental strategies to reduce and prevent crime require community participation across different municipalities. That is, using the built environment as crime prevention and reduction strategy entails community participation, which could be secured according to the principles of the Crime Prevention through Environmental Design (CPTED) tool. This article argues that the CPTED tool can be used effectively and efficiently to reduce and prevent crime within the congested urban areas, whilst simultaneously reducing the costs associated with the policing and security services. Theoretically, the article argues that local governments could adopt the CPTED principles of surveillance and visibility, territoriality, access and escape routes, image and aesthetics and target hardening within congested urban landscapes. The article concludes that local governments could use their legislative provisions to mobilize popular community participation in building defensible and safe urban environments.

INTRODUCTION

Over the years, increasing crime rates have become a serious concern in most urban areas across the world, as described through a litany of derogatory terms such as shantytowns and squatter camps (Pain & Townshend, 2002; Yuen, 2004; Hirschfield, Newton & Rogerson, 2010; Karakus, McGarrel & Basibuyuk, 2010; Ceccato & Lukyte, 2011; Glasson & Cozens, 2011; Li, Liu & Sang, 2012; Okunola & Amole, 2012). Considerations of urban areas as congested translated into perceptions of their being dangerous places rather than safe engines of economic development (Yuen, 2004). Inevitably, crime and fear of crime self-regulated themselves in an on-going circle that threatens urban liveability, stability, social cohesion, sustainability, quality of life and human rights (Yuen, 2004; Okunola & Amole, 2012). Local government have, therefore, found themselves trapped in this seemingly insurmountable circle of population congestion feeding into perceptions and experiences of crime. To break this circle, it was important to understand the elements of the self-regulation

of criminality. Most municipalities in developing countries would not have had the necessary knowledge for intervention, except for the conventional policing and securitization of the affluent parts of urban areas. The point of this article is to argue that crime could be regulated through direct interventions in the areas where it occurs through environmental designs, rather than the expensive securitization of the affluent suburbs.

For a criminal event to occur, three elements have to be present; and, these are: the offender (person committing the crime); target (vulnerable property) or victim (person attacked); and, a favourable environment which in this case is seen as the main factor perpetuating the majority of criminal activities (CSIR, 2001; Cozens, 2008; Foster, Giles-Corti, & Knuiman, 2010; Sakip & Abdullah, 2012). Of the three elements contributing to crime, the CSIR (2001) confirmed that the favourable environment plays a significant role in influencing perceptions of safety amongst human beings. Thus, crime prevention and reduction in urban areas are lately undertaken through environmental planning and design instead of using human resources such as police and security guards (Jeffrey 1969; Newman, 1972, 1973; Liebermann & Landman, 1999; Pain & Townshend, 2002; CSIR, 2001, 2002; Landman, 2006; Cozens, 2008; Foster & Giles-Corti, 2008; Abdullah, Salleh & Sakip, 2012; Sakip & Abdullah, 2012; Okunola & Amole, 2012).

Conversely, planning, designing and implementation of environmental strategies to reduce and prevent crime requires community participation across different municipalities (Hibbard & Lurie, 2000; Parnell, Pieterse, Swilling & Wooldridge, 2002; McEwan, 2003; Geurtz & Van De Wijdeven, 2010; Hassan, Hefnawi & Refai, 2011; Faguet, 2013). In the context of the increasing privatization of the urban spaces through gated-communities, community participation should affirm that the designed environmental strategies do not promote anti-communication in the neighbourhood, exclude other groups and make other places more prone to crime in towns and cities (Pain & Townshend, 2002; Hassan *et al.*, 2011; Faguet, 2013). Community participation strategies should be used in order to build safe environments that suit members of the public by strengthening social ties and cohesion (Landman, 2006; Foster & Giles-Corti, 2008; Abdullah *et al.*, 2012; Sakip & Abdullah, 2012; Okunola & Amole, 2012). The National Development Plan 2030 does call for social cohesion as one of the key elements for the fight against poverty, given the fractured societal fabric on which crime, violence and all other social ills have come to thrive (National Planning Commission, 2012; Alloggio & Thomas, 2013). As such, community participation has to be utilised as an effective strategy to ensure that the principles of the Crime Prevention through Environmental Design (CPTED) tool are applied efficiently in urban areas in order to improve the quality of life and meet the safety needs of the public. It is against this background that this article discusses how municipalities could use community participation as a strategy to build safe urban environments through the application of the CPTED tool. The article is structured in five sections, including this introduction. The second section provides a theoretical discussion on safety and fear of crime in urban areas. In the third section, the nature of community participation in South Africa's municipalities is discussed in order to highlight some of the legislative frameworks that support and encourage popular consultation and participation. The fourth section demonstrates how safe urban environments could be built by using though principles of the CPTED tool. Finally, the article concludes that urban municipalities could use community participation strategies to encourage the application of the CPTED tool in deterring crime and building safe environments.

SAFETY AND FEAR OF CRIME IN URBAN AREAS: A THEORETICAL PERSPECTIVE

Safety in urban areas is regarded as one of the social indicators of good quality of life of residents within neighbourhoods (Pain & Townshend, 2002; Yuen, 2004; Ceccato & Lukyte, 2011; Glasson & Cozens, 2011; Li *et al.*, 2012; Okunola & Amole, 2012). Accordingly, Maslow's hierarchy of needs indicates that sustainable urban environments should cater for biological and physiological, safety, affiliation, esteem and self-actualization needs, respectively (Glasson & Cozens, 2011). Consequently, this hierarchy identifies safety as one of the priority needs of human beings (Glasson & Cozens, 2011; Li *et al.*, 2012; Okunola & Amole, 2012; Marzbali, Abdullah, Razak & Tilaki, 2012). However, it should be noted that safety is conceptualized differently by different people in different places. According to Ceccato & Lukyte (2011) safety in urban areas is identified by good image that help to attract business investments. Accordingly, safe urban areas are socially sustainable and depend on strong social networks, community participation, sense of place and community stability (Glasson & Cozens, 2011). Additionally, Lang (1994) views safety in urban areas as categorized into two needs, namely the physiological and psychological needs. The psychological need is associated with having a sense of place whereas physiological need entails having freedom from bodily harm (Lang, 1994; Yuen, 2004; Glasson & Cozens, 2011; Okunola & Amole, 2012). The first need can be achieved through the application of social crime reduction and prevention measures such as social cohesion and community participation in certain activities in urban areas (Lang, 1994; Yuen, 2004; Okunola & Amole, 2012). The latter encourages the use of environmental planning and design that will provide safe conditions for economic, social and cultural life in towns and cities (Lang, 1994; Glasson & Cozens, 2011; Okunola & Amole, 2012). Therefore, for the purpose of this article safety in towns and cities is identified as the capability of these areas to offer favourable conditions which attract business investments and people and provide favourable crime free areas through environmental designs.

Fear of crime in urban areas has been identified internationally as a socio-economic challenge which ultimately affects people's quality of life (Pain & Townshend, 2002; Karaku *et al.*, 2010; Ceccato & Lukyte, 2011; Glasson & Cozens, 2011; Okunola & Amole, 2012). As a result of crime and fear of crime, poverty, physical deterioration, decay and sprawl are experienced in most urban areas (Ceccato & Lukyte, 2011). According to Okunola & Amole (2012: 507), fear of crime is defined as "an emotion or feeling of alarm or dread cause by awareness or expectation of danger". Karakus *et al.* (2010) asset that fear of crime is an individual's reaction to perceiving likelihood of victimization. Fear of crime in urban areas is further explained through three models: victimization, disorder and community concern models (Karakus, *et al.*, 2010; Ceccato & Lukyte, 2011; Okunola & Amole, 2012). The victimization model views fear of crime as consequences of either direct or indirect experiences of criminal activities taking into consideration the demographic characteristics and the position of an individual within a specific social space (Karakus, *et al.*, 2010; Okunola & Amole, 2012). Seemingly, the victimization model explains fear of crime as feelings of an individual to be a possible victim of crime based on the related experiences and/or what the person heard. Whereas, the disorder model states that opinions of high levels of physical (such as vandalism, unused buildings and broken windows) and social (such as public drinking, drug dealing, frequent loud party, amongst others) disorder are in most cases associated with high levels of fear of crime (Karakus, *et al.*, 2010; Ceccato & Lukyte, 2011; Okunola & Amole, 2012). That is, the physical and social characteristics of an area determine the level of fear of crime in people. The community concern model views fear of crime as a result of the decline of commonly accepted values (such as sense of

community and cohesion) and social control (such as the presence of police) in a neighbourhood (Karakus, *et al.*, 2010; Ceccato & Lukyte, 2011; Glasson & Cozens, 2011; Okunola & Amole, 2012). Apparently, community concern model focuses on social cohesion and the relationship between residents and police in order to create safe urban environments and minimise fear of crime. For this reason, a sense of community is important for both safety and fear of crime. To this extent, community participation is of paramount significance in the exploitation of the urban environment for the creation of secure and crime-free settings. The next section discusses the provisions for community participation in South Africa's municipalities.

PROVISIONS FOR COMMUNITY PARTICIPATION WITHIN SOUTH AFRICA'S MUNICIPALITIES

Community participation through the municipalities is core to all inclusive socio-economic development (Hibbard & Lurie, 2000; Sihlongonyane, 2001; Parnell *et al.*, 2002; McEwan, 2003; Geurtz & Van De Wijdeven, 2010; Michels & De Graaf, 2010; Hassan *et al.*, 2011; Faguet, 2013). Accordingly, communities should be involved from the first stage of the project life cycle until the very last one in order to avoid unimplemented and inapplicable plans and unsatisfactory and ghost infrastructures and services (Michels & De Graaf, 2010; Hassan *et al.*, 2011). Community participation is an important activity in the governance of municipalities in South Africa. Community participation is defined in a number of ways which are to some extent related. Okunola & Amole (2012: 507) define community participation as "the active, voluntary involvement of individuals and groups to change problematic conditions in poor communities and to influence the policies and programmes that affect crime, safety and urban blight". According to Sihlongonyane (2001: 42) community participation is referred to "as how various interests are exercised through power relations that are in turn shaped by a range of facets such as age, gender, political affiliation, history, language and status". Onibokun & Faniran (1995) define community participation as "the act of allowing individual citizens within a community to take part in the formulation of policies and proposals on issues that affect the whole community (cited in McEwan, 2003: 472). To this extent, community participation has the ability to deal with situations and conditions that perpetuates criminal activities and fear of crime in people within urban neighbourhoods. Good governance requires municipalities to consult communities with regard to decision making in planning and implementation that affect them through democratization and participation (Sihlongonyane, 2001; Parnell *et al.*, 2002; Hassan *et al.*, 2011; Faguet, 2013). Community participation further ensures that the rights and duties of community members to govern their socio-economic development are promoted at all times (McEwan, 2003; Faguet, 2013). Simultaneously, community empowerment, improved standards of living, better and easy access to resources and opportunities, poverty alleviation and equality will be achieved (Sihlongonyane, 2001; Parnell *et al.*, 2002; McEwan, 2003; Geurtz & Van De Wijdeven, 2010; Michels & De Graaf, 2010; Hassan *et al.*, 2011; Faguet, 2013). It can be expected that communities would have the opportunity to voice out their needs and opinions in the municipal development planning which the local government must respond to accordingly (Parnell *et al.*, 2002; Hassan *et al.*, 2011).

Post-apartheid, the success of South Africa's municipalities has been intricately intertwined with the creativity and participation of the communities from all levels, without any form of discrimination (Parnell *et al.*, 2002; McEwan, 2003; Geurtz & Van De Wijdeven, 2010; Hassan *et al.*, 2011; Faguet, 2013). Community participation is expected to support the bottom-up approach of municipal management which takes community's

opinions into consideration in order to inform their development planning. Chapter 7 of South Africa's Constitution (RSA, 1996) fully supports community participation within municipalities. The Constitution states that one of the objects of the local government is to "encourage the involvement of communities and community organizations in matters of local government (RSA, 1996, Section 152 (1) (e)). These constitutional principles are also elaborated in the *White Paper for Reconstruction and Development* and the *White Paper on Local Government*. According to the *White Paper for Reconstruction and Development*, one of the core principles of a democratic society is to promote people-driven development which would assist in shaping the communities' futures (RSA, 1994). The *White Paper on Local Government* states that municipalities are responsible for ensuring that there is community participation in matters that affect both the society and the local government (RSA, 1998). In a nutshell, South Africa's legislation supports community participation within municipalities. Hence, community participation in municipalities is incorporated within their Integrated Development Plans (IDPs). The IDP is used as a tool to achieve developmental and participative local government within South Africa's municipalities. One of the key focus areas of the plan is that it should ensure that development is participative in nature (Parnell *et al.*, 2002; McEwan, 2003; Hassan *et al.*, 2011). The IDP is designed to "bring the government to people through active community participation in socio-economic development" (McEwan, 2003: 472). The hope is to afford all residents equal opportunities to participate in issues relating to their municipal planning and management. Apart of law and the criminal justice system, community participation is needed in order to assist in building safe environments by reducing and preventing crime and fear of crime, especially in urban areas. The subsequent section focusses on building safe urban environments by use of the CPTED tool through community participation.

BUILDING SAFE URBAN ENVIRONMENTS: THE CPTED TOOL AND COMMUNITY PARTICIPATION

As already noted, safety is one of the indicators of good quality of life; thus, environmental and urban planners and designers seek to ensure that both the natural and built environment contribute towards safe spaces (Landman, 2006; Cozens, 2008; Glasson & Cozens, 2011; Okunola & Amole, 2012; Sakip & Abdullah, 2012). Poor environmental urban plans and designs are contributory factors to safety and crime; and, the latter has become a daily nuisance in most developing countries (Glasson & Cozens, 2011). Although urban planners and designers have an important role to play in building safe environments, most of their planning and design do not take into consideration crime patterns, attractors, generators and paths and nodes that facilitates crime related to specific towns and cities (Liebermann & Landman, 1999; CSIR, 2001, 2002; Landman, 2006; Cozens, 2008; Abdullah *et al.*, 2012; Glasson & Cozens, 2011; Sakip & Abdullah, 2012). Theoretically, there is a relationship between the built environment and the rate of crime within all types of urban environments (Newman, 1972, 1973; Brown & Altman, 1983; Liebermann & Landman, 1999; CSIR, 2001, 2002; Landman, 2006; Cozens, 2008; Abdullah *et al.*, 2012; Sakip & Abdullah, 2012). There is experience that poor environmental planning and design can increase opportunities for criminal activities and perpetuate fear of crime (Landman, 2006; Abdullah *et al.*, 2012; Sakip & Abdullah, 2012). Marzbali *et al.* (2012) emphasizes that in order to alter criminal behaviour and reduce fear of crime in urban areas, the CPTED tool should focus on the spatial dimensions of crime and integrate a number of environmental strategies and techniques that will reduce its high levels in towns

and cities. In this way, the physical environment can be used efficiently and effectively as a tool to reduce and prevent crime in urban areas.

The CPTED tool is guided by five principles which include surveillance and visibility; territoriality; access and escape routes; image and aesthetics; and, target hardening (Jeffrey 1969; Newman, 1972, 1973; Luymes & Tammanga, 1995; Liebermann & Landman, 1999; Pain & Townshend, 2002; CSIR, 2001, 2002; Landman, 2006; Cozens, 2008; Foster & Giles-Corti, 2008; Abdullah *et al.*, 2012; Sakip & Abdullah, 2012; Okunola & Amole, 2012). According to CSIR (2001), surveillance is the ability to observe public and private spaces by users or residents during the course of their normal activities whereas visibility is concerned with the usage of lighting within urban spaces. However, the application of the surveillance and visibility principle depends on the zoning of specific areas through proper position and use of windows and doors, size of open spaces, lighting and distance (Luymes & Tammanga, 1995; Doeksen, 1997; Landman, 2006; Marchant, 2010; Sakip & Abdullah, 2012). Territoriality is a sense of ownership of one's living or working urban environment (Newman, 1973; Brown & Altman, 1983; CSIR, 2001; Foster & Giles-Corti, 2008). Whereas owners and users of spaces are supposed to take responsibility for their use, upkeep and maintenance at all times (Newman, 1973; Okunola & Amole, 2012), municipalities have the authority to approve landscape and architectural designs of all structures in the built environment. To this extent, municipalities hold the key to creating the kind of built environments necessary for creating safety in congested urban areas through their land zoning and determination of building structures.

Access and escape routes as a principle of the CPTED tool is used to limit routes which provide opportunities for criminal activities within urban environments by focusing on the relationship between transport routes and different types of land use in urban areas (CSIR, 2001; Landman, 2006). Poor image and aesthetics as a result of urban decay and unmaintained land, amongst others, has the ability to encourage crime within urban environments (CSIR, 2006). Therefore, the image and aesthetics of spaces can be improved by the use of attractive colours or materials, lighting and the design which suit the specific land uses in towns and cities. The principle of target hardening is concerned with the use of physical barriers in order to reduce the attractiveness and vulnerability of potential targets of crime in urban areas (Liebermann & Landman, 1999; Foster & Giles-Corti, 2008; Hirschfield *et al.*, 2010; Sakip & Abdullah, 2012). The proper use of walls around houses and burglar bars on windows which do not temper with surveillance and visibility is the most common example of target hardening in urban areas (Foster & Giles-Corti, 2008; Hirschfield *et al.*, 2010; Sakip & Abdullah, 2012). But all these designs cannot be a simple function of legislation because the communities themselves would need to have a buy-in.

CPTED principles can be implemented successfully through the adoption of a number of interventions such as mixed land-use; 24 hour use; higher densities through appropriate built form, which promote eyes on the street; smaller and accessible parks; and, symbolic rather than physical boundaries, among others (Jeffrey 1969; Newman, 1972, 1973; Liebermann & Landman, 1999; CSIR, 2006; Landman, 2006). It has been emphasized that the urban environment can be used as a weapon of defence against crime (Newman, 1972, 1973; Brown & Altman, 1983). Newman (1972; 1973) states that a "defensible space" is a means of designing the environment so that criminal activities are reduced, without including the police and security guards. The defensible space can include physical barriers and improved opportunities for preventing and monitoring crime, which assist in providing a secured environment for urban residents (Marzbali *et al.*, 2012; Hirschfield *et al.*, 2010). In order to

create “defensible spaces”, the principles discussed in this article have to be taken into consideration by municipalities when planning and designing the built urban environment. But the CPTED principles’ pragmatic effects can be realized within urban environments with community participation, facilitated by municipalities. Community participation in municipal development planning provides for a better model based on communities’ needs, opinions and inputs (McEwan, 2003; Michels & De Graaf, 2010; Hassan *et al.*, 2011; Faguet, 2013). Community participation could allow for development that is well-informed and managed by community members themselves in order to address their desires and aspirations (Michels & De Graaf, 2010; Faguet, 2013). In the same way, community participation can play a significant role municipal development planning against crime and building of safe urban environments.

A few qualities of community participation should help the argument of this article. Amongst other roles, community participation shapes and informs development strategies; promote openness and transparency between the municipal officials and the community; manage conflict; identifies and prioritizes needs of community accordingly; identifies and informs socially accepted solutions and decisions related to problems experienced in the area; creates sense of ownership to both problems and solutions; analyses and evaluates situations; empowers communities; and, builds trust amongst involved stakeholders (Hibbard & Lurie, 2000; Parnell *et al.*, 2002; McEwan, 2003; Geurtz & Van De Wijdeven, 2010; Michels & De Graaf, 2010; Hassan *et al.*, 2011; Faguet, 2013). The provision of safety in urban areas is one of the major roles of the municipalities, which could be made realistic with the application of the principles of the CPTED tool in building safe urban environment with community participation. The partnership between the municipality and communities in development planning and management is equally crucial in the reduction and prevention of crime in urban areas. Through such partnership, application of the CPTED tool should serve as an adequate strategy for creating safe urban environments that are free of crime. Through popular consultation and participation, the CPTED tool could be adequately informed to serve the interests of the communities for security, without the expensive selective policing and privatised securitization of urban spaces. This tool eliminates the discriminatory nature of the prevailing conception of securitization where huge resources are deployed to police and protect affluent urban suburbs against crime, without resolving the latter at source. The tool allows even poor communities to embark on a built environmental drive that would present a possibility of safety, even if it is an informal settlement with laced shacks. The quality and cost of creating such secure urban environments should not be disabling. That is, the poorest municipalities, most of which may be tittering on the brink of insolvency should ably mobilize communities for buy-in in order to create the necessary built environment to deter criminality. In the process, application of the CPTED tool is expected to strengthen social cohesion and improve the sense of place as community members work together in their fight against crime.

CONCLUSION

The article revealed that the persistently high rates of crime in urban areas compromise safety by engendering increased fear. It further demonstrated that the built environment plays a critical role in accommodating criminal activities in towns and cities. Accordingly, the article showed that the successful utilization of the CPTED tool to reduce and prevent crime in urban areas depends on community participation. The latter has been identified as one important strategy that ensures that communities’ needs are met as required. Moreover, there are a number of legislative instruments in South Africa that support and promote

community participation. These instruments include the Constitution, the White Paper for Reconstruction and Development and the White Paper on Local Government, amongst others. Municipalities have the obligation to facilitate community participation in matters related to development planning and management in their areas of jurisdiction.

In terms of building safe environments, community participation is also important and required. The article therefore argues for the recognition and prioritization of community participation in building of defensible spaces in the fight against crime in urban areas. The CPTED tool could be used to plan and design urban spaces which would serve as weapons to fight against crime and ensure safety in towns and cities. Furthermore, costs associated with the provision of security through police and security guards could be reduced in the process. However, the effective and efficient use of the CPTED tool to reduce and prevent crime and fear of crime in urban areas depends, to a large extent, on community participation. The municipalities need the communities' participation, understanding and acceptance of the CPTED tool in order to be able to realize the pragmatic effects of such strategic interventions that exploit the built environment in the fight against crime.

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SOCIAL MEDIA AS A TOOL FOR DEMOCRATIC GOVERNANCE IN THE SOUTH AFRICAN LOCAL GOVERNMENT

S.D. Ndou

M.P. Sebola

University of Limpopo

ABSTRACT

Social and economic markets have moved to the most minimal physical interactive approach. People in the modern world engage information through technological mediums which reduces travel demand and provides integrated approach to deal with daily challenges. It cannot be ignored that social media has taken social interaction to a well-integrated arena, and that it has informed the manner in which people relate to each other and to organisations. Government and civil society has globally experimented the use of social media to communicate with their constituencies as business organisation does with their customers. The introduction of this powerful set of tools has reinvented organisation-continuance relations. This article centres an argument across the notion that if the role of social media is well defined and applied appropriately in municipal planning and management practices it can enhance democratic governance in South Africa. In its purpose, focus is with providing a conceptual analysis on the use of social media, such as blogs, micro-blogs or electronic social networks, as tools for enhancing democratic governance. The article will collect literature on the impact of social media in democratic credibility of government and relate it to a South African local government practice. The article concludes that adaptation to these tools could broaden the democracy agenda of local government in the sense that it will improve public participation and represent the collective good of the society in government action.

INTRODUCTION

While the role of media in government administration has a long history, there have been dramatic changes in the media industry. Sebola (2012) attributes that the theory on the role of media in modern democracies can be located back to the 1920s. Revolving nature of global innovations, have shifted the way in which the works of the media is being distributed to the public. As the internet age covers the globe, media concept such as social media and social networks has emerged and became strong forces of communication. This change of media is translated into a concept of new media. "In government new media are capable of transforming power relationships between citizens and organisation to create a more open government, new media might have the potential to transform current governance system at the city, state or country levels" (Picazo-Vela, Gutierrez & Luna-Reyes, 2012: 504). In the current wave of business innovations, companies' uses social media to build customer relations, communicate innovations and enhance their competitive advantage. One most common feature of companies in the new age is to have social media innovations to attract the millions of social media users across the world (Matula & Brakel, 2006; Olorunnisola & Martin, 2013; Rheingold, 2008). Social media has emerged to be an important tool also to disaster management organisations, to communicate information on their processes of disaster management, this in their context is regarded as a critical part of knowledge management, in particular distribution of knowledge, generally referred to as public awareness (Yetes & Paquette, 2011). Social media thus emerged with the potential to allow flexibility,

adaptation, and intense interaction of societies, with this view social media has this far produce a space for social dialogue on political, economic and social matters that affect the society.

Modern public administration is composed of an inherent tension between best responsiveness to community needs as the primary and only client of government and collaboration with them as partners may be the basic condition for government to can produce best results (Vigoda, 2002; Bingham, Nabatchi & O'Leary, 2005). The current wave of democratic engagement, is taking place through new form of cyber revolution that take place in ITC pace. This exercise is in some times branded 'social medial revolution'. Olorunnisola & Martin (2013) argues that in Egypt social media forms a strong influence in their new democracy struggles, where most of mobilisation and political expressions are made through the use of new ICT (i.e. Facebook and Twitter). This new innovations were used to organise youth action in order to oppose government. Recently an expression, where Kenny Kunene controversially posted an open letter to president Zuma on Facebook, tells that more and more politics, social and economic issues are engaged using this mediums (Mongold & Faulds, 2009; Shirky, 2011). Therefore it cannot be ignored that there is a need to identify ways in which municipalities can use such technology to promote community engagement and therefore improve their democratic governance credibility. This paper centres an argument across the notion that if the role of social media is well defined and applied appropriately in municipal planning and management practices it can enhance democratic governance in South Africa (Howard, 2008). In its purpose, focus is with providing a conceptual analysis on the use of social media, such as blogs, micro-blogs or electronic social networks, as tools for enhancing democratic governance (DiStaso & Bortree, 2012). The paper will collect literature on the impact of social media in democratic credibility of government and relate it to a South African local government use in practice. The paper concludes that adaptation to these tools could broaden the democracy agenda of local government in the sense that it will improve public participation and represent the collective good of the society in government action (Rowe & Frewer, 2000). The structure of the paper is set to follow this order: the paper is made of five sections including introduction and conclusions, it starts with discussing concepts relating to democratic governance and social media as a concept in democratic societies, it goes to discuss social medial and its use in democratic process, and lastly look into social media as a tool in local government at a South African perspective.

SOCIAL MEDIA AND GOVERNMENT IN CONTEXT

The point of departure on this paper is to provide literature relating to social media, and its use in democratic processes. Shirky (2011) argues that "since the rise of the internet in the early 1990s, the world's networked people have grown form the low millions to the low billions. Over the same period, social media have become a fact of life for civil society worldwide, involving many actors enter alia regular citizens, activists, nongovernmental organisations, telecommunications firms, software providers, and governments". As social media use grows, the fundamental question to be asked to government bodies is how it affects its planning and operations at a democratic dispensation. Thus how useful is this intense networking in promoting democratic governance and promoting sustainable consultation processes between government and citizens (Bingham *et.al*, 2005). As social communication land scape gets denser, more complex and more participatory, the networked population is gaining greater access to information and thus create opportunities to engage in public issues, and further enhances people's abilities to undertake collective action at a social, economic and political arena. These networked population density participates at deferent levels, ranging from international,

national, regional and local (Habermas, 2006; Yates & Paquette, 2011). Picazo-Vela *et.al* (2012) reveals the growth of social media participation; they argue that popular social sites like Facebook which in 2012 had more than 800 million active users, and tweeter accounting for 300 million. The growing dynamics of electronic social networks, suggests that all types of individuals and organisations use social media to communicate socially, politically and economically or influence one another on daily life experiences. Public and private uses social media to communicate with the social media active citizens' with different results and not necessarily as a long term component. In government these applications supports openness, transparency and democratisation of government action (ANC, 2010). This can be most based on the democratic principle of freedom of information, and that could be transformed into the use of social media to reduce government cost of interaction with citizens in quest of distributing information (Reitzes, 2009). In literature social media is often referred to as Web 2.0 and most used interchangeably (Kaplan & Heanlein, 2010). However Picazo-Vela *et al* (2012) argues that Web 2.0 and social media are two deferent concepts. Web 2.0 is described as a networked platform, spanning all connected devices that encourage collaboration in terms of the creation, organisation, linking and sharing of content, this includes technologies such as blogs, microblogs, wikis, content sharing sites, social networking sites and RSS. In contrast it is argued that social media is a group of internet-based applications that build on the ideological and technological foundations of Web 2.0 and that allow the creation and exchange of user-generated content (Reingold, 2008; Kenyon, Lyons & Rafferty, 2002). This therefore promotes that social networking can directly assist individuals to raise their voices by designing content and display their feelings about a particular government activity.

In this paper social media is considered to be having the potential or influence in governance of municipalities. The newly defined structures of government comes with horizontal networks of public, private and non-profit organisation as new structure of governance, which is highly contrary to a hierarchical organisational decision making (DiStaso & Bortree, 2012). However Bingham *et.al* (2005) argues that "there is another face of the new governance, one that involves the citizenry". This formation is described as the tool makers and tool users together with a process through which they participate in the work of government. Governance is thus not about elected representatives making value, policy, and choices about implementation, it is importantly also about the processes that public managers, citizens and the stakeholders use in determining what shape policy, its implementation and its enforcement (Vigoda, 2002). This informs that in governance public officials ought to facilitate greater citizen engagement in the work of government at any level (Ababa, 2003). IDASA (2010) argues that good governance entails the existence of efficient and accountable institutions and systems and entrenched rules that promote development that ensures that people participate in such institutions. In governance this participation runs along the process of decision-making and implementation of programmes that directly impact on their lives. For democracy to materialise in local government, citizens have to be given some role in these processes. This is argued to lead to more accountable and responsive governance, which then improves the level of democracy (Bardhan, 2002). Sebola (2012) argues that the concept 'good governance' is believed to have emanated from existence of bad governance, constituted of corruption and unaccountable and lack of respect of human rights by government. In the public sector it is agreed the concept of good governance is defined "as consisting of various operational processes and systems which a public organisation requires in order to deliver services to the people" (Sebola, 2012: 408). The processes cannot then

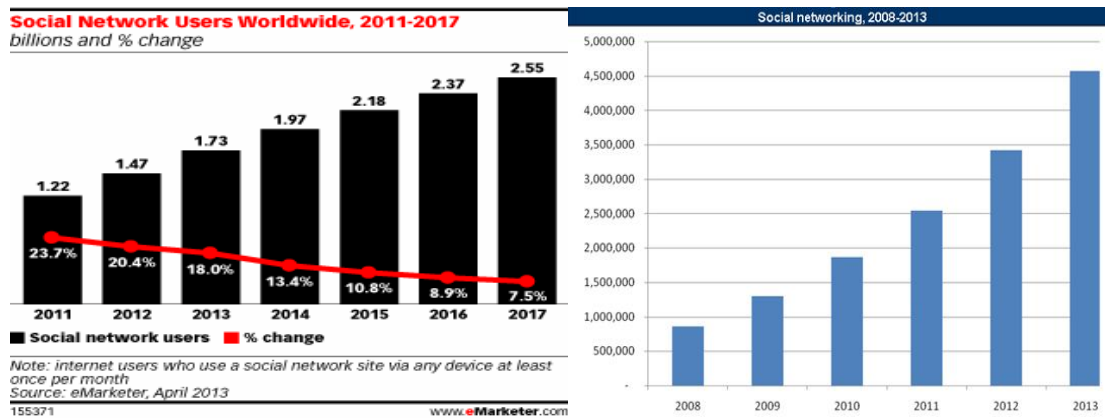
be articulated without a clear mandate from the people themselves as well as their participation in the implementation, evaluation and benefiting.

SOCIAL MEDIA AND ITS USE IN DEMOCRATIC PROCESS

As increase in the number of people seeking to master the use of media tools, to express their views, or even explore their identities through connecting with peers, local governments has an opportunity to encourage media users to exercise active democratic citizenship (Rheingold, 2008). It is proposed that government should use social media to help the citizen communicate their voices about issues they care about, in particular planning and management of municipal services, as a crucial element of democracy (Habermas, 2006; Bingham *et.al*, 2005). Habermas (2006) speaks of mediated political communication in the public sphere which can facilitate deliberative legitimation processes in complex societies (Pycroft, 2000). This can only happen if self-regulating media system gains independence from its social environments and if audiences grant feedback between an informed elite discourse and a responsive civil society which will transform in to government action (Distaso & Bortree, 2012). Crucially, local government institutions should manage a complex network, which rely on more interpersonal and inter-organisational processes, it should use information technology and performance management systems, to effectively provide transparency, build human capital in terms of engagement and negotiating with citizenry and supply multi-level accountability to the public (Bertot, Jaeger & Grimes, 2010). This will revile democracy and legitimise government action, as it will be translating the common good of the citizen into the work of government (Jaeger & Bertot, 2010). Democratic societies of today should be consulted considering the generally used media and thus networks they use daily, and less constrain government community engagement complication.

The Extent of Social Media Use in South Africa

According to the Internet World Status (World Wide Worx, 2012:1), there were 6.8 million internet users in South Africa, representing 13.9 of the country's population in December 2011. The stats show that 11 percent of South African uses mobile phones, to access internet. Reports provide that Facebook is the most popular social media platform (Intergate Immigration, 2012; World Wide Worx, 2012). Parmmee (2013) articulates that a social network in South Africa has crossed the age barrier as well as the urban or rural divide. As such in South Africa it is said that one in ten people have mobile phone, on which there is internet connection. This serves to demonstrate that people irrespective of where they live and their age, embrace social networking. In her article she reveals that Social Bakers provides stats that there were 5.5 million active Facebook users in South Africa in 2012 (Britz, 2012). This accounts for 11.22 percent of South African population. Blue Magnet (2013:1) reports that there are 6.1 million Facebook users and 1.1 million twitter users in South Africa this year and these are the two most popular social sites behind mixt with 9 million nearing 10 million users. To provide a picture of the progress of the graphics presented the figures below shows the proliferation of social medial use globally and in South Africa



Source: Net Age (2009).

In April 2013 a new eMaketer report titled “worldwide Social Network Users: 2013 Focus and Comparative Estimates” reports that nearly one in four people worldwide will use social networks in 2013. Social network consumption was expected to grow from 1.47 billion in 2012 to 1.73 billion which is 18 percent increase. The report predicts that by 2017 the audience of global social network will total 2.55 billion. While Middle East and Africa, is expected to surpass Latin America, and become the second largest region of world social network users (eMaketer, 2013). South African social media growth is expected to grow by a factor of three over the next for years, in particular on sites like Facebook, Twitter and MySpace. Net Age, argues that growth in netbooks and increase in mobile networking are the stronger influencers of this network growth (Net Age, 2009; Rijswijk, 2011). The current social networking index shows that there are 6.1 million Facebook users in South Africa which is 1.6 million above of the predictions (Parmmee, 2013; Meier, 2013). This tends to tell that social media is growing its penetration in South Africa at a rate that was never thought off. The reality is that government has relatively been inherited and spiked to the traditional media method which is press, audio and visuals. This new media on the other hand require proper management, to be used as a tool for democracy, and defined to fit into such democratic tendencies. Local Government needs to construct an institutional base social media strategy that may lead to success full communication with communities.

Social media as a political instrument

The normative design to political participation is based on under the constitutional freedom of association granted by the South African constitution, 1996. However political participation can also be considered to even those who are not affiliated to any association, but engage in political engagement that affect their day to day activities, in particular that which is relating to government implementation of public policy to achieve common good for the citizenry (Albareda, Lozano & Ysa, 2007). On the other side competition between parties, depends on the political engagement each of them deliberate to solve issues of interest to their audience (Habermas, 2006). Social media in this case would serve the purpose of mediated political communication in the municipal sphere which can facilitate deliberative legitimation processes in the complex societies of today. Wu (2013) argues that as political leadership adapts to new public diplomacy strategies, the citizens acquaint more with new technologies. Wireless communication and social media platforms have provided possibilities to engage politically a previously unthought-of arena. In 2012 the United States presidential elections, the Barak Obama campaign, launched a smartphone application (App), for users to register, donate and like up with like-

mindful supporters. In China Wen Jiabao has had live web chats with the public since 2009. In Iran public sentiments rose against leadership, its government, and began promoting patriotic ideals online (Gledwell, 2010). In South Africa there is also an increasing use of new media platforms. Portland Communication shows that South Africa is a home of the most active tweeters in Africa. Census 2011, indicates that about 90 percent of South Africa's population owns mobile phones, on which internet is available. However availability of social media cannot translate into a political tool. Social media tools become what one individual or organisation makes of them (Wu, 2013). The current state is that neither one municipality nor a state department in South Africa use social media as vigorously as elsewhere. The ANC has shown signals about its intention to use social media in the 2014 general election. Though not clear, the ANC has a Facebook page as well as Twitter followership. This signal shows that the party recognises the impact of social networks in the political agenda, particularly with regards to mass participation. On the other hand the DA has launched its social media strategy in 2009. This draws an understanding that social media can thus play an important political role that ensures majority of citizens participate in political processes that affect them (Pillay, 2011). This will thus manifest a freedom of speech, access to information and the power people to govern as provided in the freedom charter. While participatory democracy is viewed as a more ambitious concept, political participation is a critical ingredient of democratic societies. Political participation today includes routine international and local conversations and agreements, between the state, the public and international governments (Open Society Foundation for South Africa, 2006). This participation as globalised as they are, cannot be successfully obtained through traditional meetings, convenient communication methods.

Social media in strengthening local government democratic credibility

In argument Serfontein (2013), views human democracy as an important part of democracy, and plays a central role in social processes. It is argued that at its par excellence democracy entails dialogues, debate, negotiations, discussion contestation and disagreement between contending interests. This is then viewed as elements that necessitate intellectual development, by instilling knowledge, insight and providing personal autonomy. In this process citizens are enabled to interact with government and each other meaningfully. Human democracy is cousin to human development, as it enables one to stimulate perception concerning self-worth and human dignity and thus a fundamental right. Human development is an important factor of social welfare and a primary role of government, in particular at a local sphere. It defines expanding of human choices through individual views in society (Jafarzadeh & Beheshti, 2012). Social media can widen the range of human choices through rising awareness among the public (Hurin, 2011). Thus increased local government usage of social media can awaken feelings of social responsibility to public officials, as the public would post user-generated views. And that is direct democratic participation at a modern space as opposed to the traditional public participation method.

SOCIAL MEDIA AS A TOOL IN LOCAL GOVERNMENT

South African Legislation on Local Government emphasises that municipalities have an important role of democratising the society and achieving developmental objectives, within the new municipal dispensation in the post 1994. This therefore suggests that municipalities have to develop policies that are geared to the realisation of the fundamental rights of the people while promoting good governance (IDASA, 2010). It is worth

noting that the fundamental goal of a democratic system is satisfaction of own citizens. The effectiveness of good local governance, need to be judged by the capacity of municipalities and local government institutions, to provide an integrated approach to socio-economic conditions of the society (Diamond, 1994). This as well accounts to the supplying essential service congruent with the need and desires of the local communities (Bardhan, 2002; Harrison, 2006). Therefore the need for municipalities to identify and prioritise local needs, determines adequate levels of service and proper allocation of resources in to the good will of the public.

Legislative frameworks provides for public involvement in the municipal planning, budgeting, service delivery and performance evaluation (Powel, 2012). The Local Government Transition Act of 1993 is seen as a turning point of municipal operation, which explicitly introduced Integrated Development Planning as a tool for local municipalities as considered key to service provision and promoters of development. In 1994 the introduction of the White Paper on Reconstruction and Development, played a major departure point for the formation of local government policy in the post-apartheid system of governance (Ntsebeza, 2004). In the implementation of the Reconstruction and Development programme, the government intended to address economic and social development, targeting the backlogs and inequalities, in legacy of the apartheid era. This paper on RDP, underlines consultation as an important aspect of a democratic society. Over and above the constitution confirms that the importance of local government as a sphere is to as a constitution institution work with the communities, in promoting sustainable ways to meet their needs either economically or socially in a democratic space (Nyalunga, 2006). In 2000, the *Municipal Systems act (no.32 of 2000)* mandates the establishment of IDP as a point of departure for managing, allocation of resources monitoring and evaluation of municipal performance, while necessitating community participation as a compulsory exercise (Perret, 2004; Nel, 2001; Atkinson & Marais, 2006).

CONCLUSION

Engagement between the government and the citizens is a critical issue in developing democracies. Local government in South Africa has a major role to play in the democratisation of its service delivery. People should be consulted at a continual basis, and be involved in the planning and implementation of development programmes. This promotes a strong point of human development that is inclusive, and which is a basic concern of democracy. It is on the basis of this view that social media, should be seen as tool for governance and thus be used in ensuring best governance practice in the South African municipalities. Municipalities in South Africa have to develop social media strategies, which are developed around democratic principles of governance. This new media, has centred itself into the general activities of human, and thus should be seen as critical, in particular that it promotes and improve social interaction.

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CONTEXTUALISING COMMUNITY PARTICIPATION FOR GIVING EFFECT TO THE LOCAL GOVERNMENT TURNAROUND STRATEGY IN SOUTH AFRICA

N.W. Nkuna

University of Limpopo

ABSTRACT

Throughout the development of the field of Public Administration as an applied science, it is phenomenal that policies in the form of either legislation, strategies, regulations and others that are within the scope to mention, risk the chance of being sophisticated in compilation that becomes detrimental to operationalizing them. This pathology has been there ever since the evolution of the discipline and it has been under debate for over a century. It is only those aspects that are regarded obvious that implementation of those grand strategies like the Local Government Turnaround Strategy (LGTAS) of 2009 in South Africa tend to impede the success thereof. This article takes issue on the extent to which contextualization of community participation, more specifically in identifying the community itself, has become a factor in ensuring the effectiveness of the implementation of the LGTAS in South Africa. This is exposed considering that there are also other factors that might have contributed as well. In doing so the author adopts the view of the tenants of the systems thinking with a postmodern bias as an ontological base. Eventually a complex reflexive argument that vied along the lines of critical thinking in that context will never be static. That eventually create conundrum of contextualizing community while we attempts to give effect to the LGTAS if pursued with precession.

INTRODUCTION

In terms of Chapter four (4) of the Local Government *Municipal Systems Act 32 of 2000*, each municipality must develop a community participation system. Such community participation system must be developed for the purpose of encouraging and creating conditions for the local community to participate in the affairs of the municipality that include among others, the preparation, implementation and review of the Integrated Development Plan (IDP) and dealing with strategic decisions relating to the provisions of municipal services. It is through governance processes like those that the dispensation of the South African Local Government System sought to instill developmental aspirations as per the intentions of the 1998 White Paper on Local Government. On the other hand, in providing for the basic values and principles governing public administration, Section 195(1)(e) of the Constitution of the Republic of South Africa of 1996, provide for among other principles that the public must be encouraged to participate in policy making. At the same breath the Constitution of 1996 provide for the status of local government in terms of Section 152(1) (e) that local governments are to encourage the involvement of communities and community organisations in matters of local government. According to the White Paper on Local Government of 1998 (DPLG, 1998:32), building local democracy is a central role of local government, and municipalities should develop strategies and mechanisms, including, but not limited to, participative planning, to continuously engage with citizens, business and community groups. The 2009 Local Government Local Government Turnaround (LGTAS) was among other things developed to instill confidence to government by the people. Constitutionally, such people are reduced to communities for local government service delivery purpose. The extent to which community is contextualized to

give effect for such interventions like LGTAS will remain a factor towards effective and meaningful turnaround. Considering that the theoretical lenses applied to deal with such phenomena are vast with no single one that has so far managed to accurately deal with it to finality, a complex reflexive approach is applied in this paper to articulate one among the variety to can assist in giving effect to the LGTAS. In doing so, it is important to engage on the issue of community identification. Due to statutory provision in terms of Constitution of the Republic of South Africa, 1996 as well as other sister legislation, the issue of public participation and community participation tend to be used interchangeable. That require much attention as such slight omission may derail the whole intention of the strategy. Whether one draws a solid line or not, the framework and level of authenticity of participation remains the base. Such base is always on a shifting mode as contextualization of community remains complex and isomorphic in nature. The agentic shift is beyond scientific prediction as within a community do exist various types of communities. Such remain the character of how South African strategic interventions found themselves in.

COMMUNITY IDENTIFICATION

The constitutional establishment of local government in South Africa requires municipalities to involve communities in matters of local government. The existence of state requirements for local government is a sign that the state takes participation seriously – seriously enough not to leave it to take a chance (Berner & Smith, 2004:1141). Yet from both the point of scientific discourse and practice in the field of Public Administration, it can take few experts to identify a community without providing a prefix. The Constitution of the Republic of South Africa of 1996 provide for community in terms of geographical location. That in itself puts local government in a dilemma as within the same municipality there can be various communities that stretches beyond the geographical demarcation. To understand the meaning of community is to understand how an emerging semantics of community deals with increasingly complex descriptions of modern society, of multiple views of the world, and of a growing sense of exclusion (Connell, 2003). It is, of course, not only local government Commissions who have found the concept of community to be elusive. Plant (1974, 1978) points to the essentially evaluative nature of the word – Hillary (1955) listed 94 definitions, whose only common denominator was that they all dealt with people. Crow & Allen (1994) report Halsey in 1974 as stating that community had “so many meanings as to be meaningless”. Plant (1978) thus draws on Bryce Gallis’ criteria to argue that community is an “essentially contested” concept, used in both an evaluative and a descriptive way, and incapable of being detached from normative understandings, stating: when the term is used in substantive debates about social and public policy it is never used in neutral fashion. There is always going to be some normative and ideological engagement (Plant, 1978: 106). Community thus “tends to be a God word” (Bell & Newby, 1971: 16), and has at times escaped intellectual rigour, being perceived either as a lost ideal past or as a future to be aspired to. So as the stage of developing this paper in the post-apartheid South Africa while in memory of Tshepiso Mashinini (1966 – 1998), chairperson of the White Paper in Local Government 1998 Working Committee, identifying community to give effect for the course of the white paper remain an issue for debate.

Contextualising community

According to Masango (2002:53) communities, citizens and workers can be identified on the basis of specific characteristics; consequently, in community, citizen and workers' participation, participants can be easily identified, since their identity does not vary in accordance with the activity at stake. According to Cavaye (2000), a community is a collection of people that share something significant in common. The significance is the way community members think of themselves as a community – not necessarily the way others view them as a community. In other words, it is what makes us “us”, and them “them”. Thus below the surface of many community studies lurk value judgements of varying degrees of explicitness about what constitutes the good life (Bell & Newby, 1971: 16). Participation is a way of receiving information about issues, needs and attitudes and provides affected communities the opportunity to express their views before policy decisions are taken. Yet given the elusive and isomorphic nature of community will render the static factual nature of interventions, scientific as they may be, to in most cases fail to address the purported intentions. Municipalities require active participation by citizens at four levels, namely, as voters, as citizens, as consumers, as well as organized partners (DPLG, 1998:33). Those levels create various communities at a given purpose.

Cavaye (2000) put it that the extent to which communities can remain vital in the face of the changes and roles depends not only on their ability to material issues, but their vitality also depends on the ability of local people to anticipate change, “reframe” problems, mobilize their community, communicate widely, think strategically and make informed decisions. That makes it not to be static. Section 16(1) of the South African Local Government Municipal Systems Act 32 of 2000 requires each municipality to develop a culture of municipal governance that complements formal representative government with a system of participatory governance. The formal representation forms adhere to a static factual nature that is always applauded in rational science or what can be defined as scientific. That in it pick on a single type of community as it can be seen in the ensuing paragraphs. Community participation as provided for must also contribute to building the capacity of the local community to participate in the affairs of the municipality and councilors and to foster community participation. A point need to be made that the LGTAS of 2009 has also had a challenge of defining capacity. The matter remains open for scholastic manipulation as well as operationalization. Yet government and communities interact in many different ways ranging from independent government action to true community partnership (Cavaye, 2000). Resources and funds within annual budget of municipalities must be set aside for the purpose of such participation

TYPES OF COMMUNITIES

Aggarwal (2003) contends that broadly speaking there are three types of communities that are not mutually exclusive as there is in all of them, in one way or other, membership of these types are concurrently. Aggarwal's (2003) contention is in line with that of Cavaye (2002), that in understanding those types from the point of definitions abound, there are key components that give meaning to community. Those components are a group of people, not just one or two; discernible boundaries, physical or otherwise; a commonality – a shared identity derived from common experience, interest, proximity; and communication linkages – that may not always be active, but they do exist.

Geographic Community or a Neighborhood

It is the only type of community about which there is agreement amongst scholars (Cavaye, 2002; Aggarwal, 2003). It has physical boundaries which make it distinct or separate, such as a river or a street. In a town there might be several neighborhoods, each with some special attributes: caste, religion, rich and poor. In addition, a neighborhood usually has a diverse population with individuals and groups occupying different physical space. It is important to observe who in a village or a section of a city or town, lives in a cleaner part, and who lives near an open sewer, or who has more space and who has less; how far or close they are from the centre of the village; how much they have to walk to get water. It can be instructive in seeing certain patterns of physical exclusion and marginalization. This is basically the type of community as provided for in terms of the constitutional dispensation in South African local government system. Within a geographic community, you will find both communities of identity and community of interest as well as examples of intentional community.

Community of Identity

It implies common identifiable characteristics or attributes such as having in common a culture (Cavaye, 2002; Aggarwal, 2003). By culture it means language, music, religion and customs. Identity can be based on age, gender, and sexuality. It does not mean that an individual necessarily identifies with the community to which s/he is perceived to belong. A woman may not feel any thing in common with other women except that all women are female. Community of identity may or may not be geographically bound. For example, in South African local government landscape there are various communities whose identities are protected by the Supreme Law of the country. In providing for the use of official languages in South Africa, section 6(1) of the Constitution of the Republic 1996 provide for eleven (11) languages with a provision of section 6(5) that protects through the establishment of the board of Pan African Language through national legislation to protect and protect the rights of other languages that includes among them the Khoi and San.

Community of Interest or Solidarity

It incorporates social movements such as women's rights, political party, peace, and environment, saving trees or public education (Cavaye, 2002; Aggarwal, 2003). A community of interest is present concurrently in different geographical spaces. Individuals may be connected to their interest community at the local, and or global level. Community of interest can be formal or informal or both. In all cases, individuals become a part of this community voluntarily. Individual level on involvement may vary from being very active to being sporadic or passive. The proliferation of various communities that are based on interest has proven to be a challenge in South African local government system. The existence of Rate Payers Associations in various municipalities and Concerned Residents Associations serve as an empirical example.

Intentional Community

In addition to the above three types of community, there is, what observers call an intentional community (Cavaye, 2002; Aggarwal, 2003). In this type of community, individuals come together voluntarily and are supportive of each other. Members may share interests as well as identity and or a geographical location.

The rise of Gay Community Groups serves as a typical example in South Africa as well as other communities that are purposefully formed to protect some of the endangered species and the environmental issues.

COMMUNITY PARTICIPATION OR PUBLIC PARTICIPATION

Public participation lies at the heart of democracy (Masango, 2002:52) and is a powerful tool that it informs and educates citizens, and enhances the democratization process in South Africa (Van der Walddt, 2004:117). According to Melo & Baiocchi (2006:587) recent years have seen much practical and academic interest in novel forms of decision-making in the management of cities, such as participatory mechanisms and governance by networks. Driven much by dissatisfaction with standard models of representation as by the growing relevance of regions and cities as *loci* of innovation, themes like ‘local participation’ have become *de rigueur* when discussing urban affairs. A citizen’s perception of active democracy may be grounded in the idea that he or she has the opportunity to effectively participate, but for many, participation stops after ballots have been cast (Berner & Smith, 2004:141). Many citizens, administrators, and politicians are interested in increasing public participation in public decisions (King *et al*, 1998:317). What constitutes public participation has been at the center of literature on civil society in South Africa (Smith & Vawda, 2003:31). In literature, public participation is sometimes referred to as community participation and stake-holder participation. Public participation in terms of its meaning can also be contrasted with a related and widely used term – *community participation*. Community participation is normally used in the context of local government affairs, as opposed to issues of national public interest (Moeti & Chelechele, 2008).

Communities, citizens and workers can be identified on the basis of specific characteristics; consequently, in community, citizen and workers’ participation, participants can be easily identified, since their identity does not vary in accordance with the activity at stake (Masango, 2002:53). In public participation, however, the public cannot be identified on the basis of specific and fixed characteristics, since it varies according to the issue requiring participation. This is due to the fact that the public as an entity continually reconstitutes itself, based on the specific circumstances. In other scholastic debates public participation is covered as deliberative democracy. Public participation is one of the basic principles governing public administration in South Africa. According to Davids *et al* (2005:113) public participation is an elusive concept which acts as an umbrella term for a new style of development planning intervention. Krumar (2002) shows how the meaning of public participation differs depending upon the context which it applies (Davids *et al*, 2005:113). For public participation to have specific meaning, the relevant public and the issue at stake should be specified (Masango, 2002:53). Rahman (1993) contend that defining public participation should relate to the experience and exposure of that part of the process or intervention (Davids *et al*, 2005:113).

Public participation can therefore be defined as a process in which members of the public – as individuals, members of groups, or group representatives – deliberately take part in a goal-oriented activity (Masango, 2002:53). It can therefore be argued that the expression ‘public participation in policy making and implementation refers to an exercise in which members of the public – as individual citizens, interest groups, or interest groups representatives – deliberately take part in the relevant public policy making and implantation processes. That is also informed by the basis of the subject issue or functional service that directly involves the stakeholders (Nkuna & Nmutanzhela, 2012; Nkuna & Sebola, 2012). In terms of the White Paper on Local Government of 1998 (DPLG, 1998), local democracy is to be strengthened through public participation. It is

imperative that in contextualizing public participation for purposes of strengthening local democracy, an overview of deliberative democracy be presented below.

Deliberative democracy

According to Melo & Baiocchi (2006:588) deliberative democracy theory refers to a body of political theory that seeks to develop a substantive version of democracy based on public justification through deliberation. The conundrum of conceptualization of democracy has always triggered a contentious debate over the matter. Cohen & Rogers (1992 cited in Melo & Baiocchi, 2006:588) defined deliberative democracy as more than democracy as a political system, but also more than a discussion based democracy, deliberative democracy calls for the deliberation of citizens as reasonable equals for the legitimate exercise of authority and as a way of transforming the preferences and intentions of citizens. The debate on public participation or deliberative democracy is also facing challenges of defining the real participants.

COMMUNITY PARTICIPATION FRAMEWORK

Municipalities must develop mechanisms, processes and procedures for community participation within their areas of jurisdiction. According to Bond *et al* (1999) and De Villiers (2001) much attention in the service delivery literature has focused on the conceptual and legislative frameworks for integrating public participation into modes of governing in the post-apartheid era (Smith & Vawda, 2003:31). These frameworks are useful for understanding the democratization of the state but are less helpful in revealing how the concrete mechanisms for public participation have been implemented especially where the contextualisation of community for policy interventions is still elusive. According to King *et al* (1998:319) public participation process framework have four major components, namely, the issue or situation; the administrative structures, systems, and processes within which participation takes place; the administrators; and citizens. The framing of these components can either be in the conventional participation context or authentic participation context. The participation framework contexts as identified by King *et al* (1998) are briefly discussed below.

Conventional Participation in Context

In the context of conventional participation, the administrator controls the ability of the citizen to influence the situation or the process (King *et al*, 1998:320). The administrative structures and processes are the politically and socially constructed frameworks within which the administrator must operate. In the South African local government it can be the adherence to statutory provisions as per relevant frameworks; for example the RDP and IDP laid a foundation in engaging citizens in service delivery (Smith & Vawda, 2003:31). These frameworks give the administrator the authority to formulate decisions only after the issue has been defined, which in most instances is not that case. Thus, the administrator has no real power to redefine the issue or to alter administrative processes to allow for greater citizen involvement. The administrator plays a role of an expert while a citizen becomes a client. White & McSwain (1993 cited in King *et al*, 1998:320) suggest that participation within this context is structured to maintain the centrality of the administrator while publicly representing the administrator as representative, consultative, or participatory. The citizen becomes the client of the professional administrator, ill-equipped to question the professional's authority and technical knowledge. Fischer (1993:165) refers to this process as a "practitioner - client hierarchy". Participation in this context is

ineffective and conflictual, and it happens too late in the process, that is, after the issues have been framed and most decisions have been made (King *et al*, 1998:320). Rather than cooperating to decide how best to address issues, citizens are reactive and judgmental, often sabotaging administrators' best efforts. Administrators are territorial and parochial; they resist sharing information and rely on their technical and professional expertise to justify their role in administrative processes.

Context of Authentic Participation

Authentic participation is deep and continuous involvement in administrative process with the potential for all involved having an effect on the situation (King *et al*, 1998:320). It requires that administrators focus on both process and outcome. In this context, participation is an integral part of administration, rather than an add-on to existing practices. According to Roberts (1997 cited in King *et al*, 1998:320) authentic participation means that the public is part of the deliberation process from issue framing to decision making. Deliberative democracy also has its own dimensions. In this context public participation requires that public administrators become interpretive mediators. They must move beyond the technical issue at hand by involving citizens in dialectical exchange by engaging with citizens in discourse rather than simply getting citizen input. The administrator becomes a corporative participant, assisting citizens in examining their interests, working together with them to arrive at decisions, and engaging them in open deliberation (King *et al*, 1998:320). According to Smith & Vawda (2003:31) integrating citizen participation into the process of service delivery has been at the cornerstone of some of the most important legislative and public policy pieces in South Africa. Section 17 of the South African Local Government *Municipal Systems Act 32 of 2000* provide that participation by local community in the affairs of the municipality must take place through the political structures for participation in terms of the South African Local Government *Municipal Structures Act 117 of 1998*.

The fact that there is still existence of political alliances and differing ideologies in South African polity remain an issue that poses challenges on this matter to ensure objectivity in considering community inputs. The mechanisms, processes and procedures must be in terms of the Local Government *Municipal Systems Act 32 of 2000* as well as other appropriate mechanisms, processes and procedures established by the municipality and councilors. The appropriate mechanisms, processes and procedures established by municipalities must provide for matters such as the receipt, processing and consideration of petitions and complaints lodged by members of the local community; notification and public comment procedures, when appropriate; public meetings and hearings by the municipal council and other political structures and political office bearers of the municipality, when appropriate; consultative sessions with locally recognized community organizations and where appropriate, traditional authorities; and report back to local community. The mechanisms, processes and procedures must take into account the special needs of the people who cannot read or write; people with disabilities, women and other disadvantaged groups. A municipal council may establish one or more advisory committees consisting of persons who are not councilors to advice on any matter within the council's competence. Such members must represent gender balance.

TYOLOGIES OF PUBLIC PARTICIPATION

Besides the fact that public participation as a concept differs from practitioner to practitioner and is therefore understood differently by different parties, the manner in which public participation is enlisted also varies (Davids *et al*, 2005:114). Researchers like Arnstein (1969) and Pretty (1994) developed “typologies” of public participation which demonstrate different conceptions (Davids *et al*, 2005:114). Such typologies are passive participation, participation in information giving, participation by consultation, participation for material incentives, functional participation, interactive participation and self-mobilization. Passive participation is whereby people participate by being told what is going to happen or has already happened. Participation relates to a unilateral top-down announcement by the authority or project manager. Information being shared belongs to outsiders and/or professionals. Participation in information giving is whereby people participate by answering questions posed in questionnaires or telephone interviews or similar public participation strategies. The public do not have the opportunity to influence proceedings as the findings of the research are neither shared nor evaluated for accuracy. Participation by consultation is whereby participation often involves consultation (LeMay, 2006:150). Those who have authoritative decision making powers seek inputs of those who are affected by the decision. People participate by being consulted as professionals, consultants and planners listen to their views. Elected executive and legislative officials and high level managers of agencies choose to share decision-making power. This may be as basic as adopting policy through a referendum –for example, voters determine whether or not a policy put on a ballot by legislative action or by voter initiative is adopted into law or rejected (LeMay, 2006:151).

The professionals define both problems and solutions and may modify these in the light of the people’s responses. The process does not include any share in decision making by the public, nor are professionals under any obligation to consider the public’s views. Participation for material incentives is whereby people participate by providing resources, such as labor, in return for food and cash. This typology typically takes place in rural environments, where, for example, farmers provide fields but are not involved in the experiment or learning process. The people have no stake in prolonging the activities when the incentives end. Functional participation is whereby people participate in group context to meet predetermined objectives related to the project, which may involve the development or promotion of externally initiated social organizations. This type of involvement tends not to occur at the early stages of project cycles or planning, but rather once the important decisions have already been made. Interactive participation takes place when people participate in a joint analysis, the development of action plans and capacity building. Participation is seen as a right, not just a means to achieve the project goals. Self-mobilization takes place when people participate by taking initiatives independent of external institutions to change systems. This bottom-up approach allows people to develop contacts with external institutions for resources and technical advice they need, but they themselves retain control over how resources are used. Such self-initiated, bottom-up and self-reliant mobilization and collective actions may or may not challenge an existing inequitable distribution of wealth and power.

Table 1: Passive participation versus Active participation

<i>Participation as a means to an end (Passive participation)</i>	<i>Participation as an end in itself (Active participation)</i>
Implies the use of participation to achieve some predetermined goal or objective.	Attempts to empower people to participate in their own development more meaningfully.
Attempts to utilise existing resources in order to achieve the objectives of programmes or projects.	Attempts to ensure the increased role of people in development initiatives.
Emphasises achieving the objective rather than the act of participation itself.	Focuses on improving the ability of people to participate rather than just achieving the predetermined objectives of the project.
More common in government programmes, where the main concern is to mobilise the community and involve them in improving the efficiency of the delivery system.	Finds relatively less in favor with government agencies. NGO's in principle agree with this viewpoint.
Participation is generally short term.	Participation is a long term process.
Participation as a means, therefore, appears to be a passive form of participation.	Participation as an end is relatively more active and dynamic than participation as a means.

Source: Davids *et al* (2005:117)

Oakley & Marsden (1991 cited in De Beer & Swanepoel, 1998) state that public participation is associated with actions of communities to improve their current situation (Davids *et al*, 2005:115). The process of public participation through which a community moves away from a less desirable situation can be presented as a continuum. This continuum covers four modes which overlap with the typologies. The modes are, *firstly* the **anti-participatory mode**. In this mode public participation is considered a voluntary contribution by the public to a programme or project which will lead to development, but the public is not expected to take part in shaping the programme or project content and outcomes. The *second* mode is the **manipulation mode**. The manipulation mode includes public involvement in decision-making processes, in implementing programmes and projects, sharing in the benefits and involvement in efforts to evaluate such programmes/projects. The *third* mode is **incremental mode**. Incremental mode is concerned with organised efforts to increase control over resources and regulative institutions in given social situations for groups or movements excluded from such control. The *last* mode is **authentic public participation mode**. Public participation is an active process by which the public influence the direction and execution of a programme or project with a view to enhancing their well-being in terms of income, personal growth, self-reliance or other values which they cherish. Oakley (1991) argues that in a similar vein, the concept of public participation can be distinguished as a means to an end or an end in itself (Davids *et al*, 2005:116). As a means to an end is where participation is passive and as an end in itself is where there is active participation.

CONCLUSION

There is still a debate on issue as to what constitute a community to ensure community participation for government strategic interventions like that of the LGTAS. It is also an issue as to which level such participation takes place in the form of public participation, citizen participation or stakeholder participation within the polity. Participation also takes various forms ranging from giving of information to evolved participation. Each of the forms takes context of the subject of participation. There is no single rational form of participation that can on its own suit the context. Those create a complex scenario that cannot be address through a straight forward rational discourse. For a single municipality to realise its IDP ideal various sectors acting on their own right have an impact. Through those processes community identification remains an aspect to ensure the developmental aspirations. The existence of multiple types of communities that cannot fit in within the statutory definition of community for local government operationalisation will remain an issue to be reckoned within the discourse of public administration in South Africa.

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**ENVIRONMENTAL PROTECTION AND PUBLIC PARTICIPATION: DISCOVERING
MECHANISM TO CREATE LIVEABLE AND SUSTAINABLE COMMUNITIES IN EMFULENI
LOCAL MUNICIPALITY**

L.B. Mzini

North West University

ABSTRACT

This study builds on the findings of the study conducted in 2008-2009, which focused on the level of community participation in poverty alleviations projects. It is contextualized within the concepts of community engagement, public participation and environment protection in the Iphahloleng Comprehensive School (hereafter referred as the School), which is situated in Sebokeng Zone 14. The study design applied a least-cost project approach in order to allow for collaborative work with the School and the surrounding residents in the hope of transforming polluted areas into walk-able sidewalks and mini-parks that would contribute to the ecosystem. The aim was to assist the School on matters of illegal dumping in the surrounding. Littering and illegal dumping are seen as deleterious side-effect and worldwide public health problem. Legislation at the different levels of government supports the implementation of waste mitigation plans. The burden to promote a safe and healthy environment in South Africa falls to local governments as specified in section 152 of the 1996 Constitution of the Republic. A plan for meaningful citizen involvement is essential for environmental planning process. With this research project, the School was assisted to protect the learners from walking over the polluted pedestrian area. The project managed to secure bricks (factory defects) from a local manufacturing company and the tyres from a local supplier. The challenges of illegal dumping are have been alleviated and the school has reclaimed their pedestrian walking area and it is now safe for the learners and the community to live in a clean and healthy environment in Sebokeng Zone 14. The study further suggests a review of the traditional strategies for involving the community in the drive towards a safe environment.

INTRODUCTION

This article builds on the findings of the study conducted in 2010 on the impact of public participation on poverty alleviation through community gardens self-reliance (Mzini, 2010). One key finding therefrom was that the level of participation and behaviour of the community were unsatisfactorily. This article reports a study wherein the land surrounding public amenities is littered with illegal dumping, thereby compromising safety of the stakeholders and community. Yue (2006) indicates that the speed in which people are polluting the environment far outstrips their efforts to clean it up. The state spends a lot of money generated from the tax-payers money and in return huge amounts of the very taxpayers money is lost in clean-up programmes.

Globally, public participation is receiving increasing attention in the execution of public affairs, especially in developmental issues (Mzini, 2011:273). Section 24 of the Constitution of the Republic of South Africa 1996 (thereafter Constitution) states that "Everyone has the right: (a) to an environment that is not harmful to their health or well-being. Furthermore Section 24(b) outlines that such communities must live in a protected environment. Land is a scarce resource and in this regard the Constitution outlines it clearly that protection of the environment should not be a short-term decision but it should also consider how the future

generations will benefit. Local government has been given a new constitutional mandate to create and sustain humane, equitable and viable human settlements. However, the Emfuleni Local Municipality cannot function alone in the process of creating liveable communities in Sebokeng Zone 14 and this observation applies to all other municipal jurisdiction.

There is a growing call for greater public involvement in establishing participatory development which seeks to engage local populations in development projects. The increased interest for involving the public deals with issues of the management of environmental and health risks within their surroundings. It is believed that people are unsatisfied about the situation of illegal dumping and environmental pollution. Increased public participation is believed to facilitate environmental improvement and cost reduction. Municipalities are initiating their own municipal cleaning and greening campaigns however such projects are destructed by increased waste generated by the household's business sector. Bullard (2012) indicates that the regulations have not achieved uniform benefits across all segments of society.

Liveable community projects provide safe and affordable access for everyone. **The streets in the cities and towns are an important part for liveable communities.** However, municipal neighbourhoods are isolated and have underperforming public spaces that contribute to soil pollution. **The streets around the public schools are unpleasant and unsafe for people to travel bare-foot.** The community of the ELM school lacks safer pedestrian environment. In Sebokeng Zone 14, noticeable episodes of motorist and pedestrians (learners) competing to use the motorway to access their destinations are obvious. When landfill pollutants burnt, the fire spreads to the public amenities whereby classrooms and tunnels for community food projects were destroyed in Palm-Springs and Sharpeville. The abovementioned issues emanates from the lack of policy tools and political will to enforce illegal dumping activities within South African municipalities.

An environmentally, economically, and socially sustainable communities is an important priority for any government (West & Badham, 2008:4). The involvement of the public may be achieved "at the lowest level" and the public may be "targeted with enhanced information" (Rowe & Frewer, 2000:3) for mitigating environmental risks. The sections below describe the methodological approach, the background to the study, and it provides the definition of the concepts of public participation and environmental protection. The components and the principles of environmental protection are discussed. The issues relating to environmental protection and the strategies involved for creating liveable and sustainable communities are also described. The results of the research project and the benefits of community engagement are discussed. The study concludes with some suggestions about the creation of meaningful participation. The next section provides the methodological approach for the study reported in this article.

METHODOLOGICAL APPROACH

The study was conducted in the Emfuleni Local Municipality in Sebokeng, which comprises of thirteen Zones, namely: Zone 3, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 20 (Sedibeng District Municipality, 2011). The study focused on Sebokeng Zone 14, as part of community engagement projects facilitated by concerned citizens and academic professionals. The democratic governance together with the principles of public participation compels the community and the professionals-social sciences to take part in public policy processes. The intentions of these engagements were aimed at finding ways for solving dysfunctional situations that prevent the state from achieving sustainable livelihoods within the South African townships.

The approach for liveable communities strives to “encourage the citizens to take a new look at the neighbourhoods in which they live in” (Kihl, Brennan, Gabhawala, List & Mittal, 2005:2). Establishment of the environmentally, economically, and socially sustainable communities is an important priority for any government (West & Badham, 2008:4). The study sought to examine the impact of illegal dumping on public amenities and households. Strategies to improve on liveability and quality of life for communities are analysed. It also analyses the environmental management policy framework for ELM for waste management. Recommendations are offered to strengthen governance towards waste minimization and least-cost, effective and sustainable environmental management.

The study applied a qualitative approach which is supported by theoretical and empirical techniques. The theoretical technique was realised by means of a literature review. The author analysed the books, journals and government reports in order to understand the context of public participation and environmental protection. The literature review affirms the role of engaging communities for protecting the environment. Interview and follow-up meetings were scheduled with the stakeholders of the School in Sebokeng Zone 14. A questionnaire was used for data collection. The stakeholders included the school principal, the school governing body and the ward councillor to determine measures for combating illegal dumping within the school surrounding and pavement. Ethical considerations were also taken into consideration and all sources consulted are acknowledged in the reference list. A letter of request to propose the project objective was submitted to the School management to obtain approval from the stakeholders within the school. An approval was granted to carry out the study in the project area.

CONCEPTUALISING PUBLIC PARTICIPATION AND ENVIRONMENTAL PROTECTION

The empirical study of public participation in environmental management process began to emerge in the late 1980s (Hong, 2009:2). The White Paper on Local Government (RSA, 1998) specifically focuses on the creation of liveable, integrated cities, towns and rural areas and community empowerment. Liveability describes a place where people feel safe, connected to their community, and want to participate in the local economy through investment in business (West & Badham, 2008:6). Public participation in the environmental issue refers to the public having the right to take part in the environmental decision making and management through certain procedures or ways; they have the right to supervise the government decision and the unit or individual use of environmental resource with the aim to conform to activities concerning the public interest and protection of the environment (Xiong in Hong, 2009:2).

Municipalities strive to develop procedures to ‘get it right’ (West & Badham, 2008:4). Smith (cited in Rowe & Frewer, 2000:6) “public participation” encompasses a group of procedures designed to allow those affected by a decision to have an input into that decision. Public participation can be realised by means of five levels, namely: informing; consulting; deciding together; acting together; supporting others to take the lead (Taragon & McTiernan, 2010:5). Public participation in the context of environmental management is realised by giving the public the “right to be informed” (Jun, 2006) about environmental issues and how they can protect themselves. Involving the public in environmental protection programmes can be used to evaluate political performance (Yue, 2006).

Jun (2006) indicates that an informed community will ultimately develop interests and will begin to work with their government in order to protect their environment. Colvin (2002:448) further describes that Community-based environmental protection promotes comprehensive identification of local environmental concerns; priority and goal setting that reflect overall community concerns; and development of comprehensive and long-term solutions. The context of environmental protection is further defined by its components and principles which are defined below.

COMPONENTS OF ENVIRONMENTAL PROTECTION PROCESS

The environmental protection process comprises of at least four components and the respective components are discussed below.

Environmental law

Environmental protection activities are driven primarily by national and international best practices. “Public policy dictates where development occurs” (Rusk, 2010:8). Section 24 of the Constitution promotes the constitutional right for the citizens to live in a clean, safe and healthy environment provided. Environmental laws such as Chapter 1 Section 2(4)(f) and (g) of the National Environmental Act (NEMA) (1998) prescribes the institutional decisions on environmental management. The White Paper on Integrated Pollution and Waste Management for South Africa (RSA, 2000) also represents a paradigm shift on how to deal with “pollution prevention; waste minimisation; and cross-media integration”.

Environmental sensitive planning

Planning for environmental sustainability is not a separate planning process, but is an integral part of the process of developing municipal integrated development plans as entrenched in the White Paper on Local Government (1998). International and national activities such as Local Agenda 21, the World Summit on Sustainable Development (WSSD) 2002 and the Durban 2012 have led a role towards sustainable development in the global arena. In terms of local planning the White Paper on Local Government (RSA, 1998) municipalities are compelled to develop a concrete vision for the area, and strategies for realising and financing that vision in partnership with other stakeholders. The integrated development planning is used as a process through which a municipality can establish a development environmental plan for the short, medium and long-term.

The municipal plans are realised by means of the Bontle ke Botho (BKB) programmes and the expanded public works programmes (EPWP). The strategic framework for **environmental protection** includes indicators, *performance management* and environmental impact assessment (EIA) to measure the progress on environmental management. Good planning, effective planning, informed planning creates the palate upon which the community is depicted, portrayed, filled out” (West & Badham, 2008:4). For this the municipality make use of environmental impact assessment (EIA) to analyse environmental programmes.

Environmental sensitive governance

A variety of public participation procedures exist that aim to consult and involve the public, ranging from the public hearing to the consensus conference (Rowe & Frewer, 2000:2). Liveability needs a whole-of-government and “joined-up” approach (West & Badham, 2008:7). It is argued that lack of accountability keeps poor people from taking equal advantage of opportunities, benefiting from basic services, and achieving a decent standard of living. Environmental sensitive governance is managed by means of three types of principles, namely: principles relating to public involvement; principles relating to process and overarching principles. Table 1 presents the characteristics of the environmental sensitive governance.

Table 1: Public participation principles and environmental protection

Principles relating to public involvement	Process	Overarching principles
-Inclusivity -Diversity -Representivity	-Capacity building -Communication techniques -Transparency -Flexibility -Accessibility -Accountability -Appointing the consultant -Monitoring the consultant -Efficiency	-Trust -Commitment -Respect

Source: SASOL, 2001:14

The principles relating to public involvement seeks to answer the question how and where the institution will reach and engage the participants in order to render the process all-inclusive, effective and adequate (SASOL, 2001:14). The principle relating to process addresses the techniques that will be used to engage the identified stakeholder groups in order to render the process efficiently and effectively. The overarching principles relates to the mechanisms to be observed in any public participation process” (SASOL, 2001:14).

Environmental sensitive community

The White Paper on Local Government (1998) puts forward a vision of a developmental local government, which focuses on working with local communities to find sustainable ways to meet their needs and improve the quality of their lives. Municipalities involve communities in developing the municipal key performance indicators increases the accountability of the municipality. Liveability become a reality only in the individuals are actively taking charge in the programmes that seeks to bring changes in the respective community (Kihl *et al.*, 2005:2).

BACKGROUND TO THE STUDY

The ELM is one of three municipalities which make up the broader Sedibeng District municipality. The other two municipalities are Midvaal and Lesedi Local Municipality. The ELM is a home to the two types of settlement areas, namely: six large peri-urban townships and ten suburban small settlements. The six large peri-urban townships cover areas like Evaton, Sebokeng, Sharpeville, Boipatong, Bophelong and Tshepiso (Sedibeng District Municipality, 2011). The ten suburban small settlements are established within six kilometres of the above towns. The ten suburban small settlements includes: Bonanne, Steel Park, Duncanville, Unitas Park, Arcon Park, Sonlandpark, Waldrift, Rust-ter-vaal, Roshnee and Debonairpark. The six large peri-urban townships form part of the previously disadvantaged communities. Such townships require “considerable investment in infrastructure and environment upgrading” (Department of Provincial and Local Government, 2010).

Municipalities around the world strive to create a healthy environment for its communities in order to achieve the millennium goals as prescribed by the international agenda. The White Paper on Local Government in South Africa 1998 and West & Badham (2008:4) are indications of the initiatives implemented by the most countries. In 1998, the South African Government developed the White Paper on Local Government 1998 to approach the prescriptions of a developmental state. In Melbourne their liveable initiatives are reported in the Strategic Framework for Creating Liveable New Communities (West & Badham, 2008:4). Table 2 presents the goals for South Africa and Melbourne as they pertain to a developmental agenda. The respective goals are discussed below.

Table 2: Outcomes for a developmental local government and liveability goals

Outcomes for a developmental local government	Liveability goals
Outcome 1: Provision of household infrastructure and services creation of liveable	Liveability Goal 1: High quality job opportunities and a thriving local economy
Outcome 2: Creation of liveable (<i>integrated cities, towns and rural areas</i>)	Liveability Goal 2: Healthy, safe and socially connected communities
Outcome 3 Local economic development	Liveability Goal 3: Affordable living
Outcome 4: Community empowerment and redistribution (The White Paper on Local Government 1998)	Liveability Goal 4: Sustainable built and natural environments (West & Badham, 2008:4)

Source: The White Paper on Local Government 1998 and West & Badham, 2008:4

Research problem

Building stronger and more liveable communities and promoting innovative and sustainable growth are high up on the government’s agenda (West & Badham, 2008:4). All the above amenities are built along the main road of Zone 14 and it is surrounded by houses. An overwhelming number of support policies intended to make the communities more liveable by constructing roads and creating a safer pedestrian environment have been implemented in South Africa and particularly in the ELM. Such buildings are meant to be at the possible

convenience the public and to attract tourist. Based from the observations and literature review it is confirmed that local streets are incomplete and deny citizens safety.

Bullard (2012) indicates that 1.3 billion individuals worldwide live in unsafe and unhealthy physical environments. The School's pavement is also compromised whereby communities illegally dispose their unwanted items. Normally, it is said that illegal dumping activities occurs within open areas. The School does not resemble an open area and not even a vacant land. The illegal dumping is a threat to the School's community and to the surrounding households. The School has two gates (main gate and a primary gate) to enable its community to access the area. Gate 1 is used by the personnel since it is situated within the parking bays. There is a main gate and a primary gate. Most learners use the primary gate to reach the School premise. Learners using transport services are being offloaded in the primary gate. The primary gate is constructed diagonal the four streets surrounding the School. The four streets forms a T-Junction to the School and most illegal dumping activities referred above are located in the respective streets. Several attempts have been made to clean the respective pavement however the outcome is always negative.

A particular problem area identified above was also experienced in Croydon Road in the East London suburb of Cambridge (Mabindla, 2004). The investigation conducted in East London found that items such as "vegetation, tiles and ordinary garbage" (Mabindla, 2004) were similar to the problems experienced by the School community in Zone 14 whereby the businesses and householders dispose items illegally.

Reasons and effects of illegal dumping

Illegal dumping is two-pronged. The problem arises from the household level and from the institutional level. The institutional level comprises two areas, namely the government sector and the private sector. Yue (2006) identifies the issues of illegal dumping with lack of public participation. The expressions by Roberts-Pillon (2007:1) based on the household level revealed that there is "lack of public awareness of the issue" and the "lack of judicial understanding of environmental laws". The lack of understanding and lack of knowledge often pose threats and the substances disposed in the environment normally "outstrip the environment's ability to cope" (Jun, 2006). In terms of the institutional level, the SASOL Public Participation Guidelines articulates that illegal dumping is caused by the following areas:

- Poor planning and control;
- Slow response by authorities;
- Over promising and under delivering; and
- Lack of post decision analyses (SASOL, 2001:16).

The abovementioned problems have negative effects to both the household and institutional level. Sacramento County (2012) outlines that illegal dumping:

- reduce the property value;
- becomes a breeding habitat for nocturnal and flying species;
- hazardous to the environment; and
- costs more to the country tax and tax payers.

Illegal dumps diminish the quality of life and liveability of the region (Roberts-Pillon, 2007:1). The School is built within the bond houses and constant piles of environmental pollution may diminish the property value. Issues of illegal dumping are similar to the development of the informal settlements as they also lessen the attraction of possible investors. Unreported illegal dumping results in more illegal dumping and illegal dumpers find an easy location and keep coming back. Uncontrolled dumping areas are likely to pile up and become a breeding habitat for rats, mosquitoes and snakes. Illegal dumping can also threaten human health, wildlife and the environment. Among the observed area, traces of rodents were found. Such species infest the nearby households and disposed in the School pavement contain heavy metal substances and toxins such as aerosol, auto parts and glasses. The state have spent more money to clean-up the area, however, in return the state does not receive any incentives for maintaining the area.

RESULTS

Before the project could be implemented the author assessed the mechanism used by the school for eradicating the illegal dumping occurring in their pavement. A questionnaire comprising of fifteen questions was designed to guide the study. The School was asked to identify the duration of their operation and services rendered on the premises. The School has served the community of Sebokeng Zone 14 for twenty-five years. The School provides basic education: early childhood development (ECD, grade R) and Foundation-Intermediary-Senior Phase (Grade 1-7) to the surrounding neighbourhoods. In addition, the School rents the hall to a local church on Sundays.

When asked about the stakeholders and beneficiaries, the School replied that the entity is a Quintile 1 school serving learners residing within Sebokeng Zone 10, 14, 16, 17, Sebokeng Hostel and the kids from the newly established informal settlement called Boiketlong. Quintile 1 schools normally serve low income households. Low income households are characterised by unemployed parents, child-headed households, foster care and single and youth parenting. The School was asked to elaborate about the state and identify the causes of litter in their surrounding area. Issues of illegal dumping are a concern to everyone. The responses identified by the School resembled the problems encountered globally. The School outlined that community members “lack a sense of ownership”. The School posed a remark that “the School has served the community of Zone 14 for the past 25 years and why can’t they embrace the resource offered by government”. These issues require a corrective measure for creating a favourable environment for the School community.

In terms of the impact of litter around the premise, the School identified three areas of concerns described in the following sentences. The School seems to be helpless about the situation. It was indicated that all avenues were reviewed and it was a trial and error scenario. Firstly, the substances disposed on the pavement deprive the learners to use the pavement of the School. The learners end up walking on the street and this poses a danger to them and they vehicles may hit them and end up paralysed. Secondly, the disposed materials are not collected on daily basis or over weekends. The papers and plastics are blown by wind to the school and such items end up polluting to the Schools premise. Such pollution affects the maintenance unit in the School, because they are now supposed to clean the yard before they can conserve the garden. Thirdly, illegal dumping pose threats to the learners especially the ECD and Foundation Phase when they take part outside the classroom in learning area: life orientation and during lunch time in the playground.

The School was asked if there were mechanisms developed to combat the illegal dumping in the pavement. The School seemed to have initiated some mechanisms; however, such controls were not effective. The reported mechanisms included: school meeting with the learner parents, sectional meetings; cleaning campaigns, call out to municipal council. The sectional meetings were not effective because the surrounding residents were not willing to cooperate. The cleaning campaigns were also not effective as they caused the School to pay for the volunteers and the activity was held on weekends where most educators were not available since it was their day-off.

The School was asked to indicate whether they have consulted the surrounding community about the matter and to state the outcomes of the consultations. It was indicated that several requests were made to consult with the members of the community to discuss the matter raised, however few people would attend whereas the rest ignored the invitation. It was further indicated that community members surrounding the School were ignorant and less willing to participate. Furthermore, a question posed to the School aimed to ascertain whether there were established forums dealing with environmental protection and illegal dumping in Zone 14. It was indicated that such forums does not exist in the area.

When asked about their intentions for alleviating the litter problems in the Schools pavement, it was indicated that they have tried all measures and all plans were undermined by the community. On interesting point made was that “they are waiting for a magician to come and assist them” in their endeavour. The School was then asked if it is available to join the proposed cleaning project initiated for this study. The School community was excited about the proposal especially being the first request that they have ever received in their operation.

FINDINGS

Environmental problems arise from a variety of factors relating to environmental decay especially in the public spaces. Such factors refer to the “type of people (behaviour); type of development; the efficiency and effectiveness of refuse removal by the municipality and the extent of legislation, the level of environmental concern in the community” (Marais, Armitage & Pithey, 2000:6-7). The researcher use the abovementioned factors to report the findings of this study as they pertain to the litter issues discussed in this study area (School pavement).

Type of development

The area of Sebokeng Zone 14 resembles the features of liveable communities, *integrated cities and Gated communities*. A liveable community is an area that has affordable and appropriate housing, supportive community features and services, and adequate mobility options (Kihl *et al.*, 2005:2). Gated communities refer to a physical area that is fenced or walled from its surroundings (Landman, 2000). Such features facilitate personal independence and the engagement of residents in civic and social life (Kihl *et al.*, 2005:2). Integrated cities comprises of the following features as it applies to Sebokeng Zone 14. The School shares the precinct with the well-known multipurpose centres such as Saul Tsotetsi sport complex; Mphatlalatsane Theatre; Zone 14 Community Hall. The Saul Tsotetsi sport complex is used for ceremonial activities for government structures such as the election, IDP and budget meeting, ward meeting and also serve as public viewing area for sporting activities, e.g. FIFA 2010. The Mphatlalatsane Theatre is used for arts and culture activities, whereas the Zone

14 Community Hall is used for social services grant pay-out. Health facilities also surround the School, which includes a municipal clinic, four medical centre facilities. There is also a local business area which offers basic and specialised services to the surrounding community. Traces of escalating illegal dumping activities were found in the areas mentioned above.

Type of people's behaviour

Based on the observations, Zone 14 comprises of elderly, middle aged and young adults homeowners who live in gated residences. Most households dispose their waste by means of the ward based collection schedule. In terms of behaviour, it was observed that the community members of Zone 14 were considerate of the environmental protection measures. This was witnessed by means of adhering to the waste collection scheduling. The households surrounding the School packed their waste for Monday schedule, whereas the Southern part of the School prepared their waste for Friday schedule. An interesting point that was observed was that few households had dustbins. However, the lack of resources did not prevent the households from participating to prepare their waste for collection on scheduled dates. The households make use of refuse plastics bags; retail bags; old bucket and basins; mealie-meal bags to pack the waste for collection on the scheduled days.

The efficiency and effectiveness of refuse removal by the municipality and the extent of legislation

The ELM has a scheduled plan of operation for collecting residential waste. In Zone 14, two days are scheduled for collecting waste, namely on Monday and Friday. There are some areas whereby litter occurs and such areas are also included in the municipal environmental management programmes. Municipal trucks were also observed cleaning the illegal landfills in Zone 14. The ELM has the following mechanisms for protecting the environment, namely: street sweepers and swing bins. The street sweepers clean up the pavements and the main streets of Zone 14 on daily basis. There are 15 swing bins erected in the radius of the School, although the community do not make use the resources effectively. There is also signage in the polluted pavement that informs the community not to litter in the area however such guidelines are not adhered to.

The level of environmental concern in the community

A pattern of recycling was not effective among the households, because everything is considered waste among the households. Traces of tied refuse bags, household items (furniture, rugs), auto-mobile, textile items were dumped in the School pavement. The researcher had an opportunity to ask the driver of a van that was dumping the refuse in the school pavement. The driver responded that "the trash was not collected by the waste truck; therefore he cannot afford to return the refuse bags in his yard, because it will spoil the maintenance of his garden". The response was irrational whereas such people find it hard to think about the safety of the learners and the surrounding community. The offenders have a tendency to say "they are creating employment for the jobless" whereas their tax money is not used to benefit the community at large.

DISCUSSION ABOUT THE PROJECT IMPLEMENTED AND THE OUTCOMES

Litter is considered a social behaviour problem and an educational problem that needs to be solved. The target audience for the project of this study comprised of the School principal with the management; the school governing body (SGB); parents of the learners; the surrounding households of the School; ward councillor; and the family of the researcher of this study. Ethical consideration was applied for this study and for the project. An approval was granted by the School community and two meetings were scheduled for the researcher to brief the intended stakeholders with her project objectives and the planned schedule. The first meeting was held on 24 November 2011 at 2pm, the researcher met with the School management, which included that principal and the SGB. The second meeting was held on 28 February 2012, the meeting aimed to brief the parents of the learners about the project. It is crucial to inform the affected community about the project so that they may participate willingly in the planned activities.

The project use donor resources to attain the intended goals. The project is/was intended to serve as a less cost base, since the school is a quintile 1 (no fee school). However, the school promised that they will assist to pay the labourers with the funds raised in the school. The learners were not involved as to comply with the child labour provision, however a message was sent to them towards the protection of their environment. The parents of the learners were also informed about the project planned. The project involved the surrounding community members as they are required to lead their development and to protect the environment.

The outcome of the project

To eradicate illegal dumping on the school pavement the researcher advised the school to write a letter to request donations from the tyre and brick suppliers to fulfil the intentions brought forward by the researcher. The following are/were used to eradicate illegal dumping in the premises as per my advice and consultation to the school:

Used tyres

Used tyres were requested from local and town based tyre suppliers for demarcating the pavement. The used tyres also enable the kids to sit or play on them and they are not harmful to the learners or to the kids. These tyres were placed inside the holes dug on the ground.

Used bricks and third grade brick

Initially I advised the school that we should request used bricks from surrounding community members, but the outcome would take us longer time to complete the project. Thereafter I advised that we approach the brick suppliers for third grade bricks. Third grade bricks are normally called industrial “reject” or “waste”. Normally these items are placed back through the production cycle depending on its nature and durability. Sometimes the supplier will sell the reject/waste at a reasonable/ cheap price to community members or either donated to charities. The school was lucky to receive this kind of donation. The bricks were requested in 2012, but because of social responsibility procedures the supplier delivered the bricks in January 2013. The bricks were laid on the pavements/ pedestrian walking area of the school. The other part is not yet finished and the people continue to dump their unwanted items on the surface which is not completed.

Mini Park

The pedestrian walk area is a public area, and the project intended to develop into a mini park where people can rest on the pavement. The area is also suitable for kids to play around. As the area is on the other side of the main road referred above. Upon the completion of the pavement we also intend to request storm-water pipes which were not used during the installations in the ELM. So far we have identified the required items. The project also plans to inculcate the indigenous games on the misused public places around Sebokeng Zone 14.

BENEFITS OF COMMUNITY PARTICIPATION/PUBLIC PARTICIPATION

The benefits of public participation are five-fold. The benefits have an effect on the project objectives, organisation, and individual's involved, local community and for heritage (Taragon & McTiernan, 2010:5).

Project objectives

In terms of the project objectives, participation enables community members to gain skills and experience about the broad issues relating to environmental protection. In terms of this study, the author gained knowledge about the challenges faced by public entities and household's behaviour on environmental issues. Moreover, the project objectives for this study were able to transform the side-walk in order to enable the learner and the community affected.

Organisation

Public participation in terms of the organisation enables the participant to create links with the community and to provide powerful ambassadors for the organisation (Taragon & McTiernan, 2010:6). The author of this study was able to create links with the surrounding community and the school being assisted. The involvement of the stakeholders demonstrated public accountability. The concerned group into the protecting the environment demonstrated the traits of leadership and community skills.

Individuals involved

Benefits for involved individuals enable participants to feel part of the affected community and to aspire to make a difference in other people's lives (Taragon & McTiernan, 2010:6). For this study the author formed a remarkable relationship with the school in terms of the project initiated. The author applied the organisational and administrative skills for securing the resources needed for rehabilitating the sidewalk. The author also gained confidence by means of sharing the idea with the parents of the learners, school governing body, the municipality and the ward councillor.

Local community

The White Paper on Local Government (RSA, 1998) outlines one of the characteristics of a developmental local government as to "provide a leading and learning" opportunities to community members. Public participation enables the participants to be involved in information sharing and the skills provided by government. The municipality transfer of skills and to strengthen local pride, sense of community and quality of life; and to learn about and enjoying their local heritage (Taragon & McTiernan, 2010:6). Municipalities have

on-going programmes which aim to increase awareness to community members about environmental protection issues. The respective programmes have created job opportunities for local residents to an extent that the projects are considered sustainable.

Heritage

More people value and feel committed to their local heritage (Taragon & McTiernan, 2010:6). Heritage may involve tourist attraction, recycling activities and small medium enterprises. People are now taking action to look after their heritage and have started finding ways to preserve their environmental assets. Community members have taken part in programmes like cleaning river streams, adopting vacant lands for creating parks. In this study the author aimed to preserve the polluted area into an attractive side-walk for learners in order to keep them safe from the streets.

CONCLUSION

The theory behind public participation and environmental protection is interesting. The concept has been received in a positive manner and it is a challenging discussion for scholars in social sciences particularly in the field of Public Management and Administration. The discipline has raised awareness and built knowledge for scholars to be involved in teaching the community in matters relating to local governance. Public participation can be used to measure the potentiality of the environmental plans, however South Africa has not reached the desired state. Meaningful citizen involvement in the planning process is essential for achieve the developmental objectives. Public participation can facilitate environmental improvement and cost reduction. The government has made great play of the importance of a sense of community participation in a wide range of services. This study has proven that liveability can be achieved through community engagement and by allowing the community to lead in making decisions that may benefit the country and the future generations.

The target audience for the project was remarkable and cooperative, especially when the School community was vulnerable to the situation. The project has proved that no item is waste instead we used the tyres that could have been burnt to cause air pollution. The bricks could have been dumped elsewhere and served as a breeding zone for thieves and rats; instead they were used for paving the area. Currently, the area looks impressive but partly incomplete. Communities in most developing economies are not yet efficiently organised around environmental issues. There are still traces of litter in the unpaved area, but the project team is keen that manmade problems could be solve for safeguarding the future generation. The School management was excited about the project and they have sent a thank-you letter to the researcher to request for a continued support.

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DETERMINACY OF SAFETY OF DISASTER FLOOD HAZARD ZONES IN SOUTH AFRICAN MUNICIPALITIES: INTERFACING SOCIAL AND TECHNICAL KNOWLEDGE

M.H. Modipane

M.P. Sebola

University of Limpopo

ABSTRACT

The purpose of this article is to argue that a combination of social and technical knowledge of disaster flood zones will enable South African municipalities to be able to handle disaster flood zone problems. Disaster flood hazard is a phenomenon that threatens people's social, economic and environmental systems with an exception of loss or damage to property. Recent literature on natural disaster hazards study the main cause of those hazards from political and economic perspectives. Literature on hydrological engineering argues that there is a need for a detailed knowledge of flood event characteristics such as flood peak, volume and durations in order to determine the safety of disaster flood hazard zones. This article therefore uses literature perspectives to argue for social and technical solutions for disaster flood hazard zones. There is negligible research on the determinacy of safety of disaster flood hazard zones using the interface of social and technical aspects. The social aspects should include the risk and vulnerability assessment and the technical aspects should use deterministic and probability models for estimation of flood risk, flood damage models and Crunch and Release Models for Vulnerability assessment. This article therefore concludes that interfacing of social and technical knowledge of disaster flood hazard zones will assist municipalities to deal effectively with the identified disaster flood hazard zones.

INTRODUCTION

Recent floods in South Africa such as January 2013, which occurred in Musina and Bietbridge and in Soweto during April 2013, highlight the need for municipalities to review their approach towards the determinacy of the safety of flood hazard zones. Smithers (2012) supports this statement by arguing that this nature of disaster highlighted the need for the municipalities to re-assess the risk associated with floods. Realistically, their approach should use combination social and technical knowledge, because flood risk estimation is necessary where the magnitude of a flood is associated with a level of risk (Rahman et al., 1998; Stedinger, 2005). Socially, municipalities should be able to identify economic, demographic and political factors that put the life of the poor community vulnerable to disaster. APDC (2001) argues that poverty, decision making and lack of power are several dimensions of vulnerability. It is argued that if municipalities can address the above dimensions of vulnerability, the probability of disaster to occur would be addressed. Smithers & Schulze (2003) argue that the procedure for flood risk estimation should be categorised in the methods based on the analysis of observed floods and rainfall methods. Van der Spuy & Rademeyer (2010) point out that model for flood risk estimation in South Africa are based on empirical, deterministic and probability approach.

WHAT ARE THE CAUSES OF FLOODS IN SOUTH AFRICA?

Alexander (2000) points out that floods in South Africa are caused various factors such as partly meteorological, cut-off low and righting high pressure systems from the mid-latitude cyclones and convective storms. Alexander (2000) argues that the coastal storm surges and estuarine interactions between stream flow and tidal conditions, also entails partly meteorological. Els (2011) states that most of the major floods in South Africa in the low coastal area are caused by the cut-off low pressure systems. Wisner et al. (2004) defines cut-off low pressure systems as a mid-latitude cyclone that becomes detached from the circulation.

Alexander (2000) and Fortune & Chasi (2010) point out that the cut-off low pressure in South Africa detached from a westerly pressure wave to the south and rotate off independently to cause heavy rainfall in the interior. Tyson & Preston-Whyte (2000) agree that the instability and strong convection updraft related to cut-off low cause severe weather conditions. Els (2011) argues that cut-off low can remain constant for some days as it losses all the power during the detachment from westerly flow. Alexander (2000), Tyson & Preston-Whyte (2000) and Els (2011) identify the convective storms as one of the factors that cause floods in South Africa. Els (2011) points out that this convective storm is formed when air moves upwards due to the heating of the earth surface and the lower atmosphere.

FACTORS THAT INFLUENCE SEVERITY OF RIVERINE FLOODS IN SOUTH AFRICA

Recent literature reviewed such as Smithson, Addison & Atkinson (2002), Hill & Verjee (2010) and Els (2011) pointed out that the severity of the riverine floods in South Africa is influenced by the characteristics of the river basin or catchment such as drainage network, the river channel, and shape, size of the basin, storage capacity, infiltration and transmissibility. Hill & Verjee (2010) define the river basin as an area of any size that drainage runoff into a river, stream and lake. International Rivers (2009) states that the runoff that enters the rivers and streams will eventually flows into the ocean. Smithson, Addison & Atkinson (2002) argue that runoff flow within the water basin is determined by the characteristics of the basin such as area, shape, and slope. Els (2011) agrees that the shape of the basin influences the runoff.

Els (2011) argue using the above diagram that two basins with different shape but equal areas will have different surface runoff arrival, the elongated basin will have lees as compare to more circular basin, because the circular one have multiple catchment entering the basin in the same point. The discharge at this point is expected to be high as compare to the one of the elongated basin. The other argument raised by Smithson, Addison & Atkinson (2002) is that the runoff travelling time between the circular and elongated basins differs; the observation from the above diagram is that elongated basins will have long runoff travel time as compared to the circular basin. Smithson, Addison & Atkinson (2002) and Hill & Verjee (2010) point out that the catchment slop influences the speed of the runoff and the infiltration of the river basin, because if the slop of the river basin is high, the infiltration rate will drop, while the speed of the water flow increases.

Smithson, Addison & Atkinson (2002) pointed out that catchment network characteristic such as river pattern, surface storage, under-drainage, channel length and bi-functional ratio as illustrated in the above diagram influence the amount of water absorption in the river basin. The combination of different catchment and/ river basin will came together to form a largely network of streams.

FACTORS CONSIDERED WHEN DETERMINING THE SAFETY OF THE FLOOD HAZARD ZONE

Flood hazard is one of the natural disasters which cannot be prevented from occurring (Smithers, 2012), but flooding is not a problem if it does not get into contact with human being, property and/ infrastructure. Van Niekerk (2005) defines the concept hazard from flooding as phenomenon that may cause the loss of life or injury, damage to property and infrastructure. According to Els (2011), hazard assessment is important in the flood hazard zones, because it will help the municipalities to determine the nature of flooding based on meteorological and hydrological parameters and river basin condition. On one hand, Benjamin (2008) argues that the information used to determine the nature of flooding based on meteorological and hydrological (river flow, etc.) can be used to create a flood models.

Els (2012) points out that the characteristics of the river basin or catchment such as drainage network, the river channel, and shape, size of the basin, storage capacity, infiltration and transmissibility should be considered when determining the safety of the flood hazard zones. These characteristics have a huge influence on the peak discharge of the river basin which can lead to flooding during rainfall season. The other important characteristic which has the influence on the discharge of the river basin is the drainage network and gravity, because it can be used to estimate the amount of run-off entering the main street at different point.

Smithers (2012) points out that information on the frequency and magnitude of the rainfall in the flood hazard zones, areas and regions where the flood hazard zones are located is need in order to estimate the probability of flooding at different time. Blaikie et al. (2003) show that municipalities must also examine different land uses around and in the flood prone, the reason that lead to those land uses to be located in those flood hazard zones. Different reasons why poor people decide to reside in the flood prone will be covered in detail in the next section.

PRESSURE AND RELEASE MODEL (RAR) AND FLOOD RISK MANAGEMENT IN SOUTH AFRICA

Recent literature reviewed in South Africa, which approached disaster flood risk from social and political dimensions such as Van Niekerk (2005) and Benjamin (2008) used pressure and release model developed by Blaikie et al (2003) to study this paradigm and combination of social and technical knowledge of disaster flood risk. Van Niekerk (2005) argues that PAP model provide a basic analysis of vulnerability in relation to disaster flood risk. Benjamin (2008) also argues that this model link the root cause, dynamic pressure and unsafely condition in the flood hazard zone which lead to hazard. According to this model $Risk = Hazard + Vulnerability$, this means that if poor people with no access to resources such as land, jobs, etc. are likely to reside in the areas which are near or regarded as flood prone.

Wisner et al. (2003) argue using the concept guided the idea behind the above model that people's vulnerability is a key factor determining the impact of disaster on them and this argument has played a major role in encouraging the paradigm shifting the focus of vulnerability analysis in the disaster risk management from technical to the combination of social and technical aspects that lead to flood hazard. The technical aspect of flood hazard will be discussed in detail in the next section.

Njck (2003, cited in Van Niekerk, 2005) points out that social vulnerability include factors such as poverty, inequality, health, marginalisation, housing quality, social status and access to a range of different hazards. This social vulnerability are the once that put the life and property and infrastructure exposed to

disaster flood risk. So if the municipalities can come with the strategy to reduce the social vulnerability, the probability of the flood hazard to occur will also be reduced. The challenge is there is the limited research in this area, and the lack of empirical evidence.

Wisner et al. (2003) and Van Niekerk (2005) point out that in order to deal with the root cause and dynamic pressure identified in the above model, the disaster release model should be introduced, because it will conceptualise the reduction of flood risk. This reduction should at the same time relieve the pressure and vulnerability must be reduced (Blaikie et al., 2004). Benjamin (2008) argues in support of the idea that poverty, as an indicator of lack of access to resources and income opportunities is one of the several dimensions of vulnerability. Van Niekerk (2005) points out that social positioning such as geographical location, age, gender, class, ethnicity, community structures, community decision making process and political issues can be considered as dimension that determine poor people's vulnerability.

Van Niekerk (2005) shows that community structure which economically vulnerable, they very often have social, cultural and political capacity to cope with flood. Blaikie et al. (2004) conclude this argue by stating that the most important root cause that give rise to vulnerability and which reproduce vulnerability over time are economic, demographic and political processes. It is clear from the argument made by Blaikie et al. (2004) that municipalities must when dealing with flood hazard consider the economic, demographic and political factors that put the community vulnerable to disaster.

Literature on integrated flood hazard and vulnerability assessment is still emerging in South Africa. Benjamin (2008) pointed out that integrated flood hazard and vulnerability assessment in South Africa is approached in four ways; political ecology, human ecology, PDRA (participatory) and hazardscape. Myburgh (1991, cited in Benjamin, 2008) argued that research on integrated hazard and vulnerability approach is not only focuses on flood risk, but include the extreme weather events and drought events. Mgquba's study uses Blaikie et al. (1994) PAP model to investigate the physical and human dimensions of flood risk in Alexandra township of Jo-burg in South Africa. PAP model assisted Mgquba's to unpack the root causes, dynamic pressure and unsafe conditions of serve flooding that increase vulnerability and associated risk of the urban poor living in the floodplain in Alexandra township.

DISASTER FLOOD RISK ESTIMATION APPROACHES IN SOUTH AFRICA

Man-made or hydraulic structures (bridge, culvert, dam spillway, drainage, canal etc.) design flood risk estimation models/methods in South Africa is draw heavily from hydrological models used internationally. Smithers (2012) argues that realistic flood risk estimation, where the magnitude of a flood is compared with a level of risk, is required in the planning, design and operation of such hydraulic structures. Smithers & Schulze (2001) approach flood risk estimation from two dimensions: the analysis of stream flow data and rainfall based method. Further, Smithers & Schulze (2003) argue that analysis of stream flow data is the same as observed floods which need direct statistical information from the catchment gauge or rainfall gauge. HRU (1972, cited in Benjamin, 2008) states that flood risk estimation should be anticipated using either a statistical approach, which is transposition of the past experience and/ or deterministic approach, in which rainfall is translated into floods.

Alexander (2001), Pogam & Parak (2004) and Van der Spuy & Rademeyer (2010) classify the models for flood risk estimation in South Africa as direct statistical analysis, regional statistical analysis, deterministic and probabilistic approaches and empirical methods. Pilgrim & Cordery (1993) and Smithers & Schulze (2000)

show that direct statistical analysis and regional statistical analysis are commonly used in the flood risk frequency analysis (Smithers & Schulze, 2001).

The recent literature reviewed such as Smithers & Schulze (2001), Smithers & Schulze (2003), Van der Spuy & Rademeyer (2010) and Smithers (2012) show that at a hydraulic structures where observed stream flow data is available, a method based on the analysis of floods can be chosen between the flood frequency analysis and rainfall method. Smithers (2012) argue that in cases where the stream flow data is not available, a regional frequency analysis can be used, because the data from nearby and similar catchments can be used to benchmark the predictions. Pilgrim & Cordery (1993) argue that frequency analysis can be used to obtain the direct estimation of the flood for a given exceedance probability. On one hand, Benjamin (2008) argues that in general, models used to analysis floods in the hydraulic structures are probabilistic by nature and they are suitable for flood risk estimation.

FLOOD FREQUENCY ANALYSIS

Literature on flood frequency analysis in South Africa has documented two methods; at-site analysis and regional analysis. Smithers (2012) argues that at-site analysis is a direct frequency analysis whereby the engineer have to observe the peak discharge of the hydraulic structure involved in the selection and fitting of appropriate theoretical probability distribution. Scholars such as Schulze (1989), Beven (2000) and Smithers & Schulze (2000) questions the accuracy of the methods used for selecting and fitting appropriate probability distribution and show that this concern has received considerable attention in the recent literature. Schulze (1989) raised a concern as whether a suitable probability distribution can be easily be selected, given that available distribution varies with, *inter alia*, the season, storm type, and duration of a rain. Schulze (1989, cited in Smithers, 2012) on one hand highlight the problem of short data sets and extrapolation beyond the record length. Beven (2000) argues that direct statistical analysis have number of limitation, those include but not limited to; unknown correct probability distribution of the peak discharge, records of gauged run-off are generally short, and the frequency of flood producing rainfall and land – use characterised may have charged during the period of historic measures.

In cases where the data in the catchment or site of interest is seldom insufficient or unavailable for frequency analysis, the data from the nearby and similar location can be considered (Sterdinger et al., 1993). Regional frequency analysis should be used in such cases, because regional frequency analysis utilise data from various sites/catchment to estimate the frequency distribution of observed data at each sites (Smithers, 2012). Despite the short falls in the selection of the appropriate probability distribution on direct frequency analysis, regional frequency analysis assume that the standardised variable has the same distribution at all sites selected in a particular region. Hosking & Willis (1997) pointed out that data from the regional frequency analysis can be combined to produce a single regional flood or rainfall database for probability distribution. Bobee & Rosmanway (1995) argue that regionalisation enables the regional frequency analysis to used data with short falls and complemented by the existing/available data from other sites. Pilon & Adamawski (1992) state that regionalisation can also be used to estimate the flood events in the areas of unguaged (with no information) at the selected sites.

EMPIRICAL FORMULAE

The other model of observed flood analysis which can be used to estimate the flood risk is the empirical formulae, it use algorithms to generally relate peak discharge or flood peak to the catchment size (Smithers, 2012). Recent literature reviewed such as Cordery & Pilgrim (2000) extremely discourage the use of this model, because it is believe that it is too hazardous. NTC (1981) shared the same sentiment with Cordery & Pilgrim (2000) and NTC believe this model should be used to cross check other models.

RAINFALL BASED METHODS

Smithers & Schulze (2003) point out that rainfall frequency analysis models are used in cases where there is no or where there is inadequate stream flow data are available at the selected site of interest. Benjamin (2008) states that rainfall frequency analysis used both the deterministic and probabilistic models to determine the rainfall depth, duration or intensity associated with a given probability of exceedance, which is related to returned period. Recent literature reviewed such as Benjamin (2008) and Smithers (2012) highlight that the continuous stimulation model and stochastic rainfall model are commonly used in South Africa. Smithers & Schulze (2003) argue that continuous stimulation model attempts to represent the majority processes which convert rainfall into runoff. Rahman et al. (1999, cited in Smithers, 2012) argue that the advantages of using the stimulation modelling approach is that it generate the complete hydrograph, not only the peak discharge, it also use actual storm water records and the model use calibration rainfall-runoff model to avoid the need to assume the amount of water loss.

Another commonly used rainfall based model is the design event model, which simplifies the complex process, and incorporates different catchment process into a single process and be able to handle individual events (Houghton-Carr, 1999). Cameron et al. (1999) argue that event-based approach can be used to anticipate and estimate the catchment condition prior to the occurrence of the event. Rahman et al. (2002) and Smithers (2012) highlight one of the obvious limitations of design event-based approach models which include the fact that this model always makes an assumption that the frequency of the estimated flood is equal to the frequency of the input rainfall. Smithers (2012) argues that this assumption is likely to introduce significant bias in the frequency of flood estimation and the creditability of this approach is questionable.

OPEN CHANNEL FLOW MEASUREMENT AND FLOOD RISK ESTIMATION IN SOUTH AFRICA

There is no much, if no literature documented in South Africa on open channel flow measurement and flood risk estimation. Internationally, studies such as Kilpatrick (1967), Thorsen & Oen (1975) and Katz & Fisher (1983) used manning model to calculate and/ determine the channel safety for various flood magnitudes. Despite the limitations and challenges of inconsistency in the channel shape, slop, material types etc., manning model is still commonly used and respected by engineering and hydraulic scholars world-wide.

Du Quebec (2007) states that peak discharge should be calculated at various depths (main channel and channel during flooding) in order to determine the channel safety for various flood magnitude. The first step should the calculation of the cross sectional area of the main channel and the one of the channel during flooding. The manning coefficient values are developed through experimentation and the hydraulic radius is equal to the cross sectional areas (area/wetted perimeters). Manning model uses a variety of equations to determine the channel safety during flooding.

INTEGRATED FLOOD HAZARD AND DAMAGE ASSESSMENT

Recent floods in South Africa which has damaged major bridges, houses and building badly, such as those January 2013, which occurred in Musina and Bietbridge and floods in Soweto occurred in April 2013, highlighted the need to re-assess the risk associated with floods, more especially the damage assessment. Realistically, determinacy of the safety of the flood hazard is necessary where the magnitude of the floods is associated with a level of risk. Recent literature reviewed such as Messmer et al. (2007), Merz et al. (2010) and Bubeak & Kreibick (2011) point out that floods damage can be divided into four types; direct tangible (e.g. physical damage due to contact with water), indirect tangible (e.g. loss of production and income), direct intangible (loss of life) and indirect intangible (.e.g., trauma). Due to the severe nature of the floods occurred in South Africa recently, this article will only discuss various international models used to assess direct tangible damage. The reason being there is limited research on the integration of the flood hazard and damage assessment for South Africa. Jongman et al. (2012) point out that estimation of the direct flood damage such as physical infrastructure is a complex process which involves hydrological factors and socio-economic factors. Smith (1994) and Kelmen & Spece (2004) argue that in order to deal with the complex process of direct flood damage assessment, internationally acceptable and commonly methods for the estimation of direct flood damage which is flood depth function should be employed. Bubeak & Kreibick (2011) point out that “depth damage function” represent relationships between flood depth and the resulting direct tangible damage cost. Jongman et al. (2012) argue that flood depth function will anticipate the close damage cost of the property or land use in terms of value. For the purpose of this study seven flood damage models such FLEMO, Damage scanner, Rhine Atlas, Flemish model, multi-Coloured manual, HAZUS-MH and JRC model for direct flood damage will be compare in terms of scale, input data and damage calculation.

Germany Research Centre for Geoscience developed Flood Loss Estimation Model (FLEMO) for specific flood risk analysis from local to national scales (Apel et al., 2009; Vorogushyn et al., 2012). Thieken et al. (2008) argue that FLEMO estimation is designed for residential building, Seifert et al. (2010) argue it also covers commercial building, equipment’s and goods of private and public business. Thieken et al. (2008) pointed out that FLEMO use five different classes of inundation depth such as three individual building types, two class of building quality, three classes of contamination and three classes of private precaution to calculate the flood damage of a direct tangible.

Kind (2011) pointed out that Netherland government use two direct flood damage models (Damage and Victims Model and Damage Scanner Model) at the regional scale to estimate the direct flood damage. Jongman et al. (2012) argue that Damage and Victims Model is used to estimate and calculate economically efficient investment in defences. Klijn et al. (2007) argue that the creditability of the information used in the Damage and Victims Model is always questionable since this model requires highly detailed data on individual building, industries and infrastructure. Klijn et al. (2007, cited in Jongman et al., 2012) pointed out that Damage Scanner Model was developed by the Netherland government to complement the shortfall of the Damage and Victims Model, this model designed specifically to average out as much as possible the regional and local variations. The disadvantage of the Damage Scanner Model is that it uses the aggregated land use data instead of the

individual units. It is argued that there is a lot of discrepancies in the model, because the detailed information of individual building differs from one to another in terms of quality, types, etc.

Vanneuville et al. (2006) developed Flemish Model which is similar to Damage Scanner Model in characteristics, because both the models assess the regional and national scale using aggregate land use data. The only different between the Damage Scanner Model and Flemish Model is that the Flemish Model use national average of housing prices, surface areas and market values to calculate the maximum damage values, while the Damage Scanner Model use aggregate land use data.

CONCLUSION

This article managed to identify both social and technical knowledge need for the municipalities to determine the safety of the flood hazard zones. Technically, municipalities have to understand the characteristics of the river basin or catchment such as drainage network, the river channel, and shape, size of the basin, storage capacity, infiltration and transmissibility in order to when determining the safety of the flood hazard zones. On one hand, they have to get information regarding the frequency and magnitude of the rainfall in the flood hazard zones, areas and regions where the flood hazard zones are located in order to estimate the probability of flooding at different time. Socially, municipalities have to understand the soci-political factors that put the poor people vulnerable to the disaster flood risk. At the same time, this article covered different models used to estimate the flood risk, models used to estimate the flood damage and models used for flood vulnerability assessment.

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THE ROLE OF FORMER BANTUSTAN UNIVERSITIES IN THE DEVELOPMENTAL MANDATE OF LOCAL GOVERNMENT IN POST-APARTHEID SOUTH AFRICA

J.P. Tsheola

K.J. Maphatane

University of Limpopo

ABSTRACT

The pre-eminence of the notion that Universities create and enforce “learning regions” wherein the knowledge they generate is used for the enhancement of economic productivity and innovative activities has fuelled the expectation that these institutions too should operate on the basis of the free market ethos. Regarding Universities, a reasonable geographic perspective would hold that, notwithstanding the effects of globalization, their regional development impacts are strongly “attenuated over space and distance”. In this context, a democratic South Africa’s spatial decentralization of the higher education system and the state’s momentous financial injection through the research infrastructure grant for previously disadvantaged Universities under state capitalism should raise vexed questions of the regional development impacts of the former Bantustan Universities within their local and district municipalities. There is a momentous amount of knowledge in the world today; however, much of it, if not all, is irrelevant and unusable for Africa. There is no historical example of a country that had successfully traversed the same route of decoloniality as what South Africa’s local government is expected to trot. South Africa’s local government is accorded a constitutional responsibility to be developmental, and the knowledge that is supposed to be used is not traditionally African. Perhaps, it should be asked if there was any knowledge that is uninfected by the colonial encounters in Africa. Presently, South Africa’s local government practices are swamped by the consultancy syndrome, driven by “experts” who are trained alien lenses for profiteering, rather than for the decolonial transformation of society. The question that becomes necessary relates to the role of the former Bantustan Universities in the production of relevant knowledge for local government in South Africa. To address this question, former Bantustan Universities needs to be tested for their evolution and status within the three modes of being storehouse of knowledge, knowledge factory and knowledge hub. Their position in these modes should determine their role in local economic development through knowledge production for use by local government.

INTRODUCTION

The modern growth theory stresses the importance of human capital in innovation, economic productivity and development (Fedderke, de Kadt & Luiz, 2003: 377); and, higher education institutions have come to be “regarded as the ‘engine of development in the new world economy’” (Castells, 1994: 14) because their inputs and outputs involve a specialised form of human capital (Tilak, 2011: 4). As the economic context transformed through craft production, industrial mass production and post-industrial knowledge-driven economies, higher education and research institutions, particularly universities, too had to evolve from being storehouses of knowledge through knowledge factories into knowledge hubs (Shapira & Youtie, 2004; Youtie & Shapira, 2008; Tilak, 2011). But research capacity is a function of history, geography and scale, investment (material resources), global language power, as well as intangible cultural factors such as the will and freedom

to create (Marginson, 2010). That is, being a former Bantustan University would certainly shape the knowledge produced; and, by implication, the role in local economic development and government.

The ascendancy of marketization and liberalization has motivated many local governments in the world to “promote the local economies through technology transfer and innovation” (Hong, 2008: 589). Experiences from Europe and China have conclusively demonstrated that marketization and transition from the Keynesian welfare state to neoliberalism is associated with uneven regional development and increasing regional inequality (Hong, 2008). Even in South Africa itself, world renowned cities such as Cape Town, Pretoria, Durban and Johannesburg have tended to have the most outstanding networks for both sending and receiving knowledge frequently, whilst those in less favoured regions such as Polokwane City are perpetually in a catch-up mode. Given that economic and political transition has commonly occurred without agitating the core area, “uneven regional development has been a common problem” wherein “prosperity coexists with poverty” (Hong, 2008: 594). This spatial phenomenon, which is argued to be associated with the research and knowledge-generation strength of the universities, is more worrying when it happens under a shift in “jurisdiction power of universities from central to local control”, which should have strengthened universities’ “connections with local governments and local industries” (Hong, 2008: 593). Given the geographic constraint to both explicit codified and tacit knowledge, it is assumed that “advanced regions with strong university bases will benefit more from being close to universities, while those less favoured regions will suffer more due to the shortage of local knowledge resources and the reduced extra-local knowledge support” (Hong, 2008: 590). Apparently, a transition to neoliberalism needs to be accompanied by deliberate effort to build knowledge transfer networks with local and extra-local universities in a structure that deliberately embeds the less favoured regions and foster the spirit of innovation therein. Strong local research university base tends to be absent in less favoured regions; and, “connections with extra-local universities constitute an important supplementary asset for those regions” (Hong, 2008: 583).

State efforts to leverage higher education institutions, especially universities, for regional economic development increased in the 1990s, with emphasis on the regional context (Bramwell & Wolfe, 2008; Youtie & Shapira, 2008). In Europe, USA, Japan and other advanced economies as well as in China and India, governments have increasingly promoted “the linkages of universities to technology transfer, innovation and local development” (Shapira & Youtie, 2004; Youtie & Shapira, 2008). Additionally, some governments also invested significant public funds for R&D into evidently private research institutions in order to foster the relationship between research, innovation and regional development. The Massachusetts Institute of Technology and Stanford University, both private institutions, have been recipients of significant public R&D funding.

Whereas “differences in national power inevitably result in inequalities” (see Hong, 2008: 594); and, whereas there are divergent approaches to exploiting the university to promote knowledge-based development in the region and locales, “no route to development, autonomy and power can be separated from international systems” (Xiaoming & Haitao, 2000: 110; Marginson, 2010: 6976). Inevitably, higher education and research institutions have been globalized and marketized (Beerkens, 2004 cited in Marginson, 2010: 6967). The notion of globalization as national “disembeddedness” or international “embeddedness” remains contestable. But inadequate regulatory regimes allow higher education institutions that are public facilities, funded as public providers in the national context, “to operate as private entities abroad”, thereby being seen to be complicit in disembedding themselves from the national context” (Marginson, 2010: 6967). However, the national and

global relationships are symbiotic. According to Douglas (2005 cited in Marginson, 2010: 6965), “all globalization is local” because global convergences are essentially “subject to local, sub-national and national influences and countervailing forces, including regulation and academic culture”. Therefore, higher education, research and knowledge can be recognised to be simultaneously global, national and local because the higher education system is everywhere “nested in national government”, “shaped by patterns of social investment”, and “much of the decision making takes place in governments or is otherwise framed by public interest” (Marginson, 2010: 6968). The question of former Bantustan Universities’ embeddedness with the local government developmental mandate becomes imperative because higher education institutions are expected to simultaneously “remain sensitive to their national missions and to their local communities and industries”, as public facilities, whilst becoming more international and behaving like private companies (Marginson, 2010: 6965). Being “swept up in global marketization” (Marginson, 2010: 6964) whilst continuing to rely heavily on public funding, higher education’s research and knowledge “brings with it complex changes at the interface between the institution, the nation and the global dimension” (Marginson, 2010: 6964, 6965). States’ continued public funding of research hopes “to foster broader impacts on localities beyond high-technology start-ups, including addressing opportunities for diverse populations and targeting research to current economic, social, and environmental problems” (Farrant, 2001; Crow, 2002; Youtie & Shapira, 2008: 1190).

To position themselves for role in local government and local development, universities are challenged to evolve into knowledge hubs that can create learning regions because their mere existence is not a sufficient condition for stimulating innovation and economic productivity in the region. Such university evolution for the creation of learning regions requires specific capacity and strategy. The theoretical template for evaluation of the Bantu Universities’ evolution from storehouse of knowledge to knowledge factories and knowledge hubs and the capacity to create learning regions may as well be premature because the system of higher education in sub-Saharan Africa is itself “a young and nascent phenomenon” (Teferra, 2005: 153; Tilak, 2011: 5). The former Bantu Universities were established in the second half of the twentieth century, and they remain weakly developed (Tilak, 2011). However, Tilak (2011: 5) already proposes that “the fragile higher education system, with ... a weak base, may be one of the most important constraints to the region attaining high levels of socio-economic development”. This article seeks to locate the former Bantu University along the models of evolution of universities (Shapira & Youtie, 2004; Youtie & Shapira, 2008) and to examine its capacity and strategy against what is required to create a learning region for developmental role and knowledge production for the local government.

DEVELOPMENTAL MANDATE FOR LOCAL GOVERNMENT: NEED FOR RELEVANT KNOWLEDGE

The need for South Africa to address poverty and inequality is unambiguous. However, there is scant knowledge how such a campaign should be mounted, especially by local government. Can the former Bantustan Universities produce relevant knowledge to assist the local government to achieve its constitutional mandate to lead development. This constitutional responsibility entails a drive of decoloniality campaign for societal transformation. This drive entails securing university-generated knowledge, because existing one is generally captivated by the politics of fundamentalism and universalism. The ascendancy of knowledge-driven global economic competition “has magnified policy interest” in higher education, research and knowledge sector

(Marginson, 2010: 6966). The higher education institutions' work of generating knowledge is "both relatively global in character and subject to market failure and public subsidy" (Marginson, 2010: 6969). Whereas most governments in the world have "partly deregulated higher education", the state has remained "the only agency able to sustain basic research at the necessary scale", because "markets cannot support the production of public knowledge goods where the benefits are predominantly realized in the long term" (Marginson, 2010: 6965). But under the new public management approach, which steers public utilities and facilities at "arm's length" and encourage "plural income raising", corporatization has encouraged "more autonomous evolution of institutions" (Marginson, 2010: 6965). This form of governance of economics, development and politics is denoted state capitalism, and is contrasted with state socialism and liberal capitalism. It has manifested at the interface of statism (underlying state socialism) and free enterprise (underwriting liberal capitalism) (Hall & Midgley, 2004; Hammett, 2010).

Public universities, as public facilities, are state-owned installations whose construction derives from public expenditure by national and local government as well as other state agencies (Goodall, 1987). They are publicly owned monopolies that are, under normal circumstances, expected to define and defend public interest. Generated by government funded institution or not, "knowledge constitutes public goods in the technical economic sense" (Marginson, 2010: 6969). Non-rivalrous goods "can be consumed by any number of people without being depleted"; and, the benefits of non-excludable goods "cannot be confined to individual buyers" (Marginson, 2010: 6969) because they are indivisible. Knowledge, especially that which is generated through basic research, is virtually pure global public good (Kalantzis & Cope, 2006; Knievel & Shirinda-Ripadeau, 2009; Marginson, 2010). The common good lies in the free circulation of knowledge (Marginson, 2010). The discourse of national disembeddedness and global embeddedness is futile because the relationship between the two scales consists of symbiotic elements, rather than a zero-sum. Globalization of higher education, research and knowledge involves "'indigenization', whereby foreign culture is 'grafted onto the tree of indigenous culture'", rather than national "adaptation to global normalization and standardization" (Xiaoming & Haitao, 2000: 104; Marginson, 2010: 6976). The majority of universities across the world are public facilities. As public facilities, universities can contribute in multiple ways to development and expansion of local industry: first, "provision of skilled graduates who become key players in local industry"; second, conduct "long-term fundamental research that contributes to the science base and understanding available to private firms"; third, "the promotion of an atmosphere on intellectual diversity that tolerates different approaches to the solution of technical problems"; fourth, by "direct collaboration with industry both on specific projects and in longer term relationships"; fifth, they could serve as "tests beds for new technologies and research instrumentation that are ultimately transferred to industry"; and sixth, by serving as "the nuclei for start-up companies that spin-off to become the seeds of new business" (Bramwell & Wolfe, 2008: 1177). Are the former Bantustan Universities equally capable to play a role of relevant knowledge producer for local government and their developmental mandate?

MODES OF EVOLUTION OF UNIVERSITIES AS PUBLIC UTILITIES: ROLE IN LOCAL GOVERNMENT AND REGIONAL ECONOMIC DEVELOPMENT

Universities are multifaceted economic actors embedded in regions where they produce both explicit codified and tacit knowledge and human capital whilst actively participating as important institutional actors in establishing and sustaining local networks, flows of knowledge and linking their regions to the global other (Bramwell & Wolfe, 2008: 1178). However, Shapira & Youtie's (2004) and Youtie & Shapira's (2008) three models of university evolution suggests that its role in regional economic development is context-specific, varied and complex. This observation is confirmed by Goldstein & Renault (2004), Moor & Davis (2004), Wolfe (2005a), Kennedy & Patton (2006) and Bramwell & Wolfe (2008). Studies of Academy generally accept that universities have evolved to become "central actors in the knowledge-based economy" (Bramwell & Wolfe, 2008: 1175). Most developed countries and China have shifted university research public funding from curiosity-driven to use-driven research in the hope that universities could "serve the national economy by solving practical problems for industry" (Hong, 2006, 2008: 581). In contrast to the Western countries model of firms as major sources of innovation, China emphasises the university-industry interactions of knowledge flows and innovation (Hong, 2008). Having being founded as storehouses of knowledge, universities have evolved to be knowledge factories and knowledge hubs, respectively (Shapira & Youtie 2004; Youtie & Shapira 2008). The specific geographic, socio-economic and political contexts determine the capability and manner of universities' contribution to local government and regional economic development.

That is, beyond technical know-how, the precise contribution of universities is a function of their interactions with and responses to the needs and interests of local industry, proper alignment of knowledge assets with the multifaceted needs of local firms as well as with the regional interests and industry clusters across a broad spectrum (Doutriaux, 2003; Paytas et al., 2004; Bramwell & Wolfe, 2008). But a university's contribution to regional and local economic development (LED) is primarily a matter of individual institutional policy and self-selection, ranging from a simple mercantile income generating effect, pro-active promotion of technology transfer model to active participation in influencing the LED trajectory (Bramwell & Wolfe, 2008). Empirical evidence suggests that "all high-tech regional economies are anchored by a research university", but "the presence of a strong research university in itself is no guarantee of regional economic growth" because knowledge commercialization devoid of "appropriate macro-institutional support and micro-institutional, or university level, flexibility" would make for problematic and lacklustre experience (Bramwell & Wolfe, 2008: 1178, 1185). Thus, questions of the nation-state institutional provisions and university self-selection policies are intricately bound with analysis of the role of former Bantu Universities in regional and local economic development.

Linear conceptions of commercialization of knowledge transfers from universities are unrealistic, but a university has to be embedded as actor in LED either through "direct research applications to industry" or the generation and dissemination of knowledge "as a common good" (Bramwell & Wolfe, 2008: 1186). But the processes of globalisation, especially those associated with communication technologies, have visibly altered the way in which "knowledge is created, distributed, and understood" (Tom Buchanan President of the University of Wyoming cited in Knievel & Shirinda-Ripadeau, 2009: 32-33). With the previous iteration of mass-production-driven globalization, wherein the "agency of the few habitually dominates the agency of the many", forces of standardization and homogenization established sameness and "production by command" as

the hallmarks (Kalantzis & cope, 2006: 406; Knievel & Sheridan-Rabideau, 2009: 31). The present state of globalization is often described as the “society of reflexivity” because of the apparent recovery of “individual subjectivity” “characterized by radical difference, diversity and personalization” (Kalantzis & cope, 2006: 406; Knievel & Sheridan-Rabideau, 2009: 31). The reflexivity and agency bears upon the communication practices and knowledge work in the sites of business and industry, academy and the community for which the students are prepared (Kalantzis & cope, 2006; Knievel & Sheridan-Rabideau, 2009). States have increasingly come to expect universities to “play an active role in promoting technological change and innovation”, but the nature of their role in regional economic development remains unresolved (Bramwell & Wolfe, 2008: 1175). Policy-makers have uniformly viewed universities as potential “knowledge factories” for the new economy (Shapira & Youtie, 2004; Bramwell & Wolfe, 2008; Youtie & Shapira, 2008). For this reason, universities have in recent years been pressured to supplement their traditional role of conducting basic research with explicitly applied research activities because governments increasingly shifted to the expectation that public investments in university research “should produce a measurable economic return” (Bramwell & Wolfe, 2008: 1176). However, the assumption that Universities are storehouses of knowledge that provides for untapped reservoir of commercializable knowledge waiting to be drawn by firms for application is a misconception of the commercialization process and the role of the universities therein because transformation of basic scientific research into commercial products is not a straightforward mechanistic process (Bramwell & Wolfe, 2008; Youtie & Shapira, 2008).

Bramwell & Wolfe (2008: 1175) argue that some universities have made much richer contributions to local and regional economic development than “overly mechanistic depictions suggest”. But the academy is, under state capitalism, “a part of the market” (Knievel & Sheridan-Rabideau, 2009: 27), rather than being situated between the market and the state as a state facility. To sustain their operations, universities “must compete for money, students, space, time” and other resources necessary” (Carter, 2005: 1; Knievel & Sheridan-Rabideau, 2009: 27). A university has to “both remain legible to ... various stakeholders and become responsive to a pervasive rhetoric of innovation and entrepreneurship” (Knievel & Sheridan-Rabideau, 2009: 36). If it “offers a stable and carefully crafted set of academic directions”, it would create a learning region, which would be “a better place to live” in as well as “a rich environment for personal growth, cultural depth, intellectual leadership, and economic development” (Knievel & Sheridan-Rabideau, 2009: 27). Universities are overwhelmingly viewed as essential elements in the process of local and regional economic development (Bramwell & Wolfe, 2008). Shapira & Youtie (2004) and Youtie & Shapira (2008) describe the evolution of university contexts and missions in three chronological eras of the traditional, present and evolving. The traditional university was a storehouse of knowledge within the craft production economic context where the university was positioned as clerical and elitist “above society” (Shapira & Youtie, 2004; Youtie & Shapira, 2008). The present university was a knowledge factory of the industrial mass production economic context wherein it is viewed as a technology developer and “supplier” of inputs and outputs (Shapira & Youtie, 2004; Youtie & Shapira, 2008). The third model is of a university evolving as a “knowledge hub” of the post-industrial age, knowledge-driven economic context where it is assumed to be an integrated institution in an “intelligent region”, promoting indigenous development and new capabilities (Shapira & Youtie, 2004; Youtie & Shapira, 2008).

The history of universities in South Africa is straddled with fragmentation and deep paradoxes and dilemmas of ethnic institutions, seeking to separate, as it were, the development of North-Sotho, South-Sotho, Tsonga, Tswana and Venda groups from those of Coloureds, Indians, Zulus, Xhosas, English and Afrikaans ethnic populace. Inevitably, the current contexts of these universities are starkly diverse, implying that the knowledge generated is embedded in deeply varied geographic, social and institutional procedural contexts as well as scientific cultures. Their role in local and regional economic development cannot be generalized. The question that becomes urgent is in regard to the model that public investment has sought to establish with the former Bantu Universities. Local economic development is not a lone province of universities or research institutions, but questions need to be asked about the role of former Bantu Universities in South Africa because they were basically established through separate development and apartheid policies as control mechanisms to regulate knowledge advancement for subjugation of the African majority's societal progress. The reconstruction of the higher education regime in a democratic dispensation commenced in the late 1990s and momentous financial resources have, in recent years, been invested into the former Bantu Universities as Research and Teaching Infrastructure Grants. Does their production of knowledge play a role in local government's developmental mandate?

UNIVERSITY RESEARCH INVESTMENT AND LOCAL ECONOMIC SPILLOVERS FOR LOCAL GOVERNMENT

Universities are expected "to take creative leadership in cultural, educational, and economic activities"; and, the University of Wyoming in the USA is a typical example of a research institution that fulfils this role (Knievel & Sheridam-Rabideau, 2009: 24). Inevitably, tertiary academic institutions are in the 21st century faced with a challenge of balancing the tensions inherent in the web of interests represented by the glorification of international acclaim, national guidelines, institutional directives and local material conditions (Knievel & Sheridam-Rabideau, 2009). Studies of the effects of university investment on economic output, worker productivity and local economic development have shown that there is attenuation with space and distance (Moretti, 2004; Anderson, Quigley & Wilhelmsson, 2009). In a study of US counties, Woodward, Figueiredo & Guimaraes (2006: 15) observe that R&D expenditures at universities "exert a positive, statistically significant influence on the decision to locate plants in a county" and that the economic spillover effects attenuate over distance. The debate provides a cognitive convergence on the idea of a linkage between university investment, especially in research and innovation, and economic output (Anderson, Quigley & Wilhelmsson, 2004; Moretti, 2004; Rosenthal & Strange, 2008). However, the identification of the precise transmission of knowledge into economic growth has remained complex (Woodward, Figueiredo & Guimaraes, 2006; Anderson, Quigley & Wilhelmsson, 2009). In theory, the externalities of human capital accumulation and localized information propel economic activity (Woodward, Figueiredo & Guimaraes, 2006; Anderson, Quigley & Wilhelmsson, 2009). The challenge has been to determine the exact implications of university investment in regard to producing graduates of higher productivity and/or induce agglomeration of productive firms in the region within the vicinity of the educational facility. From a study that modelled the effects of the Swedish university-based researchers on productivity and innovation of local areas, Anderson, Quigley & Wilhelmsson's (2009: 14) conclusion confirms the principle that there exists a "substantial, but highly attenuated, external effect of investment in higher education, augmenting the productivity of local areas and the local economies in which they are situated". The

linkage between university research and regional development is complex; and, the econometric studies of university spillover effects across space have equally become increasingly sophisticated (Woodward, Figueiredo & Guimaraes, 2006). But there is compelling empirical evidence to the effect that “certain knowledge-based externalities are prevalent” in localities and regions that have strong research universities (Woodward, Figueiredo & Guimaraes, 2006: 16). As a result, research universities are challenged to also be active as local and regional economic development agents (Woodward, Figueiredo & Guimaraes, 2006).

Developed countries such as Japan, USA and Sweden have toyed with the potential for universities to contribute to local and regional economic development through state decentralization policies (Bramwell & Wolfe, 2008; Hong, 2008). China and India have been the two leading developing countries to explore the linkages between university investment and economic productivity through administrative decentralization (Woodward, Figueiredo & Guimaraes, 2006; Hong, 2008). State and industry-funded initiatives that experiment with the potential for promotion of university-industry knowledge exchange and innovation include the Cambridge-Massachusetts Institute of Technology (MIT) in the United Kingdom, the University of Twente in the Netherlands and the Chalmers University of Technology in Sweden (Bramwell & Wolfe, 2008). Across the USA, there are well-documented university-based localized and regional growth centres such as the Silicon Valley in California, the Boston Route 128 Corridor, Massachusetts, the Austin, Texas Metropolitan Area, and the Raleigh-Durham-Chapel Hill (Research Triangle) Region of North Carolina (Woodward, Figueiredo & Guimaraes, 2006). As a result of the success stories, “policy makers have increasingly viewed universities as catalysts” for local and regional economic development (Woodward, Figueiredo & Guimaraes, 2006: 16). Since 1987, the Swedish governments decided to consciously transform the system of higher education by among other measures, spatial decentralization (Anderson, Quigley & Wilhelmsson, 2009). Indeed, university centred “technopoles” have evolved and gained popularity across the world (Woodward, Figueiredo & Guimaraes, 2006; Hong, 2008; Anderson, Quigley & Wilhelmsson, 2009). Are the former Bantustans positioned to play such an important role in the developmental mandate of the local government? Whereas the exact nature of the relationship between research investment, knowledge, spill-overs and regional economic output remain poorly interrogated, Moretti (2004) shows that there are productivity gains associated with geographical concentration of human capital. Universities can be expected, at the minimum, to play a role in their localities. A particular pattern of spatial investment in research can therefore be expected to stimulate new local innovation, creativity and knowledge that allow for productivity gains (Moretti, 2004; Anderson, Quigley & Wilhelmsson, 2009). The understanding of the knowledge transfers and innovation processes has not kept pace with the shift in emphasis on applied research of relevance to industry (Bramwell & Wolfe, 2008).

UNIVERSITY AND THE GEOGRAPHIC DISTRIBUTION OF ECONOMIC OUTPUT AND WORKER PRODUCTIVITY

Industry needs access to knowledge from both local buzz and global pipelines (Bramwell & Wolfe, 2008). The latter refers to “channels of information and communication used in non-local, often distant, interaction with external sources of knowledge (Bramwell & Wolfe, 2008: 1183). Beyond explicit codified knowledge in published journals, books and conferences, there are informal and formal research interactions and networks through which a university could channel knowledge to local and regional stakeholders (Gertler & Vinodrai, 2005; Bramwell & Wolfe, 2008). For this reason, access to globally connected research scientists is an

invaluable element for LED because it sustains “the critical contribution of formal and informal networks of knowledge sharing among local and non-local actors” (Bramwell & Wolfe, 2008: 1184). Whereas access to global knowledge flows is crucial, a university itself facilitates access to global flows of knowledge for local and regional economic development. Locally generated knowledge is a critical element of innovation for regional economic growth because local buzz emanates from physical co-location, which is “the force that facilitates the circulation of information in a local-economy through interpersonal face-to-face contact, and the mechanism that supports networking in the community” (Storper & Venable, 2004; Bramwell & Wolfe, 2008: 1183).

Understanding the knowledge transfers and innovation processes entails analysis of the traditional linear and interactive social models, both of which are distinguishable in terms of the form of knowledge involved. Broadly, there are two conceptions of the transfer of knowledge from Universities to industry: the traditional linear and the interactive social approaches. Indeed, universities generate commercializable knowledge and qualified researcher scientists (Bramwell & Wolfe, 2008). A linear model of innovation assumes a “straightforward conversion ... from investments in basic science to economic growth, passing through applied science, technological development, and marketing” (Lundvall, 2002: 3; Bramwell & Wolfe, 2008: 1176). One of the core business of a university is to teach students to design “better worlds” (Kress, 2000; Knievel & Sheridam-Rabideau, 2009). But universities contribute to the local economy in many other ways beyond the traditional linear conception; and, the University of Waterloo in Ontario, Canada, is often cited as an example of an entrepreneurial research university that transcends the commercialization efforts to actively engage with the process of local community economic development for (Bramwell & Wolfe, 2008). Whereas it is accepted that knowledge flows drive innovation, the transfer and transformation of basic scientific knowledge from universities to industry is “a fluid, complex and iterative process involving many different actors” (Bramwell & Wolfe, 2008: 1175) beyond the local government. University knowledge transfers, innovation and commercialization processes are more nuanced and cannot be oversimplified; and, it takes more than one piece of good research and patent to make a firm or local government successful. The interactive model involves a process of iterative and social learning (Bramwell & Wolfe, 2008).

Bramwell & Wolfe (2008) seek to provide for a more robust conception of the transfer of university-generated knowledge into the local economy, thereby demonstrating the significance of tacit dimensions of knowledge in the processes of innovation and commercialization. They identify four equally critical mechanisms of knowledge transfer: first, universities “generate and attract talent, which contributes both to the stock of tacit knowledge in the local economy, as well as to the ‘thickness’ of the local labour market” (Bramwell & Wolfe, 2008: 1175-1176); second, they provide “both formal and informal technical support, as well as specialized expertise and facilities for on-going, firm-based R&D activities”; third, they “act as a conduit enabling firms to access knowledge from the ‘global pipelines’ of international academic research networks”; and fourth, “rather than acting as ‘ivory towers’ insulated from their community, they can function as ‘good community players’ that support firm formation and growth by facilitating tacit knowledge exchange among networks of innovative firms and acting as ‘anchors of creativity’ that sustain the virtuous cycle of talent attraction and retention” (Bramwell & Wolfe, 2008: 1176). The challenge with analysis of the effects of the university in local economic development is in quantifying its significance and the distinction between the direct activities such as research as well as the university’s “ancillary role in inducing the nearby location of research-

intensive industry” (Anderson, Quigley & Wilhelmsson, 2009: 3). Woodward, Figueiredo & Guimaraes (2006: 30) find that “science and engineering R&D positively affects profit-maximizing decisions to open new high-tech plants in counties, after controlling for factor costs, markets, agglomeration, taxes, availability of qualified labour, and natural amenities”. To clarify the processes of knowledge transfers and innovation, a second necessary line of thinking is that which distinguishes codified and tacit knowledge.

EXPLICIT CODIFIED VERSUS TACIT KNOWLEDGE: POWER OF KNOWLEDGE

A university is expected to be “adept in managing information and creating knowledge” (Knievel & Shirinda-Ripadeau, 2009: 32) for meaningful use and responsiveness to local needs. The context of a university-generated knowledge is equally shaped by “the background knowledge and skills of its researchers, as well as their goals, the instruments, materials, other physical infrastructure, and ... procedures that they use” (Bramwell & Wolfe, 2008: 1177). But it is the density of the university’s interaction with stakeholders that is critically important to the “constant learning and adaptation that underpins the innovation process” (Bramwell & Wolfe, 2008: 1176). Scientific culture has tended to undermine the value of skills and tacit knowledge, but this form of knowledge can be held by itself independently (Bramwell & Wolfe, 2008). Codified (explicit) knowledge “must rely on being tacitly understood and applied” (Bramwell & Wolfe, 2008: 1177). For this reason, “all knowledge is either tacit or rooted in tacit knowledge” (Senker, 1995: 426 cited in Bramwell & Wolfe, 2008: 1177). Absorbed into industry, new graduates bring “an attitude of mind” and “tacit ability” to acquire and use knowledge in new and more powerful ways, enthusiasm and critical approaches and fresh-eyes to firm-based research and development (Bramwell & Wolfe, 2008: 1180). Population structure of Limpopo Province should show that the proportion of those between 20 and 25 age category is perpetually out of line with the broad-base, narrow-top pyramid structure, because graduates leave the province to search for jobs in Gauteng Province, some as far as KwaZulu-Natal and Western Cape Provinces. By implication, whatever skilled and trained graduates the two former Bantustan Universities may be producing leave the province. Alternatively, the university could arrange for work-study and employee secondment programs where students and staff work in private firms and public sector whilst functionaries of the latter work for universities. Such relationships would allow for reciprocity wherein student-embodied and research scientists-embodied knowledge is transferred to industry at the same time as lessons and fresh questions are raised to provide pristine research enquiries. In this way, both university curriculum and research would remain relevant to the needs and interests of the region, and keep up with the ever-changing knowledge and innovation frontiers. This point confirms that university contribution to LED is a function of self-selection strategic decision about the type of education and research required in the region.

For reasons of the difficulty of articulation of tacit knowledge, there is therefore value in innovation and entrepreneurial culture in regard to research scientists who use their own inventions to start own firms. A learning region entails the promotion of collaborative interactions between university and local industry wherein innovation capabilities and economic performance are established as “institutional thickness”, “untraded interdependencies”, “social capital” and “relational assets” (Hong, 2008: 582). That is civic capital, which is “a critical component of dynamic regional economies, and it can be created through the establishment of collaborative networks between business, civic and public institutions, including universities, and spearheaded by committed and creative leadership from key people and organizations” (Wolfe & Nelles, 2008; Bramwell &

Wolfe, 2008: 1184). In line with their self-selection, some universities are able to “provide engaged and dynamic community leadership in building collaborative networks and institutions at the local level” (Wolfe, 2005a) whilst acting as facilitators (Betts & Lee, 2005) espousing university provision of consulting and problem-solving to local firms as “a duty” (Bramwell & Wolfe, 2008: 1185). Inescapably, “tacit knowledge accumulated through close interactions within specialized industrial clusters has been regarded as a key component in constructing such learning regions” (Hong, 2008: 582).

A region’s embeddedness in “knowledge transfer networks with local and extra-local universities is a good indicator” of its innovation potential because geographic knowledge transfer networks demonstrate regional accessibility to “both local and extra-local knowledge resources and their potential of becoming learning regions” (Hong, 2008: 582). Whereas explicit codified knowledge may be transferred through information technology, its tacit content requires face-to-face diffusion. The quality of innovation drawn from codified knowledge is therefore subject to the transference of the underlying tacit knowledge. For this reason, codified knowledge too should be seen to be constrained by geographic distance. Thus, localized interactions with star research scientists are important for firm innovation and performance (Hong, 2008). But the presence of a university by itself does not guarantee innovativeness, increased productivity and LED; however, it serves as “a major prerequisite in creating learning regions” (Hong, 2008: 582-583). Whereas it should be accepted that a large chunk of codified knowledge is geographically unconstrained and that it could still serve as important supplemental resource for regional development of less favoured regions, tacit knowledge is key to the creation of learning regions for innovation and productivity. It should be asked: do former Bantu Universities provide for tacit knowledge transfer necessary to improve the quality of university-generated knowledge transformation into innovation and increased productivity of local government? That is, do former Bantu Universities have the capacity to create learning regions with their local governments? The University of Limpopo is located in Limpopo Province whose defining historical features and legacies include “geographical isolation and lack of economic and social infrastructure” (Kniewel & Shirinda-Ripadeau, 2009). In a democratic South Africa, basic economics would propose that extra-local university knowledge would readily flow to regions where economic return is expected, thereby fostering the continued neglect of the less favoured regions, which may have gained previously under the indiscriminate distribution of such knowledge under the planned economy. All the former Bantu Universities are located in less favoured regions; and, a question need to be asked: do the former Bantu Universities attract extra-local codified and tacit knowledge in the form of star research scientists and students for the benefit of the region and the local government?

UNIVERSITY CAPACITY TO EVOLVE INTO KNOWLEDGE HUB AND CREATE LEARNING REGION

The potential of nations and institutions to position and for position-making in the global higher education landscape is shaped by at least ten elements, seven and three of which capacity and strategy related, respectively (Marginson, 2010). Whereas five of capacity elements are open to policy intervention, two are givens; and, all the three strategy elements are open to self-determining change. The two capacity elements that are givens are history, and geography and scale; and, the five capacity elements that are open to policy intervention are material resources, global language power, knowledge power, knowledge economy concentrations, and global engagement or agency (Marginson, 2010). The three self-determining strategy

dimensions are: the policies, programs and modus operandi of the nation-state; openness to the global; and, nation's/institution's sense of identity of own strategic project (Marginson, 2010). Basically, to transform a university into a knowledge hub the strategic project should be intricately intertwined with "the emergence of new institutional leadership, programs, organizational forms and boundary-spanning roles that mediate among academic, educational entrepreneurial, venture capital, industrial, and public spheres" (Youtie & Shapira, 2008: 1188).

History refers to "the inherited educational traditions, language and culture distinctive to each" nation and institution (Marginson, 2010: 6972). Whereas smaller nations have developed effective global strategies, location and size constitute advantages. Universities in smaller communities have tended to "lack the critical mass of industry to absorb university research outputs" (Youtie & Shapira, 2008: 1192). Material resources involve income, investment and assets as expressed through GDP and GDP per capita or, more specifically, the national investment in education and research (Marginson, 2010). English is the principal language of exchange in education, research and communications, as well as knowledge trade; for this reason, global language power refers to the capacity in English language (Marginson, 2010). The knowledge power is the research capacity, "which is partly shaped by history, geography and scale, partly a function of investment and of language power, and affected also by less tangible cultural factors such as the will and the freedom to create" (Marginson, 2010: 6972). Knowledge economy concentrations refer to "effective synergies between higher education and research, government policies, industry and above all, evolving global cities" (Marginson, 2010: 6972). According to Marginson (2010: 6972), global engagement or agency involves the "degree of effective cross-border activity, including two-way flows of people, ideas, knowledge, technologies and capital in higher education and research; and the willingness and capacity to take initiatives in cross-border matters".

The question to ask is: do former Bantu Universities possess these elements necessary for being positioned and position-making in the global higher education landscape? Concern should specifically be on whether these universities have the capacity and strategy to evolve into knowledge hubs and to create intelligent or learning regions. Perhaps the most realistic and appropriate question is whether the former Bantu Universities have evolved from storehouses of knowledge to knowledge factories? There is no intention to suggest that imbuing the attributes necessary for university evolution to knowledge hub are unproblematic; and, in some instances they may be deliberately resisted due to institutional inertia of the university leadership and/or academia, and the balance of public versus private interests in university research and technology transfer. Most relevant to the Bantu Universities, though, is the question whether the new expectations have not been set too high beyond the ability of these universities to contribute local and regional economic transformation? In the final analysis, the capacity and strategy elements for the evolution of universities into knowledge hubs and creation of learning regions need to be complemented by specific state policies. Whereas it may be myopic to be concerned about the distinctions of the types of states, the governance of economics, development and politics, the history and geography of former Bantu Universities are themselves serious obstacles for these institutions playing meaningful roles in local government's developmental mandate.

FORMER BANTUSTAN UNIVERSITIES AND KNOWLEDGE PRODUCTION FOR DEVELOPMENT

Apartheid South Africa established ethnic universities in 1960 in accordance with its separate development policy and strive for ethnic purity (Nkondo, 2001). The system of higher education in South Africa consists of enduring colonial and apartheid legacies (Tilak, 2011), rendering the notion of self-selection a deeply paradoxical phenomenon as the decisions about the establishment and geographic location of universities made ethnicity and race a destiny (Nkondo, 2001). According to Tilak (2011: 6), the weakly established institutions of higher education is explicable through three factors: colonial rule, World Bank's past policy against expansion and public financing of higher education, and the myopic national policies on higher education. As a result, Tilak (2011: 5) proposes that "the fragile higher education system, with ... a weak base, may be one of the most important constraints to the region attaining high levels of socio-economic development". Post-1948, separate development policy entailed formalization of the discriminatory higher education system; and, in 1959 the establishment of "a series of new universities individually ear-marked for specific racial and ethnic groupings" was legislated (Fedderke, de Kadt & Luiz, 2003: 380). The Extension of University Education Act 45 of 1959 was the key to the former Minister of Bantu Education and Administration establishing, maintaining, managing and controlling university colleges for "non-whites" (Nkondo, 2001). Five university colleges were established in 1960 and affiliated to the University of South Africa (Nkondo, 2001). The University College of Western Cape for the Coloureds, Durban-Westville for the Indians, Zululand for the Zulus, North for the North Sothos, South Sothos, Tsongas, Tswanas and Vendas, and Fort Hare for the Xhosas. The latter, though, was in existence since 1916 through affiliation to the University of Rhodes, but it was open to all Africans of different ethnic origins before 1960 (Nkondo, 2001). That is, academia and research was understood in terms of race divides of the White, the Coloured, the Asian and eight Bantu groups. Outside the University of South Africa, which occupied a unique position within institutions of higher learning and teaching in both English and Afrikaans, South Africa's universities were virtually divided between the English and Africans language groups of Cape Town, Witwatersrand, Natal and Rhodes, and Pretoria, Stellenbosch, Potchefstroom and orange Free State, respectively (Nkondo, 2001). From a political perspective, the English language universities "tended to emphasise the supreme importance of academic freedom and academic autonomy" whereas Afrikaans language universities accepted that "the university had to be curbed and compelled to conform to national policy and the social order and that its primary aim was to serve the community in which it functioned" (Nkondo, 2001: 1). Whilst the Afrikaans language university strove for ethnic purity, the English language university satyed true to their liberal tradition by opening doors to "non-white" students (Nkondo, 2001).

Evidently, the separate development policy equated the Bantu University model with the universities in Africa and the rest of the world. From this overly ambitious separate development policy perspective, as the then Minister of Bantu Education W.A. Maree argued, under the mentorship of the University of South Africa, the Bantu University College of the North was expected to gradually become "part of the fine university tradition of South Africa" (University College of the North, 1960: 256). This hope was apparently carried by some academic staff as H.W.E Ntsanwisi, lecturer in the Department of Bantu Languages, in his address to the 4th annual Conference of the Eastern District Association of TUATA on the 16th December 1960, argued that the academic staff dedicated their lives "to establishing a university which in course of time will be inferior to none in the world" (University College of the North, 1961a: 132). He was convinced that its infrastructure was the

envy of many European Universities such as Oxford, Lausanne, Neuchatel, Zurich, Basle and Rome. Whereas he understood that the physical infrastructure was not “the mainstay of university life”, he argued that it was “a necessary corollary to successful teaching and research” (University College of the North, 1961a: 133). Beyond having set aims similar to those of universities worldwide and seeking to cultivate “a correct attitude towards life” among students through industry and scholarship, H.W.E Ntsanwisi argued that the Bantu University College of the North stood “as a centre of learning and research amongst the people it intends to serve” (University College of the North, 1961a: 133). The official line of thinking was that these Bantu Universities afforded the individual ethnic groups the opportunity for self-selection in education and research in alignment with the needs and interests of the Bantu people. He believed that the Bantu Universities would “develop into formative and creative sources of energy in the socio-economic and scientific structure of the entire life of the Bantu” (University College of the North, 1960: 255).

In accordance with the comments of H.W.E. Ntsanwisi, the academics at the University too may have accepted this ethnic purification because he said that their ultimate aim was “to revitalise, respiritualize and canalise the intellectual potential of the community” in which the college is located (University College of the North, 1961a: 133). He emphasized that the University’s broad and basic principles entailed that faculties specialise in specific research projects that seek to solve the social and economic problems of the community. Importantly, the University was in the words of H.W.E. Ntsanwisi intent on establishing “how best the economic potential of the region can be tapped and systematised for the good of the people” (University College of the North, 1961a: 134). Generally, the academics at this University were, just like the separate development policy of the apartheid state, overly ambitious because they hoped that their ethnically purified research would contribute to resolving Africa’s “brimful” problems.

During the same year as the Bantu Universities were opened across South Africa, there was deep scepticism and rejection of the model. The rejection was typified in their labels as “bush or tribal” colleges and “an apartheid perversion of a true university” (University College of the North, 1961b: 236). Given that the ethnic universities were aimed at preparing students for “future participation in the development of their respective ethnic communities” (Nkondo, 2001), the institutional self-selection would have inevitably evoked race as destiny. As the then Minister of Bantu Education, W.A. Maree, put it, the official line of thinking was that separate development “opened new doors for the Bantu” who would then through their self-selection use them “to attain status and honour for themselves” because only when they use them “to enter the field of community development and service to the community” will it have real meaning (University College of the North, 1960: 256). The potential for contribution to the LED was compromised because ethnicity fails to provide for boundary-spanning mechanisms whereas knowledge, innovation and industry would require a degree of openness. Despite the Act of Parliament proclaiming all the university colleges as autonomous in 1969, they “remained white-controlled black universities” (Nkondo, 2001: 4). The Snyman Commission appointed by the State President on 1st November 1974 to investigate the violent events of 25th September 1974 on the University of the North campus observed that “as long as the University is not accepted by its people as its own it cannot play a fruitful role in the community” (Nkondo, 2001: 9).

In the determination of the location of universities in apartheid South Africa, local fiscal policy was not a consideration. In the new dispensation, government’s driving motive was to increase student access; and, this rationale was used to justify public investments, especially for the former Bantu Universities. Given the legacies

of ethnic purity in research, questions need to be asked in regard to the potential productivity of the public investments in the University of Limpopo's research infrastructure. Do these Universities have the capacity to create intellectual or learning regions within which there would be reciprocity of both explicit codified and tacit knowledge transfer and transformation into innovation for industry, economic output and productivity? This article argues that the historical legacies of separate development and apartheid, as well as the geographic isolation, would suggest that former Bantu Universities would not master the capabilities to create such intelligent or learning regions in the foreseeable future. The former Bantu university system "proved expensive and nasty, rather than cheap and nasty" (Fedderke, de Kadt & Luiz, 2003: 379). Fedderke, de Kadt & Luiz (2003: 379) observe that "the university sector's experience shows that discrimination is not necessarily cheap – not only in the form of foregone development opportunities, but simply in the absolute cost of running segregated tertiary educational system".

CONCLUSION

Regional theory shows that university-related R&D is considered along with other key determinants of business, firm and industry location decisions (Woodward, Figueiredo & Guimaraes, 2006). This article asserts that the former Bantu Universities in South Africa, rather than evolving into knowledge-hubs, they have uniformly attracted been constrained in their ability to attract pools of "star research scientists" holding tacit and codified knowledge as well as the capacity to interpret such for industry innovation, productivity and development. Besides, evolving into a knowledge hub would not by itself transform a university-generated knowledge into innovation and increased local and regional economic productivity, output and development. But a university is more likely to address "the problems and opportunities of their (locales and) regions if they pursue active institutional engagement to generate and share human capital, knowledge, leadership and other resources" (Youti & Shapira, 2008: 1202). The legacies of separate development and apartheid, as well as the geographic isolation, would suggest that former Bantu Universities would not master the capacity to create the necessary intelligent or learning regions in the foreseeable future. South Africa's former Bantu Universities are located in geographic regions where there is no constellation of research institutions. Clusters of research institutions, which may include universities, government laboratories, non-profit research organizations and private-sector R&D entities, are critical to the creation of intelligent or learning regions. The odds of a former Bantu University evolving into a knowledge hub in the regional absence of research clusters are negligible, because it is impossible to create a learning region with a single "all-prevailing" university in the regional innovation system. The requirement to make strategic choices, institutional adaptation and development, as well as provision of leadership, has made the transition of Bantu University from storehouses of knowledge to knowledge factories problematic, beyond which it now appears virtually impossible for them to evolve into knowledge hubs. In addition to accumulation and production of knowledge, a knowledge hub actively fosters "knowledge exchange, learning and innovation through new methods and the development of boundary-spanning activities" (Youtie & Shapira, 2008: 1202). Former Bantu Universities are yet to become institutions of knowledge production and accumulation, which involves more than generating one piece of good research. Their potential contribution to the local government developmental mandate through knowledge production remains questionable.

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